

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF CORRECTIONS

RULE TITLE: Cash Meals and Special Group Meals  
 RULE NO.: 33-204.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification of the policy of providing meals to volunteers, to correct an obsolete agency reference, and to incorporate by reference a form utilized in conjunction with provision of meals to employees and volunteers.

SUBJECT AREA TO BE ADDRESSED: Employee and Volunteer Meals.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., January 27, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.005 Cash Meals and Special Group Meals.

(1) The cost of meals for employees or volunteers ~~non-inmate personnel~~ shall be borne by the individual being provided with the meal, except as provided in subsection (2) of this section. Employees or volunteers ~~non-employees~~ served meals shall be charged the predetermined amount approved by the Department of Management Services Administration ~~Administration~~ for all meals. Meals shall be purchased with cash and the employee or volunteer will sign a "Daily Meal Roster", DC2-406, to indicate a meal was purchased and consumed by them. Persons eligible for free meals will be identified on the Daily Meal Roster by noting the words "no charge" next to the individual's signature either through the issuance of meal tickets or by direct entry into an automated cash register. Form DC2-406 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(2) Wardens are authorized to ~~shall~~ provide meals free of charge to the following groups:

(a) Volunteers who are providing goods or services free of charge as provided in section 110.501, F.S.;

(b) Members of advisory boards or committees consisting of professionals who render a service to the department for which they are not additionally compensated nor being paid per diem at state expense;

(c) Law enforcement personnel of other agencies who are rendering emergency assistance to the department;

(d) Department of Corrections' staff when involved in the apprehension of an escapee beyond the normal tour of duty, or when an employee is unable to be released from duty due to a departmental emergency.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-18-89, Formerly 33-30.005, Amended.

### WATER MANAGEMENT DISTRICTS

#### South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits  
 RULE CHAPTER NO.: 40E-4

RULE TITLES: Permit Thresholds  
 RULE NOS.: 40E-4.0415

Exemptions from Permitting 40E-4.051

Exemptions from Specified Review Criteria 40E-4.0515

Modification of Exempt Projects 40E-4.054

Publications, Rules and Interagency Agreements  
 Incorporated by Reference 40E-4.091

Content of Permit Application 40E-4.101

Additional Conditions for Issuance of Permits 40E-4.302

Duration of Permits 40E-4.321

District Revocation or Modification of Permits 40E-4.341

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend the rules to indicate that a permit may be issued to a contractual buyer of property and recorded easement holder with certain restrictions and to clarify the duration of permits. The proposed rule amendments will also correct citations and clarify other language currently in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses issuance of permits to contractual buyers of property and recorded easement holders; content of permit applications; and clarifies provisions pertaining to permits required; permit thresholds; modification of exempt projects; duration of permits; and conversion from construction phase to operation phase. This rule will also correct citations and clarify language currently in the rule.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.117, 373.413, 373.416, 373.426 FS.

RULE DEVELOPMENT WORKSHOPS WERE PREVIOUSLY HELD JUNE 14, 1999 IN FT. MYERS; JUNE 22, 1999 IN PEMBROKE PINES; JUNE 25, 1999 IN KISSIMMEE; AND JUNE 29, 1999 IN WEST PALM BEACH. IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, ADDITIONAL RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.0415 Permit Thresholds.

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

(2) Any non-exempt system which does not qualify for a noticed or no-notice general environmental resource permit pursuant to Chapter 40E-400, F.A.C., and does not exceed the standard for individual permits listed above, shall obtain a standard general permit pursuant to Ch. 40E-40, F.A.C.

(3)(2) Notwithstanding the provisions of subsections (1) and (2), the Governing Board may designate specific geographic areas within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History—New 10-3-95, Amended.

40E-4.051 Exemptions From Permitting.

Exemptions from permitting under Chapters 40E-4, 40E-40 and 40E-400, F.A.C., are set forth below. The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules. Nothing in this section shall prohibit the Department of Environmental Protection from taking appropriate enforcement action

pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this section if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(1) No change.

(2)(a) No change.

(b) The maintenance of functioning insect control structures, and the maintenance of functioning dikes and functioning irrigation and drainage ditches, including roadway drainage ditches, provided:

1. The spoil material is deposited on a self-contained upland spoil site which will prevent the escape of the spoil material and return water into wetlands or other surface waters.

2. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive as determined by the Department of Health, Agriculture and Consumer Services, pursuant to Subsection 403.088(1), F.S., that it will inhibit the proposed insect control, existing spoil sites or dikes may be used, upon notification to the District. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as approved, conditionally approved, restricted or conditionally restricted waters for shellfish harvesting by the Department, or functions as a habitat for commercially or recreationally important shellfish or finfish.

3. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

4. This exemption shall apply to manmade trenches dug for the purpose of draining water from the land or for transporting water for use on the land and which are not built for navigational purposes.

(c) through (11) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History—New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, \_\_\_\_\_.

40E-4.0515 Exemptions From Specified Review Criteria.

Exemptions from specified review criteria under Chapter 40E-4 and 40E-40, F.A.C., are as follows:

(1) Exemptions for Treatment or Disposal Systems.

(a) Alteration and maintenance of the following shall be exempt from the provisions in Chapter 40E-4, F.A.C., adopted to implementing subsections 373.414(1) through 373.414(6), 373.414(8) and 373.414(10), F.S.; and subsection 373.414(7), F.S., regarding any authority to apply state water quality standards within any works, impoundments, reservoirs, and other watercourses described in this subsection and any authority granted pursuant to section 373.414, F.S. (1991):

1. Works, impoundments, reservoirs, and other watercourses constructed and operated solely for wastewater treatment or disposal in accordance with a valid permit reviewed or issued under sections ~~62-28.700~~, 62-302.520 or Chapters 62-17, 62-600, 62-610, 62-640, 62-650, 62-660, 62-670, 62-671, 62-673, 62-701, F.A.C., or section 403.0885, F.S., or rules implementing section 403.0885, F.S., except for treatment wetlands or receiving wetlands permitted to receive wastewater pursuant to 62-611, F.A.C., or section 403.0885, F.S., or its implementing rules;

2. Works, impoundments, reservoirs, and other watercourses constructed solely for wastewater treatment or disposal before a construction permit was required under chapter 403, F.S., and operated solely for wastewater treatment or disposal in accordance with a valid permit reviewed or issued under sections ~~62-28.700~~, 62-302.520, or chapters 62-17, 62-600, 62-610, 62-640, 62-650, 62-660, 62-670, 62-671, 62-673, or 62-701, F.A.C., or section 403.0885, F.S., or rules implementing section 403.0885, F.S., except for treatment wetlands or receiving wetlands permitted to receive wastewater pursuant to Chapter 62-611, F.A.C., or section 403.0885, F.S., or its implementing rules;

3. Works, impoundments, reservoirs, and other watercourses of less than 0.5 acres in combined area on a project-wide basis, constructed and operated solely for stormwater treatment in accordance with a noticed exemption under chapter 62-25, F.A.C., or a valid permit issued under Chapters 62-25 (excluding Rule 62-25.042), 62-330, 40E-4, F.A.C., except those permitted as wetland stormwater treatment systems;

4. Works, impoundments, reservoirs, and other watercourses of less than 0.5 acres in combined areas on a project-wide basis, constructed and operated solely for stormwater treatment before a permit being required under Chapters 62-25, 40E-4, F.A.C.

(b) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History–New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, \_\_\_\_\_.

40E-4.054 Modification of Exempt Projects.

(+) In order to modify a project which was exempt from permitting under this chapter, has previously received a Notice of Exemption from the District, an environmental resource permit must be obtained, unless the proposed modification of the surface water management system qualifies for an exemption pursuant to Rule 40E-4.051, F.A.C.

~~(2) Substantial modifications of previously exempt projects shall require an environmental resource permit.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406, 373.413, 373.416 FS. History–New 3-9-83, Amended 4-20-94, 10-3-95, \_\_\_\_\_.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2000 ~~November 1996~~"

(b) No change.

(c) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., effective December, 1998, and Aquaculture General Permits under section 403.814, F.S., between South Florida Water Management District and Department of Environmental Protection dated October 27, 1998.

(d) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.412 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426 FS. History–New 9-3-81, Amended 1-31-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-15-87, 4-21-88, 11-21-89, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98, \_\_\_\_\_.

40E-4.101 Content of Permit Applications.

(1) No change.

(a) through (c) No change.

(2) The application must be signed by the owner or the owner’s authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. ~~Contractual buyers of~~ Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property.

(3) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 1-31-82, Formerly 16K-4.03(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, \_\_\_\_\_.

40E-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in section 40E-4.301, F.A.C., in order to obtain a standard general, individual, or conceptual approval permit under this chapter or chapter 40E-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in subsections 4.2.3. through 4.2.3.7 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~:

1. Whether the activity will adversely affect the public health, safety or welfare or the property of others;
2. Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
3. Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
5. Whether the activity will be of a temporary or permanent nature;
6. Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8. through 4.2.8.2 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, ~~November, 1996~~.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth and incorporated in Chapter 16R-7, F.A.C., will comply with the additional criteria in subsection 4.2.5<sub>2</sub> of the Basis of Review for Environmental Resource Permit Applications Within the south Florida Water Management District ~~November 1996~~ adopted by reference in Section 40E-4.091, F.A.C.

(d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in subsection 4.2.6<sub>2</sub> of the Basis of Review for Environmental Resource Permit Applications Within the south Florida Water Management District ~~November 1996~~ adopted by reference in Section 40E-4.091, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History—New 10-3-95, Amended 1-1-97, 12-3-98,\_\_\_\_\_.

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government’s comprehensive plan amendment,
2. the effective date of the local government development order,
3. the date on which the District issues the conceptual approval, or

4. ~~the latest date of~~ the date on which the District issues a final order pertaining to the resolution of any Chapter 120.57, F.S., F.A.C.; administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

~~(e)(4)~~ For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 7-1-98,\_\_\_\_\_.

40E-4.341 District Revocation or Modification of Permits.

(1) The Governing Board may revoke a permit in accordance with the provisions of Sections Chapter 373.429 and 120.60(5), F.S., and Rules 40E-1.609 and 28-107.004, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.429 FS. History—New 12-1-82, Amended 7-1-86, 4/20/94, 10-3-95, 7-2-98,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to clarify existing homeowners association documentation requirements, to correct citations, and clarify language currently in the rule. The phrase “regional ecological value” is included in section 4.2.1.2.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses changes to the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996” incorporated by reference in Rule 40E-4.091, F.A.C. Specifically, the language regarding homeowners association documentation found in sections 9.2.3 and 9.2.4 will be modified to provide homeowners with notice of rights already conveyed to the District by the permit. These rights include the right of District access to the property containing the surface water management system and the right to take enforcement action. Also, amendments to association documents, that require a modification of a District permit, may not be finalized until the permit modification is approved. Sections 4.2.1.2 and 4.3.7.4 will have language clarified. The phrase “regional ecological value” is included in section 4.2.1.2.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.426 FS.

RULE DEVELOPMENT WORKSHOPS WERE PREVIOUSLY HELD JUNE 14, 1999 IN FT. MYERS; JUNE 22, 1999 IN PEMBROKE PINES; JUNE 25, 1999 IN KISSIMMEE; AND JUNE 29, 1999 IN WEST PALM BEACH. IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, ADDITIONAL RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made,

including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference in to this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ 2000 November 1996”.

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98,\_\_\_\_\_.

(The following represent proposed changes to the document entitled “Basis of Review for Environmental Resource Permit Applications Within the south Florida Water Management District – November 1996” incorporated by reference in Rule 40E-4.091, F.A.C.)

1.0 INTRODUCTION

1.1 Objectives –

Under Part IV of Chapter 373, F.S., and Chapters 40E-4, 40E-40, and 40E-400, F.A.C., the District is responsible for the permitting of construction, alteration, operation, maintenance, removal and abandonment of surface water management systems within its jurisdictional boundaries. The objective of this document is to identify the permit review criteria and information used by District staff when reviewing permit applications. The objective of the permit application review process is to insure that the permit authorizes activities which are not harmful to the water resources of the District and are not inconsistent with water resource objectives of the District. This document has been adopted by reference in Rule 40E-4.091(1)(a), F.A.C.

1.2 through 1.4 No change.

2.0 No change.

3.0 No change.

4.0 through 4.2 No change.

4.2.1 Elimination or Reduction of Impacts

The degree of impact to wetland and other surface water functions caused by a proposed system, whether the impact to these functions can be mitigated and the practicability of design modifications for the site, as well as alignment alternatives for a proposed linear system, which could

eliminate or reduce impacts to these functions, are all factors in determining whether an application will be approved by the District. Design modifications to reduce or eliminate adverse impacts must be explored, as described in subsection 4.2.1.1. Any adverse impacts remaining after practicable design modifications have been implemented may be offset by mitigation as described in subsections 4.3 – 4.3.9.8. An applicant may propose mitigation, or the District may suggest mitigation, to offset the adverse impacts caused by regulated activities as identified in sections 4.2 – 4.2.8.2. To receive District approval, a system cannot cause a net adverse impact on wetland functions and other surface water functions which is not offset by mitigation.

4.2.1.1 No change.

4.2.1.2 The District will not require the applicant to implement practicable design modifications to reduce or eliminate impacts when:

(a) No change.

(b) the applicant proposes mitigation that implements all or part of a plan that provides regional ecological value and that provides greater long term ecological value than the area of wetland or other surface water to be adversely affected.

4.2.1.3 No change.

4.2.2 through 4.2.6 No change.

4.2.7 Secondary Impacts

Pursuant to paragraph 4.1.1(f), an applicant must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resource, as described in paragraphs (a) through (d), below. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources which the District is authorized to protect under Part IV, Chapter 373, F.S. Those aquatic or wetland dependent species which are listed as threatened, endangered or of special concern are particularly in need of protection.

A proposed system shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in subsection 4.2.2; water quality; upland habitat for aquatic or wetland dependent listed species; and historical and archaeological resources. De minimis or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of subsection 4.3.8. If such secondary impacts can not be prevented, the applicant may propose mitigation measures as provided for in subsections 4.3 through 4.3.9.8.

This secondary impact criterion consists of the following four parts:

(a) through (d) No change.

As part of this review, the District will also consider the impacts of the intended or reasonably expected uses of the future activities on water quality and wetland and other surface water functions.

In conducting the analysis under paragraph (d)2., above, the District will consider those future projects or activities which would not occur but for the proposed system, proposed system would be a waste of resources should the future project or activities not be permitted.

Where practicable, proposed systems shall be designed in a fashion which does not necessitate future impacts to wetland and other surface water functions. If future phases or project expansion have the potential to cause adverse secondary impacts, applicants must provide sufficient conceptual design information to provide reasonable assurance that these impacts can be successfully eliminated or offset.

System expansions and future system phases will be considered in the secondary impact analysis, and if the District determines that future phases of a system involve impacts that appear not to meet permitting criteria, the current application may be denied unless the applicant can provide reasonable assurance that those future phases can comply with permitting criteria. One way for applicants to establish that future phases or system expansions do not have adverse secondary impacts is for the applicant to obtain a conceptual approval permit for the entire project.

4.2.8 No change.

TABLE 4.2.7-1

LISTED WILDLIFE SPECIES THAT ARE AQUATIC OR WETLAND DEPENDENT AND THAT USE UPLAND HABITATS FOR NESTING OR DENNING

No change.

4.3 Mitigation –

Protection of wetlands and other surface waters is preferred to destruction and mitigation due to the temporal loss of ecological value and uncertainty regarding the ability to recreate certain functions associated with these features. Mitigation will be approved only after the applicant has complied with the requirements of subsection 4.2.1 regarding practicable modifications to eliminate or reduce adverse impacts. However, any mitigation proposal submitted by an applicant shall be reviewed concurrently with the analysis of any modifications pursuant to subsection 4.2.1. This section establishes criteria to be followed in evaluating mitigation proposals.

Mitigation as described in sections 4.3 – 4.3.9.8 is required only to offset the adverse impacts to the functions as identified in sections 4.2 – 4.2.8. caused by regulated activities. In certain cases, mitigation cannot offset impacts sufficiently to yield a permissible project. Such cases often include activities which significantly degrade Outstanding Florida Waters, adversely impact habitat for listed species, or adversely impact those wetlands or other surface waters not likely to be successfully recreated.

Applicants are encouraged to consult with District staff in pre-application conferences or during the application process to identify appropriate mitigation options.

4.3.1 through 4.3.1.6 No change.

4.3.1.7 Mitigation or reclamation required or approved by other agencies for a specific project will be acceptable to the District to the extent that such mitigation or reclamation fulfills the requirements of sections 4.3-4.3.9.8- and offsets adverse impacts of the same project in accordance with the criteria in sections 4.2-4.2.8.2

4.3.1.8 No change.

#### 4.3.2 Mitigation Ratio Guidelines

Subsections 4.3.2 – 4.3.2.4 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. Mitigation ratios for wetlands which have a 50% or greater coverage of melaleuca (*Melaleuca quinquenervia*), will be determined pursuant to subsection 4.3.2.4. and other provisions of this section. The difference between the ranges of ratios provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the area being adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the long term, particularly when these values are not fully protected under existing regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 4.3.2.1 through 4.3.2.4 and 4.3.2.2 For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

4.3.2.1 through 4.3.7.7 No change.

#### 4.3.7.7.1 Partial Releases

The permittee may request the District to release portions of the financial responsibility mechanism as phases of the mitigation plan, such as earth moving or other construction or activities for which cost estimates were submitted in accordance with subsection 4.3.7.7 of the ~~Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – August 1995~~ are successfully completed. The request shall be in writing and include documentation that the phase or phases have been completed and have been paid for or will be paid for upon release of the applicable portion of the financial responsibility mechanism. The District shall authorize the release of the portion requested upon verification that the construction or activities have been completed in accordance with the mitigation plans.

4.3.7.7.2 through 4.3.9.5 No change.

Figure 4.3-1 No change.

4.4 through 4.4.13.5 No change.

4.5 No change.

#### 4.5.1 Procedure

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

(a) through (b) No change.

Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any missing or insufficient information in the petition documentation submitted which may be necessary to complete review of the petition.

The District shall complete the determination and shall issue a notice of intended agency action within 60 days after the petition is deemed complete. The District shall publish the notice of intended agency action on the petition in a newspaper of general circulation in the county or counties where the property is located.

Sections 120.57 and ~~120.569~~, 120.569 F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District's proposed action on the petition may request an administrative hearing on the proposed action pursuant to section 40E-1.511, F.A.C. If no request for an administrative hearing is filed, the Executive Director will then take final action on the petition for the formal determination.

The Executive Director will only issue a formal determination if the petitioner has satisfied all the requirements of section 4.5. A person requesting a formal determination may withdraw the petition without prejudice at any point before final agency action.

#### 4.5.2 Types of Formal Determinations

A petitioner can request a formal determination consisting of a certified survey, an approximate delineation, or combinations thereof, as described below.

(a) The survey of the extent of wetlands and other surface waters shall be certified pursuant to chapter 472, F.S., to meet the minimum technical standards in chapter 61G17-6, F.A.C. A petitioner seeking a certified surveyed delineation shall have a land surveyor registered in the State of Florida survey the verified boundaries of wetlands and other surface waters, and shall have the surveyor or surveyor's representative accompany the District representative on the delineation verification described in subsection ~~4.5.3~~ ~~4.4.3~~. The certified survey shall also contain a legal description of, and acreage contained within, the boundaries of the property for which the determination is sought. The boundaries of wetlands and other surface waters shall be witnessed to the property boundaries, and shall be capable of being mathematically reproduced from the survey. The petitioner shall submit five copies of the survey, along with five copies of the survey depicted on aerial photographs, to the District to complete the petition.

(b) No change.

4.5.3 through 4.5.6 No change.

5.0 WATER QUALITY CRITERIA

5.1 through 5.2.1 No change.

5.2.2 Land Use and Coverage Criteria

(a) No change.

(b) Projects having greater than 40% impervious area and which discharge directly to the following receiving waters shall provide at least one half inch of dry detention or retention pretreatment as part of the required retention/detention. Receiving waters being addressed are:

1. through 3. No change.

4. Other areas, such as the Savannas in St. Lucie and Martin Counties; the Six Mile Cypress Strand; the Big Cypress area of Collier County; and lands acquired by the District pursuant to Section 373.59, Florida Statutes, Water Management Lands Trust Fund (Save Our Rivers); mitigation bank lands, as set forth in Section 4.4., ~~“Environmental Resource Permit Applications within South Florida Water Management District—August 1995”~~.

5. through 6. No change.

5.3 through 5.5 No change.

5.6 through 5.8 No change.

5.9 Water Quality Monitoring –

All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to State water quality standards (see Chapters 62-3, 62-4, and 62-302, F.A.C.).

5.9.1

(a) There are areas within the District where water quality considerations are extremely important, because of the sensitivity of the area. These areas include:

1. through 4. No change.

5. Outstanding Florida Waters as defined in Chapter ~~62-302, 17-3.302~~, Florida Administrative Code.

(b) No change.

5.9.2 through 5.9.3 No change.

5.9.4 The reason for the monitoring requirement will be stated in the Staff Report for each Permit. Also included in the permit will be the monitoring and reporting schedules and the parameters of interest. Each monitoring program will be designed specifically for the land use or individual project in question and will include applicable surface and ground water sampling. Staff shall specify applicable project specific parameters such as those listed in Chapter ~~62-302, 17-3.302~~, F.A.C. The applicant shall use a Florida Department of Environmental Protection- or Florida Department of Health and Rehabilitative Services-certified laboratory for all water quality sampling and analysis. The District recommends that the applicant submit final results from the laboratory on a DOS-formatted 3.5" computer disk which will be supplied by the District. The disk will contain a program requiring the input of all pertinent data associated with the water quality monitoring special condition(s). If the permittee or their contracted laboratory does not have MS-DOS computer capabilities, water quality analysis may be submitted on paper. Examples of records to be supplied are as follows: sample date, sample location with D for discharge or N for no discharge, water discharge rates (cfs) and concentration values of indicated elements or compounds.

5.9.5 through 5.9.6 No change.

5.10 Solid Waste Facilities –

(a) Surface water management systems for Class I and II solid waste facilities, as defined by Chapter ~~62-701, 17-701~~, F.A.C., shall be so designed, constructed, and operated as to maintain the integrity of the landfill at all times (during construction, operation, closure and post closure). Applicant must provide assurances that:

1. through 2. No change.

(b) No change.

(c) Class I and II landfill projects shall provide adequate assurance that leachate will not enter the surface water management system. This assurance may be provided through affirmative demonstration that the requirement of ~~62-701, 17-701~~, F.A.C. for design and emplacement of liners, leachate collection systems, and treatment and disposal of leachate will be met.

(d) Borrow pits shall not be included in the surface water management system unless the applicant can affirmatively demonstrate that leachate will not enter the borrow pit, and that the water quality standards in Chapters 62-4, 62-3 and 62-302, 62-522, provisions of Rule 17-3.302 and Chapter 17-4, F.A.C. will be met.

(e) through (h) No change.

6.0 through 6.13 No change.

7.0 through 7.6 No change.

8.0 through 8.8.2 No change

9.0 through 9.2.2 No change.



9.2.3 The Association must have the following general powers and attributes, which shall be reflected in the Articles of Incorporation or other documents of record:

(a) through (g) No change.

(h) The Association shall exist in perpetuity; however, if the Association is dissolved, the Articles of Incorporation must provide that the property consisting of the surface water management system and the right of access to the property containing the surface water management system shall be conveyed to an appropriate agency of local government. If it is not accepted, then the surface water management system must be dedicated to a similar non-profit corporation.

9.2.4 The Association must have the following covenants and restrictions, which shall be set forth in the Declaration of Protective Covenants, Deed Restrictions, Declaration of Condominium, or other recorded document which sets forth the Association's rules and regulations:

(a) through (c) No change.

(d) That any proposed amendment to the association's documents, which would affect the surface water management system (including environmental conservation areas and the water management portions of the common areas) must be submitted to the District for a determination of whether the amendment necessitates a modification of the environmental resource or surface water management permit. If a modification is necessary, the District will so advise the permittee. The amendment affecting the surface water management system may not be finalized until any necessary permit modification is approved.

(e) through (f) No change.

(g) The environmental resource or surface water management permit and its conditions shall be attached to the rules and regulations as an exhibit. The Registered Agent for the Association shall maintain copies of all further permitting actions for the benefit of the association.

(h) The District has the right to take enforcement action, including a civil action for an injunction and penalties, against the association to compel it to correct any outstanding problems with the surface water management system facilities or in mitigation or conservation areas under the responsibility or control of the association.

9.2.5 through 9.2.6 No change.

10.0 No change.

APPENDICES

Appendix 2 No change.

Appendix 3 No change.

Appendix 6 No change.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Environmental Resource Standard  
 RULE CHAPTER NO.: 40E-40

General Permits 40E-40

RULE TITLES: Permit Thresholds  
 RULE NOS.: 40E-40.041

Standard General Permit for Incidental Site Activities 40E-40.042

Standard General Permit Authorization 40E-40.051

Delegation of Authority Pertaining to General Environmental Resource permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations 40E-40.061

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to correct citations, add form numbers, correct position titles, and clarify language currently in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses permit thresholds.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406(5) FS.

LAW IMPLEMENTED: 373.103, 373.118, 373.413, 373.416, 373.419, 373.426 FS.

RULE DEVELOPMENT WORKSHOPS WERE PREVIOUSLY HELD JUNE 14, 1999 IN FT. MYERS; JUNE 22, 1999 IN PEMBROKE PINES; JUNE 25, 1999 IN KISSIMMEE; AND JUNE 29, 1999 IN WEST PALM BEACH. IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, ADDITIONAL RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-40.041 Permit Thresholds.

(1) Any ~~The permit threshold for~~ non-exempt surface water management systems which do not qualify for a no notice or noticed general environmental resource permit, and do not exceed the threshold for individual permits as listed

~~below, shall obtain a standard general permit. are set forth below. Systems which exceed any one of these threshold conditions shall require an individual permit pursuant to Chapter 40E-4, F.A.C.~~

- (2) Threshold conditions are as follows:
- (a) through (c) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406(5), 373.413(1), 373.416 FS. History—New 4-20-94, Amended 10-3-95,\_\_\_\_\_.

40E-40.042 Standard General Permit for Incidental Site Activities.

- (1) No change.
- (2) No change.
- (3) In order to receive a permit under this rule the applicant must:
  - (a) through (b) No change.
  - (c) submit Form 0444 and plans or a description of incidental site activities proposed, including proposed locations for work.
  - (d) No change.
- (4)(a) through (b) No change.
- (5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.103(4), 373.118, 373.413, 373.416 FS. History—New 9-3-81, Formerly 16K-4.021(1), 16K-4.022(1), Amended 12-1-82, 7-31-87, 4-20-94, 10-3-95,\_\_\_\_\_.

- 40E-40.051 Standard General Permit Authorization.
- (1) through (3) No change.

(4) For applications for standard general permits, the Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Regulation Department Director, Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, and Service Center Directors, ~~and Regulatory Area Managers~~, as its agents for the purposes of reviewing and issuing these permits.

- (5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(2), 373.103(6) FS. History—New 10-3-95, Amended 4-1-96,\_\_\_\_\_.

40E-40.061 Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations.

(1) The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Regulation Department Director, Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, and Service Center Directors, ~~and Regulatory Area Managers~~ as its agents to review and take final action on all general environmental resource and surface water management permit applications

issued under chapter 40E-40, F.A.C. However, staff recommendations for denial of general permit applications shall be considered by the Governing Board.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 18-21-0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Section 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision-making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, Deputy Executive Director, Regulation Department Director, Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, and Service Center Directors, ~~and Regulatory Area Managers~~, when an application to use sovereign submerged lands involves an activity which is to be reviewed pursuant to the general permit procedures of Chapters 40E-1, 40E-40, or 40E-400, F.A.C.

Specific Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.53, 373.016, 373.118 FS. History—New 4-1-96, Formerly 40E-1.6015, Amended\_\_\_\_\_.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Commission for the Transportation Disadvantaged	41-2
RULE TITLES:	RULE NOS.:
Definitions	41-2.002
Transportation Disadvantaged Trust Fund	41-2.013
Grants Program	41-2.014

PURPOSE AND EFFECT: The purpose of the rule development workshop is to discuss proposed amendments to the existing rules that describe the policies and procedures for the implementation of the emergency fund and the distribution of moneys from the Transportation Disadvantaged Trust Fund.

SUBJECT AREA TO BE ADDRESSED: The rule clarifies the policies and procedures for the implementation of the emergency fund and the distribution of moneys from the Transportation Disadvantaged Trust Fund.

SPECIFIC AUTHORITY: 427.0159(3) FS.

LAW IMPLEMENTED: 427.0159(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 26, 2000

PLACE: Commission for the Transportation Disadvantaged, Rhyne Building, 2740 Centerview Road, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the Commission at least 48 hours before the workshop by contacting: Tiffany McNabb, Secretary Specialist, Commission for the Transportation Disadvantaged, (850)488-6036. If you are hearing or speech impaired, please contact the Commission by calling 1(800)648-6084.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Tiffany McNabb, Secretary Specialist, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450 [copy of preliminary draft], or Brent R. Taylor, General Counsel, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)488-6036.

A COPY OF THE PRELIMINARY DRAFT IS ALSO AVAILABLE FOR REVIEW AND DOWNLOADING FROM THE COMMISSION'S WEBSITE: [HTTP://WWW.DOT.STATE.FL.US/CTD/](http://WWW.DOT.STATE.FL.US/CTD/)

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE TITLE: Statutory Chapter and Rules

RULE NO.: 60Y-2.006

PURPOSE AND EFFECT: The goal and effect of the proposed rule amendments is to annunciate and identify the statutory chapter and rules that affect and govern the operations of the Florida Commission on Human Relations.

SUBJECT AREA TO BE ADDRESSED: Statutory chapter and rules that affect and govern the operations of the Florida Commission on Human Relations.

SPECIFIC AUTHORITY: 760.06(12), 760.11(14), 760.31(5) FS.

LAW IMPLEMENTED: 760, 509.092 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 25, 2000

PLACE: Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stanley G. Gorsica, Assistant General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149, whose telephone number is (850)668-7283

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-2.006 Statutory Chapter and Rules.

The mission and duties of the Commission are carried out pursuant to statutory authority delineated in Chapter 760, Florida Statutes. The following additional statutory chapters and rule chapters directly affect and govern the operations of the Commission:

(1) Chapter 120, Florida Statutes.

(2) Chapters 60Y-1, ~~60Y-2~~ through 60Y-10 ~~60Y-5~~, and 60Y-25, Florida Administrative Code.

(3) Chapters ~~28-101~~ through 28-106, 28-108, 28-109 ~~28-1~~ through ~~28-5~~, and ~~28-8~~, Florida Administrative Code.

Specific Authority 760.06(12), 760.11(14), 760.31(5) ~~760.06(13)~~ FS. Law Implemented 760, 509.092, ~~760.06~~ FS. History--New 11-2-78, Amended 8-12-85, Formerly 22T-6.06, 22T-6.006, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Examination Fees for Embalmers and

RULE NO.:

Funeral Directors; Manner of Application 61G8-17.001

PURPOSE AND EFFECT: The Board changed the text to clarify that the application fee shall be nonrefundable.

SUBJECT AREA TO BE ADDRESSED: Examination and application fees.

SPECIFIC AUTHORITY: 470.005, 470.006 FS.

LAW IMPLEMENTED: 455.213, 455.217, 470.006, 470.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors & Embalmers, Northwood Center, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-17.001 Examination Fees for Embalmers and Funeral Directors; Manner of Application.

(1) through (4) No change.

(5) ~~All examination~~ Application fees ~~become~~ are nonrefundable ~~thirty (30) days prior to the examination.~~

(6) All examination fees become nonrefundable thirty days prior to the examination.

Specific Authority 470.005, 470.006 FS. Law Implemented 455.213, 455.217, 470.006, 470.009 FS. History--New 11-11-79, Amended 6-3-81, Formerly 21J-17.01, Amended 5-9-88, 3-28-90, 7-22-90, 6-25-91, Formerly 21J-17.001, Amended 11-11-99,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:  
Inspections 61G8-21.002  
Fees 61G8-21.004

PURPOSE AND EFFECT: The Board determined to define and clarify the text in Rule 64G8-21.002 and in Rule 61G8-21.004.

SUBJECT AREA TO BE ADDRESSED: Inspections and Fees.

SPECIFIC AUTHORITY: 470.005, 470.024(3),(4),(10) FS.  
LAW IMPLEMENTED: 455.219(6), 470.024(4),(9), 470.025(7)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors & Embalmers, Northwood Center, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G8-21.002 Inspections.
- (1) through (4) No change.
- (5) The Department may inspect any funeral establishment or other facility when a complaint is made regarding a specific funeral establishment, and an inspection is required.

Specific Authority 470.005 FS. Law Implemented 470.024(9) FS. History--New 2-13-80, Formerly 21J-21.02, Amended 12-11-88, Formerly 21J-21.002, Amended 2-16-98,\_\_\_\_\_.

- 61G8-21.004 Fees.
- (1) through (4) No change.
- (5) A ~~late penalty~~ delinquent fee of fifty dollars (\$50.00) shall be paid. This fee is owed when due, and failure to make payment will be a violation of this rule which will be cause to deny any subsequent applications for licensure pursuant to Chapter 470, F.S.
- (6) No change.

Specific Authority 470.005, 470.024(3),(4),(10) FS. Law Implemented 455.219(6), 470.024(4), 470.025(7)(b) FS. History--New 2-13-80, Formerly 21J-21.04, Amended 3-29-90, 12-18-90, Formerly 21J-21.004, Amended 3-30-94, 5-1-96, 9-17-97, 10-29-97, 2-16-98, 11-17-99,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Recreation and Parks**

RULE TITLES: RULE NOS.:  
Purpose 62D-5.060  
Definitions 62D-5.061  
General Requirements 62D-5.062  
Application Requirements 62D-5.063  
Evaluation Criteria 62D-5.064  
Federal Approval 62D-5.065  
Grant Administration 62D-5.066  
Compliance Responsibilities 62D-5.067

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of this rulemaking is to re-establish the rule for the Land and Water Conservation Fund Program that was repealed in 1996. The rule will enable a grant cycle to be activated to expend federal funds allocated to Florida for Fiscal Year 1999-2000.

SPECIFIC AUTHORITY: 258.007(2) FS.  
LAW IMPLEMENTED: 375.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Collier Clark, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, FL 32399-3000, (850)488-3538

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Emergency Medical Services 64E-2

PURPOSE AND EFFECT: Neonate: To revise and improve supplies, equipment and medications to reflect national standards and improve the site survey process.

Administration of Epinephrine by Subcutaneous Injection: To establish guidelines and procedures to apply for certification and recertification of individuals who administer epinephrine by subcutaneous injection.

Air Ambulance Insurance: To establish specific requirements for air ambulance professional liability insurance and documentation of such insurance.

SUBJECT AREAS TO BE ADDRESSED: Neonatal Equipment, Administration of Epinephrine, Air Ambulance Insurance.

SPECIFIC AUTHORITY: 381.0011, 381.88, 383.19, 395.405, 401.251(2), 401.251(6), 401.35 FS.

LAW IMPLEMENTED: 381.001, 381.88, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 8, 2000

PLACE: Bureau of Emergency Medical Services, 4025 Esplanade Way, Building 3916, Room 301 A & B, Tallahassee, Florida 32399-1738

TIME AND DATE: 10:00 a.m., February 10, 2000

PLACE: Metro Dade Firefighters Memorial Building, 8000 N.W. 21st Ave., Suite 222, Miami, Florida

TIME AND DATE: 10:00 a.m., February 15, 2000

PLACE: Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 2020 Capital Circle, S. E., Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, extension 2733.

A DRAFT OF THE PROPOSED RULE WILL BE AVAILABLE UPON REQUEST ONE WEEK PRIOR TO THE WORKSHOP.

P.O. X00699

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Possession of Wildlife in Captivity; Permits

RULE NO.: 68A-6.0022

PURPOSE AND EFFECT: The purpose and effect is to establish what constitutes an appropriate neighborhood for Class I and II carnivores, solving the problem of continued complaints from the public of these large carnivores in their neighborhoods. These changes will accomplish the objective of providing a sound, workable rule that protects the public, and provides a minimum land area requirement, to address complaints from the public of noise and odor.

SUBJECT AREA TO BE ADDRESSED: Possession of wildlife in captivity; permits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

TIME AND DATES: 9:00 a.m., each day, March 29-31, 2000

PLACE: Jacksonville, FL. Specific location will be published in an upcoming Florida Administrative Weekly

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:	RULE NO.:
Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs	6A-6.05281

PURPOSE AND EFFECT: This rule provides the requirements for educational programs for students who do not attend their local public school due to their placement in a Department of Juvenile Justice (DJJ) detention, commitment, day treatment, or early delinquency intervention programs. The effect of the new rule will be to clarify the expectations and requirements for high quality education programs for these students.

SUMMARY: This rule provides the requirements for high quality education programs for student who do not attend a local public school because of their placement in a DJJ detention, commitment, day treatment, or early delinquency intervention program. The rule includes the requirements for student eligibility, student records, student assessment, individual academic plans, transition services, instructional program and academic expectations, qualifications and procedures for selection of instructional staff, funding, contracts with private providers, interventions and sanctions, and coordination with other agencies.

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 the notice.

SPECIFIC AUTHORITY: 228.081(2) FS.

LAW IMPLEMENTED: 228.081(2), 230.23161 FS.

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

TIME AND DATE: 9:00 a.m., February 7, 2000

PLACE: Polk County Administration Building, 300 West Church Street, Bartow, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Division of