

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sorrell
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Ross
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999
Purchase Order No.: 039937

(3) The processing fee is subject to the trusting requirement for services unless the seller has qualified to write contracts pursuant to s. 497.423, F.S. or s. 497.425, F.S.

(4) This rule does not apply to contracts written prior to this rule's effective date.

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-8.007
RULE TITLE: Processing Fee

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 25, No. 31, August 8, 1999, issue of the Florida Administrative Weekly. In response to comments received from the staff of the Joint Administrative Procedures Committee, the Board, at its November 17, 1999 and July 17, 2000 meeting, voted to change the rules.

The Rule shall now read as follows:

3F-8.007 Processing Fee.

(1) As used herein, a "processing fee" means a fee paid by a customer for services provided to process and archive a contract and related documents.

(2) If a licensee or certificateholder includes a processing fee on a preneed or at need contract, the following requirements shall be met:

(a) The fee shall be disclosed to the purchaser on the licensee's or certificateholder's General Retail Price List, Disclosure Price List or any printed or typewritten disclosure of fees that the licensee uses to comply with s. 497.333(2), F.S.

(b) The fee shall be clearly disclosed as a processing fee in the contract.

(c) The fee shall not be included, or implied to be included, in any other fee charged to the purchaser.

(d) The fee may be charged on any contract for burial rights, merchandise or services even if the rights, merchandise or services were purchased on separate contracts at different dates. However, a licensee shall not charge the fee on a contract for the purchase of an opening and closing of a grave or installation of a vault in a grave in which burial rights have previously been purchased.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NOS.: 3F-13.001, 3F-13.002, 3F-13.003, 3F-13.004
RULE TITLES: General Provisions, Definitions, General Construction Specifications, Additional Non-Building Code Standards for Mausoleum and Columbarium Construction

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 25, No. 32, August 13, 1999, issue of the Florida Administrative Weekly. In response to comments received from the staff of the Joint Administrative Procedures Committee, the Board, at its November 17, 1999 and July 17, 2000, meeting, voted to change the rules.

The rules shall now read as follows:

CHAPTER 3F-13

FLORIDA MAUSOLEUM CONSTRUCTION

The Board of Funeral and Cemetery Services Construction Specifications are intended to establish minimum standards for all newly constructed and significantly altered or renovated mausolea and columbaria. The Board of Funeral and Cemetery Services Construction Specifications, form DFB-CONS1, incorporated herein by reference (effective _____) are to be used until July 1, 2001, at which time the State Minimum Building Code will take effect.

3F-13.001 General Provisions.

(1) These rules shall establish minimum standards for all newly constructed and significantly altered or renovated mausolea and columbaria.

(2) These rules are intended to insure that no new structure shall be built or significantly altered for use for interment, entombment or inurnment purposes, unless such new structure or new alteration or new renovation is constructed of such materials as will ensure its durability and permanence, as well as the safety, convenience, comfort and health of the community in which it is located.

(3) Such structures must be so arranged that any niche or crypt may be readily examined at any time by any person authorized by law to do so. Such a person would be a specific representative of the Department of Banking and Finance or the Board of Funeral and Cemetery Services, or local government inspection personnel.

(4) A columbarium may be built within a mausoleum or as a separate structure, but for purposes of these rules shall be considered a mausoleum for construction purposes.

(5) There are four (4) classes of Mausolea: "Class A" or chapel mausoleum, "Class B" or garden mausoleum, "Class C" or family mausoleum, and "Class D" or non-visitation crypt mausoleum.

3F-13.002 Definitions.

(1) "Class "A" or chapel mausoleum" means a mausoleum that has heat and/or air conditioning, with or without a committal area or chapel or office(s), single or multi-story, with any number of crypts, and burial rights in all crypts are available for purchase by the general public. This type of mausoleum may be a single building or a phase of an ongoing mausoleum construction project.

(2) "Class "B" or garden mausoleum" means a mausoleum, single or multi-story, with any number of crypts, that is built without any heat or air conditioning but may contain an "open air" committal area and burial rights in all crypts are available for purchase by the general public. This type of mausoleum may be a single building or a phase of an ongoing mausoleum construction project.

(3) "Class "C" or family mausoleum" means a mausoleum pre-assembled within or without the State of Florida and purchased by a family or group of family members in which burial rights in individual crypts or niches are not sold to the general public.

(4) "Class "D" or non-visitation crypt mausoleum" means a mausoleum with remote memorialization burial rights which are available for sale to the general public. These crypts by design and location are not able to be seen, touched or visited by the general public, but the crypts are accessible to authorized persons of the cemetery or specific representatives of the Department of Banking and Finance, Board of Funeral and Cemetery Services and local government inspection personnel. These crypts are to be constructed to the same standard as Class "A" and Class "B" mausoleum crypts.

(5) "Significant alteration or renovation" means any addition, renovation, or repair which results in the creation of new crypts or new niches.

3F-13.003 General Construction Specifications.

The general construction specifications are set forth in the Board of Funeral and Cemetery Services Construction Specifications, as incorporated in Chapter 3F-13. A copy of the specifications are available from the Board office.

3F-13.004 Additional Non-Building Code Standards for Mausoleum and Columbarium Construction.

(1) Roofing materials or roof membrane applied on top of a reinforced cast in place or a precast concrete roof that meets to provisions of the State Minimum Building Codes as defined by section 553.73, Florida Statutes, shall not prevent a mausoleum from being considered a fire resistant structure.

(2) After each entombment of a human body in an existing mausoleum or in a new or significantly altered or renovated mausoleum the crypt shall be sealed with a panel so that no effluvia or odors escape from the crypt except through the pressure relief passage system. Such panels shall be made of materials of sufficient weight, permanence, density, imperviousness and strength to insure their durability and continuing function. All such panels shall be securely set in with standard building core materials. These sealing panels shall be set independent of and in addition to crypt fronts or shutters.

(3) Except as otherwise provided in the State Minimum Building Codes or in these rules, all materials used in the construction of the structural members of each mausoleum shall be of non-combustible materials and all ornamentation or embellishment or mausoleums shall be of non-combustible materials. This provision will not apply to crypt vents, temporary openings or partitions, interior doors, fixtures, furniture or furnishings, roofing materials, electrical wiring or containers for human remains.

(4) All mausoleum or columbarium structures must meet the minimum requirement set forth in the By-Laws or Operating Procedures of the cemetery in which the structure is to be built.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:

RULE TITLE:

59A-12.030

Statewide Provider and Managed Care Organization Claim Dispute Resolution Program

NOTICE OF CHANGE

PURPOSE AND EFFECT: The purpose of this rule amendment is to change the rule number from 59A-12.020-.030. The proposed rule was officially noticed in the Florida Administrative Weekly, Vol. 26, No. 32, August 11, 2000. This change is necessary since another rule had been proposed with the same number.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elfie Stamm, Managed Health Care, 2727 Mahan Drive, Building 1, Mail Stop 26. Tallahassee, Florida 32308, Phone (850)922-6830

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-18	Minimum Standards for Nurse Registries
RULE NOS.:	RULE TITLES:
59A-18.001	Purpose
59A-18.002	Definitions
59A-18.004	Licensure Procedures, and Fees
59A-18.005	Registration Policies
59A-18.006	Administrator
59A-18.009	Homemakers or Companions
59A-18.011	Medical Plan of Treatment
59A-18.012	Clinical Records
59A-18.016	Penalties
59A-18.017	Supplemental Staffing for Health Care Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 26, No. 25, Florida Administrative Weekly, June 23, 2000, Purchase Order Number H00973. In response to comments received from JAPC, the Agency for Health Care Administration (Budget Office) and the Private Care Association, the following changes have been made.

In 59A-18.001 “health care” is deleted and “in their home, or in a health care facility licensed under Chapter 395 or Chapter 400, Florida Statutes (F.S.), or other business entity under Parts I, II, IV, or V of Chapter 400, F.S.” is deleted.

In 59A-18.002(7) “400.126(1)(d), F.S.” is deleted.

In 59A-18.002(9) “to provide services to patients or clients in their homes or places of residence or to provide supplemental staffing at health care facilities or other business entities according to his/her scope of practice” is deleted. “own methods and without being subject to the control of his employer, except as to the result of the services provided” is deleted.

In 59A-18.004(1) “\$830” is deleted and “\$1,000” is inserted. “AHCA Form 1, Application for Licensure-Nurse Registry, revised July, 1999” is deleted and “AHCA Form 3110-002, Application for Licensure-Nurse Registry, revised August 2000” is inserted.

In 59A-18.004(4)(g) “The name of the registry’s administrator and the name and license or certification number, if applicable, of current independent contractors, including registered nurses, licensed practical nurses, certified nursing assistants, home health aides, homemakers and companions” is changed to “The name of the registry’s administrator, the name and license or certification number of independent contractors for registered nurses, licenses practical nurses and certified nursing assistants and the name of current independent contractors for home health aides, homemakers and companions.”

In 59A-18.004(4)(i)(1) “should” is deleted and “must” is inserted.

In 59A-18.004(4)(k) “if applicable” is deleted.

In 59A-18.004(7) “non-refundable” is deleted. “\$830” is deleted and “\$1,000” is inserted.

In 59A-18.004(9) “non-refundable” is deleted. “\$830” is deleted and “\$1,000” is inserted.

In 59A-18.005(1) “Each registry shall have written policies available to all independent contractors to ensure the provision of services recognized as acceptable and appropriate by reasonably prudent similar health care providers in the community” is deleted and changed to “Each nurse registry shall disseminate the following rules and statutes to each applicable independent contractor at the time of registration.”

“(a) RN’s and LPN’s shall receive for their use and reference:”

1. 59A-18.007 Registered Nurses and Licensed Practical Nurses
2. 59A-18.011 Medical Plan of Treatment
3. 59A-18.012 Clinical Records
4. 59A-18.013 Administration of Biologicals
5. Section 400.506, 400.412, 400.484, 400.462, and 400.495, F.S.

“(b) CNA’s and HHA’s shall receive for their use and reference:”

1. 59A-18.0081 Certified Nursing Assistant and Home Health Aide.
2. Section 400.506, 400.512, 400.462, and 400.495, F.S.

“(c) Homemakers/Companions shall receive for their use and reference:”

1. 59A-18.009 Homemakers or Companions.
2. Section 400.506, 400.512, 400.484, 400.462, and 400.495, F.S.

In 59A-18.005(6) “is in good health and does not appear to be at risk of transmitting communicable diseases” is deleted and changed to “is in good health sufficient to provide services to individuals with compromised health.” Also “or is suspected of having” and “stating that such risk does not exist” are deleted in the last sentence.

In 59A-18.006(2) “Be familiar” is deleted and “Have knowledge” is inserted.

In 59A-18.006(3) “Be familiar” is deleted and “Have knowledge” is inserted.

In 59A-18.006(4) “familiarizing” is deleted and “informing” is inserted.

In 59A-18.006(9) “Assure coordination, as needed, of the plan of treatment by designation of an individual nurse responsible for updating the plan, per the physician’s order, when more than one nurse is serving the patient.” is deleted and changed to “The administrator shall inform nurse registrants that when more than one nurse is serving the

patient, the nurse that communicates with the physician's office about any changes in the physician's order should update the plan of treatment in the patient's record."

In 59A-18.009(2)(c) "but not clipping nails" is deleted and changed to "with the exception of clipping nails for diabetic patients."

In 59A-18.009(3)(d) "but not clipping nails" is deleted and changed to "with the exception of clipping nails for diabetic patients."

In 59A-18.011(6) "The nurse registry shall ensure the designation as needed of the shift nurse responsible for updating the medical plan of treatment, per the physician's orders, when more than one shift nurse is serving the patient" is deleted and changed to "The nurse registry shall inform nurse registrants that the shift nurse that communicates with the physician's office about any changes in the physician's orders should update the plan of treatment."

In 59A-18.0012(2) "Permission to release information dated and signed by the patient, caregiver, or guardian when applicable" is deleted and changed to "Before information can be released, an authorization for such release must be dated and signed by the patient, caregiver family, or guardian."

In 59A-18.0012(6)(e) "if needed" is deleted and "when the patient requires continuing services" is inserted.

In 59A-18.016(3) "if any" is deleted.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.009
 RULE TITLE: Examination and Reexamination
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 29, of the July 21, 2000, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

When changed, subsection (1)(b) of the rule shall read as follows:

- (1)(b) Reexamination.
 - 1. A candidate who:
 - a. fails to achieve a passing score on any of the tests referenced to in Rule 61G4-16.001, F.A.C., above; or
 - b. fails to appear for a scheduled test shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below.
 - 2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within three attempts of said tests; after which time all past test scores of the candidate shall be considered

invalid and he or she shall be required to make an original application and pay all appropriate fees. All three attempts must be completed within a three hundred sixty-five (365) day period. A candidate may avail himself or herself of a maximum of three (3) examination attempts within a three hundred sixty-five (365) day period.

3. A candidate who fails to achieve a passing score on the examination in whole or in part on his or her first or second attempt may submit an application to retake the certification examination to the Department's Bureau of Testing no less than forty-five (45) days prior to the administration of the examination the candidate wishes to take provided he or she pays all appropriate fees as set forth in paragraph (3) below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cathleen E. O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-12.001
 RULE TITLE: Contractual Requirements
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 26, No 33, August 18, 2000, issue of the Florida Administrative Weekly. In response to comments received from the public at the August 22 & 23, 2000 Board Meeting, the Board voted to make the change to this proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767.

The proposed rule shall now read as follows:

61G7-12.001 Contractual Requirements.

In order to meet the requirements of section 468.525(4), F.S., the employee leasing company's contractual arrangement with its client must provide for the right of both the employee leasing company and its assigns to conduct an annual onsite physical examination of the client who is or was subject to an applicable employee leasing contractual relationship. The purpose of this examination is to aid in the determination of proper workers' compensation classifications of leased employees and to aid in the determination of payroll amounts paid to such leased employees. Such examination shall allow for both the employee leasing company and its assigns to conduct audits of the client for the purposes set forth above and to the extent set forth in section 440.381, F.S, and the rules promulgated thereto by the Department of Insurance and the Department of Labor and Employment Security.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: 62-4
 RULE NO.: 62-4.052

RULE CHAPTER TITLE: Permits
 RULE TITLE: Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in, Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held August 4, 2000, in Tallahassee, Florida, and are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-4.052 Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters.

(1) Scope and Intent. As authorized in Section 403.087(6)(5), F.S., this rule implements annual regulatory program and surveillance fees (annual fees) for wastewater and stormwater permits. These fees are in addition to the application fees described in Rule 62-4.050, FAC. and effect the legislative intent that the Department's costs for administering the National Pollutant Discharge Elimination System (NPDES) be borne by regulated parties. As such, the annual fees are applicable only to facilities and activities subject to regulation under Chapters 62-620, 62-621 and 62-624, FAC., pursuant to Section 403.0885, F.S., and the NPDES program.

(2) through (9) No change.

(10) The annual fee for municipal stormwater facilities regulated under Chapter 62-624, FAC., shall be as follows:

(a) Fees for each Municipal Separate Storm Sewer System (MS4) permit shall cover the cost of surveillance and the regulatory program, including processing of annual reports, revisions, and permit applications and re-applications. Annual fees for MS4s shall be based on the total MS4 permit population. The total MS4 permit population is equal to the sum of the populations of each of the named co-permittees to a MS4 permit. Populations used for all MS4 fee determinations shall be the 1998 estimates as listed in the 1999 edition of the Florida Statistical Abstract, published by the Bureau of Economic and Business Research, University of Florida. Fees are calculated using the formulas established in Rule 62-4.052(10)(d), FAC. Total permit populations and associated fees are indicated for each permit below:

Permit	Total Population	Fee
1. through 21.	No change.	
22. Reedy Creek District	73,000	\$3,190
23. through 28.	No change.	
(b) through (d)	No change.	

(11) Stormwater discharge associated with industrial activity permitted under Chapter 62-620, F.A.C., shall pay an additional \$200 per outfall per year, up to the maximum amount set forth in Section 403.087(6), F.S., unless the activity is already subject to the fee provisions of Rule 62-4.052(7)(b)(e), FAC.

(12) through (13) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: 62-620
 RULE CHAPTER TITLE: Wastewater Facility and Activities Permitting

RULE NOS.: 62-620.100
 62-620.300
 62-620.301
 62-620.310
 62-620.320
 62-620.345
 62-620.350
 62-620.400
 62-620.410
 62-620.510
 62-620.550
 62-620.610
 62-620.710

RULE TITLES: Scope/Applicability/References
 General Prohibitions
 General Provisions
 Procedure to Obtain Permits
 Standards for Issuing or Denying Permits
 Suspension and Revocation
 Recordkeeping
 Permit Application Requirements
 General Application Requirements
 Application Processing
 Public Notice
 General Condition for All Permits
 Procedures for Generic Permits

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in Vol. 26, No. 27, the July 7, 2000 issue of the Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held August 4, 2000, in Tallahassee, Florida, and are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-620.100 Scope\Applicability\References.

(1) No change.

(2) Applicability.

(a) No change.

(b) Requirements in this chapter shall apply to domestic or industrial wastewater facilities or activities which discharge wastes into waters or which can reasonably be expected to be a source of pollution.

(c) ~~The permitting procedures of this chapter apply~~ This chapter applies to stormwater discharges regulated under section 403.0885, F.S. It is the intent of this chapter as to stormwater discharges to implement the substantive requirements of the Federal NPDES stormwater program.

(d) through (n) No change.

(3) through (4) No change.

62-620.300 General Prohibitions.

(1) through (2) No change.

(3) No discharge of wastes shall commence before a ~~wastewater facility or activity~~ permit is obtained. Except as otherwise provided in paragraphs (a) and (b), the Department ~~wastewater facility or activity~~ permit shall be obtained before commencement of construction or modification of the wastewater facility or activity.

(a) For a wastewater facility or activity permitted to discharge wastes into surface waters under this chapter pursuant to section 403.0885, F.S., only the portion of the proposed construction or modification of the wastewater facility or activity that relates solely to a discharge of wastes into surface water may be constructed or modified before a ~~wastewater facility or activity~~ permit is issued.

1. through 2. No change.

3. For modifications which relate solely to the discharge of wastes into surface water and which will only affect the treatment works or the quantity, nature or quality of the discharge when placed in operation, a ~~wastewater facility or activity~~ permit revision shall be obtained before placing the modifications in operation.

(b) No change.

(4) through (5) No change.

62-620.301 General Provisions.

(1) No change.

(2) For purposes of enforcement, compliance with a ~~wastewater facility or activity~~ permit issued under this chapter constitutes compliance with the applicable provisions of chapter 403, F.S. However, the Department shall not be precluded from instituting enforcement actions as indicated in Rule 62-650.300(4), F.A.C. For purposes of enforcement, compliance with a ~~wastewater facility or activity~~ permit issued under this chapter pursuant to the authority of section 403.0885, F.S., constitutes compliance with sections 301, 302, 306, 307, 318, 402 and 403 of the Clean Water Act, except for:

(a) through (b) No change.

(3) through (6) No change.

62-620.310 Procedure to Obtain Permits.

(1) Any person intending to construct, operate, or modify a wastewater facility or activity which will discharge wastes into waters or which will reasonably be expected to be a source of water pollution shall make application to the Department for a ~~wastewater facility or activity~~ permit under this chapter. A

~~wastewater facility or activity~~ permit shall be issued only if all Department requirements for wastewater facilities or activities are met.

(2) through (10) No change.

62-620.320 Standards for Issuing or Denying Permits.

(1) through (2) No change.

(3) A permit issued under this chapter ~~A wastewater facility or activity permit~~ shall be renewed upon timely application to the Department in accordance with Rule 62-620.335, F.A.C., if the discharge is in compliance with permit conditions and applicable statutes and rules.

(4) through (6) No change.

(7) The Department shall take into consideration a ~~wastewater facility or activity~~ permit applicant's violation of any Department rules at any wastewater facility or activity when determining whether the applicant has provided reasonable assurance that Department standards will be met.

(8) No Department permit ~~for a wastewater facility or activity~~ shall be issued under this chapter for a term of more than five years except as provided in section 403.087, F.S.

(9) through (10) No change.

62-620.345 Suspension and Revocation.

(1) The following are causes for suspending, revoking, or terminating any ~~wastewater facility or activity~~ permit issued by the Department under this chapter. The Department finds:

(a) That the permit holder or his agent submitted false or inaccurate information in his application for a ~~wastewater facility or activity~~ permit under this chapter or operational reports required by a ~~wastewater facility or activity~~ permit issued under this chapter;

(b) through (f) No change.

(2) No change.

62-620.350 Recordkeeping.

Unless the ~~wastewater facility or activity~~ permit specifically indicates an alternative location, the permittee shall maintain the following records on the site of the permitted facility or activity and make them available for inspection:

(1) through (9) No change.

62-620.400 Permit Application Requirements.

Permit application requirements are set forth in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. This guide contains procedures and requirements to apply for permits for wastewater facilities or activities and the renewal of existing permits. It addresses modifications to wastewater facilities or activities for which permits are required unless specifically excluded. It sets forth general requirements which apply to applications for ~~wastewater facility or activity~~ permits under this chapter and it sets forth additional application requirements that apply to specific types of facilities or activities. Other Department rules which deal with other

aspects of wastewater facilities or activities are chapter 62-4, F.A.C., Permitting; chapter 62-25, F.A.C., Stormwater; chapter 62-28, F.A.C., Underground Injection Control; chapter 62-302, F.A.C., Surface Water Quality Standards; chapter 62-520, F.A.C., Ground Water Classes, Standards, and Exemptions; chapter 62-522, F.A.C., Ground Water Permitting and Monitoring Requirements; chapter 62-600, F.A.C., Domestic Wastewater Facilities; chapter 62-601, F.A.C., Domestic Wastewater Treatment Plant Monitoring; chapter 62-604, F.A.C., Collection Systems and Transmission Facilities; chapter 62-610, F.A.C., Reuse of Reclaimed Water and Land Application; chapter 62-611, F.A.C., Wetlands Application; chapter 62-621, F.A.C., Generic Permits; chapter 62-624, F.A.C., Municipal Separate Storm Sewer Systems; chapter 62-625, F.A.C., Pretreatment; chapter 62-640, F.A.C., Domestic Wastewater Residuals; chapter 62-650, F.A.C., Water Quality Based Effluent Limitations; chapter 62-660, F.A.C., Industrial Wastewater Facilities; chapter 62-670, F.A.C., Feedlot and Dairy Wastewater Treatment and Management Requirements; chapter 62-671, F.A.C., Phosphate Mining Waste Treatment Requirements; chapter 62-672, F.A.C., Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations; chapter 62-673, F.A.C., Phosphogypsum Management; chapter 62-699, F.A.C., Treatment Plant Classification and Staffing.

62-620.410 General Application Requirements.

(1) through (2) No change.

(3) An applicant shall submit as part of the application for a ~~wastewater facility or activity~~ permit a preliminary design or engineering report and other information in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. A report substantively addressing all of the elements listed in the Guide shall be submitted at least 90 days before construction commences on a facility or activity which discharges solely to surface waters or on a component of a facility or activity which discharges solely to surface waters if the applicant can demonstrate that the component is separable from the entire facility or activity. For all other facilities or activities, the report shall be submitted and made complete with the application for permit.

(4) Initiation or commencement of construction means to begin performing on-site modification, fabrication, erection or installation of a treatment facility or a conveyance system for the discharge of wastes. For the purposes of the ~~wastewater facility or activity~~ permit, land clearing and site preparation activities related to this construction are not included herein; however, before undertaking these activities, other permits for stormwater discharges from the site may be required.

(5) An applicant shall apply to the Department to renew an existing ~~wastewater facility or activity~~ permit at least 180 days before the expiration date of the existing permit.

(6) through (7) No change.

62-620.510 Application Processing.

(1) through (17) No change.

(18) Except as waived by EPA in a Memorandum of Agreement with the Department, for discharges of wastes regulated under this chapter pursuant to section 403.0885, F.S., the Department shall submit the proposed permit to the EPA for its concurrence in the Department decision.

(a) No change.

(b) If EPA objects to issuance of the permit in accordance with 40 CFR 123.44 and in writing within 90 days of submittal to EPA, and the Department fails to submit to EPA a revised permit satisfying the objections in accordance with the following timeframe, exclusive authority to issue the NPDES permit under 33 U.S.C. 1342 passes to EPA and the Department retains its authority to issue a state permit under section 403.088, F.S. The Department shall have 90 days from receipt of the EPA objections, or 30 days from the date of a public hearing on the objections, to submit a revised permit to EPA. The Department shall advise the applicant of the EPA objections.

(c) No change.

(19) No change.

(20) Only that portion of the ~~wastewater facility or activity~~ permit which authorizes a discharge regulated under section 402 of the CWA, as amended, shall be submitted to the EPA for review under that section. A ~~wastewater facility or activity~~ permit includes any draft permit, proposed permit, or final permit described in this chapter.

62-620.550 Public Notice.

(1) No change.

(2) Public notice for discharges of wastes regulated under section 403.0885, F.S., and this chapter, shall announce the preparation of a draft permit and solicit public comments on its efficacy or announce the date, time and location of a public meeting to take oral comments on a draft permit.

(a) Public notice under this subsection is required when the Department prepares a draft permit for all new wastewater facilities or activities, for all substantially revised ~~wastewater facility or activity~~ permits, for all renewals of permits which have been issued under section 403.0885, F.S., and this chapter, and for minor revisions to a ~~wastewater facility or activity~~ permit when the revision proposes to decrease a permit requirement for monitoring or reporting. No public notice is required when a request for a permit, permit revision, revocation and reissuance, or termination is denied. Written notice of that denial shall be given to anyone requesting it and to the permittee.

(b) through (d) No change.

(3) through (6) No change.

62-620.610 General Conditions for All Permits.

All ~~wastewater facility or activity~~ permits, except General and Generic Permits, issued by the Department under this chapter shall include the following conditions:

(1) through (23) No change.

62-620.710 Procedures for Generic Permits.

(1) No change.

(2) As an alternative to individual permits, the Department may promulgate by rule a generic permit to regulate a category of wastewater facilities or activities. The Department shall ~~may~~ issue a generic permit to regulate such a category of wastewater facilities or activities only if they all:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices;

(c) Require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal;

(d) Require the same or similar monitoring; and

(e) The permit is approved by the EPA pursuant to Rule 62-620.710(3), F.A.C. ~~Are more appropriately controlled under a generic permit than under individual permits.~~

(3) through (4) No change.

(5) A proposed project which may be reasonably expected to violate water quality standards or which will not meet the public interest requirements set forth in ~~403.088(2)(b) chapter 403, F.S.,~~ shall not be entitled to use of a generic permit.

(6) through (8) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-621 Generic Permits

RULE NO.: RULE TITLE:

62-621.100 Scope/Applicability

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in, Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-621.100 Scope/Applicability.

This Chapter sets forth the procedures to obtain generic permits authorized under Section 403.0885, Florida Statutes, and Chapter 62-620, Florida Administrative Code (F.A.C.). For the purpose of this Chapter "Generic Permit" means a general permit issued under the authority of Section 403.0885, F.S. As an alternative to individual permits, the Department

may promulgate by rule a generic permit to regulate a category of wastewater facilities or activities. The Department ~~shall~~ may issue a generic permit to regulate such a category of wastewater facilities or activities only if they all: involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices; require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal; require the same or similar monitoring; and the permit is approved by the EPA pursuant to Rule 62-620.710(3), F.A.C. ~~are more appropriately controlled under a generic permit than an individual permit.~~

(1) through (4) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-624 Municipal Separate Storm Sewer Systems

RULE NO.: RULE TITLE:

62-624.200 Definitions

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held August 4, 2000, in Tallahassee, Florida, and are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-624.200 Definitions.

(1) through (3) No change.

(4) Large municipal separate storm sewer system means all municipal separate storm sewers that are either:

(a) No change.

(b) Owned or operated by a municipality other than those described in paragraph (4)(a) of this section and that are designated by the Department as part of the large ~~or medium~~ municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (4)(a) of this section. In making this determination the Department shall consider the following factors:

1. through 2. No change.

3. The quantity and nature of pollutants discharged to waters of the state; and,

4. The nature of the receiving waters; ~~and~~

~~5. Other relevant factors.~~

(5) through (6) No change.

(7) Medium municipal separate storm sewer system means all municipal separate storm sewers that are either:

(a) No change.

(b) Owned or operated by a municipality other than those described in paragraph (7)(a) of this section and that are designated by the Department as part of the ~~large or~~ medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (7)(a) of this section. In making this determination the Department shall consider the following factors:

1. through 2. No change.

3. The quantity and nature of pollutants discharged to waters of the state; and.

4. The nature of the receiving waters; ~~and~~

~~5. Other relevant factors.~~

(8) through (11) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-31R

RULE CHAPTER NO.: 62-709
RULE CHAPTER TITLE: Criteria for the Production and Use of Compost Made from Solid Waste

RULE NOS.: 62-709.300
62-709.320
RULE TITLES: General Provisions
Yard Trash Processing Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 29, July 21, 2000, issue of the Florida Administrative Weekly:

62-709.300 General Provisions.

(1) No change.

(2) No solid waste management facility whose purpose is or includes the production of compost shall be constructed, operated, expanded or modified without an appropriate or currently valid permit issued by the Department unless specifically exempted by Chapter 403, F.S., Chapter 62-701, F.A.C. F.S., or this chapter.

(3) through (16) No change.

62-709.320 Yard Trash Processing Facilities.

(1) Applicability

(a) Owners or operators of yard trash processing facilities that meet the criteria of this rule shall register with the Department in accordance with Rule 62-709.320(5), F.A.C., in lieu of obtaining a permit under Rule 62-709.300(2), F.A.C. are exempt from any requirements to obtain a solid waste management facility permit from the Department. However, if these criteria are not met then a solid waste management facility permit is required:

1. through 2. No change.

(b) through (c) No change.

(2) Definitions. The following terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(a) No change.

~~(b)(a)~~ "Yard trash" has the meaning given in Rule 62-701.200, F.A.C., and solely for purposes of this rule, it includes clean wood.

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

(3) through (7) No change.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-56.002
RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rule to be held September 21, 2000, at 3:00 p.m., at the Sheraton, Ft. Lauderdale Airport, 1825 Griffin Road, Davie, Florida. The rule was originally published in Vol. 26, No. 24, of the June 16, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**Section IV
Emergency Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances
RULE NO.: 2ER00-1

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On August 29, 2000, the Attorney General issued extensive findings relating to proposed rule 2-40.005 and this emergency rule. Based on the rulemaking record for proposed rule 2-40.005, the Attorney General has found that the scheduled October 1, 2000 deletion of those drug preparations