SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME, DATE AND PLACE: To be announced at a later date.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Timothy A. Breault, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern 68A-27.0012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to secure Fish and Wildlife Conservation Commission (FWC) concurrence to evaluate an anticipated petition to delist the Bald eagle (*Haliaeetus leucocephalus)* from the state threatened species list.

SUBJECT AREA TO BE ADDRESSED: It is anticipated that FWC concurrence on a time-line for development of a biological status report will be sought and on the make-up of a panel of scientific peer-reviewers who will evaluate the status report.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

WORKSHOPS ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOPS AND PUBLIC MEETINGS AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME , DATE AND PLACE: To be announced at a later date.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Brad Gruver, Division of Wildlife, 620 S. Meridian St., Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: RULE NO.:

Library Grant Programs 1B-2.011

PURPOSE AND EFFECT: The proposed amendment revises the guidelines and forms for the Library Construction Grant, Library Services and Technology Grant, and Library Cooperative Grant programs. The amendment also adds guidelines and forms for the Florida Library Literacy Grant program.

SUMMARY: Library Construction Grants: The proposed amendment clarifies the ranking of multiple applications from single applicants and guidelines for grant awards; modifies the point values for scoring and authorizations to sign Payment request Forms; changes the amount of time applicants have to award contracts; and eliminates the requirement for restrictive covenants.

Library Services and Technology Grants (LSTA) Grant categories have been revised and consolidated; application requirements scoring and report forms have been modified to reflect the outcome–based approach to project evaluation.

Library Cooperative Grants: An annual statistical report form has been added to collect data on continuing education, training, resource sharing and financial activities.

Florida Library Literacy Grants: Guidelines for this program are outlined in the application packet which contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures and application and report forms.

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 lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.191, 257.24, 257.41(2) FS.

LAW IMPLEMENTED: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-.42 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., December 27, 1999

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (2)(a) No change.

(b) The Library Construction Grant Guidelines and Application ~~(Form DLIS/PLC01)~~, effective 4-1-98, Amended 2-14-99 which contain instructions and application (Form ~~#~~ DLIS/PLC01~~2~~), effective 4-1-98, Amended 2-14-99, Amended _____.

(c) The Library Cooperative Grant Guidelines and Application ~~(Form DLIS/LCG01),~~ effective 4-1-98 which contain instructions and application Form #DLIS/LCG01~~2~~, effective 4-1-98, Amended _____; ~~and~~ Annual Report Form #DLIS/LCG02~~3~~, effective 4-1-98, Amended _____; and Annual Statistical Report Form for Multitype Library Cooperatives, effective _____.

(d) The Library Services and Technology Act Grant Guidelines and ~~Application (Form DLIS/LSTA01)~~, effective 4-1-98, Amended 2-14-99 which contain instructions and applications (Form ~~#~~ DLIS/LSTA01~~2~~), effective 4-1-98, Amended 2-14-99, Amended _____ ; Mid Year Report (Form #DLIS/LSTA02~~3~~), effective 4-1-98, Amended 2-14-99, Amended _____; and Annual Report (Form DLIS/LSTA03~~4~~), effective 4-1-98, Amended 2-14-99, Amended _____.

(e) The Florida Library Literacy Grants Guidelines and Application _____, effective which contain instructions and application (Form #DLIS/FLL01), effective _____; Mid-Year Report (Form # DLIS/FLL02), effective _____; and Annual Report (Form # DLIS/FLL03), effective _____.

(3) through (4) No change.

Specific Authority 257.14, 257.191, 257.24, 257.41(2) FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-.42 FS. History–New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lorraine Summers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services, and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999 and July 2, 1999

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 99-46R

RULE TITLE: RULE NO.:

Management, Policies, Standards, and Criteria 18-21.004

PURPOSE AND EFFECT: The purpose of this rule is to preclude the use of sovereignty submerged lands for the anchoring and mooring of vessels engaged in "cruises to nowhere."

SUMMARY: The rule prohibits the use of sovereignty submerged lands for the anchoring and mooring of vessels engaged in "cruises to nowhere," vessels used primarily for gambling purposes, as well as vessels carrying passengers to or from such vessels.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 253.03(7)(a), (7)(b) FS.

LAW IMPLEMENTED: Art. X, s. 11, Fla. Const., 253.001, 253.03, 253.04, 253.77 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Coram, Chief, Bureau of Submerged Lands and Environmental Resources, Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)488-0130

THE FULL TEXT OF THE PROPOSED RULE IS:

18-21.004 Management Policies, Standards, and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereign submerged lands.

(1) General Proprietary

(a) through (h) No change.

(i) The use of sovereign submerged lands for the anchoring or mooring of vessels used primarily for the purposes of gambling shall be prohibited when such vessels are engaged in "cruises to nowhere," where the vessels leave and return to the State of Florida without an intervening stop within another state or foreign country. This prohibition also applies to any vessel used to carry passengers to, or from, "cruises to nowhere."

(i) through (j) renumbered (j) through (k) No change.

(2) through (5) No change.

Specific Authority 253.03, 253.73 FS. Law Implemented Art. X, s.11, Fla. Const., 253.001, 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History–New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 10-15-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Suzanne B. Brantley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund, State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Procedural 40D-1
RULE TITLE: RULE NO.:
Permits Required 40D-1.602

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to repeal the obsolete reference to artificial recharge permits under Chapter 40D-5, Florida Administrative Code (F.A.C.) contained in paragraph 4 of Rule 40D-1.602, F.A.C.

SUMMARY: The District's Rule Chapter 40D-5, F.A.C., Artificial Recharge, was repealed effective 2-18-98. The proposed amendment of Rule 40D-1.602, F.A.C. will repeal the obsolete reference to the artificial recharge permits under Chapters 40D-5, F.A.C. contained within paragraph 4 of Rule 40D-1.602, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.1001, 40D-1.1021, 40D-1.1022 and 40D-1.1023, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.4135 FS.

LAW IMPLEMENTED: 102.57, 120.60, 373.085, 373.106, 373.427, Chapter 373 Parts II, III and IV, 403.812 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.602 Permits Required.

Unless expressly exempt by law or District rule, the following permits shall be obtained from the District prior to commencement of the following activities:

(1) through (3) No change.

~~(4) An artificial recharge permit under Chapter 40D-5 must be obtained prior to construction of any project involving artificial recharge or the intentional introduction of water into any underground formation;~~

(5) through (7) renumbered (4) through (6) No change.

Specific Authority 373.044, 373.4135 FS. Law Implemented 120.57, 120.60, 373.085, 373.106, 373.427, Chapter 373 Parts II, III and IV, 403.812 FS. History–New 10-1-84, Amended 12-22-94, 10-16-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Governing Board of the Southwest Florida Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Individual Environmental Resource Permits 40D-4
RULE TITLE: RULE NO.:
Formal Determination of Wetlands and Other Surface Waters 40D-4.042

PURPOSE AND EFFECT: The purpose of the proposed amendment is to provide a reference to the location in the District's rules where the form entitled Petition for Formal Determination has been incorporated by reference.

SUMMARY: The proposed amendment will provide a reference to Rule 40D-1.659 Florida Administrative Code, (F.A.C.), where the form entitled Petition for Formal Determination has been incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.042, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) Pursuant to subsection 373.421(2), F.S., a real property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in real property may petition the District for a formal determination for that property. A formal determination means the District will determine the locations on the property of the landward extent (boundaries) of wetlands and other surface waters.

(2) To petition for a formal determination, the petitioner must submit to the District the following:

(a) F~~f~~ive copies of a Petition for Formal Determination which is adopted by reference into Rule 40D-1.659, F.A.C., including copies of all items required by that form.

(b) A~~a~~ non-refundable formal determination fee as specified in Rule 40D-1.607, F.A.C.

(3) A petitioner can request a formal determination consisting of a certified survey, an approximate delineation, or combinations thereof as described in Section 3.4 of the Basis of Review for Environmental Resource Permit Applications adopted by reference in Rule 40D-4.091, F.A.C.

(4) The Executive Director is delegated the authority to take final action on petitions for formal determinations under this section. A formal determination shall be issued only if the petitioner has satisfied all the requirements of this section.

(5) A formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the boundaries of the wetlands and other surface waters during that period.

(6) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in Rule 40D-1.607, F.A.C., provided:

(a) physical conditions on the property have not changed so as to alter the boundaries of the wetlands and other surface waters during that period; and

(b) the petition is submitted prior to the existing determination's expiration.

(7) Pursuant to subsection 373.421(4), F.S., the Governing Board may revoke the formal wetland determination upon a finding that the petitioner has submitted inaccurate information to the District.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended 7-2-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Governing Board of the Southwest Florida Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Independent Laboratory Services 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, April 1999.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, April 1999. The handbook update includes a section on the Family Planning Waiver expansions, the January 1999 fee schedule update, changes to the coding panels, clarification on those billing parameters that relate to duplication of tests within panels and laboratory record requirements.

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: For Medicaid services 409.905, 409.908 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., December 27, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, April 1999 ~~January 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905~~(7)~~, 409.908, 409.9081~~, 409.913~~ FS. History–New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rinaldi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Portable X-ray 59G-4.240

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, April 1999. The handbook contains the 1999 fee schedule update.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, April 1999.

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: For Medicaid services 409.905, 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: 10:30 a.m., December 27, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.240 Portable X-ray Services.

(2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, January 1999 ~~March 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G.5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905~~(10)~~, 409.908, 409.9081~~, 409.913~~ FS. History–New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rinaldi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Procedure for Approval of Attendance at Continuing Education Courses 64B8-52.003

PURPOSE AND EFFECT: The Board has determined that 2 rather than 4 hours of continuing education per biennium may be obtained in approved offerings on blood-borne diseases and 1 rather than 2 hours on HIV/AIDS education. Further, the Board authorized a licensee to receive up to 2 hours of credit per biennium for certain acitivities.

SUMMARY: Procedures for Approval of Attendance at Continuing Education Courses.

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

Any person who wishes to provide information regarding 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: 478.43(4), 478.50(2),(4)(a),(b) FS.

LAW IMPLEMENTED: 455.604, 478.50(2),(4)(a),(b), 455.564(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) through (2) No change.

(3) ~~A minimum of~~ 2 ~~4~~ hours each biennium must be obtained by each licensee in approved offerings on blood-borne diseases including 1 ~~2~~ hour~~s~~ on HIV/AIDS education. Approved offerings in HIV/AIDS are those that meet the requirements of Section 455.604(1), F.S. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 455.604, F.S., are approved by this council.

(4) No change.

(5) Up to 2 hours each biennium must be obtained in the area of risk management by a licensee by attending a Board meeting in which another licensee is being disciplined, or by serving as volunteer expert witness in a disciplinary case.

Specific Authority 478.43(4), 478.50(2), (4)(a),(b) FS. Law Implemented 455.604, 478.50(2),(4)(a),(b), 455.564(6) FS. History–New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES:	RULE NOS.:
Part I	
General	64E-6.001
Definitions	64E-6.002
Permits	64E-6.003
Application for System Construction Permit	64E-6.004
Location and Installation	64E-6.005
Site Evaluation Criteria	64E-6.006
Location of Systems in Floodways	64E-6.007
System Size Determinations	64E-6.008
Alternative Systems	64E-6.009
Septage, Grease, Holding Tanks and Portable Toilets	64E-6.010
Construction Materials and Standards for Treatment Receptacles	64E-6.013
Construction Standards for Drainfield Systems	64E-6.014
Permitting and Construction of Repairs	64E-6.015
Additive Use	64E-6.0151
Part II	
Definitions	64E-6.017
System Location, Design and Maintenance Criteria	64E-6.018
Cesspit and Undocumented System Replacement	64E-6.0181
Coordinated Permitting	64E-6.0182
Part III	
Issuance of Registration Certificates and Renewal	64E-6.021
Part IV	
Definitions	64E-6.025
Location and Installation	64E-6.028
Monitoring	64E-6.029
Part V	
Fees	64E-6.030

PURPOSE AND EFFECT: Recently amended Chapter 381, Florida Statutes, specifically addresses the requirements for use of onsite sewage treatment and disposal systems. The rule must be modified to incorporate revisions. Rule language that requires technical corrections will also be addressed, as well as areas that have previously been addressed by the Technical Review and Advisory Panel.

SUMMARY: The proposed rule amends many of the current standards related to onsite sewage treatment and disposal systems which are necessitated by the modification of Chapter 381, F.S. Additionally, changes are necessary to codify updated standards and methods related to the industry and program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041 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., Monday, January 3, 2000

PLACE: Building 5, Room 203, Winewood Office Complex, 1311 Blairstone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Environmental Administrator, Onsite Sewage Program, HSEWOS, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, FL 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I

64E-6.001 General.

(1) The provisions of Part I of this rule shall apply to all areas of the state except where specific provisions found in Part II which specifically addresses the Florida Keys, or specific provisions found in Part IV which specifically address performance-based treatment systems, exempt or modify compliance with Part I or Part II requirements. Performance-based treatment systems are intended as an alternative to the systems conforming to the prescriptive standards detailed in Parts I and II of this rule and shall be used only for a single family residence. Designs for performance-based treatment systems allow for the use of alternative and innovative methods, materials, processes, and techniques that reduce the total biological, chemical, hydraulic, organic, nutrient, bacterial and viral discharge to the environment. Where used, the performance-based treatment systems shall be designed, operated, constructed, maintained and used in conformance with s. 381.0065(4)(j)~~(i)~~, F.S. Part III addresses the registration of septic tank contractors and certification of partnerships and corporations. Part V addresses fees for Parts I, II, III, and IV of this rule.

(3) Use of holding tanks and portable toilets shall be in accordance with the provisions of rule 64E-6.010(10). ~~The department shall approve, on a temporary basis, portable toilets, privies, or holding tanks for fairs, carnivals, revivals, field locations, encampments and other locations which lack permanent structures where people congregate for short periods of time, provided the construction, maintenance, and utilization of such systems conform to the general provisions of this Chapter. Portable toilets, holding tanks or other toilet facilities shall be provided at construction sites for the duration of construction any time workers are present, and shall not be bound by the definition of temporary. The department shall waive or reduce any of the setback requirements of rule 64E-6.005(1)-(3), where it is determined no health hazard will result.~~

(4) Except as provided for in s. 381.00655, F.S., any existing and prior approved system which has been placed into use and which remains in satisfactory operating condition shall remain valid for use under the terms of the rule and permit under which it was approved. Alterations that change the conditions under which the system was permitted and approved, sewage characteristics or increase sewage flow will require that the owner, or their authorized representative, apply for and receive reapproval of the system by the DOH county health department, prior to any alteration of the structure, or system. If an applicant requests that the department consider the previous structure's or establishment's most recent approved occupancy, the applicant must provide written documentation that the onsite sewage treatment and disposal system was approved by the department for that previous occupancy. An applicant will be required to complete form DH 4015, 10/97, Application for Onsite Sewage Treatment and Disposal System Construction Permit, herein incorporated by reference, and provide a site plan in accordance with rule 64E-6.004(3)(a), to provide information of the site conditions under which the system is currently in use and conditions under which it will be used. The applicant shall have all system tanks, ~~the septic tank~~ pumped by a permitted septage disposal service to determine tank volume based on the actual measurements of the tank. The service pumping the tank shall perform a visual inspection of the tank when the tank is empty to detect any observable defects or leaks in the tank, ~~and structural integrity,~~ and shall submit the results to the DOH county health department as part of the application. If a prior approved existing system has been approved ~~inspected~~ by the DOH county health department within the preceding three years, and the system was determined to be in satisfactory operating condition at that time, a new inspection is not required unless there is a record of failure of the system. If it is determined that a new inspection is not required, there will be no charge for this application, but reapproval shall be required. A commercial system out of service for more than one year shall be ~~inspected by the department and~~ brought into full compliance with current requirements of this Chapter prior to the system being placed into service. If the use of a building is changed or if additions or alterations to a building are made which will increase domestic sewage flow, change sewage characteristics, or compromise the integrity or function of the system, the onsite sewage treatment and disposal system serving such building shall be brought into full compliance with the provisions and requirements of these rules. Proper well setbacks shall be maintained. Prior to any modification of

the system, the owner shall apply for and obtain a permit for modification of the system from the county health department in accordance with rule 64E-6.004. The permit shall be valid for 18 months from the date of issue. Where building construction has commenced, it shall be valid for an additional 90 days. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils training who is registered in the state of Florida pursuant to 471, F.S., registered septic tank contractors, master septic tank contractors, or persons certified under s. 381.0101, F.S., or department personnel for the appropriate fee specified in s. 381.0066, F.S.

(a) For residences, flows shall be calculated using new system criteria for bedrooms and building area, including existing structures and any proposed additions. Table I and footnotes shall apply. For example, a current three bedroom, 1300 square foot home would be able to add building area to have a total of 2250 square feet of building area with no change in their approved system, provided no additional bedrooms are added. ~~where only one bedroom or no more than 750 square feet of building area is added and where~~ No part of the existing structure, or the addition to the structure shall be allowed to ~~will not partially~~ cover any part of the system. Non-load bearing structures, such as a concrete patio floor, are allowed to cover the septic tank, provided that access to the tank is provided for maintenance. The structure above the septic tank shall have a minimum opening of 225 square inches at each end of the septic tank for access into the tank. The structure shall not be in direct contact with the tank. A barrier of soil or plastic shall be used between the tank and non-load bearing structure. For those residences that add sewage flow, the system shall be required to be altered to meet the following criteria:

1. The septic tank need not be replaced if it is structurally sound and is within one ~~two~~ tank size~~s~~ of the required specifications found in Table II, ~~size~~ for the proposed structure. An approved outlet filter shall be installed if one is currently not in place.

2. The county health department shall require the existing drainfield to be increased to current rule drainfield size requirements for the proposed estimated sewage flow using the appropriate soil loading rate and sizing criteria for new systems. Where ~~the septic tank has not been replaced and where the tank size is smaller than what is currently required, and~~ the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield shall be ~~is~~ maintained at the existing separation or a minimum of 12 ~~six~~ inches above the wet season high water table, whichever is greater.~~, the county health department shall require the existing drainfield to be increased to a maximum of 100% of current rule drainfield size requirements for the proposed number of bedrooms.~~

3. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield shall be brought into full compliance with all new system standards, as long as it is the intent of the applicant to proceed with the addition to the residence. ~~Any existing system where the elevation of the bottom surface of the drainfield is below the wet season water table shall be required to be brought into full compliance with current repair specifications.~~

4. Any system where the tank needs to be replaced or is replaced as part of a system upgrade shall be brought into full compliance with all new system specifications.

(b) For commercial establishments, the system shall not be required to be altered if domestic sewage flow is not expected to increase by more than 20% of original design flow or require more than one tank size adjustment. A department approved outlet filter device shall be installed. Any commercial system where the tank needs to be replaced shall be brought into full compliance with all new system specifications.

(c) These requirements do not authorize a residence or establishment to exceed the lot flow allowances authorized under rule 64E-6.005(7)(c). Establishments that currently exceed lot flow allowances shall not be allowed to increase sewage flow.

(d) Any system which is used to treat and dispose of commercial wastewater shall be brought into full compliance with the provisions and requirements of current rules when any change in sewage flow or characteristics is made.

(e) Repair of the system to repair system standards shall not alter the standards found in this subsection for existing system use or modification.

(f) The installation of a laundry system, a gray water system, a grease interceptor, or additional drainfield as a precautionary measure to prolong system functioning of an existing system is considered a modification to the system. Such installation is not a modification if it is associated with an increase in estimated sewage flow or change in sewage characteristics, if the system is in failure or if the existing system is in non-compliance with the terms of the original permit, in which case it will be considered a new system.

(g) Where the current structure exceeds the design capacity of the existing system, the system shall not be allowed for use with any addition.

(5) If a person having ownership of, control of, or use of an onsite sewage treatment and disposal system requests to have the system inspected due to a reason that is not related to an increase in sewage flow or change in sewage characteristics, or failure of the system, the department Procedure for Non-Mandatory Inspection and Assessment of Existing Systems, August 1999, herein incorporated by reference, shall be used. The inspection is designed to assess the condition of a system at a particular moment in time. The inspection will identify obviously substandard systems, for example systems without drainfields. The inspection is not designed to

determine precise code compliance, nor provide information to demonstrate that the system will adequately serve the use to be placed upon it by this or any subsequent owner. Nothing in this section shall be construed to limit the amount of detail an inspector may provide at their professional discretion. Persons allowed to perform work under this section shall be master septic tank contractors, registered septic tank contractors, state-licensed plumbers, and persons certified under section 381.0101, F.S. Department employees are excluded from performing these evaluations. Aerobic treatment units and performance-based treatment systems shall not be evaluated using this criteria, but shall be evaluated by the approved maintenance entity which maintains the unit or system.

(6)~~(5)~~ Citations issued by the department shall be on form DH 3146, 10/97, Citation for Violation, Onsite Sewage Programs/Sanitary Nuisance, hereby incorporated by reference.

(7) All forms incorporated herein may be obtained by contacting the department.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553, FS. History–New 12-22-82, Amended 2-5-85, Formerly 10-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, _____.

64E-6.002 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings indicated:

(15) Domestic sewage waste – as defined by s. 381.0065(2)(c), F.S. Domestic sewage is further categorized as:

(a) Blackwater – as defined by s. 381.0065(2)(b), F.S.

(b) Graywater – as defined by s. 381.0065(2)(d), F.S.

(c) Domestic sewage waste ~~septic tank effluent~~ ranges:

1. Carbonaceous Biochemical Oxygen Demand (CBOD5), maximum 300 mg/l

2. Total Suspended Solids (TSS), maximum 200 mg/l

3. pH, 6-8; or within 1 pH unit of the water supply pH

4. Nitrogen (Total Kjeldahl Nitrogen, TKN) maximum 100 mg/l

(16) Dosing Tank – See Pump Tank

(16) through (26) renumbered (17) through (27) No change.

(28) Impermeable – when used in reference to s. 381.0065(2)(k), shall mean a condition where the maximum hydraulic conductivity is less than or equal to 1×10^{-7} centimeters per second.

(27) through (30) renumbered (29) through (32) No change.

(33) Mean annual flood line – as defined by s. 381.0065(2)(i), F.S.

(34) Mean annual flood line indicators – as used in s. 381.0065(2)(i), F.S. means:

(a) Water stains – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of "Water marks";

(b) Hydric adventitious roots – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of "Morphological plant adaptations";

(c) Drift lines – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of "Drift lines and rafted debris";

(d) Rafted debris – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of "Drift lines and rafted debris";

(e) Aquatic mosses and liverworts – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of "Aquatic mosses and liverworts";

(f) Moss collars – a proliferation of terrestrial mosses and liverworts that mark the upper limits of the mean annual flood line;

(g) Lichen lines – shall mean the same as the hydrologic indicator used in the Florida Wetlands Delineation Manual, under the definition of "Elevated lichen lines."

(31) through (38) renumbered (35) through (42) No change.

~~(39) Ordinary high water line, non-tidal - a line determined by examining the bed and banks of a water body and ascertaining where the presence and action of the water has marked upon the bed a character distinct from that of the banks with respect to vegetation or the nature of the soil itself.~~

(43)~~(40)~~ Potable water line – as defined by s. 381.0065(2)(l)~~(j)~~, F.S.

(44)~~(41)~~ Potable water well – a source of water used for drinking, culinary or domestic purposes. The following classifications of potable wells are used in this Chapter.

(a) Private potable well – a well used only by one or two residences, one of which may be a ~~four or less non-~~rental residence~~s~~. ~~A single rental residence is included in this category so that a maximum of three non-rental residences and one rental residence can be supplied by a single private potable well.~~

(c) Multi-family water well – a well that is used by three or four residences, one of which may be a rental residence.

(45) Pump tank – a tank, or dedicated section of a multi-compartment tank used to locate a pump that is used to distribute effluent to a drainfield, or other part of an onsite sewage treatment and disposal system.

(42) renumbered (46) No change.

(47)~~(43)~~ Repair – replacement of or modifications or additions to a failing system which are necessary to allow the system to function in accordance with its design or must be made to eliminate a public health or pollution hazard.

Servicing or replacing with like kind mechanical or electrical parts of an approved onsite sewage treatment and disposal system; ~~pumping of septage from a system;~~ or making minor structural corrections to a tank, or distribution box, does not constitute a repair. The use of any treatment method that is intended to improve the functioning of any part of the system, or to prolong or sustain the length of time the system functions, shall be considered a repair. The use of any non-prohibited additive by the system owner, through the building plumbing, shall not be considered a repair. Removal of the contents of any tank or the installation of an approved outlet filter device, where the drainfield is not disturbed, shall not be considered a repair. Replacement of a broken lid to any tank shall not be considered a repair. ~~The installation of a laundry system, a gray water system, a grease interceptor, or additional drainfield, as a precautionary measure to prolong system functioning, is considered a repair provided that system modification is not associated with an increase in estimated sewage flow or change in sewage characteristics, in which case it will be considered a new system.~~

(48)~~(44)~~ Septage – as defined by s. 381.0065(2)(m)~~(k)~~, F.S. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

(45) renumbered (49) No change.

(50) Spoil material – any part of the existing drainfield, any adjacent soil material within 24 inches vertically and 12 inches horizontally of the drainfield, and any soil that has visible signs of effluent that has been removed as part of a repair, modification or abandonment of an onsite sewage treatment and disposal system.

(46) renumbered (51) No change.

(52)~~(47)~~ Subdivision – as defined by s. 381.0065(2)(n)~~(l)~~, F.S.

(53)~~(48)~~ Surface water bodies – are classified as ~~defined by s. 381.0065(2)(m), F.S~~.

(a) Permanent nontidal surface water body – as defined by s. 381.0065(2)(k), F.S.

(b) Tidally influenced surface water body – as defined by s. 381.0065(2)(o), F.S.

(49) through (54) renumbered (54) through (59) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.42, Amended 3-17-92, 1-3-95, Formerly 10D-6.042, Amended 11-19-97, _____.

64E-6.003 Permits.

(2) System Inspection – Before covering with earth and before placing a system into service, a person installing or constructing any portion of an onsite sewage treatment and disposal system shall notify the county health department of the completion of the construction activities and shall have the system inspected by the department for compliance with the requirements of this Chapter, except as noted in s. 64E-6.003(3) for repair installations.

(d) Where an establishment is serviced by on onsite sewage treatment and disposal system, section 381.0065(4), F.S., shall govern when occupancy of a building can be allowed. ~~A building or structure shall not be occupied, nor shall any county, municipal, state, or federal agency authorize occupancy until an onsite sewage treatment and disposal system has been installed and approved for use by the DOH county health department and a final installation approval notification has been issued.~~ "Approved" installation does not imply that a system will perform satisfactorily for a specific period of time.

(5) Operating permits – No business shall occupy a building served by an onsite sewage treatment and disposal system if the building is located in an area zoned or used for industrial or manufacturing purposes or its equivalent; where a business will generate commercial sewage waste; or where an aerobic treatment unit is used, until an "Application for Onsite Sewage Treatment and Disposal System Operating Permit" has been received and approved by the department. Form DH 4081, 10/96, "Application for Onsite Sewage Treatment and Disposal System Operating Permit," is hereby incorporated by reference.

(b) Operating permits are not transferable. If the owner of the system remains the same but the tenancy of the building changes, a survey form which is an attachment to DH 4081, 10/96 must be completed and submitted to the DOH county health department for review ~~in order to amend the operating permit~~. Changes in building occupancy shall be reviewed per Section 381.0065(4), F.S. ~~No new building occupant shall be approved by a county, municipal or state governmental entity until the DOH county health department has reviewed the survey form, approved the change of tenancy, and amended the operating permit.~~

(6) All forms incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, ~~Part I~~ 386.041 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended _____.

64E-6.004 Application for System Construction Permit.

(3) The suitability of a lot, property, subdivision or building for the use of an onsite sewage treatment and disposal system shall be determined from an evaluation of lot size, anticipated sewage flow into the proposed system, the anticipated sewage waste strength, soil and water table conditions, soil drainage and site topography and other related criteria. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils training who is registered in the State of Florida pursuant to Chapter 471, Florida Statutes, by department

personnel, registered septic tank contractors, master septic tank contractors, and persons certified under s. 381.0101, F.S. Registered septic tank contractors shall perform site evaluations for system repairs only. When determining that the necessary site investigations and tests be performed by, or under the responsible supervision, direction and control of an engineer registered in the State of Florida, the county health department must consider the criteria listed in Rule 64E-6.004(4). Results of site investigations shall be entered on, or attached to, the construction permit application form for consideration by the county health department. The application shall also include the following data:

(a) A plan or plat of the lot or total site ownership drawn to scale showing boundaries with dimensions, locations of any existing or proposed residences or buildings, swimming pools, recorded easements, the onsite sewage treatment and disposal system components and their location on the property, the slope of the property and any existing or proposed wells, potable and non-potable water lines, including valves, drainage features, filled areas, obstructed areas, and surface waters bodies ~~such as lakes, ponds, streams or canals~~. The site plan shall be for the property where the system is to be installed. If the county health department is responsible for performing the site evaluation, the applicant or applicant's authorized representative shall indicate the approximate location of wells, onsite sewage treatment and disposal systems, surface waters bodies and other pertinent facilities or features on contiguous or adjacent property. If the features are within 75 feet of the applicant lot, the estimated distance to the feature must be shown but need not be drawn to scale. If the county health department will not be performing the site evaluation, the applicant or authorized agent shall be responsible for the measurements to all features, including the pertinent features within 75 feet of the applicant lot. The location of any public drinking water well, as defined in Rule 64E-6.002(44)~~(41)~~(b), within 200 feet of the applicant's lot shall also be shown, with the distance indicated from the system to the well. If an individual lot is five acres or greater, the applicant may draw a minimum one acre parcel to scale showing all required features, or the minimum size drawing necessary to properly exhibit all required features, whichever is larger. The applicant must also show the location of that one acre or larger parcel inside the total site ownership. All information that is necessary to determine the total sewage flow and proper setbacks on the site ownership shall be submitted with the application. The applicant lot shall be clearly identified. A copy of the legal description or survey must accompany the application for confirmation of property dimensions only.

~~(f) An applicant for a holding tank installation permit shall provide to the DOH county health department a copy of a contract with a permitted disposal company which states the scheduled tank pumping frequency.~~

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.00655, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.44, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.044, Amended 11-19-97, _____.

64E-6.005 Location and Installation.

All systems shall be located and installed so that with proper maintenance the systems function in a sanitary manner, do not create sanitary nuisances or health hazards and do not endanger the safety of any domestic water supply, groundwater or surface water. Sewage waste and effluent from onsite sewage treatment and disposal systems shall not be discharged onto the ground surface or directly or indirectly discharged into ditches, drainage structures, groundwaters, surface waters or aquifers. To prevent such discharge or health hazards:

(1) Systems and septage stabilization facilities established after the effective date of the rule shall be placed no closer than the minimum distances indicated for the following:

(a) Seventy-five feet from a private potable well as defined in Rule 64E-6.002(44)~~(41)~~(a), or a multi-family water well as defined in Rule 64E-6.002(44)(c).

(b) One-hundred feet from a public drinking water well as defined in Rule 64E-6.002(44)~~(41)~~(b) if such a well serves a facility with an estimated sewage flow of 2000 gallons or less per day.

(c) Two-hundred feet from a public drinking water well as defined in Rule 64E-6.002(44)~~(41)~~(b) if such a well serves a facility with an estimated sewage flow of more than 2000 gallons per day.

(d) Fifty feet from a non-potable water well as defined in Rule 64E-6.002(39)~~(35)~~.

(2) Systems shall not be located under buildings or within 5 feet of building foundations, including pilings for elevated structures, or within 5 feet of mobile home walls, swimming pool walls, or within 5 feet of property lines except where property lines abut utility easements which do not contain underground utilities, or where recorded easements are specifically provided for the installation of systems for service to more than one lot or property owner.

(a) Sidewalks, decks and patios shall not be subject to the 5 foot setback, however, drainfields shall not be installed beneath such structures. Any tank located beneath a driveway shall have traffic lids as specified in Rule 64E-6.013(1)(h)~~(c)~~. Concrete structures which are intended to be placed over a septic tank shall have a barrier of soil or plastic material placed between the structure and the tank so as to preclude adhesion of the structure to the tank.

(3) Except for the provisions of s. 381.0065(4)(g)~~(f)~~1. and 2., F.S., systems and septage stabilization facilities shall not be located laterally within 75 feet of the boundaries of surface water bodies. ~~the mean high water line of tidal water bodies or within 75 feet of the ordinary high water line of lakes, streams, canals, normally wet drainage ditches, retention areas designed~~

~~to contain standing or flowing water for 72 hours or more following a rainfall, marshes, or other non-tidal surface waters. This requirement does not apply to swales which are designed to not contain water 72 hours after a rainfall event.~~ Systems and septage stabilization facilities shall be located a minimum of 15 feet from the design high water line of a swale, retention or detention area designed to contain standing or flowing water for less than 72 hours after a rainfall, or the design high water level of normally dry drainage ditches or normally dry individual lot storm water retention areas.

(4) Suitable, unobstructed land shall be available for the installation and proper functioning of the system. At least 75 percent of the unobstructed area must meet minimum setback requirements of subsections (1) and (3) above to allow for drainfield repair or system expansion. The minimum unobstructed area shall:

(a) Be at least 2 times as large as the drainfield absorption area required by Rule ~~64E-6.008(5)~~. For example, if a 200 square feet drainfield is required, the total unobstructed area required, inclusive of the 200 square feet drainfield area, would be 400 square feet. Unobstructed soil area between drain trenches shall be included in the unobstructed area calculation.

(7) Onsite sewage treatment and disposal systems shall be installed where a sewerage system is not available and when conditions in ss. 381.0065(4)(a)-(g)~~(f)~~, F.S., are met. Onsite graywater tank and drainfield systems may, at the homeowners' discretion, be utilized provided blackwater is disposed into a sanitary sewerage system when such sewerage system is available. Graywater systems may, at the homeowners' discretion, be utilized in conjunction with an onsite blackwater system where a sewerage system is not available for blackwater disposal.

(a) The minimum area of each lot under s. 381.0065(4)(a), F.S., shall consist of at least 1/2 acre (21,780 square feet) exclusive of all paved areas and prepared road beds within public rights-of-way or easements and exclusive of ~~streams, lakes, normally wet drainage ditches, marshes or other such bodies of~~ surface water bodies.

(b) The determination of lot densities under s. 381.0065(4)(b), F.S., shall be made on the basis of the net acreage of the subdivision which shall exclude from the gross acreage all paved areas and prepared road beds within public or private rights-of-way or easements and shall also exclude ~~streams, lakes, normally wet drainage ditches, marshes or other such bodies of~~ surface water bodies.

(c) Maximum daily sewage flow allowances specified in s. 381.0065(4)(a),(b), and (g)~~(f)~~, F.S., shall be calculated on an individual lot by lot basis. The acreage or fraction of an acre of each lot or parcel of land shall be determined and this value shall be multiplied by 2500 gallons per acre per day if a public drinking water well serving a public system as defined in 64E-6.002(44)~~(41)~~(b)1., 2., or 3. is utilized, or be multiplied by 1500 gallons per acre per day if a public drinking water well serving a public water system as defined in rule 64E-6.002(44)~~(41)~~(b)4., or a private potable well is utilized. Contiguous unpaved and non-compacted road rights-of-way, and easements with no subsurface obstructions that would affect the operation of drainfield systems, shall be included in total lot size calculations. Where an unobstructed easement is contiguous to two or more lots, each lot shall receive its pro rata share of the area contained in the easement. ~~Streams, lakes, normally wet drainage ditches, marshes and other such bodies of~~ Ssurface water bodies shall not be included in total lot size calculations. Rule 64E-6.008(1), Table I, shall be used for determining estimated average daily sewage flows.

(d) Platted residential lots shall be subject to the requirements set forth in subsections 381.0065(4)(g)~~(f)~~1. and 2., F.S.

(e) When portions of a lot or lots which were platted prior to January 1, 1972 are combined in such a manner that will decrease the total density of the subdivision, pre-1972 lot provisions shall apply. However, the maximum setback possible to surface water bodies shall be maintained with a minimum setback of 50 feet.

(8) Notwithstanding the requirements of this section, where an effluent transmission line consists of schedule 40 PVC or consists of schedule 20 PVC enclosed in a sleeve of schedule 40 PVC, the transmission line shall be set back from private potable wells, irrigation wells, or surface water bodies by the maximum distance attainable but not less than 25 feet when installed.

(9) Onsite sewage treatment and disposal systems for estimated establishment domestic sewage flows exceeding 5000 gallons per day but not exceeding 10,000 gallons per day shall be located and installed under the following conditions.

(a) The average estimated daily sewage flow from the establishment shall be divided by the net land area associated with the establishment. The resulting number shall not exceed 2500 gallons per acre per day for establishments which use a water supply as defined in 64E-6.002(44)~~(40)~~(b)1., 2. and 3.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553, 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.46, Amended 3-17-92, 1-3-95, Formerly 10D-6.046, Amended 11-19-97, 2-3-98, _____.

64E-6.006 Site Evaluation Criteria.

Onsite sewage treatment and disposal systems may be utilized where lot sizes are in compliance with requirements of rule 64E-6.005(7) and all of the following criteria are met:

(1) The effective soil depth throughout the drainfield installation site extends 42 inches or more below the bottom surface of the drainfield. Paragraphs (a), (b) and (c) list soil texture classes with their respective limitation ratings.

(c) Clay, bedrock, oolitic limestone, fractured rock, hardpan, organic soil, gravel and coarse sand, when coarse sand is associated with an estimated wet season high water

table within 48 inches of the absorption surface are severely limited soil materials. If severely limited soil material can be replaced with slightly limited soil material, see Footnotes 3 and 4 of Table III for minimum requirements. Where limestone is found to be discontinuous along the horizontal plane and is dispersed among slightly or moderately limited soils, the Department Policy for Drainfield Sizing in Areas With Discontinuous Limestone, August 1999, herein incorporated by reference, shall be used. The referenced policy may be obtained by contacting the department.

(4) The site of the installation and the additional required unobstructed land referred to in Rule 64E-6.005(4) shall not be covered with asphalt or concrete, or be subject to vehicular traffic or other activity as defined in 64E-6.002(41)~~(37)~~ which would adversely affect the soil, or the operation of the system.

(6) The existing lot elevation at the site of the proposed system installation and any contiguous land referred to in rule 64E-6.005(4), shall not be subject to frequent flooding. Except for areas affected by section 381.0065(4)(t), Florida Statutes, ~~rule 64E-6.007(2),~~ fill material, if permitted, shall be placed in the area for the system and contiguous unobstructed area to raise the lot elevation above the 2 year flood.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, ~~Part I~~ 386.041, FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.47, Amended 3-17-92, 4-16-92, 1-3-95, Formerly 10D-6.047, Amended _____.

64E-6.007 Location of Systems in Floodways.

~~(1) The absorption surface of the drainfield shall not be subject to flooding based on 10-year flood elevations. Provided however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations prior to January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above the 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:~~

~~(a) the lot is at least one-half acre in size;~~

~~(b) the bottom of the drainfield is at least 36 inches above the two year flood elevation; and~~

~~(c) the applicant installs either:~~

~~1. a waterless, incinerating or organic waste composting toilet in compliance with 64E-6.009(1) and a graywater system and drainfield in compliance with rule 64E-6.008(3);~~

~~2. an aerobic treatment unit and drainfield in compliance with rule 64E-6.012;~~

~~3. a system approved by the State Health Office which is capable of reducing effluent nitrate by at least 50 percent; or~~

~~4. a system approved by the DOH county health department pursuant to rule 64E-6.009(6) other than alternating drainfields. USDA Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood prone areas.~~

~~(2) The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water shall not be permitted if such a system lies within a regulatory floodway. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this rule to extend at a minimum to the 10-year flood elevation.~~

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386 FS. History–New 4-16-92, Amended 1-3-95. Formerly 10D-6.0471, Amended 11-19-97, Repealed _____.

64E-6.008 System Size Determinations.

(2) Minimum effective septic tank capacity shall be determined from Table II. However, where multiple family dwelling units are jointly connected to a septic tank system, minimum effective septic tank capacities specified in the table shall be increased 75 gallons for each dwelling unit connected to the system. With the exception noted in rule 64E-6.013(2)~~(3)~~(a), all septic tanks shall be multiple chambered or shall be placed in series to achieve the required effective capacity. The use of an approved outlet filter device shall be required. Outlet filters shall be installed within or following the last septic tank or septic tank compartment before distribution to the drainfield. ~~For tanks placed in series, the outlet device shall be placed in the last tank.~~ The outlet filter device requirement includes ~~graywater tanks and~~ blackwater tanks, but does not include graywater tanks or grease interceptors or laundry tanks. Outlet filter~~s~~ devices shall be placed to allow accessibility for routine maintenance. Utilization and sizing of outlet filter~~s~~ devices shall be in accordance with the manufacturers' recommendations. The approved outlet filter device shall be installed in accordance with the manufacturers' recommendations. The Bureau of Onsite Sewage Programs shall approve outlet filter devices per the department's Policy on Approval Standards For Onsite Sewage Treatment And Disposal Systems Outlet Filter Devices, August 1999 ~~February 1995~~, which is herein incorporated by reference.

TABLE II

SEPTIC TANK AND PUMP TANK CAPACITY

AVERAGE SEWAGE FLOW ~~in~~ Gallons/Day	SEPTIC TANK MINIMUM EFFECTIVE CAPACITY ~~in~~ GALLONS	PUMP TANK MINIMUM EFFECTIVE CAPACITY GALLONS Residential	PUMP TANK MINIMUM EFFECTIVE CAPACITY GALLONS Commercial
0-200	900	150	225
201~~0~~-300	900	225	375
301-400	1050	300	450
401-500	1200	375	600
501-600	1350	450	600
601-700	1500	525	750
701-800	1650	600	900
801-1000	1900	750	1050
1001-1250	2200	900	1200
1251-1750	2700	1350	1900
1751-2500	3200	1650	2700
2501-3000	3700	1900	3000
3001-3500	4300	2200	3000
3501-4000	4800	2700	3000
4001-4500	5300	2700	3000
4501-5000	5800	3000	3000

(3) Where a separate graywater tank and drainfield system is used, the minimum effective capacity of the graywater ~~retention~~ tank shall be 250 gallons with such system receiving not more than 75 gallons of flow per day. For graywater systems receiving flows greater than 75 gallons per day, minimum effective tank capacity shall be based on the average daily sewage flow plus 200 gallons for sludge storage. Design requirements for graywater ~~retention~~ tanks are described in Rule 64E-6.013(2)~~(4)~~. Where separate graywater and blackwater systems are utilized, the size of the blackwater system can be reduced, but in no case shall the blackwater system be reduced by more than 25 percent. However, the minimum capacity for septic tanks disposing of blackwater shall be 900 gallons.

(4) A separate laundry waste tank and drainfield system may be utilized for residences and may be required by the DOH county health department where building codes allow separation of discharge pipes of the residence to separate stubouts and where lot sizes and setbacks allow system construction. Where an aerobic treatment unit is used, all blackwater, graywater and laundry waste flows shall be consolidated and treated by the aerobic treatment unit. Where a residential laundry waste tank and drainfield system is used:

(b) The laundry waste interceptor shall meet requirements of Rule 64E-6.013(2) and (9)~~(6)~~.

(6) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.48, Amended 3-17-92, 1-3-95, Formerly 10D-6.048, Amended 11-19-97, _____.

64E-6.009 Alternative Systems.

(1) Waterless, incinerating or organic waste composting toilets – may be approved for use if found in compliance with standards for Wastewater Recycle/Reuse and Water Conservation Systems as defined by ANSI/NSF International Standard Number 41, revised May 1983, hereby incorporated by reference, and provided that graywater and any other liquid and solid waste is properly collected and disposed of in accordance with standards established in this Chapter. For residences, the required drainfield absorption surface and unobstructed area of the system treating the remaining sewage flow shall be reduced by 25% when waterless, incinerating or organic waste composting toilets are used exclusively for all toilet wastes. Solids removed from waterless, incinerating or organic waste composting toilets shall be mixed with lime, containerized, and disposed of with the solid waste from the establishment. Liquids discharging from waterless, incinerating or organic waste composting toilets shall be plumbed into the onsite system serving the establishment.

(3) Mound systems – are used to overcome certain limiting site conditions such as an elevated seasonal high water table, shallow permeable soil overlying slowly permeable soil and shallow permeable soil located over creviced or porous bedrock. Special installation instructions or design techniques to suit a particular site shall ~~may~~, using the criteria in section 64E-6.004(4), be specified on the construction permit in addition to the following general requirements.

(h) The site shall be landscaped according to permit specifications and shall be protected from automotive traffic or other activity that could damage the system. Swales or other surface drainage structures shall be utilized to prevent ~~surface~~ water shed from mounds draining onto neighboring property.

(5) Alternative drainfield materials and design approval – Requests for approval of drainfield materials and designs which are not specifically addressed in section 64E-6.014, FAC., shall be submitted to the department's Bureau of Onsite Sewage Programs. Requests for alternative drainfield approval shall be accompanied by detailed system design and construction plans by an engineer registered in the State of Florida, certification of the performance capabilities of the product submitted by an engineer registered in the State of Florida, research supporting the proposed system materials, ~~design and sizing,~~ and empirical data showing results of system use in other states with similar soil conditions. The detailed plans and information submitted with the approval request shall be reviewed by the department onsite sewage program to determine whether or not there is a reasonable certainty that the information submitted provides evidence of the effectiveness and reliability of the proposed alternative drainfield. Except as provided for in Part IV, ~~Until performance based system standards are developed as mandated by Section 381.0065(4)(i), Florida Statutes, no proposed~~ alternative drainfield units shall not be approved

which would result in a reduction in drainfield size using the mineral aggregate drainfield system as described in section 64E-6.014, FAC., and the total surface area of soil at the bottom of the drainfield as the criteria for drainfield sizing comparisons. If the department is not satisfied that the information provided provides reasonable evidence of the effectiveness and reliability of the alternative drainfield, the department shall deny the approval. Department approval of any alternative drainfield system does not guarantee or imply that any individual system installation will perform satisfactorily for a specific period of time. The individual system design engineer, or the registered septic tank contractor if an engineer did not design the system, is primarily responsible for determining the best system design to meet the specific wastewater treatment and disposal needs and to address specific installation area site conditions and limitations.

(8) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.49, Amended 3-17-92, 1-3-95, Formerly 10D-6.049, Amended 11-19-97, 2-3-98, _____.

64E-6.010 ~~Disposal of~~ Septage, Grease, Holding Tanks and Portable Toilets.

(1) No septic tank, grease interceptor, privy, ~~portable toilet, holding tank~~ or other receptacle associated with an onsite sewage treatment and disposal system shall be cleaned or have its contents removed until the service person has obtained an annual written permit (form DH 4013, 01/92, Operating Permit, herein incorporated by reference) from the DOH county health department in the county in which the service company is located. Permits issued under this section authorize the disposal service to handle liquid waste associated with food operations, ~~portable toilets, holding tanks containing~~ domestic waste, or domestic septage. Such authorization applies to all septage produced in the State of Florida, ~~all holding tanks containing domestic waste, all portable toilet waste~~ and food establishment sludge which is collected for disposal from onsite sewage treatment and disposal systems.

(2) Application for a service permit shall be made to the DOH county health department on form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, which may be obtained by contacting the department. The following must be provided for the evaluation prior to issuance of a service permit:

(a) Evidence that the applicant possesses adequate equipment such as a tank truck with a liquid capacity of at least 1500 gallons, except portable toilet servicing vehicles, pumps, off truck stabilization tanks and pH testing equipment where lime stabilization and land application are proposed, as well as other appurtenances and tools necessary to perform the work intended. Equipment may be placed into service only after it has been inspected and approved by the DOH county health department. Tanks used for the stabilization and storage of septage and food service sludges shall be constructed, sized, and operated in accordance with the following provisions: ~~Lime stabilization tanks shall be constructed and installed to meet the standards set forth in rule 64E-6.013(8).~~

1. Stabilization tanks and septage storage tanks shall be constructed of concrete, fiberglass, corrosion-resistant steel, or other equally durable material. Tanks shall be watertight and shall be water tested for leaks prior to placing into service. The tank shall have a liquid capacity of at least 3000 gallons.

2. Construction of concrete tanks shall be at a minimum equal to that required of concrete septic tanks in rule 64E-6.013. Fiberglass tanks and tanks of similar materials shall be constructed in accordance with standards found in rule 64E-6.013.

3. Stabilization tanks shall contain aeration or mixing devices which will ensure thorough agitation or mixing of lime with the waste as specified in Chapter 6, EPA 625/1-79-011, Process Design Manual for Septage Treatment and Disposal, herein incorporated by reference.

~~(b) Vehicles used for servicing portable toilets, privies and holding tanks shall be provided with a dual compartment tank. One tank shall be used for receiving and removing wastes and shall be equipped with a suction hose having a cut-off valve not more than 36 inches from the intake end. The second tank shall be used for clean water storage and shall have adequate capacity to allow proper cleaning of each serviced unit.~~

~~(c) Standby portable toilet service equipment shall be available for use during breakdowns or emergencies. If equipment from another approved service is to be used for stand-by purposes, a written agreement between the services must be provided to the DOH county health department.~~

~~(d) The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.~~

(e) through (f) renumbered (b) through (c) No change.

(4) After septage or food establishment sludge is removed from an onsite sewage treatment and ~~waste~~ disposal system, the original lid of the tank shall be put back in place, or be replaced with a new lid if the original lid is broken. The tank lid shall be completely sealed and secured as per Rule 64E-6.013(2)(k)~~(3)(b)~~ and the ground backfilled and compacted so that the site is left in a nuisance free condition.

(a) Contents of any treatment tank, including all chambers of a multichambered tank, or pump tank shall be removed in their entirety when pumped. Where in the opinion of the person pumping any onsite sewage treatment and disposal system waste receptacle or pump tank, the complete removal of all tank contents may create an unintended problem in regards to the continued use of the system, a complete

pumpout is not required. The pumper must document, in writing, to the system owner the reason for the partial pump out, the gallonage pumped from the system, and what material was left in the tank.

(b) The access to pump a tank must be through the lid of the tank, through the manhole or by moving a sectional lid. Where the tank is chambered, separate chambers must be accessed through the manholes or sectional lid for the chamber being pumped. Pumping shall not be accomplished by entering the tank through inlets or outlets. Where the lid of the tank must be broken in order to gain access for the removal of tank contents, or at anytime when the lid is broken, the lid shall be replaced.

(5) Untreated food establishment sludges~~, portable toilet waste, holding tank waste,~~ and septage shall be transported to an approved treatment facility in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(7) The food establishment sludge and contents from onsite waste disposal systems shall be disposed of at a site approved by the DOH county health department and by an approved disposal method. Untreated domestic septage or food establishment sludges shall not be applied to the land. ~~Portable toilet wastes and the contents from holding tanks are not considered to be septage. Disposal of these liquid wastes shall be in compliance with provisions found in (a) through (v).~~ Criteria for approved stabilization methods and the subsequent land application of domestic septage or other domestic onsite wastewater sludges shall be in accordance with the following criteria for land application and disposal of domestic septage.

(d) Land application of septage shall occur only in accordance with rule 64E-6.010(7)(a) unless prohibited by the DOH county health department due to a brief condition which creates a potential for a sanitary nuisance as exemplified in rule 64E-6.010(7)(l)~~(k)~~.

(e) All septage and septage-related haulers regulated by Chapter 64E-6, F.A.C. are to maintain a collection and hauling log at the treatment site or at the main business location which provides the ~~following~~ information listed in 1. through 8. below. Septage related haulers who haul only portable toilet or holding tank waste shall maintain a daily log which includes 1., 4., 6., 7. and 8., below. Records shall be retained for five (5) years.~~:~~

1. date of septage or waste collection

2. address of collection

3. indicate whether the point of collection is a residence or business and if a business, the type of business

4. estimated volume, in gallons, of septage or waste transported ~~treated~~

5. receipts for lime or other materials used for treatment

6. location of the approved treatment facility

7. date and time of discharge to the treatment facility

8. Acknowledgement from treatment facility of receipt of septage or waste

(f) All Department of Health-regulated septage treatment facility operators shall maintain permanent records of the septage or waste receipt, treatment and discharge. Records shall be retained for five (5) years. At a minimum, these records shall include the following.

1. Date and time of each load of septage or waste is received

2. Name of company from which the septage or waste is received

3. Identification of the truck from which the septage or waste was received

4. Signature from the driver acknowledging delivery of the septage or waste

5. Quantity of septage or waste received

6. Date and time of discharge of each load of treated septage or waste

7. Name of the company which received the treated septage or waste from the treatment facility

8. Signature from the driver of the truck which received the treated septage or waste

9. Quantity of treated septage or waste discharged to the truck

(f) through (h) renumbered (g) through (i) No change.

(j)~~(i)~~ The land application area shall not be located closer than 3000 feet to any Class I water body or Outstanding Florida Water as defined in Chapter 62-302, F.A.C. or 200 feet to any surface water bodies except canals or bodies of water used for irrigation purposes which are located completely within and not discharging from the site. The land application area shall not be located closer than 500 feet to any shallow public water supply wells, nor closer than 300 feet to any private drinking water supply well. The application area shall be no closer than 300 feet to any habitable building and a minimum of 75 feet from property lines and drainage ditches.

(j) through (p) renumbered (k) through (q) No change.

(r)~~(q)~~ Permanent records of actual application areas and application rates shall be kept. These records shall be maintained by the site owner, lessee, or the land applicator for a period of five years, and shall be available for inspection upon request by the department or by DEP. An annual summary of the total septage or sludge applied shall be provided with the annual update to the Agricultural Use Plan. Records shall be kept and shall include:

1. Location of the septage treatment facility from which each load of treated septage is obtained.

2. Date and time the treated septage was obtained from the treatment facility.

3.~~1.~~ Dates of septage or sludge land application

4.~~2.~~ Weather conditions when applied

5.~~3.~~ Location of septage or sludge application site

6.~~4.~~ Amounts of septage or sludge applied

7.~~5.~~ Specific area of the site where septage or sludge was applied

8.~~6.~~ pH of stabilized septage or sludge being applied

9.7. Soil groundwater table when septage was applied

10.~~8.~~ Vegetational status of application area

(r) through (u) renumbered (s) through (v) No change.

~~(v) Holding tank and portable toilet wastes shall be disposed of into a septage treatment and disposal facility approved by the department or into a treatment facility approved or permitted for such disposal by the Department of Environmental Protection. These wastes shall be land applied under provisions of 64E-6.010(7) provided an approved DEP treatment facility is not available and the wastes have been blended with domestic septage at a rate of 3 parts septage to 1 part holding tank or portable toilet waste prior to lime stabilization. Companies which service holding tanks or portable toilets which use quaternary ammonium sanitizing and deodorizing compounds are prohibited from having the wastes treated or disposed of at lime stabilization facilities.~~

(10) Portable Toilets, Sinks and Holding Tanks.

(a) The department shall approve, on a temporary basis, portable toilets, or holding tanks for fairs, carnivals, revivals, field locations, encampments and other locations which lack permanent structures where people congregate for short periods of time, provided the construction, maintenance, and utilization of such systems conform to the general provisions of this Chapter. Portable toilets, holding tanks or other toilet facilities shall be provided at construction sites for the duration of construction any time workers are present, and shall not be bound by the definition of temporary. The department shall waive or reduce any of the setback requirements of rule 64E-6.005(1)-(3), where it is determined no health hazard will result. For purposes of this rule, a holding tank is any sealed, water tight fixture for receiving and storing domestic wastewater from plumbing fixtures in remote locations or at construction sites or special events. For purposes of this rule, a portable toilet is a transportable, self contained static or flush-type toilet constructed to promote a sanitary environment at remote locations, construction sites or special events, comprised of at least a waste storage receptacle, a riser and toilet seat and a protective enclosure. Portable toilets at construction sites or at a location for a temporary period of time do not require a permit from the department, but must comply with the provisions of this rule.

(b) The department shall permit and approve, for permanent use or placement, portable toilets or holding tanks at continually used locations where toilet facilities are desirable for the promotion of public health and where conventional facilities are neither available nor practical. Examples of such locations would be boat ramps, golf courses, or other places where people congregate which meet the above criteria. The portable toilet service company providing portable toilets shall be responsible for maintenance of the unit and removal if conventional facilities are made available.

(c) Portable toilets shall be self-contained, have self closing doors and shall be designed and maintained so that insects are excluded from the waste container. Additional requirements are:

(d) Portable toilet service company operators shall use Table PT I to determine the required number of facilities for special events for use in situations where no local or state codes provide a minimum number of toilet facilities. Table PT I assumes that the portable toilets are serviced only once per day. If the toilets are serviced twice per day, the value from the table shall be divided by two. If they are pumped three or more times per day, the value shall be divided by three. All resulting fractional numbers of toilets required shall1be rounded up to the next higher whole number of toilets. If permanent toilet facilities are available for use by the attendees, the number of portable toilets may be reduced based on the number of attendees the permanent facilities are designed to accommodate. At least one working day prior to the special event, special event organizers shall provide to the county health department a signed contract, or facsimile copy thereof, with the portable toilet service company specifying the dates the facilities will be on the event site, the number of toilet facilities to be provided, the servicing frequency and the removal date for the units.

(e) Table PT II shall be used to determine the number of required facilities at remote locations.

(f) Waste receptacles shall be watertight and made of non-absorbent, acid resistant, corrosion-resistant and easily cleanable material.

(g) The floors and interior walls shall have a non-absorbent finish and be easily cleanable.

(h) The inside of the structure housing the storage compartment shall be cleaned and disinfected on each service visit.

(i) Each portable toilet shall have listed in a conspicuous place the name and telephone number of the servicing company.

(j) Portable toilets shall be maintained in a sanitary condition. Portable toilets at special events shall be serviced at least daily.

TABLE PT I
NUMBER OF PORTABLE TOILETS REQUIRED FOR SPECIAL EVENTS
(ASSUMES SERVICING ONCE PER DAY)

NUMBER OF PEOPLE PER DAY	NUMBER OF HOURS FOR EVENT PER DAY									
	1	2	3	4	5	6	7	8	9	10
250	2	2	2	2	2	3	3	3	3	3
500	2	3	4	4	4	4	4	4	4	4
1000	4	5	6	7	7	8	8	8	8	8
2000	6	10	12	13	14	14	14	15	15	15
3000	9	14	17	19	20	21	21	21	21	22
4000	12	19	23	25	28	28	28	30	30	30
5000	15	23	30	32	34	36	36	36	36	36
6000	17	28	34	38	40	42	42	42	44	44
7000	20	32	40	44	46	48	50	50	50	50
8000	23	38	46	50	54	57	57	58	58	58
9000	26	42	52	56	60	62	62	62	64	64
10,000	30	46	57	63	66	70	70	72	72	72
12,500	36	58	72	80	84	88	88	88	88	92
15,000	44	70	84	96	100	105	105	110	110	110
17,500	50	80	100	110	115	120	125	125	126	126
20,000	57	92	115	125	132	138	138	144	144	150
25,000	72	115	144	154	168	175	175	176	176	184
30,000	88	138	168	192	200	208	208	216	216	216

TABLE PT II
PORTABLE TOILETS REQUIRED FOR REMOTE LOCATIONS
PER SITE OR LOCATION
(ASSUMES SERVICING ONCE PER WEEK)

NUMBER OF PEOPLE PER SITE 8 HOURS PER DAY – 40 HOURS PER WEEK	NUMBER OF TOILETS REQUIRED
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
over 50	Add 1 toilet for every 10 additional people or fraction thereof

TABLE PT III
HOLDING TANK CAPACITY REQUIRED FOR REMOTE LOCATIONS, AND SPECIAL EVENTS
PER SITE OR LOCATION
(ASSUMES SERVICING TWICE PER WEEK)

NUMBER OF PEOPLE PER SITE 8 HOURS PER DAY - 40 HOURS PER WEEK	MINIMUM HOLDING TANK CAPACITY (IN GALLONS)
1	140
2-3	280
4-5	560
6-7	840
over 7	Add 140 gallons for each additional person

(k) Portable hand washing facilities shall be self-contained and have a fresh water compartment and a wastewater compartment.

(l) Portable hand washing facilities shall be provided in a proportion of one hand wash facility to every ten portable toilets required, and shall be provided at special events and remote locations where food is served or picnic areas are provided. With the exception of locations where food is served, hand sanitizers may be used in lieu of hand washing facilities, at the option of the applicant.

(m) The number and location of portable toilet and hand washing facilities for food handlers at special events shall be based on this section or applicable local or state food hygiene requirements, whichever is greater.

(n) An applicant for a holding tank installation permit shall provide to the county health department a copy of a contract with a permitted disposal company which states the holding tank capacity and the scheduled tank pumping frequency.

(o) Holding tanks shall be serviced at least weekly to prevent insanitary conditions.

(p) Table PT III shall be used to determine the required total capacity of holding tanks serving a remote location or special event. The values from Table PT III shall be adjusted proportionately to the number of times per week the holding tank will be emptied.

(q) Persons servicing portable toilets, portable hand washing facilities and holding tanks shall obtain an annual permit on Form DH 4013, 01/92, Operating Permit, herein incorporated by reference, from the county health department in the county in which the service company has an office or storage yard. Permits issued under this section authorize the disposal service to handle liquid waste associated with portable toilets, portable hand washing facilities and holding tanks containing domestic wastewater produced in the State of Florida.

(r) Application for a service permit shall be made to the county health department on Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, which may be obtained by contacting the department. The following must be provided for the evaluation prior to issuance of a service permit:

1. The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.

2. The proposed disposal method and the site to be used for disposing of the waste.

(s) The following equipment, maintenance and service requirements shall be complied with:

1. Vehicles used for servicing portable toilets, privies and holding tanks shall be provided with a dual compartment tank. One tank shall be used for receiving and removing wastes and shall be equipped with a suction hose having a cut-off valve

not more than 36 inches from the intake end. The second tank shall be used for clean water storage and shall have adequate capacity to allow proper cleaning of each serviced unit.

2. Standby portable toilet service equipment shall be available for use during breakdowns or emergencies. If equipment from another approved service is to be used for stand-by purposes, a written agreement between the services must be provided to the county health department.

3. The waste storage compartment of a tank truck shall be maintained as necessary to prevent the creation of sanitary nuisance conditions.

(t) When a permit is issued, the number of said permit along with the name of the company, its phone number, and the gallon capacity of the truck shall be prominently and permanently displayed on the service truck in contrasting colors with 3 inch or larger letters. Use of removable magnetic signs shall not be considered permanent display of vehicle identification information.

(u) A servicing permit shall be suspended, revoked, or denied by the department in accordance with Chapter 120, F.S., for failure to comply with the requirements of this chapter.

(v) Holding tank, portable toilet, and portable hand sink wastes shall be disposed of into a septage treatment and disposal facility approved by the department or into a treatment facility approved or permitted for such disposal by the Department of Environmental Protection. These wastes shall be land applied under provisions of rule 64E-6.010(7) provided an approved DEP treatment facility is not available. Companies which service holding tanks or portable toilets which use quaternary ammonium sanitizing and deodorizing compounds are prohibited from having the wastes treated or disposed of at lime stabilization facilities.

(w) When disposed of in a department approved lime stabilization facility, the portable toilet, portable hand washing and holding tank wastes shall be blended with domestic septage at a rate of no less than 3 parts septage to 1 part holding tank, portable toilet or portable hand washing facility waste prior to lime stabilization. Treatment and disposal shall comply with the provisions of Rule 64E-6.010(7)(a)-(u).

(x) Contents of portable toilets and holding tanks shall be removed in their entirety when pumped. ~~Portable toilets shall be self-contained, have self closing doors, have screened vents and shall be designed and maintained so that insects are excluded from the waste container. Additional requirements are:~~

~~(a) Local plumbing codes shall be used to determine the required number of facilities. Where a local plumbing code does not address facility requirements, Chapter 64E-10, F.A.C. places of public assembly, shall be utilized.~~

~~(b) Waste receptacles shall be watertight and made of non-absorbent, acid resistant, non-corrosive and easily cleanable material.~~

~~(c) The floors and interior walls shall have a nonabsorbent finish and be easily cleanable.~~

~~(d) The inside of the structure housing the storage compartment shall be cleaned and disinfected on each service visit.~~

~~(e) Each portable or temporary toilet shall have listed in a conspicuous place the name and telephone number of the servicing company.~~

~~(f) Portable toilets shall be serviced weekly or at a more frequent interval to prevent the creation of insanitary conditions.~~

(11) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, ~~Part I~~ 386.041 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.52, Amended 3-17-92, 1-3-95, 5-14-96, Formerly 10D-6.052, Amended .

(Substantial rewording of Rule 64E-6.013 follows. See Florida Administrative Code for present text.)

64E-6.013 Construction Materials and Standards for Treatment Receptacles.

(1) Onsite wastewater treatment receptacle design- The following requirements shall apply to all onsite wastewater treatment receptacles manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) Onsite wastewater treatment receptacles include: septic tanks, graywater tanks, laundry tanks, grease interceptors, pump tanks, aerobic treatment unit tanks, tanks containing treatment media.

(b) Treatment receptacles shall be watertight as defined in ASTM C1227 98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2., herein incorporated by reference. ASTM C1227 98, paragraph 9.2.2, herein incorporated by reference, shall be modified to read as follows: Water-pressure testing – Fill the tank with water to the invert of the outlet and let stand for 24 hours. Refill the tank. The tank is approved as water tight if the water level is held for one hour.

(c) Structural design of receptacles shall be by calculation or by performance. Design by calculation shall be completed using the Strength Design Method (ultimate strength theory) or the Alternate Design Method (working stress theory) outlined in the American Concrete Institute (ACI) publication ACI 318-99, Building Code Requirements for Structural Concrete (318-99) and Commentary (318R-99), herein incorporated by reference. The Strength Design Method is outlined in Chapter 9 and the Alternate Design Method is in Appendix A. Equation (9-1), herein incorporated by reference. shall be modified to read as follows: U=1.4L + 1.4D.

(d) When the Strength Design Method is used to verify satisfaction of the required strength a strength reduction factor of 0.90 shall be applied per ACI 318-99 paragraph 9.3.2.1.

(e) Structural design of receptacles shall be verified by actual vacuum load or hydrostatic test in accordance with the department's policy for Test Requirements for Structural Proofing August 1999, herein incorporated by reference. All vacuum testing shall be followed by a watertightness test as defined in ASTM C1227 98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2. Calculations shall not be used in place of proof testing for structural design verification of receptacles.

(f) Testing shall be conducted in the presence of an engineer registered in the state of Florida, or by an employee of the department that has been certified by the State Health Office to perform or witness tank testing. Test results shall be certified by the engineer or state employee.

(g) Receptacle tank lids for non-traffic residential installations shall be designed for a dead load of 12 inch earth cover with a dry soil density of 100 pounds per cubic foot or a live load of two concentrated loads of 1750 pounds at a 60 inch spacing or a concentrated load of 1750 pounds located at the center of the tank lid, whichever provides the greater shear and moment stresses to the tank lid. The required strength shall be per ACI 318-99, equation (9-1) as follows: U=1.4D + 1.7L. Structural integrity proof test or calculations for the 12 inch overburden earth load and the 1750 pound concentrated loading shall be provided. Designs sealed by an engineer registered in the state of Florida shall be acceptable for design proof of receptacle tank lid designs.

(h) Receptacles and receptacle tank lids for traffic installations shall be designed, signed and sealed by an engineer registered in the State of Florida. Whenever vehicular traffic is anticipated to cross over the septic tank or other onsite waste receptacle, traffic lids shall be installed with manhole covers to finished grade. Traffic receptacles and lids shall be designed in accordance with ASTM C 890-91 (Reapproved 1999), Standard Practice for Minimum Structural Design Loading for Monolithic or Sectional Precast Concrete Water and Wastewater Structures, herein incorporated by reference, for the appropriate loading. Application of paragraph 5.2.4 of ASTM C 890-91 (Reapproved 1999), shall be at the discretion of the design engineer.

(2) Onsite wastewater treatment receptacle design requirements – The following details shall be incorporated into the design:

(a) Septic tanks and graywater tanks shall have multiple compartments, or single compartment tanks shall be placed in series to achieve the required effective capacity. Grease interceptors, laundry tanks, pump tanks, aerobic treatment unit tanks and retention tanks shall be either multi-compartment or single compartment tanks. Except as noted in this paragraph, the first chamber of a dual compartment septic or graywater tank shall have a minimum effective capacity of at least 2/3 of the total required effective capacity. The second chamber shall have a minimum effective capacity of at least 1/3 of the total required effective capacity. Systems with daily flows of 3500 gallons or less per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 2/3 and no more than 4/5 of the total effective required capacity. Systems with daily flows in excess of 3500 gallons per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 1/2 and no more than 4/5 of the total required effective capacity.

(b) The liquid depth of compartments for septic tanks, laundry interceptors and grease interceptors shall be at least 42 inches. The liquid depth of compartments for graywater tanks and pumping tanks shall be at least 30 inches. Liquid depths greater than 84 inches shall not be considered in determining the effective capacity.

(c) A minimum free board or airspace of 15 percent of the effective capacity of all tanks shall be provided. For pump tanks, the 15% airspace may be included in the pump tank minimum effective capacity.

(d) The inlet invert shall enter the tank 1 to 3 inches above the liquid level of the tank. A vented inlet tee, vented sweep or a baffle may be provided at the discretion of the manufacturer to divert the incoming sewage. The inlet device, if utilized, shall have a minimum diameter of 4 inches and shall not extend below the liquid surface more than 33 percent of the liquid depth.

(e) A minimum 4 inch diameter vented outlet tee, sweep or baffle shall extend below the liquid level of the tank so that the invert level of the outlet device is a distance not less than 30 percent nor greater than 40 percent of the liquid depth. The outlet device shall extend at least 4 inches above the liquid level. The submerged intake orifice of the outlet fixture shall be provided with an approved solids deflection device to reduce, by a minimum of 90 percent, the intake area of the outlet fixture exposed to the vertical rise and fall of solid particles within the tank. Turning the intake orifice of an outlet tee or sweep 90 degrees from the vertical will satisfy the solids deflection device requirement.

(f) The inlet and outlet devices shall be located at opposite ends of the tank so as to be separated by the maximum distance practical and shall be in accordance with ASTM C 923-98, Standard Specification for Resilient Connectors Between Reinforced Concrete Manhole Structures, Pipes, and Laterals, herein incorporated by reference. The building sewer can enter the side of the tank no more than 12 inches from the inlet end of the tank if this construction will allow for better plumbing routing of the building sewer to the septic tank. The outlet device can exit the side of the tank no more than 12 inches from the outlet end of the tank if this construction will allow for better plumbing routing from the septic tank to the drainfield.

(g) Compartment walls shall be designed to withstand the stresses induced by pumping out either of the compartments. There shall be no relief holes. However, the compartment walls may be inserted in grooves without grouting, fiberglassing or otherwise permanently attaching in place, unless such attachment is required for proving structural integrity of either the tank or compartment wall.

(h) Sewage flow between the first and second chamber of a multi-chamber tank shall interconnect utilizing either a minimum 4 inch diameter hole or equivalent size slot in the wall or with a minimum 4 inch diameter vented and inverted U-fitting or a tee. Tanks in series shall interconnect utilizing a minimum 4 inch diameter vented, inverted U-fitting or a tee. The outlet device or slot shall extend below the liquid level of the tank so that the invert level is located not less than 30 percent nor greater than 40 percent of the liquid depth.

(i) Joints of tanks, including mid-seams, risers, and tank lids shall be sealed using a bonding compound that meets ASTM C 990-96, Standard Specification for Joints for Concrete Pipe, Manholes, and Precast Box Sections using Preformed Flexible Joint Sealants, herein incorporated by reference.

(j) The State Health Office's designated approval number for the tank, and the effective capacity of the tank in gallons shall be cast or stamped into the wall or permanently stenciled or decaled onto the wall at the inlet end, to begin within 6 inches of the top of the wall. All identifying marks shall be inscribed or affixed at the point of manufacture only. All information supplied in the legend shall be provided with a minimum of two inch high lettering.

(k) Each compartment shall have access using manholes, with each manhole having a minimum area of 225 square inches. Septic tanks and pump tanks with an effective capacity of 1200 gallons or less shall have a lid of one-piece construction. Septic tanks and pump tanks with an effective capacity of greater than 1200 gallons shall have a one piece lid or a lid with a maximum of three sections with each being equal in size. Manholes shall be located so as to allow access to the inlet and outlet devices. A minimum 6-inch diameter opening shall be placed at the inlet and outlet ends of the tank lid if a minimum 225 square inch access port is placed in the middle of the tank lid. The access manhole over the inlet and outlet shall extend to within 8 inches of finished grade, however the entire septic tank shall be covered with a minimum of four inches of soil cover. If a riser is used, and if the riser access lid opens directly to the tank interior, joints around the riser and tank shall be sealed and made watertight as specified in 6.013(2)(i) to prohibit intrusion of ground water into the tank. For multi-compartment tanks or tanks in series, manholes shall extend to within 8 inches of finished grade over the first compartment inlet and the last compartment outlet. An appropriate mechanism shall be provided to make access manholes vandal, tamper, and child resistant. Acceptable protection of openings shall consist of one or more of the following methods as specified by the tank manufacturer:

1. A padlock.

2. A twist lock cover requiring special tools for removal.

3. Covers weighing 58 pounds or more, net weight.

4. A hinge and hasp mechanism which uses stainless steel or other corrosion resistant fasteners to fasten the hinge and hasp to the lid and tank for fiberglass, metal or plastic lids.

(3) Onsite wastewater treatment receptacle design approval – All onsite wastewater treatment receptacles distributed in the state shall be approved for use by the department prior to being offered for sale or installed. Such approval shall not be obtained until the manufacturer of a specific tank model has submitted the following:

(a) Detailed design drawings of the tank and tank lid showing:

1. Design calculations or proof testing results in accordance with 6.013(1).

2. Dimensions, including location and size of all inlets, outlets, access hatches, manholes and pass through orifices.

3. Effective capacity in gallons.

4. Freeboard or air space in gallons.

5. Production materials. For concrete tanks include 28 day compressive strength, in pounds per square inch (psi).

6. Reinforcing materials. For concrete tanks, include size and location of all rebar, if any; and fiber reinforcing material size and quantity (in pounds) per cubic yard, if any.

(b) For concrete tanks – see 6.013(6)(k).

(c) For fiberglass, polyethylene and similar material tanks-see 6.013(7)(f).

(d) Certification that the receptacle has undergone flow testing to confirm the effective capacity, airspace, and water tightness.

(e) Designs shall be submitted to the State of Florida Department of Health, Bureau of Water and Onsite Sewage Programs.

(f) There shall be four tank design classifications. The following criteria shall be used for each category:

1. Category 1 tanks shall be designed for unsaturated soil. The design shall provide for 6 inches of dry soil cover over the top of the tank. Dry soil density shall be 100 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50.

2. Category 2 tanks shall be designed for partially saturated soil with the saturation at 31 inches below the outlet invert. The design shall provide for 6 inches of wet soil cover over the top of the tank. Wet soil density shall be 110 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50.

3. Category 3 tanks shall be designed for saturated soil with the saturation at the top of the tank surface. The design shall provide for 6 inches of wet soil cover over the top of the tank. Wet soil density shall be 110 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50.

4. Category 4 tanks shall be designed for saturated soil with the saturation at the top of the tank surface. The design shall provide for 48 inches of wet soil cover over the top of the tank. Wet soil density shall be 110 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50. Where a tank will be placed with greater than 48 inches of soil over the top of the tank, an engineer registered in the state of Florida shall design the tank.

(g) Soil cover shall be limited to 18 inches over the top of the tank lid. An additional 12 inches of soil cover shall be allowed for each increase in tank category when using a higher category tank in a lower tank category condition.

(h) A series of receptacles may be approved by successful demonstration of the largest in a series of tanks. Approval for inclusion of the receptacles to be considered in a series must be obtained from the state health office prior to testing the receptacles. A series is where only one dimension, this being height, length, or width, is changed to offer a different capacity of treatment tank.

(i) The manufacturer shall notify the state health office in writing, stipulating the date, time and location of the test, no less than ten working days prior to the receptacle proof testing. The notice shall include the tanks to be tested. Approval shall not be granted until after successfully passing the required tests, and submitting the testing results.

(j) The department will issue an approval number to the manufacturer. Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, shall be used to apply for septic tank manufacturing approval. The form can be obtained from the department.

(4) Reapproval of receptacles approved prior to effective date of this rule – It shall be the responsibility of each manufacturer to apply for reapproval of existing tank designs. The reapproval request shall list the existing State of Florida approval numbers, indicating the effective capacity in gallons, liquid depth, and wall thickness. The state health office will review the manufacturer's files on record at the state office for verification of approval numbers and satisfactory detailed drawings. The state health office shall notify the manufacturer of deficiencies that must be corrected. The manufacturer shall provide engineering drawings or utilize a standard drawing and dimension table format provided by the state office. Designs shall be submitted to the State of Florida Department of Health, Bureau of Water and Onsite Sewage Programs. Flat concrete lid designs will be evaluated either by requesting in writing that the state health office perform the calculations using the working stress theory or by the manufacturer performing proof testing and submitting satisfactory results. Cylindrical tanks shall be proof tested. Reapproval shall be obtained only after the manufacturer of a specific tank model has submitted the following:

(a) Details of the tank and tank lid showing:

1. Proof testing results in accordance with 6.013(1).

2. Dimensions.

3. Effective capacity in gallons.

4. Freeboard or air space in gallons.

5. Production materials.

6. Reinforcing materials. Drawings on file with the state health office that do not detail reinforcing must be updated by the manufacturer.

(b) There shall be four tank design classifications. The criteria and categories in 6.013(3)(f) shall be used.

(c) A series of receptacles may be approved by successful demonstration of the largest in a series of tanks. Approval for inclusion of the receptacles to be considered in a series must be obtained from the state health office prior to testing the receptacles.

(d) The manufacturer shall notify the state health office no less than ten working days prior to the receptacle proof testing. Approval shall not be granted until after successfully passing the required tests, and submitting the testing results.

(e) The department will issue an approval number to the manufacturer. Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, shall be used to apply for septic tank manufacturing approval. The form can be obtained from the department.

(5) Onsite wastewater treatment manufacturer's yearly inspection – Yearly inspection of the manufacturer's facility shall consist of the following:

(a) Verify that the manufacturer has the design mix recorded and in a readily accessible location for the plant operators.

(b) Verify that the production process is recorded and that the operators are following the process.

(c) Verify that the necessary tests are being conducted by a certified testing lab or by a technician certified by the ACI. The preparation of the test specimens shall be performed by certified third party testing laboratory personnel; or manufacturers, or their employees, that have successfully passed the certification program. Each manufacturer shall submit a minimum of three cylinders per year. The specimens shall be taken from a production mix.

(d) Verify that the manufacturer has the proper number of tests for the year and that the results are recorded. Review the results for compliance with the design.

(e) Examine the material stockpiles to insure that the materials are free from deleterious materials.

(f) Examine the measuring equipment to insure that the equipment has been calibrated within the last year.

(g) Examine conveyors to insure that material is transported as measured.

(h) Inspect a minimum of five tanks in the manufacturers' inventory. For different series, a minimum of one tank shall be inspected from each series. Report the following unacceptable defects:

1. Cracks in all interior and exterior surfaces of the tanks.

2. Cold joint lines. This is an indication of non-monolithic pours. Examine both the interior and exterior of the tank for confirmation of a cold joint that extends across the thickness of the wall.

3. Evidence of improper steel cover. Rebar and wire mesh shall not be exposed.

4. Watertight inlets and outlets shall be provided per rule.

(i) Where cold-joint lines that appear to extend through the wall, or cracks in any surface of the tank exist, conduct a watertightness test on a maximum of two tanks per ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2. The tanks shall not be tested until they have cured for 28 days. If there are no indications of cold-joint lines that appear to extend through the wall, or cracking of tank surfaces, two tanks shall be tested at random. Record all data and submit results to the department.

(j) Verify that the manufacturer is not relocating the tanks prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(k) Conduct Schmidt Hammer tests-record data.

(l) Yearly inspection shall be performed by an employee of the department that has been certified in accordance with the policy entitled "Test Requirements for Structural Proofing, August 1999", herein incorporated by reference. A report shall be submitted to the State Health Office.

(6) Concrete onsite wastewater receptacles shall be built of precast or poured in place concrete in accordance with ACI 318-99, Building Code Requirements for Structural Concrete or ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, except as revised herein.

(a) For design and analysis of concrete septic tanks, the publication "Rectangular Concrete Tanks" revised 5th edition, as published by the Portland Cement Association may be used at the designer's discretion, herein incorporated by reference. When computing length to height and width to height ratios the designer may interpolate between tables for intermediate ratios and values or may use the table and values for the higher ratios.

(b) Temperature and shrinkage crack control in concrete receptacles shall be accomplished by use of steel reinforcing in accordance with ACI 318-99 Chapter 14, or by use of fiber reinforcement. Minimum ratio of vertical and horizontal reinforcement area to gross concrete area shall be 0.0015 for deformed bars or welded wire fabric. Fiber reinforcing materials may be used by the manufacturer to achieve crack control equivalent to the use of deformed bars or welded wire fabric. To be considered equivalent, acceptable fibers shall at least meet or exceed ACI recommendations regarding materials, fiber sizing, and required fiber quantities. Any current or future revisions to the ACI recommendations may be used by the manufacturer, at their option. Materials other than materials recognized by ACI for crack control use will not be acceptable.

(c) Concrete mixes shall be in accordance with the Portland Cement Association (PCA) publication entitled PCA Design and Control of Concrete Mixtures, Thirteenth Edition, herein incorporated by reference.

(d) Terminology relating to concrete and concrete aggregates shall be in accordance with ASTM C 125-98, Standard Terminology Relating to Concrete and Concrete Aggregates, herein incorporated by reference.

(e) Concrete aggregates used in the manufacturing of all precast or poured-in-place concrete receptacles for use in onsite sewage treatment and disposal systems shall conform to ASTM C 33-99, Standard Specification for Concrete Aggregates, herein incorporated by reference.

(f) Minimum concrete cover over structural steel reinforcing shall be 3/4 inches. The minimum bend radius for structural reinforcing shall be three times the reinforcing bar diameter.

(g) Temperature and shrinkage crack control steel shall not be exposed. Exposure of fiber reinforcing is acceptable.

(h) Minimum 28-day compressive strength shall be 4000 psi.

(i) Three compressive test cylinders shall be prepared, cured, and tested in accordance with ASTM C 31-98, Standard Practice for Making and Curing Concrete Test Specimens in the Field, herein incorporated by reference, and ASTM C 39-96, Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens, herein incorporated by reference, at least one time every year, or whenever the manufacturer changes the design mix or the manufacturing process.

(j) The bottoms of concrete septic tanks shall be monolithic and shall be an integral part of the walls and shall not contain openings for any purpose, for example, to facilitate the removal of rainwater.

(k) Reapproval of designs approved prior to the effective date of this rule and approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the aggregate material, size and gradation; type and strength of cement; cement to aggregate ratios; water to cement ratio; and any other pertinent design data. Record the production process, for example; measuring equipment, batch sizes, mixing

sequence, transportation techniques from mixer to mold, pouring techniques with consolidation of concrete methods detailed.

2. Construct three tanks using the design mix.

3. Test two sets of cylinders from the design mix at 7 day and 28 days.

4. Structural proof test three tanks to the design strength in accordance with rule 6.013(1)(e).

5. Verify that the manufacturer is not removing tanks from the producer's facility prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(7) Fiberglass reinforced plastic onsite wastewater receptacles – the following structural requirements are applicable to fiberglass and polyethylene receptacles, and receptacles made of a comparable class of materials:

(a) Materials and sealants used in the tank manufacturing process shall be capable of effectively resisting the corrosive influences of the liquid components of sewage, sewage gases and soil burial. Materials used shall be formulated to withstand shock, vibration, normal household chemicals, deterioration from sunlight and other environmental factors.

(b) Not less than 30 percent of the total weight of the fiberglass tank shall be fiberglass reinforcement.

(c) Internal surfaces shall be coated with an appropriate gel coating to provide a smooth, pore-free, watertight surface.

(d) Fiberglass tanks shall be constructed so that all parts of the tank meet the following mechanical requirements.

1. Ultimate tensile strength – minimum 12,000 psi when tested in accordance with ASTM D 638-98, Standard Test Method for Tensile Properties of Plastics, herein incorporated by reference.

2. Flexural strength – minimum 19,000 psi when tested in accordance with ASTM D 790-98, Standard Test Methods for Flexural Properties of Unreinforced and Reinforced Plastics and Electrical Insulating Materials, herein incorporated by reference.

3. Flexural modulus of elasticity – minimum 800,000 psi when tested in accordance with ASTM D 790-98 Standard Test Methods for Flexural Properties of Unreinforced and Reinforced Plastics and Electrical Insulating Materials, herein incorporated by reference.

(e) A test report from an independent testing laboratory is required to substantiate that individual tank designs and material formulations meet the requirements of (d) above.

(f) Reapproval of designs approved prior to August 31, 1999 and approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the fiberglass and resin material specifications any other pertinent design data. Record the production process, for example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, and spraying techniques.

2. Construct three tanks using the design mix.

3. Test two sets of test strips from the design mix.

4. Structural proof test three tanks to the design strength per 6.013(1)(f).

5. Verify that the manufacturer is not planning to relocate the tanks prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(8) Grease interceptors are not required for a residence. However, one or more grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal. The design of grease interceptors shall be based on standards found in (a) below. In addition, the following general requirements found in (b), (c), and (d), apply when determining the proper use and installation of a grease interceptor used as a component of an onsite sewage treatment and disposal system.

(a) The inlet invert shall discharge a minimum 2 1/2 inches above the liquid level line and the outlet pipe shall have a tee with a minimum diameter of 4 inches that extends to within 8 inches of the bottom of the tank, and may be a single compartment.

(b) Interceptors must be located so as to provide easy access for routine inspection, cleaning and maintenance. Manholes shall be provided over the inlet and outlet of each interceptor and be brought to finished grade.

(c) Where a grease interceptor is required or used, only kitchen wastewater shall first pass through the interceptor and then be discharged into the first compartment of a septic tank or other approved system.

(d) Sizing of grease interceptors shall be based on the equations below. The minimum volume of any grease interceptor shall be 750 gallons and the maximum volume of a single grease interceptor shall be 1250 gallons. When the required effective capacity of the grease interceptor is greater than 1250 gallons, installation of grease interceptors in series is required.

1. Restaurants: (S) X (GS) X (HR/12) X (LF) = effective capacity of grease interceptor in gallons.

S = number of seats in the dining area

GS = gallons of wastewater per seat; use 25 gallons for ordinary restaurant, use 10 gallons for single service article restaurants.

HR = number of hours establishment is open.

LF = loading factor: use 2.0 interstate highways, 1.5 other freeways, 1.25 recreational areas,

1.0 main highways, and 0.75 other roads.

2. Other type establishments with commercial kitchens: (M) X (GM) X (LF) = effective capacity of grease interceptor in gallons.

M = meals prepared per day.

GM = gallons of wastewater per meal: use 5 gallons.

LF = loading factor: use 1.00 with dishwashing and 0.75 without dishwashing.

(9) Laundry waste interceptor – when a separate system is installed to accept effluent from a single home washing machine only, the retention tank or interceptor for such system shall meet the following minimum standards:

(a) The minimum effective capacity shall be 225 gallons.

(b) The interceptor shall be provided with a vented inlet tee, vented sweep, or a baffle.

(c) The interceptor shall not receive waste flow from kitchen fixtures or be used as a grease trap.

(10) Pump tanks and pumps – when used as part of an onsite sewage treatment and disposal system, the following requirements shall apply to all pump tanks manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) Pump tanks shall have a minimum effective capacity measured from the bottom of the tank to the invert of the inlet in accordance with Table II. Pump levels shall be set as low as practical to preserve as much reserve capacity as possible in the event of pump failure.

(b) Construction standards for pump tanks shall be the same as for treatment receptacles, except that single compartment tanks are allowed.

(c) When a pump is used as part of a system, the following conditions shall apply.

1. Pumps used to distribute sewage effluent must be certified by the manufacturer to be suitable for such purpose. The use of a timer as a part of any pump system shall not be allowed unless it is part of a design submitted by an engineer, or master septic tank contractor, and is approved by the department.

2. An audio and visual high water alarm shall be provided in a conspicuous location visible by system users to warn of pump failures. If the alarm is located outdoors, the alarm shall be waterproof and specified by the manufacturer for outdoor use.

3. A pump shall be placed in a separate compartment or tank, except when using a pump chamber insert. Except as noted below, any compartment or tank in which a pump is located shall not be considered when determining total effective capacity of a septic tank.

4. A pump chamber insert may, at the applicant's discretion, be used to house a pump inside a septic tank. If a pump chamber insert is used, it must be approved for use by the State Health Office. Approval shall be based on the ability of the pump chamber insert to effectively filter solids from the effluent prior to intake by the pump. The efficiency of solids removal by the pump chamber insert must be at least equal to a currently approved outlet filter device. Pump chamber inserts that do not meet this criteria shall not be approved and shall not be used. The filter device used as part of the pump chamber insert shall be considered to meet the requirement of using an outlet filter device for purposes of rule 64E-6.008(2). The tank or compartment used to house the pump chamber insert shall be included in calculating the minimum effective capacity of the tank, subject to the following conditions.

a. When placed in a compartmentalized tank or tanks in series, the pump chamber insert shall be placed in the last chamber or tank. When placed in a single compartment tank, the pump chamber insert shall be placed as close to the outlet side of the tank as possible. In no case shall the insert be placed farther than 1/2 the distance to the inlet as measured from the outlet of the tank. The pump chamber insert and filter shall be accessible for routine maintenance. The manufacturer shall provide instructions on how to maintain the filter unit and the insert device.

b. Pump levels shall be set so that the high water alarm is activated when the liquid level of the tank will exceed the height of the inlet invert of the tank. The pump-on switch shall be set to maintain the greatest possible effective capacity of the tank, and in no case shall it be set higher than 1 inch below the inlet invert. Floats used for operation of the pump shall be allowed outside the pump chamber insert.

c. The intake openings of the pump chamber insert shall not be located within 12 inches of the bottom of the tank, or within 12 inches of the liquid level line of the tank.

d. The volume discharged by the pump shall not exceed 1/4 of the average daily sewage flow in any dose.

e. A pump chamber insert shall not be used when the total absorption area for the system is greater than 1000 square feet, or when automatic dosing is required.

f. For new system installations, in addition to the requirements above, the total septic tank capacity shall include the required minimum septic tank effective capacity, which shall be contained below the pump-off switch level, plus the pumping tank capacity per Table II, plus the required 15% airspace.

g. For repair installations, in addition to the requirements of a. through f. above, pump chamber inserts shall not be used in an existing septic tank of less than 750 gallons effective capacity. In addition, the minimum tank liquid depth shall be 36 inches below the pump-off switch level and the minimum effective capacity contained below the pump-off switch level shall be within two tank sizes of that required in rule 64E-6.008, Table II. The total septic tank capacity shall include the minimum effective capacity within two tank sizes of required tank size, plus dosing capacity, plus dosing reserve capacity equal to the dosing capacity, plus freeboard or air space capacity which is equal to 15% of the minimum effective capacity.

(11) Transportation and installation.

(a) Onsite wastewater receptacles shall not be removed from the manufacturer's facility until the compressive strength of the concrete has reached 75% of the design strength. Use of concrete industry published graphs or tables indicating compressive strength vs. concrete age for the design mix are satisfactory proof of strength.

(b) Tanks shall be installed level.

(c) If a pumping device has been placed in the building sewer, an inlet device shall be used.

(d) Cast in place tanks or tanks manufactured with water stops below the invert of the outlet, and tanks with seams below the invert of the outlet shall be watertightness tested in accordance with ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2.2, after installation in the field.

(12) Repair of receptacles – Repairs shall be allowed for receptacles prior to shipment per ASTM, ACI, PCA and National Precast Concrete Association (NPCA), Septic Tank Manufacturing Best Practices Manual (1998), standards and publications. Tanks damaged after they leave the manufacturer's facility may be repaired for the following defects:

(a) Chips and cracks that occur above the invert of the outlet.

(b) Chips that occur below the invert of the outlet, provided that such chips to not penetrate more than 1/3 of the wall or bottom thickness.

(13) Effective Dates – Except at noted herein, all provisions of this section are effective immediately.

(a) Tanks that have been approved prior to the effective date of this rule must comply with rules 64E-6.013(2)(f) and (i), and 64E-6.013(6)(h), as of August 1, 2000 and must be reapproved for use in compliance with this entire section no later than February 1, 2002.

(b) Tanks that have not been reapproved as of February 1, 2002 shall not be used as part of an onsite sewage treatment and disposal system.

(14) All materials incorporated by reference in this section of rule may be obtained by contacting the department.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.55, Amended 3-17-92, 1-3-95, Formerly 10D-6.055, Amended 11-19-97, 2-3-98, _____.

64E-6.014 Construction Standards for Drainfield Systems

(2) Header pipe – Header pipe, when used, shall be installed in compliance with the following requirements:

(a) Header pipe shall meet one or more of the following requirements:

1. ~~of~~ ASTM D 3034-98~~89~~, Standard Specification~~s~~ for Type PSM Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings, herein incorporated by reference~~,~~ ~~ASTM F 892-90 Standard Specification for Polyethylene (PE) Corrugated Pipe with a Smooth Interior and Fittings,~~

2. ASTM D 2729-96~~89~~ Standard Specification for Poly(Vinyl Chloride)(PVC) Sewer Pipe and Fittings, herein incorporated by reference.

3. AASHTO M252M-96 Standard Specification for Corrugated Polyethylene Drainage Pipe, herein incorporated by reference. Materials used to produce this pipe shall meet ASTM D 3350-98a, Standard Specification for Polyethylene Plastics Pipe and Fittings Materials, Cell Classification 324420C, herein incorporated by reference.

4. ~~or~~ ASTM F 405-97, Standard Specification for Corrugated Polyethylene (PE) Pipe and Fittings, herein incorporated by reference. Materials used to produce this pipe shall meet ASTM D 3350-98a, Standard Specification for Polyethylene Plastics Pipe and Fittings Materials, Cell Classification 324420C or E, herein incorporated by reference.

5. ASTM F 810-99~~85~~, Standard Specification for Smoothwall Polyethylene (PE) Pipe for Use in Drainage and Waste Disposal Absorption Fields, herein incorporated by reference. Materials used to produce this pipe shall meet ASTM D 3350-98a, Standard Specification for Polyethylene Plastics Pipe and Fittings Materials, Cell Classification 32442C or E, herein incorporated by reference ~~for other pipe materials. Header pipe shall have a minimum inside diameter of 4 inches for gravity flow applications. Header pipe shall not be perforated~~.

(b) Corrugated or smooth wall fittings (elbows, tees and crosses) shall be acceptable for gravity flow headers. Header pipe interior shall be smooth. Header pipe shall have a minimum inside diameter of 4 inches for gravity flow applications. Header pipe shall not be perforated.

(c)~~(b)~~ The header pipe shall be laid level with direct~~,~~ ~~watertight~~ connections to each drainfield line and the septic tank outlet pipe. When installed in a drainfield which uses mineral aggregate, header pipe shall be encased in mineral aggregate, and shall be included as part of the drainfield area. Gravity flow header pipes, when installed within the mineral aggregate drainfield, may be non-watertight but shall be soil tight. Snap connections are acceptable. On non-mineral aggregate systems, header pipe must be supported by soil. All connections shall be such that all joints or fittings are firmly connected to pipes. When a drainfield system is a pumped system, ~~utilized which does not require the use of mineral aggregate or the header pipe is not included within the absorption surface area,~~ the header pipe and fittings shall be smooth-walled and watertight. Where the header pipe is not within the absorption surface area it shall not be included in drainfield size calculations, but shall be considered part of the

system. The header pipe shall be designed to distribute effluent as equally as practical to each individual drainline and shall be supported so that the header is laid level.

(c) renumbered (d) No change.

(3) Automatic dosing – where the total required area of drainfield is greater than 1000 square feet, an automatic dosing device discharging into a low pressure distribution network designed by a registered engineer shall be used. Plans and equipment specifications for automatic dosing systems shall be approved by the department prior to construction or installation. ~~Pumps used to distribute sewage effluent must be certified by the manufacturer to be suitable for such purpose. The use of a timer as a part of any dosing system shall not be allowed unless it is part of a design submitted by an engineer and is approved by the department.~~

(a) Dosing systems with 2000 square feet of drainfield or less shall consist of a pump ~~dosing~~ tank that receives the flow from a septic tank or other sewage waste receptacle. ~~This dosing tank shall be at least 24 inches in diameter, or equivalent rectangular size, and shall be provided with one or more pumps with level controls set in accordance with the requirements set forth in (c) and (d) of this section, and rule 64E-6.013(7)(a).~~ Two pumps shall be required for commercial use where dosing is required due to drainfield size or where gravity flow into the drainfield is not possible, and estimated establishment sewage flows exceed 500 gallons per day. Where more than one pump is used, t~~T~~he pumps shall dose alternately. Where dosing is required for a commercial system for flows of 500 gallons or less per day, only one pump shall be required if the drainfield does not exceed 2000 square feet.

(b) Systems having more than 2000 square feet of drainfield shall have a minimum of two dosing pumps, with each pump serving a proportionate amount ~~one-half~~ of the total required absorption area. The pumps shall dose alternately. ~~The dosing tank shall be at least 24 inches in diameter, or equivalent rectangular size, and the pumps shall be provided with effluent level controls set in accordance with the requirements set forth in (c) and (d) of this section, and rule 64E-6.013(7)(a).~~

(c) The volume dosed ~~of the dosing chamber~~ between the pump operating levels shall be adequate to assure that the entire drain pipe is dosed each cycle, or as stipulated by the design engineer.

(d) When a drainfield is installed in slightly limited soil, operating levels shall ~~should~~ be adjusted to dose the drainfield a maximum of six times in a 24 hour period. For moderately limited soils the drainfield shall ~~should~~ be dosed no more than two times in a 24 hour period. More frequent dosing may be allowed with systems designed by engineers registered in the state of Florida ~~Class I effluent from an approved aerobic treatment unit~~.

~~(e) Where a septic tank or sewage waste receptacle must be placed too low to permit gravity flow into a properly designed, constructed and located drainfield, a pump may be used to lift the effluent to a properly constructed header pipe or distribution box for effluent distribution by gravity throughout the drainfield. This provision shall apply only to drainfields of 1000 square feet or less of total area.~~

~~(f) An audio and visual high water alarm shall be provided in a conspicuous location visible by system users to warn of pump failures. If the alarm is located outside, the alarm shall be waterproof and specified by the manufacturer for outside use.~~

~~(g) A pump shall not be located within the septic tank, but shall be placed in a separate compartment or tank. A pump system shall not be configured in a manner which will cause the liquid level line within the septic tank to fall below the invert of the tank outlet device. Any compartment or tank in which a pump is located shall not be considered when determining total effective capacity of a septic tank.~~

(4) Lift dosing – Where a septic tank or sewage waste receptacle is placed too low to permit gravity flow into a properly designed, constructed and located drainfield, a pump tank with a pump or similar type device shall be used to lift the effluent to a properly constructed header pipe or distribution box for effluent distribution by gravity to the drainfield. This provision shall apply only to drainfields of 1000 square feet or less of total area. Tank size and pumps with effluent level controls and alarms shall be set in accordance with the requirements set forth in rule 64E-6.013(10).

(5)~~(4)~~ Drain trenches and absorption beds – drain trenches and absorption beds are the standard subsurface drainfield systems used for disposing of effluent from septic tanks or other sewage waste receptacles. When used, these systems shall be constructed as specified below.

(g) The inside diameter of the drain pipe used in drainfields shall be determined based on the type and design of the proposed absorption system. However, for standard gravity aggregate drainfield systems, inside pipe diameter shall not be less than 4 inches. Perforated pipe shall have two rows of holes, and a minimum perforated area of 1 1/2 square inches per linear foot. Perforations shall be located not less than 30^{o} or more than 60^{o} from the vertical on either side of the center line of the bottom of the pipe. However, for drainfield systems designed by an engineer, drainpipe perforation area and hole configuration shall assure that effluent is distributed as equally as possible throughout the drainfield area. All plastic pipe shall conform to the standards of ASTM D 3034-98~~89~~, Standard Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings, herein incorporated by reference, ASTM F 405-97~~89~~, Standard Specification for Corrugated Polyethylene (PE) Pipe ~~Tubing~~ and Fittings, herein incorporated by reference, or ASTM F 810-99~~85~~, herein incorporated by reference,.

(j) No part of a drainfield shall be placed within 18 inches of the treatment or pump ~~dosing~~ tank.

(6) All materials incorporated by reference in this section of rule may be obtained by contacting the department.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.56, Amended 3-17-92, 1-3-95, Formerly 10D-6.056, Amended 2-3-98, _____.

64E-6.015 Permitting and Construction of Repairs.

(6) Construction materials used in system repairs shall be of the same quality as those required for new system construction. Aggregate and soil in ~~Contaminated~~ spoil material from drainfield repairs shall not be used in system repair in any manner. Undamaged infiltration units, pipes and mechanical components may be reused on the original site. Any ~~contaminated~~ spoil material taken off site shall be disposed of in a permitted ~~sanitary~~ landfill or shall be limed and stockpiled for at least 30 days to prevent a sanitary nuisance. Offsite spoil material stockpile areas shall meet the prohibition requirements of rule 62-701.300(2), FAC. The resulting lime-treated material shall not be used for drainfield repair, or construction of any onsite sewage treatment and disposal system. Any use of the lime treated material shall not cause a violation of Chapter 386, F.S., and shall not impair groundwater or surface water. Mineral aggregate and soil in spoil material may, at the option of the septic tank contractor and the property owner, be buried on site if limed before burial. Lime amount must be sufficient to preclude a sanitary nuisance. Depth of seasonal high water table to the spoil material must be at least six inches. Setbacks for buried spoil material shall be the same as for onsite sewage treatment and disposal system drainfields. A minimum of six inches of slightly or moderately limited soil shall cover the spoil material and shall extend to at least five feet around the perimeter of the burial site. Any failing system shall, at a minimum, be repaired in accordance with the following criteria:

(h) If the total drainfield area exceeds 1000 square feet, or if the tank is too low to permit gravity flow into the drainfield, the drainfield shall be dosed. The requirements of rule 64E-6.014(3) ~~and 64E-6.014(3)(a)-(c)~~ shall be used for dosing requirements.

(7) If a repair cannot be made utilizing the standards in (6) above, all available area for drainfield repair shall be assessed and the repair permit shall allow for the maximum size drainfield that can be accommodated in the available area while allowing for the system to be installed above the wet season water table. Total removal of the existing drainfield and replacement of the drainfield in its original location shall be authorized if there is no additional area to enlarge the system. Setbacks to wells, surface water~~s~~ bodies, and other pertinent features which are less than the setbacks in (6) above shall not be reduced below existing setbacks. Nothing in this section shall be construed to allow a drainfield to remain in the wet season water table. The appropriate requirements for bottom of drainfield absorption surface to wet season water table separation in Table V shall be adhered to in all repairs.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041 FS. History–New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0571, Amended 2-3-98, _____.

64E-6.0151 Additive Use.

(1) Any onsite sewage treatment and disposal system additive or drainfield conditioner or restorative product sold or used in the state shall be in compliance with the requirements of s. 381.0065(4)(m), F.S. The following criteria shall be used in determining product compliance.

(a) Use of the product shall not result in violations of Surface Water Quality Rule 62-302.500, F.A.C. or Groundwater Quality Rules 62-520.400 and 62-520.420, F.A.C.

(b) The product's formula itself shall not exceed water quality contaminant concentrations in ss. 62-302.500, 62-520.400 and 62-520.420, F.A.C.

(c) The product shall contain no substance in concentrations or amounts that would interfere with or prevent the successful operation of an onsite sewage treatment and disposal system.

(2) If the Department determines an onsite sewage treatment and disposal system additive or drainfield conditioner or restorative product is not in compliance with the criteria in Rule 64E-6.0151, F.A.C., the Department shall notify the product manufacturer of the items in non-compliance. The product shall be allowed to be continued for sale and use in Florida for a maximum of 90 days from date of receipt of notification of violation. This is to allow the manufacturer an opportunity to exhibit to the department that the product satisfactorily complies with the conditions of s. 381.0065(4)(m), F.S., and this rule. In attempting to demonstrate compliance with s. 381.0065(4)(m), F.S., and this rule, the manufacturer shall provide at a minimum the following information:

(a) A listing of all physical, chemical, biological or other agents which make up the additive, conditioner or restorative and provide toxicity information for each component. This information shall include trade names, chemical names, and concentrations of all individual or complexed components. Any trade secret will be treated according to s. 381.83, F.S.

(b) A list of all known, expected, or possible reactions and by-products resulting from use of the product including the effect on bacteria, all standard contents of the tank, including sludge layer; scum layer; fats, oils and greases, and the effects on currently approved drainfield distribution systems.

(c) Evidence which demonstrates that use of the additive, drainfield conditioner or restorative product will not result in violations of surface water or groundwater standards in ss. 64E-6.0151, F.A.C.

(d) A description of the anticipated use of the product in onsite sewage treatment and disposal systems. Where and how the product is to be applied, any exceptions to application guidelines, the frequency of applications, who is allowed to perform the applications, and the amount and concentration of product per application shall be included in the product description. When the product should not be used shall also be included in the description.

(e) All studies done on the use of the additive, conditioner or restorative product which support or disputes the information required in rule 64E-6.0151, F.A.C. and which demonstrates the product will not harm public health or the environment and will not impair system components and functioning. Monitoring reports and data from systems in use shall be provided if available.

(f) A signed and dated certification by the manufacturer that states: "I certify under penalty of law that these documents and all attachments, to the best of my knowledge and belief, are true, accurate and complete, and represent all available data for [name of product or products]."

(g) Scientific documentation demonstrating claimed benefits occurring due to the use of the product.

(3) If the department determines that the product does not comply with the provisions of s. 381.0065(4)(m), F.S., the department shall stop the sale of the product or take other actions deemed necessary to preclude the sale and use of the non-compliant product.

Specific Authority 154.06, 381.0011, 381.006, 381.0065(4)(m) FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065(4)(m), 381.00655, 381.0066, 381.0067, 386.041 FS. History–New _____.

PART II

64E-6.017 Definitions.

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

(2) renumbered (1) No change.

(3) renumbered (2) No change.

(5) renumbered (3) No change.

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

(a) Biochemical Oxygen Demand ($CBOD_5$)	10~~5~~ mg/l
(b) Suspended Solids	10~~5~~ mg/l
(c) Total Nitrogen, expressed as N	10~~3~~ mg/l
(d) Total Phosphorus, expressed as P	1 mg/l

~~(e) Has received disinfection as defined by Chapter 62-600.440(5), F.A.C.~~

~~(4) Effective grain size – that size soil particle or grain, in millimeters, in which 10 percent by weight of the soil particles in a sample are smaller.~~

(6) renumbered (5) No change.

(6) Nutrient reducing material – material which is used in the final treatment stage of an onsite sewage treatment and disposal system to reduce effluent nutrient levels to the minimum level of waste treatment.

(7) Undocumented system – an onsite sewage treatment and disposal system that does not have a record of installation and approval. ~~but meets system construction standards for the time period the structure was originally built.~~

~~(8) Uniformity coefficient – the number representing the degree of homogeneity in the distribution of particle size of filter sand or other granular material. The coefficient is calculated by determining the ratio of the grain size in a soil sample that has 60 percent by weight finer than itself to the grain size which has 10 percent of the soil sample by weight finer than itself.~~

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, ~~Part I,~~ 386.041 FS. History–New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.062, Amended 3-3-98, _____.

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

Table III of Chapter 64E-6, Part I, and other subsections of Part I pertaining to soil texture, soil depth, and maximum sewage loading rates for specific soils shall not apply to areas subject to the provisions of this Part except for Table III, footnote 2. as it relates to the falling head percolation test procedure. However, ~~maximum system loading rates,~~ approved system design criteria, system location, operation, ~~and~~ maintenance and monitoring requirements of subsections 64E-6.018(1),(2), (3) and (4) shall apply. A minimum of one soil profile and one percolation test per application shall be required for site evaluations performed in the Florida Keys. However, a soil profile and percolation test is not required when the system design engineer ~~applicant~~ chooses the use of an injection well for effluent disposal. ~~The systems described in rule 64E-6.018 shall be considered as interim systems which meet the interim level of service standard required in rule 28-20.100(58)(B), FAC. Interim systems shall be permitted until such time as engineer-designed performance-based systems that meet or exceed advanced secondary treatment standards as defined in rule 64E-6.025(1) are available. Notwithstanding the requirements for total nitrogen (TN) and total phosphorus (TP) in rule 64E-6.025(1), the arithmetic mean of the TN values for the effluent samples collected (whether grab or composite technique is used) during an annual period shall not exceed 10 mg/l and the arithmetic mean of the TP values for the effluent samples collected (whether grab or composite technique is~~

~~used) during an annual period shall not exceed 5 mg/l. When systems meeting AWT standards become available, such systems shall be used in place of interim and advanced secondary treatment systems. Interim systems and advanced secondary treatment systems which have been permitted up to that point shall not be required to be replaced with a system which meets AWT standards.~~ All new onsite sewage treatment and disposal systems shall be designed by an engineer registered in the State of Florida and shall meet the minimum level of waste treatment as defined in Rule 64E-6.017. All receptacles subject to a positive buoyancy exposure shall be anchored or otherwise weighted to prevent flotation during flooding periods. The receptacles shall be evaluated for buoyancy while in their normal operating condition.

(1) An onsite sewage treatment and disposal system ~~Class I aerobic treatment unit~~ which meets the location, construction, maintenance and operational requirements of rule 64E-6.018(1)(a) or (b) shall be approved, provided that if an aerobic treatment unit is a component of the system design, ~~and~~ the certification, construction, operational and maintenance requirements of 64E-6.012 shall also be met ~~approved~~.

(a) When ~~Where a Class I aerobic treatment unit is utilized, and where~~ final effluent disposal is into a nutrient reducing material ~~sand~~ lined drainfield system, the following general requirements shall apply:

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

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

3. The bottom surface of the nutrient reducing material ~~sand~~ layer shall be at least 12 inches above mean high water.

~~4. The maximum sewage loading rate to an aerobic treatment unit absorption bed drainfield with underlying sand liner shall be 1.1 gallons per square foot per day.~~

5. renumbered 4. No change.

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

(b) ~~Provided a Class I aerobic treatment unit is utilized and provided effluent from the treatment unit, prior to discharge into an injection well, is passed through a mineral aggregate filter unit as described in rule 64E-6.018(1)(b), or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability, a~~An injection well shall be approved for final effluent disposal provided setbacks from salt marsh/buttonwood habitats and other surface water~~s~~ bodies cannot be met by another effluent disposal system noted above, and provided the installation is in compliance with the following:

2. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting authority ~~agent~~ for the engineer designed onsite sewage ~~aerobic~~ treatment unit~~, the filter unit~~ and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the engineer designed ~~aerobic~~ treatment unit ~~and the filter unit~~ and DEP is the permitting authority ~~agent~~ for the injection well and any additional associated effluent treatment device. ~~The effluent from the treatment unit permitted by the DOH Monroe County Health Department shall not exceed 20 mg/l $CBOD_5$ or 20 mg/l suspended solids on a permitted annual average basis and shall have disinfection in accordance with rule 64E-6.018(1)(b)8., F.A.C., prior to discharge into any injection well.~~

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

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

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

~~5. If a mineral aggregate filter as referred to in rule 64E-6.018(1)(b) is utilized, effluent discharge from the aerobic unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, rule 64E-6.014. Such distribution system shall be placed within the walls of the mineral aggregate filter, shall have at least 4 inches of soil cover and shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 2.36 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub-paragraph.~~

~~6. The maximum sewage loading rate to the mineral aggregate filter shall be 5.5 gallons per square foot per day based upon the top surface area of the filter layer. The maximum sewage loading rate to an approved filter unit other than a mineral aggregate filter as described in this section shall be evaluated by the State Health Office based on unit design, size, filter media characteristics and expected functional life of the unit.~~

~~7. Effluent having passed through a mineral aggregate filter shall collect in an underdrain for gravity or mechanical discharge into an injection well. The underdrain shall consist of minimum 4 inch diameter perforated drainpipe which is encased within a minimum 8 inch depth of 1/2 to 2 inch diameter washed and durable aggregate. The walls and bottom of the filter unit shall be reinforced concrete or other material of adequate strength and durability to withstand hydrostatic and earth stresses to which the unit will be subjected. The walls and bottom of the unit shall be made waterproof so that the total volume of effluent passed through the mineral aggregate filter will be collected in the filter underdrain for discharge into the injection well.~~

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

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

a. An injection well as defined in rule 64E-6.017(3)~~(6)~~, F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

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

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

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

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

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

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

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

1. The address of the system.

2. Date and time of inspection.

3. Sample collection time and date, and person who collected sample.

4. Results of all sampling.

5. Volume of effluent treated, to include total monthly and daily average.

6. Maintenance performed.

7. Problems noted with the treatment system and actions taken or proposed to overcome them.

(b) The maintenance entity shall at least annually sample the treated system effluent to determine compliance with the required minimum level of waste treatment.

(3) renumbered (4) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655 FS. History–New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.063, Amended 3-3-98, _____.

64E-6.0181 CESSPIT and Undocumented System Replacement ~~and Undocumented System Upgrade~~.

(1) Where a property is determined to have a cesspit or an undocumented system, the cesspit or undocumented system shall be required to be replaced with an onsite sewage treatment and disposal system complying with rule 64E-6.018, except as provided for in (2) and (3). ~~Where a property is determined to have an undocumented onsite sewage treatment and disposal system, such system shall be required to be upgraded to meet the Department of Health Policy for the Evaluation, Approval and Permitting of Existing Onsite Sewage Treatment and Disposal Systems in the Florida Keys, dated December 19, 1997, which is herein incorporated by reference.~~

(2) Existing onsite sewage treatment and disposal system applications submitted for approval in areas scheduled to be served by a neighborhood or central sewerage system by December 31, 2004, shall be approved if the system is not a cesspit and provided the system is functioning so as to not create a sanitary nuisance. If a neighborhood or central sewerage system will not be available by December 31, 2004, but is scheduled for availability by December 31, 2009, an applicant that does not have a cesspit shall be required to upgrade the onsite sewage treatment and disposal system to meet at least the following minimum design criteria:

(a) The existing septic tank shall be retrofitted with an approved outlet filter device.

(b) The existing drainfield shall be replaced with a drainfield having a design effluent loading rate not exceeding 1.2 gallons per square foot per day and shall have approved nutrient reducing material underlying the entire area of the drainfield.

(c) The bottom surface of the nutrient reducing material underlying the drainfield shall be a minimum of 6 inches above mean high water and the drainfield shall be set back from surface water the maximum distance practical.

(3) If a neighborhood or central sewerage system will be available by December 31, 2009, and the existing system is a cesspit, the cesspit shall be replaced with an interim onsite sewage treatment and disposal system which meets the following minimum interim system design, or a design that will produce at least an equal level of treatment as the interim system design. The minimum interim system shall be a properly sized septic tank per 64E-6.008, Table II, with an approved outlet filter and a drainfield having a design effluent loading rate not exceeding 1.2 gallons per square foot per day, and shall have a nutrient reducing material liner. The onsite sewage treatment and disposal system shall meet the maximum surface water setback achievable and the bottom surface of the nutrient removing material shall be a minimum of 12 inches above mean high water.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a) and (4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 386.01, 386.03, 386.041 FS. History–New 3-3-98, Amended _____.

64E-6.0182 Coordinated Permitting.

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

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.0011(4), 381.006(7), 381.0065, 381.00655, 386.01, 386.03, 386.041 FS. History–New 3-3-98, Amended _____.

Part III

64E-6.021 Issuance of Registration Certificates and Renewal.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, August 1999, herein incorporated by reference.

(6) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, ~~Part I~~ 386.041, Part III 489 FS. History–New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended _____.

PART IV

PERFORMANCE-BASED TREATMENT SYSTEMS

64E-6.025 Definitions.

Definitions in Chapter 64E-6, Parts I and II, are also applicable to Chapter 64E-6, Part IV.

(1) Advanced Secondary Treatment Standards: A wastewater system with the following operational criteria:

(d) Fecal coliform – system operation shall result in not more than 200 ~~14~~ fecal coliform colonies per 100 ml of effluent sample. Where chlorine is used for disinfection, the design shall include provisions for rapid and uniform mixing and a total chlorine residual of at least 0.5 ~~1.0~~ mg/l shall be maintained after at least 15 minutes contact time at the peak hourly flow. To determine compliance of a system, the following operational criteria (using either MF or MPN methods) are applicable.

1. The arithmetic mean of the fecal coliform colonies collected during the annual period shall not exceed 200 ~~14~~ per 100 ml of effluent.

2. The median value of the fecal coliform colonies for a minimum number of 10 samples of effluent, each collected on a separate day during a period of 30 days (monthly) shall not exceed 200 ~~14~~ per 100 ml of sample.

3. No more than 10% of the samples collected during the period of 30 consecutive days shall exceed 400 ~~43~~ fecal coliform colonies per 100 ml of sample.

4. Any one sample shall not exceed 800 ~~86~~ fecal coliform colonies per 100 ml of sample.

(3) Baseline system standards – A passive, gravity fed subsurface trench system that is made up of the following components and characteristics, and is in compliance with Part I requirements:

(b) an approved outlet filter device meeting the manufacturers recommendations, installed on or immediately after in a separate chamber the septic tank discharge outlet immediately prior to discharge into the drainfield,

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 2-3-98, Amended .

64E-6.028 Location and Installation.

Performance-based treatment systems shall be installed in compliance with the following.

(1) Systems shall receive the following setbacks to the listed feature. If no setback is specified for a specific feature, Part I requirements shall apply unless the performance-based treatment system is located in the Florida Keys. If located in the Florida Keys, Part II shall be used for all setbacks.

(a) Secondary Treatment Standards. The system shall be a minimum of 65 feet from any surface water bodies or wet retention or detention area if the lot was platted on or after January 1, 1972.

(b) Advanced Secondary Treatment Standards

1. Surface water bodies: The system shall be a minimum of 50 feet from any surface water bodies or wet retention or detention area if the lot was platted on or after January 1, 1972.

4. Where a performance-based treatment system is placed adjacent to Class II waters, setbacks that are applied to secondary treatment levels shall be applicable. Alternatively, where the fecal coliform complies with the following levels, reduced setbacks in rule 64E-6.028(1)(b)1. through 3. above shall be allowed.

a. System operation shall result in not more than 14 fecal coliform colonies per 100 ml of effluent sample. Where chlorine is used for disinfection, the design shall include provisions for rapid and uniform mixing and a total chlorine residual of at least 1.0 mg/l shall be maintained after at least 15 minutes contact time at the peak hourly flow. To determine compliance of a system, the following operational criteria (using either MF or MPN methods) are applicable.

b. The arithmetic mean of the fecal coliform colonies collected during the annual period shall not exceed 14 per 100 ml of effluent.

c. The median value of the fecal coliform colonies for a minimum number of 10 samples of effluent, each collected on a separate day during a period of 30 days (monthly) shall not exceed 14 per 100 ml of sample.

d. No more than 10% of the samples collected during the period of 30 consecutive days shall exceed 43 fecal coliform colonies per 100 ml of sample.

e. Any one sample shall not exceed 86 fecal coliform colonies per 100 ml of sample.

(c) Advanced Wastewater Treatment Standards

1. Surface water bodies: The drainfield shall be a minimum of 25 feet from any surface water bodies or wet retention or detention area. The treatment unit or process containers shall be a minimum of 50 feet from any surface water bodies or wet retention or detention area.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 2-3-98, Amended .

64E-6.029 Monitoring.

Monitoring requirements – All performance-based treatment systems shall be monitored in compliance with the following requirements.

(1) Advanced wastewater treatment systems

(a) A maintenance report shall be kept by the performance system maintenance entity. A copy of all maintenance reports shall be provided to the county health department on monthly intervals, to begin one month after system operation has started. After the first six reports are provided to the county health department, reports shall be provided once every three months. All reports must be legible. The report shall include the following information.

8. During the first six months of system operation, or after the system has failed, systems shall be monitored a minimum of once every two weeks. Monitoring shall include sampling for $CBOD_5$, TSS, TN, TP and fecal coliform. Monitoring shall occur at the time the system is expected to be at capacity, or as close to capacity as possible. Re-sampling within 48 hours of receipt of laboratory results shall be allowed on all samples that exceed design parameters in order to evaluate the validity of the original sample results. If the re-sample is in compliance with the appropriate performance-based standard, the original result shall be disregarded. Laboratories must be approved by the department or the Department of Environmental Protection for all analyses performed. All results shall be certified by the laboratory.

c. When an applicant installs a system designed to meet advanced wastewater treatment standards, the monitoring frequency shall be reduced by 50% if only one of the following three location and installation requirements is used and the other two remain at the standards required of prescriptive systems. The three requirements are:

(II) Seasonal high water table 64E-6.028(1)(c)4.~~(d).~~

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, ~~Part I~~ 386.041, 489.553 FS. History–New 2-3-98, Amended _____.

Part V

64E-6.030 Fees.

(1) The following fees are required to accompany applications for site evaluations, construction, modifications to existing systems or repair permits, and other services provided by the department, but do not include performance-based treatment systems.

(c) Site evaluation for a system repair which includes an evaluation of criteria specified in rule 64E-6.015(1), or modification of a system.	$40
(d) Site re-evaluation, new or repair, or modification of a system	$40
(e) Permit for new system, or modification to system. ~~including standard subsurface, filled or mounded system~~	$55
(f) New system or modification of a system installation inspection	$55
The following research fee is to be collected in addition to, and concurrent with the permit for a new system installation fee	$5
(h) Inspection of System Previously in Use, does not include modifications to system	$50

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 381.0066, 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0066, 381.0067, ~~Part I~~ 386.041, 489.553, 489.554, 489.555, 489.557 FS. History–New 2-3-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerald Briggs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bart Bibler, Chief, Onsite Sewage Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES:	RULE NOS.:
Definitions	68B-13.0015
Stone Crabs, Regulation	68B-13.002
Designation as Restricted Species; Season	68B-13.005
Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes	68B-13.006
Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws	68B-13.007
Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer	68B-13.008
Recreational Stone Crab Harvest – Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling	68B-13.009
Stone Crab Trap Limitation Program	68B-13.010
Prohibitions	68B-13.011

PURPOSE AND EFFECT: Rapid growth of Florida's stone crab industry has created problems in the stone crab fishery, and associated problems in the state's marine resources. Continuously increasing trap numbers have reduced efficiency without producing additional yield. The excessive number of traps in the water also has increased conflicts between crabbers and shrimp trawlers, led to detrimental harvesting practices, and damaged live coral bottoms and grass beds. In addition, the large number of buoys and ropes associated with traps creates shoreline debris when lost, impedes navigation, and results in unnecessary entanglement and mortality of threatened and endangered sea turtles and manatees. In an attempt to create a more efficient fishery and minimize natural resource damage, the Fish and Wildlife Conservation Commission is proposing to manage the effort associated with the stone crab fishery by implementing a passive reduction, trap limitation program. The program seeks to reduce the number of traps as participants leave the fishery. The effect will be to allow existing fishers to continue their present level of operation and maintain overall catch levels, while simultaneously reducing the number of traps in Florida's waters.

In addition, with the recent creation of the Fish and Wildlife Conservation Commission as the state agency vested with full constitutional rulemaking authority over marine life, this rulemaking proposes to incorporate substantive provisions presently existing in s. 370.13, F.S., into the commission's stone crab rule chapter. Accordingly, language is added to establish an open season for the harvest and sale of stone crab claws, designate stone crabs as a restricted species, extend the moratorium on endorsements until July 1, 2001, and provide prohibitions relating to traps and the trap limitation program. Finally, as a benefit to commercial harvesters, a new provision has been added to provide a means to allow another person pull a harvester's traps for limited periods of time.

All of this is done against the backdrop of a reorganized rule chapter. As substantive provisions have been added over time, it was felt that, in particular, Rule 68B- 13.002, FAC., grew too large in size, incorporating the regulation of too many diverse aspects of the fishery. Thus, the rule chapter has been made more readily understandable for the public through greater organization of the subject matter into more clearly delineated rules. The effect of these proposed amendments will be to provide greater protection for Florida's stone crab fishery while organizing all stone crab regulations into one comprehensive rule chapter.

SUMMARY: Rule 68B-13.015, FAC., is amended to clarify the definition of stone crab and to include definitions of "immediate family", "incidental take endorsement", and "stone crab endorsement". Rule 68B-13.002, FAC., is repealed, however, the rule's provisions are maintained and reorganized throughout the rule chapter. New Rule 68B-13.005, establishes within the Commission's rule chapter, the requirements presently existing within Florida Statutes, that provide a season for stone crabs and designate stone crabs as a restricted species. Paragraph (a) of subsection (1) of new Rule 68B-13.006, clarifies the existing requirement that a stone crab endorsement is required to harvest stone crabs for commercial purposes, and that such endorsement shall only be issued to a person, firm or corporation that possesses a valid saltwater products license with a restricted species endorsement. Paragraph (b) of subsection (1) of the same rule continues until July 1, 2001, what is presently a statutorily based moratorium on the issuance of new endorsements, and subsection (2) contains a provision transferred from Rule 68B-13.002, regarding the issuance of permits for scientific, experimental, educational and exhibitional purposes. New Rule 68B-13.007, contains regulations regarding the size, transport and possession of stone crabs and stone crab claws, transferred from repealed Rule 68B-13.002. New Rule 68B-13.008, contains regulations governing gear, trap construction, commercial trap marking requirements, trap transfer, and rules governing working traps, previously within repealed Rule 68B-13.002. Paragraph (c) of subsection (4) of the same rule provides a new provision which allows commercial harvesters to obtain permission to allow another harvester pull his or her traps. New Rule 68B-13.009, contains provisions from repealed Rule 68B-13.002, governing recreational stone crab harvest. New Rule 68B-13.010 establishes the stone crab trap limitation program. Subsection (1) provides the purpose and intent of the program. Subsection (2) provides parameters for certificates and trap tags. Subparagraph (a)1., establishes eligibility criteria for obtaining trap certificates; subparagraph (a)2., provides the formula for the initial allotment of certificates; subparagraph (a)3., establishes that certificates shall only be issued to natural persons and provides a definition for the term "natural persons" or "person"; subparagraph (a)4., establishes that certificates shall only be issued to persons who possess a current year saltwater products license and a stone crab endorsement neither of which are under suspension or revocation; subparagraph (a)5., asserts that no person or entity shall possess or control more than 1% of available certificates during any one fishing season; and (a)6., establishes that unpaid certificate fees may accumulate for up to three years, after which time such certificates shall be removed from the pool of available certificates. Subsection (b) establishes the requirement of having a current tag firmly attached to each stone crab trap. Paragraph (a) of subsection (3) provides requirements for the transfer of certificates, and (3)(b), establishes the schedule for the percentage reduction in the number of available certificates upon sale or transfer outside the immediate family. In paragraph (c) it is established that the Commission will provide endorsement holders annual statements of their certificate accounts; and in (d), parameters for transfer upon the death or disability of a certificate holder are provided. Subsection (4) prohibits the leasing of certificates; subsection (5) establishes an endorsement which allows commercial harvesters to land up to 5 gallons of stone crabs as an incidental take, when legally harvesting blue crabs or spiny lobster; and in subsection (6), it is asserted that this program does not create any vested rights for the participants. Subsection (7) establishes the Trap Certificate Advisory and Appeals Board. The board's composition is established in paragraph (a), and paragraph (b) provides parameters for meetings held by the board. Subsection (c) establishes that board members shall receive no compensation but shall be reimbursed for expenses. Subsection (d) addresses the final action of the board in providing recommendations to the executive director of the Commission whose decision constitutes final agency action. Board authority in allotting certificates is established in subsection (e), along with a list of special circumstances for the board's consideration, and subsection (f) provides a dissolution date of July 1, 2002 for the board. Finally, new Rule 68B-13.011, provides a list of prohibitions related to traps and to the trap limitation program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposal will regulate the trap fishery for stone crabs by limiting participation to persons holding a stone crab commercial endorsement, X Number, during the 1994/95 fiscal year and continuing to renew it

through 1999/2000. Each fisherman's traps will be documented with a trap certificate. The program will require fishermen to pay for the annual endorsement, pay for a trap tag for each trap, and pay for the sale of certificates outside the immediate family. The program will convey to the fishermen, the ability to sell certificates for market value. Certificates for lobster traps have become a valuable asset in the lobster fishery, however the program will not create a vested right so the certificates will only have value so long as the program continues. The program will reduce the number of traps, any time they are sold outside the immediate family, to reduce the total number of traps in the fishery. The estimate of initial program traps is 1.4 million while the optimum number of traps necessary to maintain catch levels is thought to be at least 600,000. As traps are reduced, the revenue per trap should increase. The reduction in traps will reduce fixed and variable costs of fishing and reduce problems associated with lost gear and crowding of traps. Implementation will require support from law enforcement and marine fisheries services for tag compliance, tag dissemination, certificate tracking, appeal of certificate assignments, and program eligibility appeals. The rule does not create new fishing gear design standards but the proposal will increase paperwork. All businesses affected by the rule are assumed to be small businesses and the net effect will be beneficial, small cities and counties will not be affected, employment levels in the fishery will be affected.

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: Article IV, Section 9, Florida Constitution.

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT A DATE TIME AND PLACE TO BE ANNOUNCED AT A LATER TIME IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-13.0015 Definitions.

(1) The term "stone crab" for purposes of this chapter and Section 370.13, Florida Statutes, means any crustacean of the species Menippe mercenaria or Menippe adina or their ~~the~~ interbreeding hybrids ~~hybrid Menippe mercenaria x adina,~~ or any part of such crustacean.

(2) As used in this rule chapter:

(a) "Harvest" means the catching or taking of a stone crab by any means whatsoever, followed by a reduction of such stone crab to possession. Stone crabs caught but immediately returned to the water free, alive, and unharmed, temporarily possessed to determine compliance with size requirements or remove claws, or stored aboard a vessel temporarily until claws are removed as authorized by Rule 68B-13.007(3) ~~68B-13.002(1)(c)~~, FAC., are not harvested.

(b) "Harvest for commercial purposes" means the taking or harvesting of stone crabs for purposes of sale or with intent to sell or in excess of the recreational bag limit.

(c) The term “immediate family” for purposes of this chapter and Section 370.13, Florida Statutes, refers to an endorsement or certificate holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half brother.

(d) “Incidental take endorsement” means an identification number stamped on a saltwater products license, showing that the holder of the license is authorized to harvest a limited amount of stone crab claws for commercial purposes as specified in this rule chapter. Such endorsement shall only be valid when used in conjunction with a crawfish or blue crab endorsement.

(e) “Stone crab endorsement” means an identification number stamped on a saltwater products license showing that the holder of the license is authorized to harvest stone crabs for commercial purposes.

(f) "Untreated pine" means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 8-25-87, Amended 10-4-95 Formerly 46-13.0015, Amended _____.

68B-13.002 Stone Crabs, Regulation.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 4-10-85, Formerly 46-13.02 and 46-13.002, Amended 4-18-90, 6-17-93, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Repealed _____.

68B-13.005 Designation as Restricted Species; Season.

(1) Stone Crabs are hereby designated as a restricted species pursuant to s. 370.01(21), F.S.

(2) The season for the harvest, possession and sale of stone crab claws shall be from October 15 through May 15, each year. No person, firm or corporation, shall harvest, or have in his or her possession, regardless of where taken, or sell or offer for sale, any stone crab of any size, or any parts thereof, from May 16 through October 14, each year, except for stone crab claws, placed in inventory by a wholesale or retail dealer as defined in s. 370.07, F.S., prior to May 16 of each year.

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

68B-13.006 Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes.

(1)(a) Except as provided in Rule 68B-13.010(5), FAC., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to s. 370.06, Florida Statutes.

(b) Until July 1, 2001, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the 1999-2000 fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, 2000. Failure to renew by September 30, 2000, shall lead to the deactivation of the holder's endorsement.

(2) In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess whole stone crabs, dead or alive, solely for experimental, scientific, educational or exhibitional purposes.

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

68B-13.007 Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws.

(1) Except as provided in subsection (3) of this rule, and in subsection (2) of Rule 68B-13.006, FAC., it is unlawful to harvest, possess, sell, or offer for sale any stone crab claw at any time which has a forearm (*propodus*) of less than 2-3/4 inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. The forearm shall be deemed to be the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body of the crab.

(2) Except as provided in subsection (3) of this rule, and in subsection (2) of Rule 68B-13.006, FAC., it is unlawful for any person, firm, or corporation to possess or transport by boat, land vehicle, airplane, or other conveyance any intact stone crab or stone crab body whether dead or alive. Only legal sized claws of stone crabs may be possessed or transported.

(3) Live stone crabs may be held on board a vessel while it is at sea until such time as the claws are removed, provided the crabs are held in shaded containers and wet with sea water every 30 minutes, or more often if necessary, to keep the crabs in a damp condition. Containers shall not be stacked in a manner which compresses the crabs.

(4) It is unlawful to remove claws from egg-bearing female stone crabs or to have any egg-bearing female stone crab on board a vessel.

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

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

(1) Gear. It is unlawful to use any device in the taking of stone crabs that can puncture, crush, or injure the crab body, such as spears, grains, grabs, hooks, or similar devices.

(2) Trap Construction. No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or placed, in the harvest of stone crabs, any trap which does not meet the following requirements:

(a) Each trap shall be constructed of either wood, plastic, or wire.

(b) Such traps shall have a maximum dimension of 24 inches, by 24 inches, by 24 inches or a volume of 8 cubic feet.

(c)1. The throat or entrance to all wood and plastic traps shall be located on the top horizontal section of the trap. If the throat is longer in one dimension, the throat size in the longer dimension shall not exceed 5 1/2 inches and in the shorter dimension shall not exceed 3 1/2 inches. If the throat is round, the throat size shall not exceed 5 inches in diameter.

2. Each throat (entrance) in any wire trap used to harvest stone crabs shall be horizontally oriented. The width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, shall be greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from where the throat opening meets the vertical wall of the trap to the throat opening at its farthest point from the vertical wall, inside the trap.

3. Each wire trap used to harvest stone crabs shall have at least three unobstructed escape rings installed on a vertical outer surface, each with a minimum diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

4. Each plastic or wire trap used to harvest stone crabs shall have a degradable panel.

a. A plastic trap shall be considered to have a degradable panel if it contains at least one sidewall with a rectangular opening no smaller in either dimension than that of the throat. This opening must be obstructed with a cypress or untreated pine slat or slats no thicker than 3/4 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

b. A wire trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(I) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(II) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(III) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2-inches in length by 3/8-inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(IV) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(V) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VI) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VII) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(3) Commercial Trap Marking Requirements.

(a) Each trap used must have the trap owner's stone crab endorsement number permanently attached. In addition, the stone crab endorsement number shall be affixed in legible figures at least two inches high, on each buoy used. The saltwater products license must be on the boat and the license and stone crab claws shall be subject to inspection at all times. Except as provided in paragraph (4)(c) of this rule, no more than two stone crab endorsement numbers shall be used on a single vessel.

(b) A buoy or time release buoy shall be attached to each trap or at each end of a weighted trap trotline. The buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a stone crab trap or attached to a trotline shall float on the surface of the water.

(c) The buoy color and endorsement number shall also be permanently and conspicuously displayed on any vessel used by a person harvesting for commercial purposes for setting and collecting said traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

1. From the Air – The buoy design approved by the Commission shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the endorsement number permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

2. From the Water – The buoy design approved by the Commission shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter,

outlined in a contrasting color, together with the endorsement number permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(4) Trap-working regulations.

(a) It is unlawful for any person to place traps in the navigation channels of the intracoastal waterways, or in navigation channels maintained and marked by the Corps of Engineers, Coast Guard, State of Florida, or any county or municipal government.

(b) Traps may be worked during daylight hours only, and the pulling of traps from one hour after official sunset until one hour before official sunrise is prohibited.

(c) During the regular season, and during the period of trap retrieval established in paragraph (d) of subsection (4) of this rule, a harvester may obtain permission from the Division of Law Enforcement to allow another person to pull his or her traps. Permission may be granted upon receipt of a written statement signed by the commercial harvester seeking to have his or her traps pulled. Such written statement shall contain the following:

1. The reason the harvester needs to have his or her traps pulled,

2. The numbers of the saltwater products license, restricted species endorsement, and stone crab endorsement of both, the harvester seeking to have the traps pulled and the person who will be pulling the traps,

3. The buoy colors of the harvester seeking such permission,

4. The vessel number and vessel name of the person who will be pulling the traps, and

5. The general locations of the pulling activity of the vessel engaged in pulling the traps.

Permission to pull traps in this manner shall be obtained daily; however, extension of permission may be obtained by telephone for up to a maximum of 5 days without renewal or extension. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident, and may be obtained through petition to the Division of Marine Fisheries, and may be granted upon such conditions as the division deems appropriate.

(d) Except as provided in paragraph (e) of this subsection, it shall be unlawful to transport on the water, fish with, set, or place, or cause to be fished with, set, or placed, any trap or part thereof during the closed stone crab season, except that traps may be placed in the water and baited 10 days prior to the opening of the stone crab season and shall be removed within five days after the close of the stone crab season. However, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission may grant an extension for the retrieval of traps for up to a maximum of ten days after the expiration of the five-day grace period, or a total of up to 15 days after the close of the stone crab season, upon the following conditions:

1. The trap owner or the owner's lawfully designated agent shall request, in writing, permission for an extension of the grace period for retrieval of traps. The request shall specify the owner's name and trap number, the name of the boat to be used for trap retrieval, the boat owner's name, the period of additional time needed for trap retrieval, and the reason(s) for the request.

2. On the day that trap retrieval commences, and on each subsequent day that trap retrieval continues, the Division of Law Enforcement must be advised in person or by telephone of the trap locations and landing site.

3. Reasons for granting an extension shall be limited to:

a. Hazardous weather at the end of the season or during the trap retrieval period.

b. Medical emergencies which make it impossible for the owner to operate a boat.

c. Equipment breakdown.

4. Nothing herein shall authorize the landing or sale of any stone crab or stone crab claw during the closed season.

(e) Any traps, floats or ropes in the water more than ten days prior to the opening of the stone crab season or remaining in the water or otherwise abandoned during the closed season (following the grace period and any extensions thereof for retrieval of traps) are declared to be public nuisances and shall be disposed of in a manner approved by the Division of Law Enforcement. This provision shall be in addition to any penalty imposed by law.

(5) Trap Transfer. Ownership of stone crab traps may be transferred to other persons, firms or corporations, so long as the following conditions are met:

(a) The person or entity acquiring ownership of such stone crab traps must notify the Division of Law Enforcement within five days of acquiring ownership and prior to placing or setting the traps in the water, as to the number of traps purchased, the vendor and the endorsement number currently displayed on the traps, and in addition, shall request issuance of a stone crab endorsement if such person or entity does not currently have one.

(b) Buoys must be renumbered and recolored at the first pulling of traps.

(c) The new endorsement number must be permanently attached to the traps prior to setting such traps in the following open season.

(d) The new owner must retain a valid bill of sale.

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

68B-13.009 Recreational Stone Crab Harvest – Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling.

(1) Bag limit. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement and a restricted species endorsement, each harvester of stone crab claws is subject to a daily bag limit of 1 gallon of stone crab claws; provided, however, that no more than 2 gallons shall be possessed aboard any vessel at any time.

(2) Trap limit. No person harvesting stone crabs pursuant to this paragraph shall fish with, set, or place in the waters of the state more than 5 traps. Any such traps shall meet all requirements for stone crab traps specified in Rule 68B-13.008, FAC., in subsection 2, and in paragraph 3(b), 4(a), 4(b), 4(d), and 4(e).

(3) Trap marking requirements. The buoy attached to each trap used to harvest stone crabs, other than those used to harvest for commercial purposes, shall have a legible "R", at least two inches high, permanently affixed to it. The trap shall have the harvester's name and address permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

(4) Trap pulling. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement and a restricted species endorsement, no person shall use any means other than manual means to pull stone crab traps in or from the waters of the State of Florida.

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

68B-13.010 Stone Crab Trap Limitation Program.

(1) Purpose and Intent. Rapid growth of Florida's stone crab trap industry has led to an excessive number of traps in the water, declining yields per trap, and an increase in conflicts between stone crabbers and shrimp trawlers. The expanding number of traps, buoys and ropes impede navigation and damage hard bottom and sea grass beds. In an effort to solve these problems, the Fish and Wildlife Conservation Commission is establishing a trap limitation program for the stone crab fishery in which the principal goal is to stabilize the fishery while generating an optimum sustainable yield utilizing the fewest number of traps.

(2) Certificates and trap tags. Each holder of a stone crab endorsement must have a certificate on record for each stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. A person is eligible for stone crab trap certificates if he or she possessed a saltwater products license (SPL) with a restricted species endorsement and a stone crab endorsement during the 1998/1999 fishing season, and can establish pursuant to Commission trip ticket records generated under the provisions of s. 370.07(6), F.S., that he or she had at least 300 pounds of stone crab claw landings associated with any one SPL, during any one fishing season from 1995/1996 through 1997/1998. A SPL with less than 300 pounds is not eligible to receive stone crab trap certificates.

2. Once eligible, a person will qualify for certificates for each SPL based on whichever is less, the number of traps listed on the SPL application (as long as such application indicates stone crab claw landings of at least 300 pounds), or the pounds of claws landed divided by 2, as reported through the trip ticket program during any one of the applicable fishing seasons. The number of certificates allocated will be based on the highest cumulative total of qualified certificates for each SPL during one fishing season, 1995/1996 through 1997/1998.

3. Certificates shall only be issued to natural persons. For the purposes of this section, the term "natural person", or "person", refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. All endorsement holders other than natural persons shall designate the person or persons to whom their certificates will be allotted and the number thereof to each, if more than one.

4. Certificates shall only be issued to persons who possess a current year saltwater products license with a stone crab endorsement, neither of which are under suspension or revocation.

5. In no event shall any person, firm, corporation, or other business entity, possess or control, directly or indirectly, more than 1% of the total available certificates issued in any fishing season.

6. The fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificate shall be considered abandoned and be removed from the pool of available certificates.

(b) Trap tags. Beginning October 1, 2001, each trap used for the directed harvest of stone crabs in state waters or adjacent federal waters shall, in addition to having the stone crab endorsement number permanently attached as required by Rule 68B-13.008(3)(a), FAC., also have firmly affixed thereto a current trap tag issued annually by the Commission. Each such tag shall be made of durable plastic or material similarly durable and shall have stamped thereon the owner's endorsement number. The number of trap tags issued to each endorsement holder shall not exceed the number of trap certificates held by the endorsement holder at the time of issuance. To facilitate enforcement and record keeping, such tags shall be issued each year in a different color from that of each of the previous 3 years. Replacement tags for lost or damaged tags may be obtained from the Commission. Traps with tags which are not firmly affixed by nails, staples, or

otherwise securely fastened as may be specified by the Commission, shall be considered untagged for enforcement purposes.

(3) Certificate transferability and passive reduction. After initial issuance, trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.

(a) Transfer of any certificates shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the Commission and hand delivered or sent by certified mail, return receipt requested, to the Commission for record keeping purposes. No transfer of any certificates will be effective, resulting in the issuance of transfer tags until:

1. The Commission receives the notarized transfer form from the seller and the transfer fee is paid, and

2. The Commission receives a notarized copy of the bill of sale from the purchaser, and

3. All outstanding license fees, endorsement fees, trap tag fees, surcharges and any other charges owed to the Commission by either party in the transaction are paid, and

4. The saltwater products license, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations held by both parties in the transaction are not suspended, revoked, or inactive.

(b) Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by the following percentages depending on the overall number of certificates available to harvesters throughout the state at the time of sale:

1. If more than 1 1/2 million certificates are available, there shall be a 25 percent reduction in the number of certificates received by the purchaser.

2. If more than 1 1/4 million, but fewer than 1 1/2 million certificates are available, there shall be a 22 1/2 percent reduction in the number of certificates received by the purchaser.

3. If more than 1 million, but fewer than 1 1/4 million certificates are available, there shall be an 18 1/2 percent reduction in the number of certificates received by the purchaser.

4. If more than 3/4 of a million, but fewer than 1 million certificates are available, there shall be a 15 percent reduction in the number of certificates received by the purchaser.

5. If more than 600,000, but fewer than 3/4 of a million certificates are available, there shall be a 10 percent reduction in the number of certificates received by the purchaser.

6. When 600,000 certificates or fewer are available, there shall be no percentage reduction in the number of certificates received by the purchaser.

(c) The Commission will maintain records of all certificates and their transfers and annually provide each endorsement holder with a statement of their certificate account.

(d) In the event of death or disability, endorsements and certificates may be transferred to a member of the immediate family without the family member being subject to any transfer fees or a reduction in the number of certificates transferred. However, certificates will only be transferred if all outstanding license fees, endorsement fees, trap tag fees, surcharges and any other charges owed by either party to the Commission are paid, and both parties' saltwater products license, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations are not suspended, revoked or inactive.

(4) Leasing prohibited. The leasing of stone crab certificates or the corresponding trap tags is prohibited.

(5) Incidental take endorsement. Persons possessing valid crawfish or blue crab endorsements may land 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a stone crab incidental take endorsement.

(6) No vested rights. The stone crab trap limitation program does not create any vested rights for endorsement or certificate holders whatsoever and may be altered or terminated by the Commission as necessary to protect the stone crab resource, the participants in the fishery, or the public interest.

(7) Trap Certificate Advisory and Appeals Board. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties,

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties,

(III) Manatee, Sarasota, Charlotte, or Lee Counties, and

c. The remaining five members of the board shall come from Collier, Monroe and Dade Counties.

d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1, the executive director must replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member, and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in s. 112.061, F.S.

(d) Final Action. Upon reaching a decision on any dispute or problem brought before it, including any decision involving the initial allocation of certificates under paragraph (f), the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director may accept, alter, or disapprove any decision of the board, with notice given in writing to the board and to each party in the dispute explaining the reasons for the alteration or the disapproval. The action of the executive director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, F.S.

(e) Board Authority. In addition to those certificates allotted pursuant to the initial eligibility provisions established in subparagraph (2)(a), up to 100,000 trap certificates may be allotted by the board to make recommendations on allocations to settle disputes or other problems arising from implementation of the trap limitation program, and for special circumstances.

1. Disputes arising from the implementation of the trap limitation program shall cover those problems arising from implementation of the program during the 2000-2001 and 2001-2002 fishing seasons.

2. Special circumstances shall include but are not limited to the following:

a. Fishermen who can demonstrate that they were affected by Chapter 73-432, Laws of Florida (1973), which limited fishermen in Citrus, Dixie, Levy, and Taylor Counties to 600 stone crab traps per boat.

b. Persons who had landings, but did not record any traps on their saltwater products license application during the qualifying years and therefore did not receive an initial trap certificate allocation.

c. Persons who can demonstrate through copies of trip tickets, legitimate sales to a licensed wholesale dealer which were not reported by the dealer or included in the agency landings database.

d. Persons displaced by Article X, Section 16, of the Florida Constitution who do not otherwise qualify for the stone crab limited entry program and who can demonstrate through landings that their net fishing occurred from Wakulla through Monroe Counties. Such persons shall qualify for 100 trap certificates if they can demonstrate that they:

(I) Sold nets to the state according to the provisions of the net buy back program, s. 370.0805(5), F.S.

(II) Invested money in the stone crab fishery by the 1997/1998 fishing season,

(III) Produced at least 300 pounds of claws since July 1, 1995, and

(IV) Have no record of net violations since July 1, 1995.

3. Any trap certificates not allotted by July 1, 2002, shall become permanently unavailable.

4. All appeals for additional certificates or other disputes must be filed with the board, on a form established by the commission, before October 1, 2001.

(f) Dissolution. On July 1, 2002, the board shall be dissolved.

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

68B-13.011 Prohibitions.

(1) It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of stone crabs with a trap that does not meet the specifications of this rule chapter.

(2) It is unlawful for a person to possess or use stone crab trap tags without having the necessary number of certificates on record.

(3) It is unlawful for any person to remove the contents of another harvester's trap without the trap owner providing his or her consent pursuant to the requirements of this rule chapter. Such unauthorized removal constitutes theft.

(4) It is unlawful for any person to willfully molest any stone crab trap, line, or buoy that is the property of any license holder, without the permission of that license holder.

(5) It is unlawful for any person to use a stone crab trap tag not issued to them by the commission, or to use an expired tag.

(6) It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a stone crab trap tag.

(7) It is unlawful for any person to have in his or her possession a forged, counterfeit, or imitation stone crab trap tag.

(8) It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a stone crab trap tag or certificate unless such action is duly authorized by the commission as provided by commission rules.

(9) It is unlawful for any person to harvest stone crab claws out of season.

(10) It is unlawful to fraudulently report the actual value of transferred stone crab certificates.

(11) It is unlawful for a person to possess or use a stone crab trap in or on state waters or adjacent federal waters without having firmly affixed thereto the trap tag required by this rule.

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

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

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: November 5, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLES:	RULE NOS.:
Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Exception, Wholesale/Retail Purchase Exemption	68B-14.0036
Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions	68B-14.0045

PURPOSE AND EFFECT: A recent red porgy stock assessment demonstrated that stock biomass in the South Atlantic had significantly collapsed, and that recruitment of age one fish had passed historic lows approaching zero during the past two years. In response to this information, the National Marine Fisheries Service (NMFS), on September 9, 1999, approved an emergency rule request to close federal waters of the Atlantic Ocean to the harvest and possession of red porgy. The state of Florida followed suit, and in a federal conforming action pursuant to s. 120.54(6), F.S., the Atlantic red porgy fishery was closed until March 5, 1999, during the pendency of the federal emergency rule.

The scientific advise and data which prompted the South Atlantic closure indicates a real risk to the long term viability of this resource, and both federal and state resource managers anticipate that the fishery will be closed for a substantial period of time. Though red porgy are infrequently found in state waters of the Atlantic Ocean, failing to provide close Florida waters will make enforcement of the federal closure problematic. Thus, the purpose of this proposed rulemaking is to close the recreational and commercial Atlantic red porgy fishery on a long-term basis. The effect will be to provide for the recovery of this severely stressed species.

SUMMARY: Subsection (5) of Rule 68B-14.0036, F.A.C., is amended to prohibit the recreational harvest and possession of red porgy in state waters of the Atlantic Ocean, beginning March 6, 2000. Paragraph (e) is amended, and a new paragraph (f) is added to Rule 68B-14.0045, F.A.C., to prohibit the commercial harvest and possession of red porgy in state waters of the Atlantic Ocean, beginning March 6, 2000.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT A TIME, DATE AND PLACE TO BE ANNOUNCED LATER IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 5 calendar days before the meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF

THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. 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-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Exception, Wholesale/Retail Purchase Exemption.

(5) Red porgy. ~~Through and including March 5, 2000, no recreational harvester shall harvest or possess from in or on state waters of the Atlantic Ocean any red porgy.~~ Beginning March 6, 2000, ~~except as provided elsewhere in this rule,~~ no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, any ~~more than 5~~ red porgy ~~porgies per day~~.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98. Amended 3-1-99, Formerly 46-14.0036, Amended _____.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions.

(2) Season closures.

(a) Persons harvesting any of the species listed in Rule 68B-14.001(4) for commercial purposes shall have a season that begins on January 1 and continues through December 31 each year.

(b) If at any time, adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of any of the species listed in Rule 68B-14.001(4), corresponding state waters shall also be closed to commercial harvest of the species affected by the federal closure, beginning five (5) days after the date of such closure until federal waters are reopened to the commercial harvest of such species.

(c) During the period of any closure pursuant to this subsection, the harvest, possession, or landing in quantities greater than the bag limits specified in Rule 68B-14.0036, and the purchase, sale or exchange, of any species to which the closure applies, is prohibited.

(d) Notice of any closure for state waters required by paragraph (b), and notice of any resulting prohibition as required by paragraph (c), shall be given by the Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in s. 120.81(5), Florida Statutes.

(e) During the months of March and April each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, and the purchase, sale, or exchange, of ~~red porgy harvested from state waters of the Atlantic Ocean, or~~ gag grouper~~,~~ or black grouper, harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.

(f) Beginning March 6, 2000, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, any red porgy.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-2.001	Purpose
5L-2.002	Definitions
5L-2.003	Requirement for an Aquaculture Certificate of Registration
5L-2.004	Aquaculture Interim Measures
5L-2.005	Aquaculture Certificate of Registration
5L-2.006	Minimal Impact Aquaculture Factilities
5L-2.007	Failure to Comply With the Interim Measures
5L-2.008	Aquaculture Interim Rule From

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules as published in Vol. 25, No. 30, July 30, 1999 and Vol 25, No. 40, October 8, 1999, of the Florida Administrative Weekly: