



(e) The Request for Hearing must contain the information provided in Rule Chapter 28-104, F.A.C.

Also, in response to the comments received by the Department regarding the proposed amendments to Rule 12A-1.038, F.A.C., subparagraph (5)(a)3. has been changed to remove the word "exclusively" from the phrase "exclusively for residential household purposes," so that, when adopted, that subparagraph will read as follows:

3. The provisions of this subsection do not apply to the tax exempt sale of utilities that are used by the purchaser for residential household purposes. Guidelines regarding the sale of utilities are provided in Rules 12A-1.053 and 12A-1.059, F.A.C.

Also, in response to these comments, subparagraph (5)(d)1. of Rule 12A-1.038, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(d)1. The following is a suggested format of an exemption certificate to be issued by a purchaser who does not hold a Consumer's Certificate of Exemption, but who claims that the purchase, rental, lease, or license of the property, or the purchase of the services is for an exempt purpose. Exemption purposes listed on the suggested format that are not relevant to the purchaser may be eliminated from the certificate.

**EXEMPTION CERTIFICATE FOR EXEMPTIONS  
BASED ON THE PROPERTY'S USE**

This is to certify that the tangible personal property purchased, leased, licensed, or rented, or services purchased, on or after \_\_\_\_\_ (date) from \_\_\_\_\_ (Selling Dealer's Business Name) is purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

( ) Materials, containers, labels, sacks, bags, or similar items intended to accompany a product for sale at other than retail, as provided in s. 212.02(14)(c), F.S., by persons who are not required to be registered under s. 212.18(3), F.S.

( ) Export of tangible personal property for use outside this state, as provided in Rule 12A-1.064(1), F.A.C.

( ) Incorporation into items of tangible personal property manufactured, produced, compounded, processed, or fabricated for one's own use, as provided in Rule 12A-1.043, F.A.C.

( ) Printing of a publication exempt under the provisions of s. 212.08(7)(w), F.S.

( ) Items, such as paper and ink, that will be incorporated into and become a component part of a publication exempt under the provisions of s. 212.08(7)(w), F.S.

( ) Educational materials that are used in the classroom and not used for its administration by child care facilities outlined in s. 402.305, F.S., that hold a current license under s. 402.308, F.S., hold a current Gold Seal Quality Care designation as provided in s. 402.281, F.S., and provide all employees with basic health insurance as defined in s. 627.6699(12), F.S., as provided in s. 212.08(5)(m), F.S.

( ) Motor vehicle rented or leased by a dealer who will provide the motor vehicle at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the dealer, as provided in s. 212.0601(4), F.S.

( ) Other (include description and statutory citation):

I understand that if I use the property or service for any nonexempt purpose, I must pay tax on the purchase or lease price of the taxable property or service directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1(800)352-3671.

Purchaser's Name \_\_\_\_\_  
Purchaser's Address \_\_\_\_\_  
Name and Title of Purchaser's Authorized Representative \_\_\_\_\_

Sales and Use Tax Certificate of Registration No. (if applicable) \_\_\_\_\_

By \_\_\_\_\_  
(Signature of Purchaser or Authorized Representative)

Title \_\_\_\_\_

(Title – only if purchased by an authorized representative of a business entity)

Date \_\_\_\_\_

2. No change to this text as noticed in the April 27, 2001 edition of the Florida Administrative Weekly. In response to these comments, subsection (5)(a) of Rule 12A-1.097, F.A.C., has been changed, so that, when adopted the rule will read as follows:

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5)(a)	DR-5	<del>Sales and Use Tax</del> Application for <u>Consumer's</u> <del>Consumer</del> Certificate of Exemption (r. 10/00 N. 09/87) _____ 08/92
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**DEPARTMENT OF REVENUE**

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001  
The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12C-2.002, F.A.C. (Property Subject to Tax – Annual and Nonrecurring), 12C-2.003, F.A.C. (Exemptions), 12C-2.004, F.A.C. (Levy of Tax – Annual and Nonrecurring), 12C-2.005, F.A.C. (Due Date – Payment of

Tax – Discounts Allowed), 12C-2.006, F.A.C. (Taxable Situs – Reporting Requirements – Who Shall File a Return), 12C-2.0063, F.A.C. (Intangible Personal Property Held in Trusts), 12C-2.007, F.A.C. (Penalties and Interest), 12C-2.008, F.A.C. (Information Reports), 12C-2.010, F.A.C. (Valuations), 12C-2.0105, F.A.C. (Tax Credits), and 12C-2.0115, F.A.C. (Public Use Forms). A Notice of Rule Development Workshop was published in the Florida Administrative Weekly on February 9, 2001 (Vol. 27, No. 6, pp. 539-546), and the workshop was held on February 27, 2001. No comments were received. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2137-2143), and a public hearing was conducted on May 22, 2001. No comments were received. Subsequent to the public hearing the Joint Administrative Procedures Committee submitted comments. In response to these comments the Department made changes to Rule 12C-2.0115, F.A.C., which will be published in the next available issue of the Florida Administrative Weekly.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.:                    RULE TITLE:  
 12C-2.0115                 Public Use Forms  
                                   NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12C-2.0115, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly (Vol. 27, No. 17, pp. 2137-2143). These changes are in response to written comments received from the Joint Administrative Procedures Committee.

In response to the comments received by the Department regarding the proposed amendments to Rule 12C-2.0115, F.A.C., subsections (2) and (5) have been changed, so that, when adopted, these subsections will read as follows:

- (2)(4) DR-601-C Intangible Personal Property  
                                   Tax Return  
                                   (Corporation and Partnership)  
                                   (r. 01/01 12/92)                    \_\_\_\_\_ 1/94
- (5) DR-601-G Government Leasehold  
                                   Intangible Tax Return  
                                   (r. 01/01 01/93)                    \_\_\_\_\_ 1/94

The Department has changed the proposed amendments to the Specific Authority and Law Implemented statements for Rule 12C-2.0115, F.A.C., so that, when adopted, these statements will read as follows:

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292, 213.053 FS. History–New 11-21-91, Amended 1-5-94,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
 33-302.105                 Probation and Parole – Use of Force  
                                   SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 26, No. 46, November 17, 2000, and Vol. 26., No. 52, December 29, 2001, issues of the Florida Administrative Weekly:

33-302.105 Probation and Parole – Use of Force.

(1) Physical force shall not be used on offenders under supervision in the performance of duty unless required;

(a) through (2) No change.

(3) Use of Force Reports.

~~(a) The employee engaged in the use of force shall immediately notify his or her supervisor of the incident. A Community Corrections Report of Force Used, Form DC3-210, shall be prepared, dated and signed by the employee using force and submitted to the circuit administrator within one working days (Monday through Friday) following the incident. If more than one employee was involved in the initial use of force, the circuit administrator will appoint the highest ranking official involved, or the most senior employee, to complete the report. Form DC3-210 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, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.~~

~~(b) Each additional employee involved in the use of force who agrees with the facts and circumstances as reported shall prepare a Community Corrections Report of Force Used – Staff Supplement, Form DC3-211, and shall submit it to the circuit administrator within one working day (Monday through Friday) following the incident. Form DC3-211 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, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.~~

~~(c) Any employee involved in a use of force who disagrees with the facts and circumstances as reported on the Community Corrections Report of Force Used shall complete a separate Community Corrections Report of Force Used within one working day following the incident.~~

~~(d) Whenever an employee witnesses a use of force incident, but was not physically involved in the use of force, the employee shall complete an Inspector General’s Office Electronic Mail e-Form.~~

~~(e) The circuit administrator shall review the report and any other statements from the offender or witnesses and process his or her recommendation on whether the appropriate level of force was used in the incident to the inspector general~~

field office for review within five working days (Monday-Friday). The circuit administrator will forward a copy of the information to the Regional Director.

~~(f) The inspector general field office shall review all reports for accuracy and forward their findings to the Office of the Inspector General in central office within five working days (Monday through Friday).~~

~~(g) The Office of the Inspector General in central office shall either approve the action, or if disapproved, refer it for investigation.~~

~~(h) If the use of force is approved by the Office of the Inspector General, the original DC3-210 packet will be retained by the Office of the Inspector General and a copy will be returned to the circuit administrator for distribution. The circuit administrator's office will be responsible for distributing copies of the DC3-210 to the locations designated on the form.~~

~~(i) The Office of the Inspector General will retain any reports that are associated with incidents referred for a criminal investigation as part of a case file.~~

~~(j) When a use of force occurs, the servicing personnel office will complete the Use of Force Log, Form DC2-802, utilizing information from the DC3-210 and DC3-211. The DC2-802 will be the only document maintained in the employee's personnel file tracking the use of force incident. Form DC2-802 is incorporated in Rule 33-602.210(8). The effective date of this form is 2-7-00.~~

~~(k) The inspector general shall notify the circuit administrator and regional director of any officer involved in three or more use of force incidents in a 12-month period. The regional director shall review the circumstances for possible reassignment of the officer.~~

~~(3)(4)~~ No change.

~~(4)(5)~~ Use of Handcuffs.

(a) through (c) No change.

(d) In any case in which handcuffs are used, an accurate record shall be maintained as to the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. The officer who used the handcuffs shall complete the report within five ~~one~~ working days (Monday through Friday) after the incident. Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used – Staff Supplement, DC3-211. Form DC3-211 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

~~(5)(6)~~ Use of chemical agents.

(a) Chemical agents shall be used only for self defense or defense of another and only after all other reasonable efforts to avoid confrontation with a disorderly person or persons posing an immediate threat of bodily harm to an officer have been exhausted. Chemical agents will never be used to punish an offender. Chemical agents will be used when this level of force is the least likely to cause injuries to all parties involved, and when a lesser level of force or persuasion is ineffective.

(b) No change.

(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to ~~(5)(6)(b)~~. Trained support staff are authorized to may, upon request, be issued a chemical agent with less than two (2) ounces. The Receipt of Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. This form is hereby incorporated by reference. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. The circuit office will conduct semi-annual chemical agent inventories. This form is hereby incorporated by reference. Copies of Form DC-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective dates of these forms is \_\_\_\_\_. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff shall store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.

(d) As soon as possible, consistent with continuing efforts to restore control of the situation, decontamination procedures will be initiated, in accordance with measures provided during chemical agent training any part of the body exposed to chemical agents shall be flushed with water and the person should be given an opportunity to shower and change into fresh clothing.

(e) Local law enforcement shall be notified immediately following the use of chemical agents if assistance is needed in every case to assist in gaining control of the situation emergency and in decontamination procedures.

~~(f) The supervisor and circuit administrator shall be notified immediately following the use of chemical agents.~~

~~(f)(g)~~ No change.

~~(g)(h)~~ In any case in which chemical agents are used, except for training or testing purposes, an accurate record shall be maintained as to what type was used, how much was used,

and the location and reason for use, and a factual description of the circumstances and the incident. This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. The employee officer who used the chemical agent shall complete the report within five one working days (Monday through Friday) after the incident. The employee shall notify his or her supervisor within one working day when chemical agents are used and the supervisor shall notify the circuit administrator.

(6)(7) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History--New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
33-302.105                  Probation and Parole – Use of Force  
   NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed Rule(s), as noticed in the Florida Administrative Weekly, Vol. 26, No. 46, dated November 17, 2000, will be held at 9:00 a.m., on Thursday, August 2, 2001, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:    RULE CHAPTER TITLE:  
40E-2                      Consumptive Use  
RULE NO.:                RULE TITLE:  
40E-2.301                Conditions for Issuance of Permits

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 Vol. 27, No. 13, the March 30, 2001 issue of the Florida Administrative Weekly:

The first sentence in Subsection (1)(e) in Rule 40E-2.301 has been changed so that when adopted it will read: “is otherwise a reasonable-beneficial use as defined in subsection 373.019(4), Florida Statutes, with consideration given to the factors set forth in Rule 62-40.410, F.A.C.”

This change was made in response to a comment received from the Joint Administrative Procedures Committee, indicating the citation to Rule 62-40.422, F.A.C. was incorrect.

The first sentence in Subsection (1)(g) in Rule 40E-2.301 has been changed so that when adopted it will read: “is in accordance with the Water Resource Implementation Rule on water transport pursuant to Rule 62-40.422, F.A.C.

This change was made in response to a comment received from the Joint Administrative Procedures Committee, indicating the citation to Rule 62-40.410, F.A.C. was incorrect.

The first sentence in Subsection (2)(a) in Section 3.9.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997”

is changed so that when adopted it will read: “Sufficient additional water has been made available for the new or increased portion of the requested allocation via certification of a project or project phase of the recovery strategies, as certified by the District, pursuant to Rule 40E-8.421(1)(e), F.A.C.”

This is a grammatical change and was made in response to a comment received from the public and intended to clarify the intent of the sentence.

The second sentence in Subsection (2)(a) in Section 3.9.1 of the “Basis of Review for Water use Permit Applications within the South Florida Water Management District – October 1997” is changed so that when adopted it will read: “Water made available from a certified project or project phase of a recovery strategy for new or increased uses will be allocated based on the criteria in the Basis of Review and Chapter 40E-2; or”

This is a grammatical change and was made in response to a comment received from the public and intended to clarify the intent of the sentence.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-8	Minimum Flows and Levels
RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.221	Minimum Flows and Levels Surface Waters
40E-8.231	Minimum Levels: Aquifers
40E-8.301	Minimum Flows and Levels: Surface Waters
40E-8.331	Minimum Levels: Aquifers
40E-8.421	Prevention and Recovery Strategies
40E-8.431	Consumptive Use Permits

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 Vol. 27, No. 13, the March 30, 2001 issue of the Florida Administrative Weekly:

Chapter 40E-8 is given the title, “Minimum Flows and Levels”.

This change was made in response to a comment received from the public, indicating the Chapter had no title.

The following sentence is added after the first sentence to Subsection (4) in Rule 40E-8.011:

“The District would not have adopted the minimum flows and levels set forth in Rules 40E-8.321 and 40E-8.331, F.A.C. for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules.”

This change is made in response to public comment.

The existing second sentence in Subsection (4) in Rule 40E-8.011 is changed so that when adopted it will read: "If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) ( ) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S."

This change is being made in response to public comment, and is intended to address applicable regional water supply plans.

The cite at the end of Subection (3) in Rule 40E-8.021 is being changed from (62 Stat. 1176) to (Chapter 771).

This change is being made in response to comment received from the Joint Administrative Procedures Committee.

A new Subsection (5) in Rule 40E-8.021 is being added, as follows: "(5) Certification or Certify – means the formal determination by the District, through a validation process consistent with state and federal law, of the total amount of water made available by a project or project phase of a recovery or prevention strategy, as appropriate, for natural systems and other uses."

The subsequent subsections in Rule 40E-8.021 are being renumbered to account for the addition of the new Subsection (5).

These changes are being made in response to public comment.

The word "defined" in newly renumbered Subsection (23) (previously (22)) in Rule 40E-8.021 is being replaced with "addressed".

This is a grammatical change being made in response to comment received from the Joint Administrative Procedures Committee.

The word "criteria" in the last sentence of Rule 40E-8.221 is being replaced with "MFL".

This change is being made in response to comment received from the Joint Administrative Procedures Committee and is intended to clarify the intent of the rule.

"Section 373.223(3)" in Subsection (1)(b) in Rule 40E-8.421 is being changed to "Section 373.223(4)".

This change is being made in response to comment received from the Joint Administrative Procedures Committee indicating an incorrect citation.

Subsection (1)(e) in Rule 40E-8.421 is being changed so that when adopted it will read: "Upon completion of each project or project phase of a recovery or prevention plan the District will certify the availability of water, as defined in Rule 40E-8.021(5)."

This change is being made in response to public comment.

The phrase "implement a process for updating" in the first sentence in Subsection (1)(f) in Rule 40E-8.421 is being replaced with "update".

This change is being made in response to comment received from the Joint Administrative Procedures Committee and is intended to clarify the intent.

The word "programmatic" in the fourth sentence in Subsection (2)(b) in Rule 40E-8.421 is being replaced with "Chapter 373, F.S."

This change is being made in response to comment received from the Joint Administrative Procedures Committee.

Subsection (5)(b) in Rule 40E-8.421 is being amended so that when adopted it will read: "Implement rule criteria to prevent harm through the consumptive use permitting process, including conditions for permit issuance in Rule 40E-2.301, F.A.C."

This change is being made in response to comment received from the Joint Administrative Procedures Committee to indicate where the criteria can be found.

The figure referenced in Rule 40E-8.421 is as follows:

INSERT CHART

This change is being made in response to public comment that the figure was not included in the FAW publication.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-21 Water Shortage Plan

RULE NOS.: RULE TITLES:

40E-21.521 Phase I Moderate Water Shortage

40E-21.531 Phase II Severe Water Shortage

40E-21.541 Phase III Extreme Water Shortage

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 Vol. 27, No. 13, the March 30, 2001 issue of the Florida Administrative Weekly:

Throughout Rules 40E-21.521, 40E-21.531, and 40E-21.541 the term "Lake Okeechobee Agricultural Area" is being changed to "Lake Okeechobee Region".

This change is being made in response to public comment and is being made to more accurately describe the affected area.

The following sentence is added after the last sentence in Subsection 40E-21.541(2)(a)5.:

"In making the determination the District will consider the following:"

This sentence is being added in response to public comment.

The word "any" in the last sentence in Subsection 40E-21.541(2)(a)5.c. is being replaced with "past and projected".

This change is being made in response to public comment.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-22	Regional Water Shortage Plan
RULE NOS.:	RULE TITLES:
40E-22.312	Policy and Purpose
40E-22.322	Geographic Application
40E-22.332	Water Shortage Triggers

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 Vol. 27, No. 13, the March 30, 2001 issue of the Florida Administrative Weekly:

The second sentence in Rule 40E-22.312 is being changed so that when adopted it will read: "The rules in this section apply to the withdrawal of surface water from the Lake Okeechobee Region as depicted on Figure 21-4 and described in Rule 40E-21.691(3), F.A.C., and the Brighton Reservation in accordance with the terms of the Water Rights Compact Among the Seminole Tribe of Florida, the state of Florida, and the South Florida Water Management district ("Seminole Compact").

This change is being made in response to public comment.

Rule 40E-22.322 is being amended so that when adopted it will read: "This rule shall be applied to the Lake Okeechobee Region described in Rule 40E-21.691(3), F.A.C., and the Brighton Reservation in accordance with the terms of the Seminole Compact. In addition, depending upon particular hydrologic conditions, restrictions imposed under this section may be applied to agricultural users of Lake Okeechobee and its connected canal system that are in areas outside the Lake Okeechobee Region. Such areas will be identified, as appropriate in the specific water shortage order declaring the restrictions."

This change is being made in response to public comment.

The figure referenced in Rule 40E-22.332 is being changed so that when adopted it will be:

INSERT CHART  
1 PAGE OF 1



This change is being made in response to public comment that the figure was not published in FAW.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-41	Surface Water Management Basin and Related Criteria
RULE NOS.:	RULE TITLES:
40E-41.001	Policy and Purpose
40E-41.320	Scope, Policy, and Implementation of Part IV
40E-41.321	Definitions
40E-41.323	Water Preserve Area & Water Preserve Area Basin Boundaries
40E-41.333	Implementation
40E-41.343	Application of Part IV
40E-41.360	Permit Thresholds
40E-41.363	Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

**NOTICE OF CORRECTION**

The South Florida Water Management District hereby gives notice of correction to the Notice of Proposed Rules published in the Florida Administrative Weekly, Vol. 27, No. 27, July 6, 2001. The specific correction is as follows:

Figures 1, 2, 3, 4, 5, and 6, which maps identify the subject Water Preserve Areas, Water Preserve Area Basins, Protective Levees, layers of existing natural soil materials within the geographical boundaries of the proposed rule, the Water Preserve Area basin boundaries and the subject drainage basins in Palm Beach and Broward Counties which are effected by this proposed rule, are all components of proposed new rule Part IV Water Preserve Area Basins in Palm Beach & Broward Counties. These figures were inadvertently not published on July 6, 2001, with the text portion of proposed new rule Part IV Water Preserve Area Basins in Palm Beach & Broward Counties. Thus, the publication herein of Figures 1, 2, 3, 4, 5, and 6, complies with the requirements of Subsection 120.54(3)(a), F.S.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Penelope Bell, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320, (561)682-6320, or pbell@sfwmd.gov.

INSERT MAP  
1 OF 6

INSERT MAP  
2 OF 6

INSERT MAP  
3 OF 6

INSERT MAP

4 OF 6

INSERT MAP  
5 OF 6

INSERT MAP  
6 OF 6

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-9.005  
RULE TITLE: Registration of Course Sponsors  
NOTICE OF CHANGE

The Electrical Contractors' licensing Board gives Notice of Change to the above-referenced rule in response to comments received from the public. The rule was originally published in Vol. 26, No. 31, January 19, 2001, issue of the Florida Administrative Weekly. When changed, subsections (2), (6)(k) and (9) shall read as follows:

(2) The application for registration must be submitted on the ECLB Continuing Education Provider Approval Application, form number, BPR/ECLB/CONT.ED. PROV.APP/REV/4/2001, with instructions, hereby incorporated by reference, copies of which are provided by the Board upon request and must include the name, address, phone number and facsimile number of the course provider. The registration must also include the name and address of each person or entity who has an ownership interest in the course sponsor or who is entitled to receive any portion of the revenues from the course sponsor.

(6)(k) Failure to provide the attendee list to the Department in an electronic format or otherwise violate provisions in rule section 61-6.015.

(9) The provider must comply with the requirements stated in Rule 61-6.015(5) as a condition of approval as a course provider.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-9.006  
RULE TITLE: Approval of Continuing Education Courses  
NOTICE OF CHANGE

The Electrical Contractors' licensing Board gives Notice of Change to the above-referenced rule in response to comments received from the public. The rule was originally published in Vol. 27, No. 5, February 2, 2001, issue of the Florida Administrative Weekly. When changed, subsections (1)(a) shall read as follows:

(1)(a) Any registered course provider may submit an application for approval of a continuing education course by filing with the Board a completed ECLB Continuing Education Course Approval Application, Form No.

BRP/ECLB/CONT.ED.COURSE.APP/REV/4/2001 adopted and incorporated herein by reference. Copies of which shall be provided upon request to the board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NOS.: 64B-2.001, 64B-2.002, 64B-2.003  
RULE TITLES: Practitioner Profile, Information Required Upon Renewal, Form  
NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance announces changes to new rules and rule amendments proposed to Rule Chapter 64B-2, F.A.C., originally noticed in the June 22, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 25. The changes are in response to comments provided by the Joint Administrative Procedures Committee. The changed rules will read as follows:

64B-2.001 Practitioner Profile.

The Practitioner Profile shall consist of:

(1) through (8) No change.

(9) "Liability Claims Exceeding \$5,000.00" within the previous 10 years shall consist of the nature of the claim, including the incident date, county, judicial case number, settlement date, settlement amount, and policy amount, to the extent available; and the statutory explanation of why a settlement may have occurred. This subsection does not apply to individuals submitting information pursuant to Section 456.0391, F.S.

(10) No change.

Specific Authority 456.044, ~~456.004~~ FS. Law Implemented 456.039, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046, ~~456.0391~~ FS. History--New 8-12-99, Amended \_\_\_\_\_.

64B-2.002 Information Required Upon Renewal.

In conjunction with renewal of a license under Chapters 458, 459, 460, and 461, F.S., and under Section 464.012, F.S., an applicant must submit the information required pursuant to Sections 456.039, or 456.0391, F.S., as applicable, by 12:00 midnight on the date the license is set to expire.

Specific Authority 456.004, 456.044 FS. Law Implemented 456.039, 456.0391, 458.319, 459.008, 460.407, 461.007 FS. History--New

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-6.005  
RULE TITLE: Standards for Approval of Continuing Education Credit



AMENDED NOTICE OF PUBLIC HEARING

The Board of Acupuncture hereby gives notice of a public hearing on the above-referenced rule, originally scheduled to be held on August 3, 2001 at 9:00 a.m., at 4042 Bald Cypress Way, Room 301, Tallahassee, Florida, will now be held on August 3, 2001, at 9:00 a.m., at the Tampa Airport Marriott, Tampa International Airport 33607. The rule was originally published in Vol. 26, No. 50, of the December 15, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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).

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.002  
 RULE TITLE: Supervisor. Qualifications and Responsibilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in the Vol. 27, No. 23 June 8, 2001, issue of the Florida Administrative Weekly. The changes are in response to a rule hearing and suggestions from the prosecutor at the Board Meeting held on June 21, 2001, in Orlando, Florida.

The rule shall now read as follows:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to Rule 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall have four hours of Board approved HIV/AIDS continuing education and one of the following:

(a) An earned doctoral degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and one year of pertinent clinical laboratory experience in the categories for which licensure is sought.

(b) A masters degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, one year of which shall be post masters.

(c) A baccalaureate degree, with eight semester hours of academic biological and chemical science for a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in the categories for which licensure is sought, two years of which shall be post baccalaureate, including a minimum of one year in each category for which licensure is sought.

(d) In the categories of cytogenetics, cytology, radioassay, and molecular genetics the experience required in paragraphs (a), (b) and (c) must be in the specific category for which licensure is sought.

(e) For the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five years of pertinent clinical laboratory experience and be licensed as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.

(f) For the category of Cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed as a clinical laboratory technologist and have five ~~(5)~~ years of pertinent clinical laboratory experience in cytology. If ASCP (American Society of Clinical Pathologists) certified prior to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

(g) In lieu of one year of experience required by Rule 64B3-5.002(1)(b) and (c), F.A.C., an applicant may substitute Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, ~~or~~ American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics.

(h) In the category of histology, one of the following:

1. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnologist (HTL) level.

2. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists certification at the Histotechnician (HT) level, 10 years of pertinent clinical laboratory experience post-certification, and 48 hours continuing education in administration and supervision within five years prior to application for licensure.

3. Florida licensure as a histology technologist, 10 years of pertinent clinical laboratory experience, and 48 hours continuing education in administration and supervision within five years prior to application for licensure.

(i) Be licensed in a specialty as a technologist, meet the experience requirement under Rule 64B3-5.002(1)(a), (b) or (c), F.A.C., and complete 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s), accumulated over no longer than five years prior to application for licensure. Course content must include the guidelines set forth in Rule 64B3-3.003(7), F.A.C. This continuing education may not be used to satisfy biennial renewal requirements.

(2) No change.

~~(3) Responsibilities of Supervisors. The supervisor shall:~~

~~(a) Fulfill the responsibilities of the director as assigned by the director.~~

~~(b) Monitor compliance with all applicable laboratory regulations.~~

~~(c) Perform the duties of a technologist in the categories in which licensure is held, as needed.~~

~~(d) Evaluate the competency of technologists and technicians.~~

~~(e) Provide day to day supervision of test performance by technologists and technicians.~~

~~(f) Provide for the orientation of clinical laboratory personnel.~~

~~(g) Establish and maintain systems for the accession, identification, transport, storage and disposal of specimens including medico-legal custodial responsibilities.~~

~~(h) Determine the need for, select, and evaluate referral services as appropriate to laboratory resources.~~

~~(i) Establish protocols for performance of confirmatory and additional procedures as indicated.~~

~~(j) Establish a system for providing patients with blood and blood products when in a hospital setting.~~

~~(k) Devise a plan for management and scheduling of clinical laboratory personnel.~~

~~(l) Establish and communicate short term goals and objectives for delivery of clinical laboratory services.~~

~~(m) Implement a quality assurance program to monitor variables which affect the quality of clinical laboratory services.~~

~~(n) Prepare and periodically update policy and procedure manuals.~~

~~(o) Establish and evaluate the preventive maintenance program for instrumentation and equipment.~~

~~(p) Establish and periodically evaluate safety measures in accordance with regulations.~~

~~(q) If supervising cytology, set up a system to document the number of slides screened and the hours devoted during each 24 hour period, as required in Chapter 59A-7, F.A.C.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-2.001                      RULE TITLE: Definitions

**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 at the Rules Committee meeting, on August 2, 2001, at 6:00 p.m., at the offices of the Board of Medicine, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399. The rule was originally published in Vol. 27, No. 20, of the May 18, 2001, Florida Administrative Weekly. The additional public hearing is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee with regard to the definition of "community service."

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).

**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 at the Rules Committee meeting, on August 2, 2001, at 6:00 p.m., at the offices of the Board of Medicine, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399. The rule was originally published in Vol. 26, No. 24, of the June 16, 2000, Florida Administrative Weekly. The additional public hearing is in

response to a request for hearing following publication of the Fourth Notice of Change, which appeared in Vol. 27, No. 24, of the June 15, 2001, 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).

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-4.001                      RULE TITLE: Examination Requirements

**NOTICE OF PUBLIC HEARING**

The Board of Optometry hereby gives notice of a public hearing on the above-referenced rule to be held on August 2, 2001, at 4:00 p.m., at the Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316. The rule was originally published in Vol. 27, No. 20, of the May 18, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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).

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.007                      RULE TITLE: Inactive Status License.

**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, as published in Vol. 26, No. 51, December 22, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 8, 2001.

Subsection (2) of the rule shall now read as follows:

64B15-12.007 Inactive Status License.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of rule 64B15-13.001, pays the reactivation fee and the active status renewal fee. If the request to change licensure status is made at any time other than at the beginning of a licensure cycle, the licensee shall pay the difference between the inactive status renewal fee and the active status renewal fee, the fee to change licensure status and the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to appear before the board before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399.

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NOS.: 64B21-501.006                      RULE TITLES: Reactivation Fee  
64B21-501.0065                      Change of Status Fee

**NOTICE OF CHANGE**

The Department of Health, Division of Medical Quality Assurance, in accordance with the provisions of subparagraph 120.54(3)(d)1., F.S., announces changes to new rules and rule amendments proposed to Rule Chapter 64B21-501, F.A.C., originally noticed in the May 25, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 21. The changes are in response to comments provided by the Joint Administrative Procedures Committee.

The changed rules will read as follows:

64B21-501.006 Reactivation Fee.

The fee for reactivation of an inactive license shall be \$150.00 ~~\$50.00~~. Such fee shall be in addition to the biennial renewal licensure fee as prescribed in Rule 64B21-501.003, F.A.C., ~~the inactive status application fee as prescribed by Rule 64B21-501.008, F.A.C., and any other applicable fees inactive renewal fee as prescribed by Rule 64B21-501.007, F.A.C.~~

Specific Authority ~~120.53(1),~~ 490.015(2), 456.036 ~~490.008(3)~~ FS. Law Implemented 456.036 ~~490.008~~ FS. History--New 3-13-85, Formerly 21U-501.06, Amended 7-10-89, 1-10-91, Formerly 21U-501.006, 61E9-501.006, Amended \_\_\_\_\_.

64B21-501.0065 Change of Status Fee.

If a licensee seeks to change the status of his or her license at any time, a change of status fee of \$50.00, shall be applied.

Specific Authority 490.015(2) FS. Law Implemented 456.036 FS. History—  
New

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**Section IV  
Emergency Rules**

**NONE**

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**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF LAW ENFORCEMENT**

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Joseph Hajaistron on June 29, 2001, a petition for Waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer be employed within four years of completing a Basic Recruit Training Program.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

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**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that MHC-DeAnza Financing Limited Partnership d/b/a Buccaneer Water Service's petition for variance from Rule 25-30.320(2), Florida Administrative Code, filed February 23, 2001, in Docket No. 001219-WU, was approved by the Commission at its May 15, 2001 Agenda Conference. Order No. PSC-01-1248-PAA-WU, issued June 5, 2001, memorialized the decision, and was consummated by Order No. PSC-01-1426-CO-WU, issued July 2, 2001. The rule addresses refusal or discontinuance of water or wastewater service. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on March 9, 2001.

A copy of the Order can be obtained from: Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, Commission's Homepage at <http://www.floridapsc.com>.

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NOTICE IS HEREBY GIVEN that on April 20, 2001, the Florida Public Service Commission received a petition from Florida Power & Light Company, Docket No. 010561-EI, seeking a waiver of Rule 25-6.0438(4)(c), Florida Administrative Code (F.A.C.). The Rule requires a utility to provide written notice to each affected customer of any proposed change in any of its non-firm electric service offerings. Non-firm electric service is service that can be limited or interrupted.

A copy of the Petition may be obtained from: Commission's Division of the Commission Clerk and Administrative Services, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact Robert V. Elias, Bureau Chief, Electric and Gas, Division of Legal Services, at the above address or telephone (850)413-6199.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS GIVEN that the Agency for Health Care Administration approved the request for a waiver from Lee Memorial Health System, a political subdivision of the State. Notice of the request was given in the May 11, 2001 edition of the Florida Administrative Weekly, Vol. 27, No. 19, page 2362. The waiver was approved by a letter dated June 29, 2001. The Agency has approved the requested waiver of the elevation requirements set forth in Rule 59A-3.081(55), F.A.C. for the construction of an expansion of the emergency facilities located at Healthpark Medical Center.

A copy may be requested from R. S. Power, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Fort Knox Building 3, Suite 3431, Mail Stop 3, Tallahassee, Florida 32308.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On November 30, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Environmental Chemical Corporation requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1108. A Notice of Receipt of Petition for Variance/Waiver was published in the December 22, 2000, F.A.W. On April 10, 2001, the petition was granted for certain documentation that was required from Environmental Chemical Corporation and BTEX Environmental Consultants, Inc. No comments were received.