

(e) Tests conducted using actual (non-surrogate) structures shall have been conducted on structures that have not received any treatment for termite prevention other than the test treatment.

(f) Test treatments shall be in compliance with the pesticide product's label directions for use as a preventive treatment for termites, and use the application rate specified on that label.

(g) Tests shall include as a control, a structure, surrogate structure, or test plot that is identical to the test units except that it does not receive the test treatment, or, there shall be a means of quantifying termite foraging and feeding activity at or in the test area and the effect of the treatment on this activity.

Specific Authority 487.041, 487.051(2), 570.07(23) FS. Law Implemented 487.041, 487.042, 487.051(2), 487.0615 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Implementation of Florida's System of School Improvement and Accountability
RULE NO.: 6A-1.09981

PURPOSE AND EFFECT: The purpose of this rule development will be to review the current grading standards to determine what amendments should be made to ensure the rule continues to implement legislative intent.

SUBJECT AREA TO BE ADDRESSED: School performance grades and implementing law.

SPECIFIC AUTHORITY: 229.053, 229.0535, 229.582, 229.57 FS.

LAW IMPLEMENTED: 228.0565, 229.053, 229.0535, 229.57, 229.591, 229.592, 230.23, 231.2905 FS.

RULE DEVELOPMENT WORKSHOPS WILL ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, PL08 Capitol, 400 South Monroe Street, Tallahassee, Florida 32399-0400, (850)413-0555

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examination
RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to review the examination application form, to define and establish a fee for the general knowledge test, to adopt and publish a revised set of competencies and skills required for professional teacher certification in Florida, and to

revise test registration fees. The effect will be an updated application form, the general knowledge test will be defined and a fee established for the test, revised competencies and skills will be used on the Florida Teacher Certification Examinations, and test registrants could pay higher fees.

SUBJECT AREA TO BE ADDRESSED: Competencies and skills required for professional teacher certification in Florida, definition of and test fees for the general knowledge test, and updating the application form will be the subject areas to be addressed.

SPECIFIC AUTHORITY: 231.002, 231.15(1), 231.17(8), 231.30(1) FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 8, 2001

PLACE: Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1214, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Educational Program Director, Public Schools and Community Education, Room 414, 325 West Gaines Street, Tallahassee, Florida 32312, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Education Leadership Examination
RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to review the examination form and the test registration fee to determine if changes are necessary. The effect will be a rule which incorporates an updated form and registration fees could increase.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examination application form and test registration fee.

SPECIFIC AUTHORITY: 231.17(8), 231.30 FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 8, 2001

PLACE: Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1214, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Educational Program Director, Public Schools and Community Education, Room 414, 325 West Gaines Street, Tallahassee, Florida 32312, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: Benefits and Administration Trust Fund

RULE NO.:

Penalties Improper Filing Practices 38F-24.0231

PURPOSE AND EFFECT: Subsections (1)(b) and (1)(c) are being deleted because they exceed the Department's rulemaking authority. Chapter 99-379, Laws of Florida, required each agency to submit to the Legislature by October 1, 1999 a list of all rules that exceeded the rulemaking authority permitted by s. 120.536(1), F.S. These subsections were submitted on said list.

SUBJECT AREA TO BE ADDRESSED: Penalties for improper filing of Form DWC-1a, Wage Statement, or other forms or reports as required by Rule Chapter 38F-3, F.A.C.

SPECIFIC AUTHORITY: 440.13(11)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(11)(b), 440.185(9), 440.20(8)(a) FS.

A RULE DEVELOPMENT WORKSHOP IS NOT DEEMED NECESSARY BY THE SECRETARY OF THE DEPARTMENT.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Staff Terrel, Senior Attorney, (850)488-9370

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental

RULE CHAPTER NO.:

Resource Permits 40D-4

RULE TITLES: Definitions 40D-4.021

Exemptions 40D-4.051

Publications and Agreements

Incorporated by Reference 40D-4.091

PURPOSE AND EFFECT: In 1996 the Governing Board initiated rulemaking to repeal Chapter 40D-45, F.A.C., Surface Water Management For Mining Materials Other Than Phosphate. During the repeal process, in 1999, the Legislature amended Section 120.536, F.S., requiring agencies to submit a list to the Joint Administrative Procedures Committee the rules that the agencies had determined exceeded their rulemaking authority. The District listed Chapter 40D-45, F.A.C. in its entirety. Because no authorizing legislation was enacted by the 2000 Legislature, the District was again required to begin proceedings to repeal Chapter 40D-45, F.A.C. During this second repeal process District Staff has been working with representatives of the mining industry to address some of their concerns regarding the regulation of mines under the environmental resource permitting (ERP) rules. District staff and the representatives of the mining interests have developed several proposed amendments of the ERP rules that address the industry's concerns while ensuring consistency with the ERP rules as required by subsection 373.414(9), F.S. Staff has discussed the proposed revisions with the Florida Department of Environmental Protection and the other water management districts.

SUBJECT AREA TO BE ADDRESSED: Amendment of 40D-4.021, 40D-4.051 and 40D-4.091 of the Environmental Resource Permit rules address issues raised by the repeal of Chapter 40D-45.

SPECIFIC AUTHORITY: 373.044, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.021 Definitions.

When used in this Chapter and Chapters 40D-40 and 40D-400:

(1) through (20) No change.

(21) "Prospecting" means activities considered normal and reasonably necessary to retrieve samples of subsurface geologic sediments for the specific purpose of locating, mapping, and determining the quality and quantity of sedimentary strata or natural deposits.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, _____.

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (5) No change.

(6) Any system for a mining or mining related activity which has a valid permit or exemption confirmation letter issued by the District or the Department pursuant to Section 40D-45.041 or Section 40D-45.051, F.A.C. To qualify for this exemption a mining or mining related activity must be conducted in accordance with the terms and conditions of the permit or exemption confirmation letter. Proposed modifications to systems previously exempt under Section 40D-45.051 may be subject to permitting under Chapter 40D-4, as provided in Section 40D-4.054. If an operator of a system previously permitted under Chapter 40D-45 proposes an "Alteration" as the term is defined in subsection 40D-4.021(7), such system shall be reviewed under the provisions of Chapter 40D-4.

(7) through (12) renumbered (8) through (13) No change.

Specific Authority 373.044, 373.118, 373.414(9) FS. Law Implemented 373.413, 373.419 FS. History--Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, _____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ June 12, 2001." This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History--New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits

RULE CHAPTER NO.: 40D-400

RULE TITLES:

RULE NOS.:

General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone

40D-400.491

Noticed General Permit for Prospecting

40D-400.492

PURPOSE AND EFFECT: In 1996 the Governing Board initiated rulemaking to repeal Chapter 40D-45, F.A.C., Surface Water Management For Mining Materials Other Than Phosphate. During the repeal process, in 1999, the Legislature amended Section 120.536, F.S., requiring agencies to submit a list to the Joint Administrative Procedures Committee the rules that the agencies had determined exceeded their rulemaking

authority. The District listed Chapter 40D-45, F.A.C. in its entirety. Because no authorizing legislation was enacted by the 2000 Legislature, the District was again required to begin proceedings to repeal Chapter 40D-45, F.A.C. During this second repeal process District Staff has been working with representatives of the mining industry to address some of their concerns regarding the regulation of mines under the environmental resource permitting (ERP) rules. District staff and the representatives of the mining interests have developed several proposed amendments of the ERP rules that address the industry's concerns while ensuring consistency with the ERP rules as required by subsection 373.414(9), F.S. Staff has discussed the proposed revisions with the Florida Department of Environmental Protection and the other water management districts.

SUBJECT AREA TO BE ADDRESSED: The additions of Rules 40D-400.491 and 40D-400.492 of the Environmental Resource Permit rules address issues raised by the repeal of Chapter 40D-45.

SPECIFIC AUTHORITY: 373.044, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-400.491 General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.

A general permit is hereby granted to increase the height of an existing earthen embankment used for the impoundment of water at sand and limestone mining facilities, provided:

(1) The applicant and a professional engineer registered in Florida certify that:

(a) The proposed vertical extension or "lift" is part of a previously permitted or exempt phased plan for vertical expansion of the impoundment, which plan was initially designed and certified by a professional engineer registered in Florida; and the completed dam with proposed vertical extension will protect the public health, safety or welfare, and the property of others; or

(b) The proposed vertical lift is designed, constructed, operated and maintained, or abandoned in accordance with the minimum requirements as set forth in the most recent edition

of U. S. Army Corps of Engineers, Engineering Manual No. EM 1110-2-2300, "Earth and Rock-Fill Dams – General Design and Construction Standards," 31 July 1994 (the Manual). The District will consider other methods proposed by the applicant that utilize practices which will provide equivalent protection as compared to the criteria set forth in the Manual. If the applicant chooses to propose a design that does not address the specific criteria of the Manual, the applicant must provide the District reasonable assurance, based on plans, test results and other information specific to the design proposed that the construction, alteration or operation of the vertical lift will provide equivalent protection; or

(c) The vertical expansion of the impoundment and the associated system are located within the existing boundaries and topography of lands owned or controlled by the permittee such that failure of the impoundment will not adversely affect wetlands or other surface waters, will only affect upland property owned or controlled by the permittee, and the existing topography will prevent off-site discharge or release up to the 100 year flood event.

(2) No activities will be conducted within 50 feet of wetlands or other surface waters. This restriction does not apply to isolated wetlands that are less than one-half acre in size, unless:

(a) The wetland is used by the threatened or endangered species, or

(b) The wetland is located in an area of critical state concern designated pursuant to Chapter 380, F.S., or

(c) The wetland is connected by standing or flowing surface water at seasonal high water level to one or more wetlands, and the combined wetland acreage so connected is greater than one half acre, or

(d) The District establishes that the wetland to be impacted is, or several such wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife.

(3) The applicant provides boundary and topographic maps, aerial photogrammetric maps or other information showing the project location, and demonstrating that the vertical expansion of the impoundment and the associated system of the facilities are located within the existing boundaries of lands owned or controlled by the permittee.

(4) The activities are not otherwise part of a larger plan of new development or system expansion or sale within the permittee's land holdings or other contiguous land, except as authorized by a permit under Part IV of Chapter 373, Florida Statutes.

(5) Site specific measures are employed to prevent violations of state water quality standards and avoid downstream impacts by controlling discharges, erosion, and sediment transport during construction, and continuing after operation and maintenance are underway; using a construction phase water management and erosion control plan that is designed and implemented to function in accordance with

technical standards and procedures for a stormwater pollution prevention plan as referenced in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," FDEP document number 62.621.300(4)(a), effective October 22, 2000. This document may be obtained by writing the FDEP, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, FL 32399-2400;

(6) All construction related site activities associated with the vertical lift will be completed within five years after this permit is authorized, and the effective operation and maintenance of the system will be perpetual; and

(7) Within 30 days after completion of construction of the permitted activity, the permittee submits a written notice of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, to the permitting agency, in accordance with the Statement of Completion and Request for Transfer to Operation Entity form as adopted by reference in Section 40D-1.659, F.A.C.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History—New

40D-400.492 Noticed General Permit for Prospecting.

A general permit is hereby granted for prospecting for limestone, sand, and peat provided that all of the following conditions for are met.

(1) Prospecting is conducted by coring, augering, impact boring or other techniques designed to remove samples from an excavated opening less than one foot in diameter.

(2) No prospecting is conducted below the ordinary or mean high water line of natural water bodies such as natural lakes, ponds, streams, rivers, estuaries or lagoons.

(3) Prospecting in wetlands must meet the following conditions:

(a) No activities will be conducted in Outstanding Florida Waters, Aquatic Preserves, Class I waters, Class II waters, waters which are classified by the Florida Department of Environmental Protection as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting, or wetlands used by endangered or threatened species designated in Rules 39-27.003 and 39-27.004, F.A.C., or 50 Code of Federal Regulations, Section 17.12. For purposes of this permit, a wetland is used by endangered or threatened species if reasonable scientific judgment indicates that the wetland provides habitat in which endangered or threatened species engage in activities such as resting, feeding, breeding, nesting or denning.

(b) No above-grade roads will be constructed. Vehicles used for prospecting in wetlands will be of a type generating minimum ground pressure to minimize rutting and other

environmental impacts. Disturbed areas along each prospecting line are restored to original contours upon completion of prospecting activities along that specific alignment.

(c) Disturbances within wetlands are no wider than 15 feet along any portion of the prospect line, except at the immediate site of the drill hole. At the immediate site of the drill hole the disturbance will not exceed 25 feet. No debris or spoil will be placed outside these limits.

(d) Prospecting lines will be aligned to minimize wetland impacts and avoid the destruction of mature wetland trees to the greatest extent practicable.

(e) All drill tailings will be returned to the drill hole and the excess removed so that no spoil material is left above grade in a wetland.

(f) If the removal or cutting of vegetation is required, there will be a minimum interval of 300 feet between individual parallel prospecting lines. The removal of vegetation must not include grubbing, or the pulling or pushing up of root systems.

(g) Any wetland disturbed by prospecting activities will be restored by replanting native indigenous vegetation of the same species as were displaced. Exotic species such as *Schinus terebinthifolius*, *Melaleuca quinquenervia*, and *Casuarina* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* will be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

(h) Turbidity and erosion control measures such as earthen berms; hay bales; temporary swales; filter cloth; turbidity screens; and temporary seeding, sodding, and mulching will be utilized, as necessary, to prevent violation of state water quality standards beyond the limits of the prospecting line.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.119 FS. History—New

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Area Agency on Aging Functions and Responsibilities

RULE NO.: 58A-1.007

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58A-1.007, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: Assisted Living Facilities

RULE CHAPTER NO.: 58A-5

RULE TITLE: Residency Criteria and Admission Procedures

RULE NO.: 58A-5.0181

PURPOSE AND EFFECT: The amendment clarifies paragraph (a) of subsection (2) of Rule 58A-5.0181, F.A.C., and corrects DOEA Form 1823, dated March 1999, to correspond with the definition of physician.

SUBJECT AREA TO BE ADDRESSED: Residency Criteria and Admission Procedures.

SPECIFIC AUTHORITY: 400.407, 400.426, 400.441 FS.

LAW IMPLEMENTED: 400.402, 400.407, 400.4075, 400.426, 400.441 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., October 8, 2001

PLACE: Department of Elder Affairs, Conf. Rm. 309, 4040 Esplanade Way, Tallahassee, FL

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda MacDonald, Assisted Living Program, Division of Community Based Services, or Pat Dunn, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE TITLE: Administration
 RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58C-1.003, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Alzheimer's Disease Initiative

RULE TITLE: Program Administration
 RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58D-1.005, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE TITLE: Administration
 RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58H-1.003, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF MANAGEMENT SERVICES

Human Resources Management

CHAPTER RULE TITLE: Personnel Management System
 RULE CHAPTER NO.: 60L

PURPOSE AND EFFECT: The Department of Management Services proposes to develop new rules concerning the State Personnel System, which is governed by Chapter 110 of the Florida Statutes. Pursuant to Section 110.1055, F.S., "All existing rules relating to this chapter are statutorily repealed January 1, 2002, unless otherwise readopted." Such rules are currently located in Chapters 60K, 60L, 60M, and 60N. In place of the repealed existing rules, the Department proposes to place all new rules in Chapter 60L, beginning with a new Rule 60L-29.

SUBJECT AREA TO BE ADDRESSED: Rules of the State Personnel System.

SPECIFIC AUTHORITY: 110.1055 FS.

LAW IMPLEMENTED: 110.1055, 110.112, 110.121, 110.1221, 110.1245, 110.131, 110.151, 110.152, 110.1522, 110.181, 110.201, 110.2035, 110.207, 110.209, 110.21, 110.217, 110.219, 110.224, 110.227, 110.233, 110.403, 110.503, 110.605, 216.262(1) FS.

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

TIME AND DATE: 9:00 a.m., October 5, 2001

PLACE: Department of Management Services, Human Resources Management, Bldg. 4040, Suite 301, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-1898

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-47R

RULE CHAPTER TITLE: Generic Permits
 RULE CHAPTER NO.: 62-621

RULE TITLE: Generic Permit for Animal Feeding Operations
 RULE NO.: 62-621.300

PURPOSE AND EFFECT: To establish generic permits for certain animal feeding operations which will provide state groundwater and NPDES surface water discharge permit coverage for qualifying facilities, as applicable. The generic permit is intended to streamline the existing permitting process for animal feeding operations.

SUBJECT AREA TO BE ADDRESSED: Poultry, dairy, swine and other animal feeding operations which may impact ground or surface waters of the state, and which may be subject to permitting by the department. The Department will be taking public input on the types of animal feeding operations that may

be amenable to being regulated under generic permits, the size of the operations, and operational practices that should be required such as comprehensive nutrient management plans and monitoring requirements.

SPECIFIC AUTHORITY: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

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

TIME AND DATE: 9:30 a.m. ending not later than 4:00 p.m., October 30, 2001

PLACE: Orange County Public Library, Third Floor Meeting Room, 101 East Central Boulevard, Orlando, Florida, (407)835-7323

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE WORKSHOP AGENDA IS: Vincent Seibold, P.E., Industrial Wastewater Section Administrator, 2600 Blair Stone Road, M.S. #3545, Tallahassee, Florida 32399-2400, (850)488-4522

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialist

RULE TITLES: Trainee Stages, Minimum Training
 RULE NO.: 64B6-8.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Trainee Stages and Minimum Training Requirements.

SPECIFIC AUTHORITY: 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 484.0445, 484.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-8.003 Trainee Stages, ~~and~~ Minimum Training Requirements, ~~and~~ Training Program.

(1) A training program shall ~~be a not exceed~~ minimum six months in length. The trainee shall be in a training program for a minimum of twenty (20) hours each week. A trainee shall be under the direct supervision of the sponsor at all times when performing the functions of a hearing aid specialist. During the ~~six month~~ training program, a trainee shall complete the National Hearing Aid Society Home Study Course and shall submit proof of passing the home study course final examination prior to taking the Florida licensure examination. If the trainee passes the home study course final examination but fails the Florida licensure examination, he will not have to repeat the home study course prior to the next available Florida licensure examination. The training program shall be divided into three (3) stages:

(a) through (c) No change.

(2) It shall be the responsibility of the sponsor to provide instruction and guidance, in order to adequately prepare trainees for the ~~written and practical~~ examinations and for practice as a hearing aid specialist. Training received by a trainee during the training program must consist of training in the following subject areas:

(a) through (s) No change.

(3) through (4) No change.

(5) Upon completion of the training program, the trainee shall take the first available license examination. A trainee may continue to function as a trainee until she or he has received the results of the license examination.

(6) If the trainee fails the license examination they may repeat the training program one time by meeting the requirements of Rule 64B6-8.002, F.A.C. and taking the first available license examination.

(7) A trainee who fails to take the first available license examination after completing their first and/or second training program shall be deemed to have failed said examination.

(8) No person may remain in trainee status or further perform any services authorized for a trainee if she or he fails the license examination twice.

Specific Authority 484.0445(1), 484.044 FS. Law Implemented 484.0445, 484.045 FS. History—New 2-12-84, Formerly 21JJ-8.03, Amended 8-12-87, 10-1-90, 1-28-91, 4-23-91, 8-19-91, Amended 3-18-93, Formerly 21JJ-8.003, Amended 4-21-94, Formerly 61G9-8.003, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES: RULE NOS.:
 Definitions 64E-3.002
 Radiation Therapy Assistance by
 General Radiographers 64E-3.0031

PURPOSE AND EFFECT: The purpose of the proposed rules is to specify the training and scope of practice of general radiographers who assist radiation therapy technologists in performing radiation therapy procedures.

SUBJECT AREA TO BE ADDRESSED: Scope of practice for general radiographers assisting radiation therapy technologists and permitted and prohibited therapy functions of these general radiographers.

SPECIFIC AUTHORITY: 381.0034, 468.303 FS.

LAW IMPLEMENTED: 381.0034, 468.302(3)(a),(b),(d), 468.303, 468.304 FS.

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

TIME AND DATE: 9:00 a.m., October 17, 2001

PLACE: Hawthorn Suites, 7601 Canada Avenue, Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Nursing Student Loan

Forgiveness Program 64E-23

PURPOSE AND EFFECT: To implement 2001 statutory amendments requiring rules and forms to administer the Nursing Student Loan Forgiveness Program.

SUBJECT AREAS TO BE ADDRESSED: Initial and renewal applications for the program and rules governing criteria for continuing participation and transmitting funds to lenders.

SPECIFIC AUTHORITY: 240.4075 FS.

LAW IMPLEMENTED: 240.4075 FS.

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

TIME AND DATE: 2:00 p.m., October 8, 2001

PLACE: Department of Health, Division of EMS and Community Health Resources, Room 301, 4025 Esplanade Way, Tallahassee, Florida 32399-1735

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas P. Gabriele, Government Operations Consultant, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3503

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE WORKSHOPS. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.
P.O. G10454

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Nursing Scholarship Program
RULE CHAPTER NO.: 64E-24

PURPOSE AND EFFECT: To implement 2001 statutory amendments requiring rules and forms to administer the Nursing Scholarship Program.

SUBJECT AREAS TO BE ADDRESSED: Rules and forms for the Nursing Scholarship Program. Applications and application process, eligibility criteria, process for payment, process to monitor repayment, a formula for prorating certain payments, and rules to address extraordinary circumstances that may cause a recipient to default.

SPECIFIC AUTHORITY: 240.4076 FS.

LAW IMPLEMENTED: 240.4076 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 8, 2001
PLACE: Department of Health, Division of EMS and Community Health Resources, 4025 Esplanade Way, Room 301, Tallahassee, Florida 32399-1735

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 10, 2001

PLACE: Miami Heart Institute, 4701 Meridian Avenue, Miami Beach, Florida 33140

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 12, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas P. Gabriele, Government Operations Consultant, Division of Emergency Medical Services and Community Health Resources, Department of Health, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3503.

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

P.O. G10454

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Miscellaneous
RULE CHAPTER NO.: 68B-5

RULE TITLE: Divers: Fish Feeding Prohibited; Prohibition
RULE NO.: 68B-5.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to prohibit the practice of the introduction of food or other substances by divers to feed or attract marine species, whether by persons offering their services for hire to patrons for interactive dive experiences or by private individuals. The effect of this effort should be to reduce to the greatest extent possible any negative impact upon the behavior of such species vis-a-vis humans, particularly with respect to larger predators, such as sharks.

SUBJECT AREA TO BE ADDRESSED: Feeding or attraction of marine species by divers.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-5.005 Divers. Fish Feeding Prohibited; Prohibition of Fish Feeding for Hire; Definitions.

(1) No diver shall engage in the practice of fish feeding.

(2) No person shall operate any vessel for hire for the purpose of carrying passengers to any site in the saltwaters of the state to engage in fish feeding or to allow such passengers to observe fish feeding.

(3) For purposes of this rule:

(a) “Diver” means any person who is wholly or partially submerged in the water, and is equipped with a face mask, face mask and snorkel, or underwater breathing apparatus.

(b) “Fish feeding” means the introduction of any food or other substance into the water by a diver for the purpose of feeding or attracting marine species, except for the purpose of harvesting such marine species as otherwise allowed by rules of the Fish and Wildlife Conservation Commission.

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-02.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Snook	68B-21
RULE TITLES:	RULE NOS.:
Definitions	68B-21.0015
Seasons	68B-21.004
Bag and Possession Limits	68B-21.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement special measures to immediately reduce fishing mortality on snook in the Gulf of Mexico and in the Florida Keys. Such mortality is a result of excessive and growing fishing pressure on the species, arguably the most popular gamefish in Florida, particularly in the Southwest Florida area. The Fish and Wildlife Conservation Commission has found that the appropriate special measures include a geographically-specific reduction of the daily bag and possession limit to a single fish and an expansion of the closed season on the species in this area to include the month of May. The effect of these measures should be to reduce the fishing mortality on snook in Southwest Florida and improve the spawning potential of the species to the level set by the Commission as the goal for a healthy stock.

SUBJECT AREA TO BE ADDRESSED: Snook harvest in the Gulf of Mexico and Florida Keys.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-21.0015 Definitions.

(1) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirement of this chapter shall not constitute ~~constitute~~ harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

(2) “Land”, when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(3)(2) “Snook” means unless the context requires otherwise, any fish of the genus *Centropomus*, or any part thereof.

(4)(3) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, regardless of where taken, any snook during the following closed periods, in the indicated areas:

(a) Statewide, during the period beginning December 15 of each year and continuing through January 31 of the following year, and

(b) In all state waters of the Atlantic Ocean north and east of the Dade-Monroe County Line, during the months of June, July or August,

(c) In all state waters of the Atlantic Ocean south and west of the Dade-Monroe County Line and in all state waters of the Gulf of Mexico, during the months of May, June, July, or August.

(2) Inspection.

(a) All commercial feed and feedstuff distributed for use in Florida is subject to inspection by the Department of Agriculture and Consumer Services or its authorized agent at any public or business premises, manufacturing or mixing establishment, and in any vehicle of transport during regular business hours in order to have access to such feeds and records relating to their manufacture, transportation and sale.

(b) Samples shall be collected by the methods and procedures set forth by statute or established and published in the Feed Inspector's Manual published by the Association of American Feed Control Officials Incorporated (1st Edition August 1994). The Feed Inspector's Manual published by the Association of American Feed Control Officials Incorporated, (1st Edition, August 1994) is incorporated by reference. Copies may be obtained from AAFCO ~~Assistant Secretary~~-Treasurer, P. O. Box 478, Oxford, IN 47971. ~~Georgia Department of Agriculture, Plant Food, Feed and Grain Division, Capitol Square, Atlanta, Georgia 30334.~~

(3) Sample and Analytical Documentation.

(a) All samples obtained and analyzed by the department or by approved certified commercial laboratories, approved Hazard Analysis Critical Control Point Programs and approved quality assurance/quality control programs shall be properly identified by the sampler's initials and assigned a sample number (13 digit number consisting of the: date, registrant number, sequential number of samples collected on that date for the identified registrant:)

____	____	____	_____	_____
month	day	year	registrant #	sequential #

and be accompanied by the completed Feed Collection/Analysis Reports (Forms Numbered DACS-13403, 13404, 13405, 13406 or 13407, 130403, 130404, 130405, 130406 or 130407, Rev. 6/01 Dated 10/94) and any other available pertinent documentation.

(b) Feed Collection/Analysis Reports (Forms DACS-130403, 130404, 130405, 130406 and 130407, Rev. 6/01 Dated 10/94) are hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, FL 32399-1650.

(c) The Feed Collection/Analysis Report Forms shall be properly completed.

(d) Positive microbiological organism, pesticide residues, ~~drugs residues~~ and mycotoxin results must be reported within 48 hours of completion of analyses to the department.

(4) Sampling Frequency and Analysis Requirements. The sampling frequency and analysis requirements to be used by approved certified laboratories and approved quality assurance/quality control programs are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department

shall require additional feed sample analyses more frequent ~~additional analysis of feed samples in accordance with the requirements of this section.~~

(a) Ingredients:

1. Nutrients – No analyses required.

2. Mycotoxins,

a. Aflatoxins,

(I) Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed;

(II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;

(III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;

(IV) Other grains and grain products – One sample per 5000 tons shall have a quantitative analysis performed;

(V) There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;

(VI) No aflatoxin analysis is required on ingredients not listed above.

b. Fumonisin

(I) Corn screenings – One sample per year per distributor shall have an quantitative analysis performed;

(II) No fumonisin analysis is required on ingredients not listed above.

c. Vomitoxin

(I) Grain and grain products – One sample per 25,000 tons shall have an quantitative analysis performed;

(II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products;

(III) No vomitoxin analysis is required on ingredients not listed above.

3. Microorganisms – Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.

4. Pesticide Residues – All ingredient types (except minerals) shall have one pesticide screen (except carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.

5. Drug ~~Residues~~ – No analysis required.

(b) Mixed Feeds:

1. Nutrients.

a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributors deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributors deficiency rate is greater than 5% but less than 10%, the sampling frequency may be reduced to one per every 1000 tons;

b. If the distributors deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;

c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.

2. Mycotoxins.

a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;

b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;

c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.

3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.

4. Pesticide Residues – No analysis required.

5. Drug Residues.

a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (~~7/1/2000 1994~~) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (~~7/01/2000 1994~~) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N.W., Mail Stop SDE, Washington, D.C. 20401 20402.

(5) Reporting of Rejected Feed and Feedstuff.

(a) Shipments of feed that are rejected for use by registrants must be reported to the Feed Inspection Section within 48 hours of analysis via telephone (850)488-7626 or fax (850)488-8498 followed by written confirmation within 5 business days.

(b) Reports of rejected feed must include a description of the feed, name of the feed distributor, amount of feed rejected, destination of the rejected feed, if known, and reason for the rejection.

(6) Requirements for Reduced Sampling and Analysis for Persons with Approved Hazard Analysis Critical Control Point Programs.

(a) Those registrants successfully complying with all criteria established in Section 580.091(3)(a), F.S., shall have their sampling and analysis requirements reduced to 50% of the requirements specified in Section 5E-3.003(4)(a) and (b), Florida Administrative Code.

(b) Every registrant that conforms with the Hazard Analysis and Critical Control Point System published by the National Advisory Committee on Microbiological Criteria for Foods shall be deemed in compliance with Section 580.091(3)(a), F.S.

(c) The Hazard Analysis and Critical Control Point System, National Advisory Committee on Microbiological Criteria for Foods, (March 20, 1992), is hereby incorporated by reference. Copies may be obtained from Executive Secretariat, FSIS, Room 3175 South Building, Independence Avenue, S. W., Washington, DC 20250.

(d) Registrants that request a reduced frequency of sampling and analysis requirements shall submit a written hazard-analysis-critical-control-point plan to the department. If this plan identifies critical control points and verifies implementation of good management practices, the department shall conduct an onsite evaluation to ensure the performance of the plan. If the onsite evaluation verifies adequate control of the processes identified in the plan and infrequent adulteration or other violations (50% or less), the registrant shall be subject to a 50% reduction in sampling frequency and analysis requirements. The department shall require quarterly reports documenting the continued and appropriate use of good management practices and hazard analysis of critical control points.

(7) Commercial Laboratory Certification; Fees.

(a) Analyses of feed and feedstuff as provided in Chapter 580, F.S., shall be performed by the department, approved certified commercial laboratories and by approved exempt laboratory pursuant to its quality assurance/quality control plans.

(b) Certified commercial laboratories performing analytical work shall ensure performance of those analyses in the categories for which they have been certified. Certified commercial laboratories that subcontract analytical work to another laboratory must establish that the contracted laboratory has been certified under this section for the appropriate categories. Laboratory records shall indicate who performed the analysis, and the name of the contract laboratory shall appear in the records. The contract laboratory name shall be included in all data reports issued by the primary laboratory for results reported by the contract laboratory.

(c) Definitions.

1. Acceptable variation – Three standard deviations from arithmetic mean.

2. Acknowledged Acceptable Test Methods – Those methods specifically referenced in these rules or other methods which have been acknowledged in writing as acceptable by the department. Such acknowledgement shall be given when a test method has been submitted to the department for acknowledgement and the department has verified that the test method and its results are verifiable and reproducible.

3. Analyst – A chemist, microbiologist or technician qualified by academic training and experience who usually performs tests or participates in testing with other qualified personnel.

4. Analyte – The particular compound, element, radical, isotope, characteristic or contaminant for which one is testing.

5. Category of certification – A group of analytes and approved testing methods from which a laboratory may select to become certified. Laboratories may be certified in the following categories:

a. Nutrients,

b. Mycotoxins – Aflatoxin, Fumonisin and Vomitoxin only,

c. Microorganisms – Salmonella only,

d. Pesticide residues – Chlorinated hydrocarbons, organophosphates and carbamates – Screen only. Confirm all positive screens quantitatively.

e. Drug Residues.

6. Certification – Regulatory recognition given to a laboratory that meets the minimum criteria of this section as determined through ~~department evaluation on-site inspection~~ and satisfactory participation in a check sample program.

7. Commercial/Exempt Laboratory – A laboratory other than those operated by the State of Florida or its subdivisions, that performs nutrient, microbiological, mycotoxin, pesticide residue or drug analysis on a fee or contract basis on commercial feed ~~and feedstuff products~~ distributed by any entity.

8. Decertification – Revocation of certification by the department for one or more of the reasons provided in Section 5E-3.003(7)(e), F.A.C.

9. Director, Supervisor or Consultant – A chemist, microbiologist or professional scientist qualified by academic training and experience to administer the technical and scientific operations of the laboratory, including supervision of testing procedures and reporting of results.

10. The Quality Assurance/Quality Control Manual – The Quality Assurance/Quality Control Manual shall follow the general outline of the Quality Assurance/Quality Control Manual adopted by the department (Laboratory Quality Assurance/Quality Control Guideline Document, August 23, 1994). The Laboratory Quality Assurance/Quality Control Guideline Document (August 23, 1994) is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, FL 32399-1650, (850)488-9095.

11. Recertification – Reinstatement of certification by the department following correction of the deficiencies for which the laboratory was decertified. Such recertification shall require submission of a new application as required for initial certification.

(d) Commercial Laboratory Certification – Application, ~~Evaluation Inspection~~ and Renewal.

1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS- 13401 ~~130401~~, Rev. ~~6/01 10/94~~) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees. Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;

2. Each commercial laboratory seeking certification ~~shall~~ may be assessed and evaluated ~~at least annually~~ by department personnel. These inspections of the premises and operations of certified, commercial laboratories or those laboratories seeking certification may be unannounced and may include the on-site analysis of proficiency test samples as well as the photographing, filming or videotaping of any portion of the laboratory, equipment, activity, samples taken, records, test results or other information related to certification under this chapter;

3. Each commercial laboratory must be able to demonstrate that it is able to perform the tests representative of those for which certification is sought;

4. In order to maintain its certification, a certified laboratory must:

a. Be capable of performing tests for which it is certified based on AOAC or acknowledged acceptable test methods;

b. Limit the representation of the scope of its certification to only those tests for which certification is granted;

c. Report all deficiencies, excesses and adulterations to the department within 48 hours of completion of analysis;

d. Maintain all final laboratory reports and documentation of all samples for three years;

e. Maintain an independent decisional relationship between itself and its clients, affiliates, or other organizations so that the laboratory's capacity to render test reports objectively and without bias is not adversely affected;

f. Report to the department within (30) days any major changes involving the location, ownership, management structure, authorized representative, approved signatories, methodologies or facilities of the laboratory;

5. Each certified commercial laboratory must return to the department the Certificate of Certification for revision or other action should it be requested to do so by the department or

become unable to conform to any of these conditions and the applicable criteria of Chapter 580, Florida Statutes, and Chapter 5E-3, F.A.C.;

6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401 ~~130401~~, 6/01 ~~10/94~~) provided by the department.

(e) Denial or Decertification. A commercial laboratory's certification shall be suspended for any of the following violations:

1. Making false statements on an application or on any document associated with certification or exemption.
2. Demonstrating incompetence or making consistent errors in analyses or erroneous reporting.
3. Permitting unqualified personnel to perform analyses.
4. Falsifying the results of analyses.
5. Violation or aiding and abetting in the violation of any provision of these rules or Chapter 580, F.S.
6. Failure to properly maintain facilities and equipment.
7. Failing to comply with the required quality control program.
8. Advertising false services or credentials.
9. Failing to correct deficiencies within the time required by the department.
10. Failure to submit laboratory check samples during the period of probation for the category of certification which resulted in probation.

(f) Methodology and Quality Assurance Requirements – An alternate laboratory method may be acceptable only if it is equivalent to the prescribed test in both accuracy and reproducibility as it relates to the determination of compliance with any minimum/maximum levels. Use of authorized alternate test methods shall require written permission of the department.

(g) Check Sample Testing Requirements for Certified Laboratories.

1. Laboratories shall participate in the department check sample program, if required. Quarterly, the department may ~~shall~~ provide a feed sample to each certified laboratory. The laboratory must conduct an analysis of this sample for each certified category and report results to the department within 45 days of sample shipping. This testing may ~~shall~~ include analysis of split feed and feedstuff samples as part of the requirement for certification. Participation shall mean the analysis and reporting of all proficiency/check sample tests to the department within specified time frames.

2. Each laboratory shall bear its own cost for compliance with this check sample program.

(8) Quality Assurance/Quality Control Requirements for Registrants Requesting Exemption from Laboratory Certification for In-house Laboratories; Exempt Laboratory's Quality Assurance/Quality Control Plan Fees.

(a) Quality Assurance/Quality Control Plan – The in-house laboratory plan submitted for approval by the department that exempts the laboratory from the certification requirements set forth in Section 5E-3.003(7), F.A.C..

(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402 ~~130402~~, Rev. 6/01 ~~10/94~~). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402 ~~130402~~, Rev. 6/01 ~~10/94~~) is hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) The laboratory shall prepare and follow a written quality assurance/quality control plan including a quality assurance/quality control manual as defined in Rule 5E-3.003(7)(c)10., F.A.C. A copy of this plan including a quality assurance/quality control manual must be included with the original application for exemption. A registrant's quality assurance/quality control plan shall be approved upon determination that the plan meets the requirements of this rule and is being implemented at the registrant's facility.

(d) Reporting Procedures For Exempt Laboratories.

1. Each exempt laboratory must forward regulatory test results to the department quarterly on form numbers DACS-13403; 13404; 13405; 13406; 13407 ~~130403; 130404; 130405; 130406; 130407~~ as referenced in Rule 5E-3.003(3)(b), F.A.C.;

2. Each exempt laboratory must report all deficiencies/excesses and adulterations to the department within 48 hours of completion of analysis;

3. Each exempt laboratory must report to the department within (30) days any major changes involving the location, ownership, management structure, authorized representative, approved signatories, methodologies or facilities of the laboratory.

(e) Check Sample Testing Requirements for Exempt Laboratories. Exempt laboratories shall participate in the departments check sample program, if required. Quarterly, the department may ~~shall~~ provide a feed sample to each exempt laboratory. The laboratory must conduct an analysis of this sample for each category of analysis and report results to the department within 45 days of sample shipping. This testing ~~shall~~ may include analysis of split feed and feedstuff samples

as part of the requirement for exemption. Participation shall mean the analysis ~~and~~ are reporting of all proficiency/check sample tests to the department within specified time frames.

(f) Quality Assurance/Quality Control Program Fees. Registrants requesting an exemption from the requirement for laboratory certification in Section 580.091(5), F.S., through application for department approval of a quality assurance/quality control program shall pay a fee in the amount to cover the direct ~~and indirect~~ costs associated with ~~on-site~~ evaluation of the program and program approval. ~~Indirect costs associated with on-site evaluation of the program and program approval shall be 15.29% of the direct costs of the program and the program approval.~~ The direct costs shall include the salary and benefits costs of employees involved in the initial review process based on a per hour rate, ~~actual costs of the on-site evaluation including transportation (\$0.25 per mile/personal automobile or actual costs of airline travel and vehicle rental), lodging and meals (\$50 per day or actual expenses whichever is greater) and all other actual expenses incurred during the on-site evaluation process as specified in Chapter 112.061, Florida Statutes.~~ This fee shall be paid in full as a condition of program approval, ~~and shall be paid to cover~~ Subsequent evaluations to shall be conducted every three years in accordance with Section 580.091(5)(b), F.S.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95,_____.

5E-3.004 Ingredient Statement.

(1) Each ingredient shall be specifically named (the names and definitions identified in “Official Publication ~~2001~~ 1994” published by the Association of American Feed Control Officials shall be used as the common or usual names unless the Department of Agriculture and Consumer Services designates otherwise by rule), except that collective terms for a group of ingredients which perform a similar function may be used on labels for all commercial feed except horse feed. Collective terms recognize a general classification of ingredient origin but do not imply equivalent nutritional values. The following collective terms may be used in lieu of each ingredient term provided that only those ingredients defined by Association of American Feed Control Officials within each collective term are included:

- Animal Protein Products
- Grain Products
- Plant Protein Products
- Processed Grain By-Products
- Forage Products
- Roughage Products
- Molasses Products

(a) For any given lot the manufacturer shall provide the department or consumer, upon request, the specific names of the ingredients used within each collective term.

(b) When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed, except that labels for customer formula feeds shall show the names of specific ingredients within a collective term, when the customer requests that certain ingredients be added to a regular brand.

(2) When added in the preparation of canned foods for animals, water shall be listed as an ingredient.

(3) The term “dehydrated” may precede the name of any product that has been artificially dried.

(4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(5) Copyrighted brand, trade, or proprietary names shall not be used in the ingredient statement.

(6) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement provided it is identified in the brand or product name.

(7) “Official Publication ~~2001~~ 1994” published by The Association of American Feed Control Officials is hereby incorporated by reference. Copies may be obtained from AAFCO Assistant Secretary-Treasurer, P. O. Box 478, Oxford, IN 47971 ~~Georgia Department of Agriculture, Plant Food, Feed and Grain Division, Capitol Square, Atlanta, Georgia 30334, (404)656-3637.~~

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(f) FS. History—Amended 12-30-70, 4-1-76, Formerly 5E-3.04, Amended 6-1-95,_____.

5E-3.008 Medicated Feed.

(1) Before distribution in Florida, a feed containing an active drug ingredient shall be labeled to show the information required by Chapter 580, Florida Statutes, and ~~all the~~ medicated labeling required by the Federal Food and Drug Administration ~~for interstate shipment.~~

(2) Customer-formula medicated feeds shall have the labeling required under subsection (1) on each label for the lot except that the statement of purpose of the medication and the feeding directions may be attached to the delivery ticket supplied to the purchaser with the delivery.

(3) Mixed feed described under Section 580.031(2)(c)~~(d)~~, Florida Statutes, shall bear the labeling required for customer-formula medicated feed if an active drug ingredient is present.

(4) The regulations prescribing good manufacturing practices for medicated feeds as published in the Code of Federal Regulations, Title 21, Part 225, and for medicated premixes as published in Title 21, Part 226, are adopted as good manufacturing practices under Chapter 580, F.S.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(c), 580.071(1),(3), 580.081, 580.112 FS. History—Amended 12-30-70, 4-3-85, Formerly 5E-3.08, Amended 6-1-95,_____.

5E-3.013 Minimum Standards for Feed Materials.

The minimum standards for feed and feedstuff are those set forth in the "Official Publication 2001 ~~1994~~" published by the Association of American Feed Control Officials.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(c) FS. History—Amended 12-30-70, Formerly 5E-3.13, Amended 6-1-95,_____.

5E-3.014 Customer-Formula Feed.

(1) The label for a customer-formula feed shall show, in addition to the information required by Section 580.051(2)(4), Florida Statutes, the words "mixed for" followed by the name and address of the customer, except that the brand name may be omitted. When the customer requests that certain ingredients be added to a regular brand, the base feed label may be used along with the names of other ingredients added, provided that the protein, fat and fiber guarantees are not affected. Where appropriate, the words "added drug ingredient(s)" shall be shown, followed by the name(s) and amount(s) of the drug(s). If it is necessary to use the reverse side of a tag to show added labeling, the words "Customer-formula feed – see reverse side" shall be stamped on the front of the label, in such a manner as not to obscure the base feed labeling.

(2) A customer-formula feed may contain any ingredients requested by the customer subject to the limitation in Rules Section 5E-3.008(1), F.A.C.

(3) The mixer of a customer-formula feed shall keep the signed formula in his records for a period of twelve months following the last delivery of such feed.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(2), 580.071(1),(3), 580.081, 580.112 FS. History—Amended 12-30-70, Formerly 5E-3.14, Amended 6-1-95,_____.

5E-3.015 Master Registration Fees.

(1) The Application For Master Registration Form DACS (13244, Rev. 6/01 ~~IN-30-10/94~~) shall be submitted annually by each commercial feed distributor and shall be accompanied by a fee established in Section 580.041, F.S.

(2) The Application For Master Registration ~~(Form DACS (13244, Rev. 6/01 ~~IN-30-10/94~~)~~ is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building ~~8 ME-2~~, Tallahassee, Florida 32399-1650.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.041(1) FS. History—Amended 12-30-70, Formerly 5E-3.15, Amended 10-3-91, Amended 6-1-95,_____.

5E-3.016 Tolerances for Nutrients, Minerals, Medicaments, Aflatoxin, Pesticide Residues and Weight.

The following tolerances or analytical variations will be permitted in determining whether or not a commercial feed or feed stuff is deficient or excessive in any nutrient, medicament, aflatoxin, pesticide residue or weight:

Tolerances

(1) Nutritive guarantees:	
(a) Moisture	4%
(b) Protein 0-20%	1%
(c) Protein over 20%	2%
(d) Fat	0.5%
(e) Fiber 0-20%	1%
(f) Fiber over 20%	2%
(g) Ash	3%
(h) Equiv. Protein from NPN (Excess)	5% or > than max guarantee
(i) Total Sugar as Invert	2%
(j) Brix	2%
(2) Minerals:	
(a) Calcium (Ca)	*
(b) Phosphorus (P)	*
(c) Salt (NaCl)	**
(d) Iron (Fe)	***
(e) Magnesium (Mg)	***
(f) Zinc (Zn)	50% of Guarantee
(g) Copper (Cu)	50% of Guarantee
(h) Cobalt (Co)	50% of Guarantee
(i) Manganese (Mn)	50% of Guarantee
(j) Potassium (K)	***

* 10% of Guarantee but not less than 0.4%

** 10% of Guarantee but not less than 0.5%

*** 20% of Guarantee but not less than 0.05%

(3) Antibiotics and Drugs: A deficiency shall exist when an average of 50% or less of the guarantee is found. A finding of more than 150% of the guarantee shall be charged as an excess.

(4) Weights:

(a) Small packages containing less than 12 pounds shall be considered short weight when the net weight falls below the following allowable variations:

Declared Weight	Allowable Variation
1. 0 thru 15 oz.	0.2 oz.
2. 1 lb. thru 2 lbs. 15 oz.	0.4 oz.
3. 3 lbs. thru 4 lbs. 15 oz.	0.6 oz.
4. 5 lbs. thru 6 lbs. 15 oz.	0.8 oz.
5. 7 lbs. thru 8 lbs. 15 oz.	1.0 oz.
6. 9 lbs. thru 10 lbs. 15 oz.	1.3 oz.
7. 11 lbs. thru 11 lbs. 15 oz.	1.6 oz.

(b) Packages of commercial feed guaranteed to contain 12 pounds or more shall be considered short weight if they are found to be more than 1% below the guaranteed net weight.

(5) Aflatoxin:

(a) The maximum permissible level of aflatoxin in commercial feed or feedstuffs shall be 20 ppb for immature or lactating animals. Those tolerances listed under U.S. FDA Compliance Policy Guide No. 7126.33 (9/17/98 ~~5/18/89~~) shall be applied.

(b) U.S. FDA Compliance Policy Guide No. 7126.33 (9/17/98 ~~5/18/89~~) is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-7626.

(6) Pesticide Residues:

(a) Those tolerances listed in 21 C.F.R. pt. 573 (4/01/01 ~~1994~~) – Food Additives Permitted in Feed and Drinking Water of Animals and 40 C.F.R. pt. 180 (1993) – Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities shall be applied.

(b) The following materials are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20402.

1. 21 C.F.R. pt. 573 (4/1/01 ~~1994~~), Food Additives Permitted in Feed and Drinking Water of Animals.

2. 40 C.F.R. pt. 180 (7/1/2001 ~~1993~~), Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.036, 580.071, 580.081, 580.131 FS. History—New 4-3-85, Formerly 5E-3.16, Amended 10-15-87, 3-5-89, 3-31-93, 6-1-95, _____.

5E-3.018 Penalties.

(1) Section 580.051(4), F.S., authorizes the department to assess a penalty in the amount of \$100 per violation against the violator for the distribution of commercial feed without labeling as required under Section 580.051(1), F.S. The assessment of a penalty shall be imposed where no labeling is furnished or where labeling is improper according to the following guidelines:

- (a) Net weight not shown;
- (b) Registrant’s name and address not shown;
- (c) Feed containing a drug or antibiotic not showing the word “Medicated” in the brand name;
- (d) Mixed feeds containing more than 10% minerals, but less than 50% which do not show the required guarantees for calcium, phosphorus and salt as specified in Rule 5E-3.006(3), F.A.C.;
- (e) Mixed feeds containing more than 50% minerals which do not show the required mineral guarantees as specified in Rule 5E-3.006(4), F.A.C.;
- (f) Illegible labels;

(g) Feed containing bentonite or other non-nutritive ingredients not declaring the required percentages;

(h) Crude protein, crude fat or crude fiber not guaranteed to the closest one tenth percent or as minimum or maximum percentages as required.

(2) All penalties assessed under Section 580.131, Florida Statutes, must be paid to the consumer within 60 days from the date of notice by the department to the registrant.

(a) When payment has been made in full to the consumer, the registrant must notify the department in writing of the form of the payment using the Notice of Deficiency Payment (Form FDACS 13255, Rev. 8/01 ~~IN-181 January 17, 1991~~) and provide the department with a copy of a release of the registrant from liability for the payment. The release must be procured by the registrant from the consumer. This release shall be on the Receipt of Deficiency Payment (Form FDACS 13256, Rev. 8/01 ~~IN-180 January 17, 1991~~).

(b) The following forms are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-7626.

1. Notice of Deficiency Payment (Form FDACS 13255, Rev. 8/01 ~~IN-181 January 17, 1991~~).

2. Receipt of Deficiency Payment (Form FDACS 13256, Rev. 8/01 ~~IN-180 January 17, 1991~~).

Specific Authority 570.07(23), 580.0236(2) FS. Law Implemented 580.051, 580.121, 580.131 FS. History—New 3-4-87, Amended 3-31-93, 6-1-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650; telephone (850)488-8731

NAME OF SUPERVISOR OF PERSON WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2001

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE TITLE: Firm Capacity and Energy Contracts

RULE NO.: 25-17.0832

PURPOSE AND EFFECT: The purpose of the amendment is to reduce the minimum term for standard offer contracts from 10 to five years. The rule amendment also requires investor-owned electric utilities to specify the term of the

standard offer when filing the contract for approval with the Commission. The effect is to reduce the risk that ratepayers will be tied to long-term contracts that are above avoided cost.

SUMMARY: Rule 25-17.0832 requires investor-owned utilities to file a tariff and a standard offer contract for the purchase of firm capacity and energy from specified types of small qualifying facilities. The rule sets forth the minimum specifications and acceptable pricing methodologies for standard offer contracts. The amendment to subparagraphs (4)(e)3. and 7. would reduce the ten year minimum contract term for standard offer contracts to five years. In addition, the amendment to subparagraph (4)(e)7. would require investor-owned utilities to specify the contract term when filing the standard offer for approval by the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Several municipal solid waste (MSWs) facilities oppose the rule amendments. However, the impact on these local government entities depends on future firm capacity and energy prices. If these prices increase, a shorter contract term would benefit MSW facility owners because they could enter a new standard offer contract sooner with higher payments. On the other hand, if firm capacity and energy prices decrease, MSW owners would be faced with lower payments. One MSW argued that because MSW facilities are publicly owned, any shortfall or reduction in electrical revenues will require increasing solid waste disposal costs. In addition, at least one MSW argued that adoption of the rule amendments will result in MSWs having to negotiate more contracts, which will increase transaction costs for the MSWs. The MSWs overlook that longer contracts are still possible under the rule. The MSWs also do not acknowledge that the Commission is required to keep IOU rates reasonable and shortening the standard offer contract term is best for IOU ratepayers in an environment in which wholesale generation costs are falling. Keeping the ten year minimum term would continue the possibility that IOUs and their ratepayers would be faced with higher cost capacity and energy costs for an additional five years for new standard offer contracts, even if market costs declined. However, wholesale generation costs may increase and IOUs would lose the benefits of a fixed price contract for an additional five years. Allowing a qualifying facility to choose the contract term would abrogate the Commission's regulatory responsibility over capacity and energy contracts.

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

SPECIFIC AUTHORITY: 350.127, 366.05(1) FS.

LAW IMPLEMENTED: 366.051, 366.81 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND

ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.0832 Firm Capacity and Energy Contracts.

(1) Firm capacity and energy are capacity and energy produced and sold by a qualifying facility and purchased by a utility pursuant to a negotiated contract or a standard offer contract subject to certain contractual provisions as to the quantity, time, and reliability of delivery.

(a) Within one working day of the execution of a negotiated contract or the receipt of a signed standard offer contract, the utility shall notify the Director of the Division of ~~Safety Electric~~ and ~~Electric Reliability Gas~~ and provide the amount of committed capacity and the type of generating unit, if any, which the contracted capacity is intended to avoid or defer.

(b) Within 10 working days of the execution of a negotiated contract or receipt of a signed standard offer contract for the purchase of firm capacity and energy, the purchasing utility shall file with the Commission a copy of the signed contract and a summary of its terms and conditions. At a minimum, the summary shall include report:

1. The name of the utility and the owner and operator of the qualifying facility, who are signatories of the contract;
2. The amount of committed capacity specified in the contract, the size of the facility, the type of facility, its location, and its interconnection and transmission requirements;
3. The amount of annual and on-peak and off-peak energy expected to be delivered to the utility;
4. The type of unit being avoided, its size, and its in-service year;
5. The in-service date of the qualifying facility; and
6. The date by which the delivery of firm capacity and energy is expected to commence.

(2) through (3) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a ~~separately separately~~ negotiated contract, standard offer contracts are available to the following types of qualifying facilities:

1. A small power producer or other qualifying facility using renewable or non-fossil fuel where the primary energy source in British Thermal Units (BTUs) is at least 75 percent biomass, waste, solar or other renewable resource;

2. A qualifying facility, as defined by Rule 25-17.080(3), with a design capacity of 100 kW or less; or

3. A municipal solid waste facility as defined by Rule 25-17.091.

(b) through (d) No change.

(e) Minimum Specifications. Each standard offer contract shall, at minimum, specify:

1. through 2. No change.

3. The payment options available to the qualifying facility including all financial and economic assumptions necessary to calculate the firm capacity payments available under each payment option and an illustrative calculation of firm capacity payments for a minimum five ~~ten~~ year term contract commencing with the in-service date of the avoided unit for each payment option;

4. through 6. No change.

7. The specific period of time over which firm capacity and energy shall be delivered from the qualifying facility to the utility. Firm capacity and energy shall be delivered, at a minimum, for a period of five ~~ten~~ years, commencing with the anticipated in-service date of the avoided unit specified in the contract. At a maximum, firm capacity and energy shall be delivered for a period of time equal to the anticipated plant life of the avoided unit, commencing with the anticipated in-service date of the avoided unit;

8. through 10. No change.

(f) through (g) No change.

(5) through (8) No change.

Specific Authority 350.127, ~~366.04(1), 366.051, 366.05(1),(8)~~ FS. Law Implemented 366.051, 366.81 ~~403.503~~ FS. History--New 10-25-90, Amended 1-7-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Judy Harlow, Division of Safety and Electric Reliability

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 44, November 3, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLE: Definitions
RULE NO.: 59H-1.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the existing rules to incorporate the changes passed by the 2001 Legislature in SB 2092. The effect will be to update the definition of Maximum County Financial Responsibility as defined in Section 154.306(3), Florida Statutes.

SUMMARY: The passing of SB 2092, 2001 Legislative Session, brought about significant changes to the program by including the option for counties with a population of 100,000 or less to reduce the estimated population used for the calculation of financial obligation. In order for a county to qualify for the reduction, the county must accept as valid and true, documentation provided to the county by the participating or regional referral hospital regarding financial and residency eligibility. The county cannot require re-verification and the submitted documentation must comply with standards established by the workgroup as outlined in the rule and handbook.

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

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

SPECIFIC AUTHORITY: 154.3105 FS.

LAW IMPLEMENTED: 154.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Greenberg, CPM, Bureau of Managed Care, Data Analysis Unit, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, (850)414-8983

THE FULL TEXT OF THE PROPOSED RULE IS:

59H-1.0035 Definitions.

The following words and phrases shall have the following meanings for the purpose of this rule.

(1) through (22) No change.

(23) Maximum County Financial Responsibility: That amount obtained by multiplying total county population, as defined in Section 154.306(3), Florida Statutes, by \$4 per capita using the most recent official state population estimate

for the total county population published by the Executive Office of the Governor and the Bureau of Economic and Business Research.

(24) through (38) No change.

Specific Authority 154.3105 FS. Law Implemented 154.304, 154.306, 154.308, 154.309 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.0035, Amended 6-7-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hazel Greenberg, CPM

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jill Harvey, Unit Manager, Bureau of Managed Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 61G15-19.004

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to the minimum and maximum discipline penalty ranges to be imposed by the Board.

SUMMARY: The rule text is to be amended to add appropriate citations to violations of relevant portions of Section 455.227, F.S., and a general offense penalty range for violations of any rules or statutory provisions contained in Chapters 455 and 471, F.S. The update of the rule amends it to eliminate old sanctions, such as letters of guidance, and replaces them with more appropriate penalties, as well as rectifying some current ranges of penalty where the minimum and maximum penalties were identical.

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

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

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Failure to date plans (471.025(1), F.S.)	Reprimand Guidance Letter Reprimand and \$1,000 fine and (1) year probation	Reprimand and one (1) year probation
(b) Signing or sealing work not competent to perform (455.227(1)(o), F.S.) (471.025(3), F.S.) (Rule 61G15-19.001(6)(c),(d))	Reprimand, & one (1) year probation and \$1,000 fine	Reprimand, \$5,000 \$1,000 fine, one (1) year suspension and two (2) years probation
(c) "Plan stamping" (471.033(1)(j), F.S.) (Rule 61G15-19.001(6)(j), (q))	Reprimand, & one (1) year probation and \$1,000 fine	Reprimand, \$5,000 \$1,000 fine, one (1) year suspension and two (2) years probation
(d) Violating a Final Order of the Board (455.227(1)(q), F.S.) (471.033(1)(k), F.S.) (Rule 61G15-19.001(6)(o))	Suspension Revocation and \$1,000 fine	Revocation and \$5,000 fine
(e) Attempting to procure or procuring a license by bribery or fraudulent misrepresentation (455.227(1)(h), F.S.) (471.033(1)(b), F.S.)	Revocation and \$1,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	
(f) License disciplined by another jurisdiction (455.227(1)(f), F.S.) (471.033(1)(c), F.S.)	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	
(g) Criminal Conviction relating to engineering (455.227(1)(c), F.S.) (471.033(1)(d), F.S.) (Rule 61G15-19.001(6)(i)(H))	Misdemeanor: Reprimand and & one (1) year probation	Reprimand \$5,000 \$1,000 fine, one (1) year suspension and two (2) years probation
(h) Practice on inactive license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Felony: Revocation and \$1,000 fine Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum (penalty will require licensee to renew license or cease practice)	

(i) Practice on suspended license <u>(455.227(1)(q), F.S.)</u> (471.033(1)(i), F.S.)	Revocation and \$1,000 fine		(q) Undisclosed conflict of interest <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(6)(f),(p))	Reprimand, \$1,000 fine, and two (2) years probation	Revocation and <u>\$5,000</u> and <u>\$1,000</u> fine
(j) Practice on revoked license <u>(455.227(1)(q), F.S.)</u> (471.033(1)(i), F.S.)	Refer to State Attorney for criminal prosecution		(r) Firm practicing without certificate of authorization <u>(455.227(1)(q), F.S.)</u> (471.023, F.S.)	<u>Reprimand</u> <u>Guidance Letter</u> <u>to become certified or cease practice. If firm applies for certificate, Board will impose a fine of \$100/month for uncertified practice, or \$1,000 maximum.</u>	
(k) Knowingly making or filing false report <u>(455.227(1)(l), F.S.)</u> (471.033(1)(e), F.S.) (Rule 61G15-19.001(6)(b))	One (1) year suspension, two (2) years probation and \$1,000 fine	Revocation and <u>\$5,000</u> \$1,000 fine			
(l) Fraudulent, false, deceptive, or misleading advertising <u>455.227(1)(a), F.S.)</u> (471.033(1)(f), F.S.) (Rule 61G15-19.001(2)(a))	<u>Reprimand</u> <u>Letter of guidance</u>	Reprimand, one (1) year probation and \$5,000 \$1,000 fine	(s) <u>Violation of any provision of Chapter 61G15, F.A.C., or Chapter 471, F.S.)</u> <u>(455.227, F.S.)</u> <u>(471.033(1)(a), F.S.)</u> (3) No change.	<u>Reprimand, \$1,000 fine</u> <u>two (2) year probation and \$5,000 fine</u>	<u>One (1) year suspension,</u>
(m) Negligence <u>(455.227(1)(q), F.S.)</u> (471.033(1)(g), F.S.)	Reprimand, two (2) years probation and \$1,000 fine	Reprimand <u>\$5,000</u> \$1,000 fine, five (5) years suspension and ten (10) years probation <u>\$5,000</u> \$1,000 fine and revocation	Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, _____.		
(n) Fraud or deceit <u>(455.227(a)(m), F.S.)</u> (471.033(1)(g), F.S.)	Reprimand, one (1) year suspension, two (2) years probation and \$1,000 fine		NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2001 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001		
(o) Misconduct 1. Soliciting or accepting gratuities without client knowledge: <u>(455.227(1)(q), F.S.)</u> (471.033(1)(g), F.S.) (Rule 61G15-19.001(6)(g), (h))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension, two (2) years probation and <u>\$5,000</u> \$1,000 fine	DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION Board of Professional Engineers		
2. Failure to preserve client's confidence: <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(6)(r))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension and two (2) years probation (if pecuniary benefit accrues to engineer)	RULE TITLES: Schedule of Fees Adopted by Board Change of Status Fee		RULE NOS.: 61G15-24.001 61G15-24.003
3. Professional judgment is overruled by unqualified person: <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(6)(i)(4))	Reprimand, one (1) year and \$1,000 probation fine	Reprimand, one (1) year two (2) years suspension, probation and \$1,000 fine	PURPOSE AND EFFECT: The Board proposes to amend 61G15-24.001 to update the rule text with regard to fees charged by the Board. The Board proposes to repeal 61G15-24.003 to eliminate an unnecessary separate rule imposing a fee for inactive status applications when such a fee is contained in 61G15-24.001.		
4. Use of name/firm in fraudulent venture: <u>(455.227(1)(q), F.S.)</u> Rule 61G15-19.001(6)(k)	Reprimand one (1) year probation and \$1,000 fine	Reprimand <u>\$5,000</u> \$1,000 fine one (1) year suspension and two (2) years probation	SUMMARY: The Board is amending 61G15-24.001 to raise some fees imposed by the Board, eliminate some fees for services that are no longer offered, and add new fees in the area of Engineer Intern Applications. Special Inspector of Threshold Buildings certification is the subject of another new fee. The Board is repealing 61G15-24.001 as redundant and unnecessary.		
(p) Incompetence (mental or physical impairment) <u>(455.227(1)(q), F.S.)</u> (Rule 61G15-19.001(5))	Suspension until ability to practice proved followed by probation		SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.		

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

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 455.271, 471.011, 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-24.001 Schedule of Fees Adopted by Board.

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

(b) Initial examination fee – \$100 (both parts), except the fee for Structural II examination is \$450;

(c) through (e) No change.;

(f) Late renewal penalty – ~~\$100.00~~ \$20.00;

(g) No change.

(h) Temporary Certificate of Authorization (firm) – ~~\$50.00~~ \$25.00;

(i) through (k) No change.

~~(l) Examination Review – \$35.00;~~

~~(m) Exam Rescoring Fee – Actual cost of re-scoring by NCEES at \$50.00 per item;~~

~~(n) Inactive Status Fee – \$75.00;~~

~~(o) Reactivation fee – \$150.00~~ \$50.00;

~~(p) Duplicate Certificate – \$25.00;~~

~~(q) Verification of Licensure – \$25.00;~~

~~(r) Special Inspector Certification – \$100;~~

(3) Engineer Intern Fees:

~~(a) Application Fee – \$30.00;~~

~~(b) Examination – \$50.00~~ \$60.00;

~~(c) Re-examination – \$100~~ \$60.00 per re-examined part or additional examination;

~~(e) Examination Review – \$35.00;~~

~~(d) Exam Rescoring Fee – Actual cost of re-scoring by NCEES at \$50.00 per item.~~

Specific Authority 455.213, 455.217(3), 455.219, ~~455.271~~, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), 471.011, 471.019 FS. History–New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, _____.

61G15-24.003 Change of Status Fee.

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History–New 2-5-97, Amended 5-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-15R

RULE CHAPTER TITLE: Drinking Water Standards,

RULE CHAPTER NO.:

Monitoring and Reporting 62-550

RULE TITLES: Intent and Scope RULE NOS.:

Definitions for Public Water Systems 62-550.102

Application of Quality Standards to Public 62-550.200

Water Systems 62-550.300

Primary Drinking Water Standards: Maximum 62-550.310

Contaminant Levels and Maximum 62-550.310

Residual Disinfectant Levels 62-550.310

Primary Drinking Water Standards: 62-550.315

Treatment Technique Requirements 62-550.315

Secondary Drinking Water Standards: 62-550.320

Maximum Contaminant Levels 62-550.320

Secondary Drinking Water Standards: 62-550.325

Treatment Technique Requirements for 62-550.325

Control of Iron and Manganese 62-550.325

General Monitoring and Compliance Measurement 62-550.500

Requirements for Contaminants and 62-550.500

Disinfectant Residuals 62-550.500

Nitrate and Nitrite Monitoring Requirements 62-550.512

Inorganic Contaminants Monitoring 62-550.513

Requirements 62-550.513

Monitoring Requirements for Disinfectant 62-550.514

Residuals and Disinfection Byproducts 62-550.514

Volatile Organic Contaminants 62-550.515

Monitoring Requirements 62-550.515

Synthetic Organic Contaminants 62-550.516

Monitoring Requirements 62-550.516

Physical Characteristics Monitoring 62-550.517

Requirements 62-550.517

Microbiological Monitoring Requirements 62-550.518

Radionuclides Monitoring Requirements 62-550.519

Monitoring of Consecutive Public 62-550.540

Water Systems 62-550.540

Certified Laboratories and Analytical 62-550.550

Methods for Public Water Systems 62-550.550

Public Water System Monitoring Information and Monitoring Schedule 62-550.590
 Recordkeeping 62-550.720
 Reporting Requirements for Public Water Systems 62-550.730
 Control of Lead and Copper 62-550.800
 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors 62-550.821
 Consumer Confidence Reports 62-550.824

PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency’s (USEPA’s) Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-550. In addition, the Department is correcting and clarifying miscellaneous rules.

SUMMARY: Rule 62-550.102 is being amended to correct and clarify the description of Chapter 62-550. Rule 62-550.200 is being revised to add definitions for the terms “consecutive system,” “enhanced coagulation,” “enhanced softening,” “GAC10,” “haloacetic acids (five),” “maximum residual disinfectant level,” “specific ultraviolet absorption,” “subpart H system,” “total organic carbon,” and “wholesale system” and to correct or clarify the definitions of the terms “community water system,” “exemption,” “total trihalomethanes,” “variance,” and “waiver.” Rule 62-550.300 is being revised to indicate that water quality standards include maximum residual disinfectant levels and treatment technique requirements. Rule 62-550.310 is being revised to add maximum residual disinfectant levels (MRDLs), maximum contaminant levels (MCLs) for disinfection byproducts, and compliance dates for these MRDLs and MCLs. Rule 62-550.315 is being added to identify all the treatment technique requirements that are considered primary drinking water standards. Rule 62-550.325 is being revised to address only treatment technique requirements that are considered secondary drinking water standards and to make the treatment technique requirements for control of iron and manganese consistent with the requirements in *Recommended Standards for Water Works*. Rules 62-550.500 and 62-550.590 are being revised to add disinfectant residuals and disinfection byproducts to the monitoring frequency table and the monitoring schedule table. Rule 62-550.514 is being revised to reference monitoring requirements for disinfectant residuals and disinfection byproducts. Rule 62-550.516 is being revised to change the name of the contaminant group “Pesticides and Polychlorinated Biphenyls” to “Synthetic Organic Contaminants.” Rule 62-550.518 is being revised to require microbiological monitoring of raw water for only those water systems using ground water not under the direct influence of surface water; to reference the additional monitoring requirements if a raw water sample is total-coliform-positive; and to require water systems to notify the Department within 24 hours after learning of an acute violation of the total coliform MCL. Rule 62-550.540 is being revised to clarify

monitoring requirements for consecutive water systems; to allow consecutive systems that receive all of their finished water from a single wholesale system to consolidate their monitoring requirements with those of the wholesale system or those of another interconnected consecutive system that receives all of its finished water from the same wholesale system. Rule 62-550.550 is being revised to specify that licensed operators or persons under their direct supervision may perform measurements of certain water quality parameters to determine compliance with the standards in Chapter 62-550; to specify that any authorized representative of the supplier of water or the Department may perform measurements of disinfectant residuals; to demonstrate that TTHM and HAA5 samples were taken under normal operating conditions or to determine compliance with the operational requirements in Rule 62-555.350(1); and to specify that DPD colorimetric test kits may be used to measure chlorine, chloramines, or chlorine dioxide. Rule 62-550.720 is being revised to require that monthly operation reports be kept for a minimum of ten years (instead of five years). Rule 62-550.730 is being revised to require that monthly operation reports be submitted within ten days (instead of 15 days) after the end of each month, and to reference the reporting format for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors and enhanced coagulation or softening. Rule 62-550.821 is being added to incorporate 40 CFR 141, subpart L (Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors), by reference and to clarify and supplement this subpart.

STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 403.853(3), 403.861(6),(9), (16),(17) FS.

LAW IMPLEMENTED: 403.0877, 403.851, 403.852(12),(13), 403.853, 403.853(1),(2), (3),(4),(7), 403.859(1), 403.861(1),(16),(17), 403.8615, 403.862 FS.

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

TIME AND DATE: 10:00 a.m., October 17, 2001

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steven Michael Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.102 Intent and Scope.

(1) through (4) No change.

(5) Chapter 62-560, F.A.C., gives the description of the violations of ~~C~~hapters 62-550, 62-555, and 62-560, F.A.C., and the resulting penalties. In addition, this chapter describes ~~the~~ public notification requirements for a public water systems that do not meet applicable meeting a maximum contaminant levels, maximum residual disinfectant levels, and treatment technique requirements; do not meet applicable monitoring requirements; or have a variance or exemption or not being lead-free. This chapter also describes the availability and processes for receiving variances, exemptions, and waivers. Additionally, Best Available Technology is ~~technologies and treatment techniques~~ are listed for various contaminants and disinfectant residuals.

Specific Authority 403.861(9) FS. Law Implemented 403.851, 403.853 FS. History—New 11-9-77, Amended 1-13-81, Formerly 17-22.102, Amended 1-18-89, Formerly 17-550.102, Amended 12-9-96,_____.

62-550.200 Definitions for Public Water Systems.

For the purpose of this chapter and ~~C~~hapters 62-555 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (11) No change.

(12) “COMMUNITY WATER SYSTEM” (CWS) means a public water system that which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(13) through (16) No change.

(17) “CONSECUTIVE SYSTEM” means a public water system that buys or otherwise receives some or all of its finished water from one or more other public water systems at least 60 days per year. A consecutive system is either a “community water system” or a “non-community water system.”

(17) through (30) renumbered (18) through (31) No change.

(32) “ENHANCED COAGULATION” means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

(33) “ENHANCED SOFTENING” means the improved removal of disinfection byproduct precursors by precipitative softening.

~~(34)~~(34) “EXEMPTION” means approval from the Department affording a public water system, ~~existing as of the effective date of these rules,~~ an extended time for compliance with an applicable maximum contaminant level, maximum residual disinfectant level, or treatment technique requirement due to compelling factors (which may include time, legal, or economic factors) contained in a drinking water standard. An exemption pertains to non-compliance with a maximum contaminant level for reasons other than that instance when application of a generally available treatment method fails to adequately treat the raw water source.

(32) through (34) renumbered (35) through (37) No change.

(38) “GAC10” means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

(35) through (37) renumbered (39) through (41) No change.

(42) “HALOACETIC ACIDS (FIVE)” (HAA5) mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) rounded to two significant figures after addition.

(38) through (48) renumbered (43) through (53) No change.

(54) “MAXIMUM RESIDUAL DISINFECTANT LEVEL” (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a public water system (PWS) is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under the Florida Safe Drinking Water Act. However, there is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Therefore, notwithstanding the MRDLs listed in Rule 62-550.310(2), F.A.C., operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level, and for a time, necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross connections.

(49) through (73) renumbered (55) through (79) No change.

(80) “SPECIFIC ULTRAVIOLET ABSORPTION” (SUVA) means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (in m^{-1}) by its concentration of dissolved organic carbon (in mg/L).

(81)(74) No change.

(82) “SUBPART H SYSTEM” means a public water system that is using surface water or ground water under the direct influence of surface water as a source and that is subject to the requirements of 40 CFR 141, subpart H, and Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

(75) through (78) renumbered (83) through (86) No change.

(87) “TOTAL ORGANIC CARBON” (TOC) means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

(88)(79) “TOTAL TRIHALOMETHANES” (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds: trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, tribromomethane (bromoform), rounded to two significant figures after addition.

(80) through (82) renumbered (89) through (91) No change.

(92)(83) “VARIANCE” means approval from the Department affording a public water system an extended time for compliance with an applicable maximum contaminant level or maximum residual disinfectant level, or allowing a public water system to not comply with an applicable treatment technique requirement contained in a drinking water standard. A variance pertains to non-compliance with a maximum contaminant level even when a treatment method has been applied to the raw water source. The non-compliance is due to the quality of the raw water.

(93)(84) No change.

(94)(85) “WAIVER” means approval from the Department for elimination of enhanced coagulation requirements or enhanced softening requirements, elimination of disinfection requirements or certified water plant operator requirements for transient non-community water systems using only ground water not under the direct influence of surface water, or reduction of the monitoring requirements for organic contaminants listed in Rules 62-550.310(4)(2)(a) and (b), F.A.C.

(86) through (87) renumbered (95) through (96) No change.

(97) “WHOLESALE SYSTEM” means a public water system that sells or otherwise delivers finished water to another public water system at least 60 days per year. A wholesale system that delivers water to a community water system is considered a community water system.

Specific Authority 403.861(9) FS. Law Implemented 403.853, 403.8615, 403.862 FS. History–New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96, 9-22-99, 8-1-00, _____.

62-550.300 Application of Quality Standards to Public Water Systems.

The ultimate concern of ~~the a~~ public ~~drinking~~ water system supervision program is the quality of ~~pipel~~ water for human consumption when the water reaches the consumers. The following rules establish ~~the~~ maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs) for ~~the~~ water within public water systems. Additionally, these rules establish treatment technique requirements in lieu of, or in addition to, MCLs for certain contaminants. Public water systems shall comply with not exceed the MCLs, MRDLs, and treatment technique requirements maximum contaminant levels established herein unless granted a variance or exemption pursuant to Rules 62-560.510 or 62-560.520, F.A.C., or unless identified as excluded from the MCLs, MRDLs, or treatment technique requirements standards by this Chapter. Public water systems shall take necessary corrective action approved by the Department to meet all applicable MCLs, MRDLs, and treatment technique requirements standards. Treatment techniques in lieu of maximum contaminant levels for surface water systems or ground water systems under the direct influence of surface water are referenced in Rule 62-555.600, F.A.C., Scope of Additional Requirements For Surface Water Systems.

Specific Authority 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(1) FS. History–New 11-9-77, Amended 3-30-82, 11-19-87, Formerly 17-22.200, Amended 1-18-89, 1-3-91, Formerly 17-550.300, Amended _____.

62-550.310 Primary Drinking Water Standards; Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.

(These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.)

(1) No change.

(2) DISINFECTANT RESIDUALS – Except for the chlorine dioxide maximum residual disinfectant level, which applies to all public water systems using chlorine dioxide as a disinfectant or oxidant, this subsection applies only to community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. Maximum residual disinfectant levels (MRDLs) are listed in Table 2, which is incorporated herein and appears at the end of this chapter.

(a) Community or non-transient non-community water systems that are adding a chemical disinfectant to the water and that are subpart H systems serving 10,000 or more persons shall comply with the MRDLs in Table 2 beginning January 1, 2002. All other community or non-transient non-community water systems adding a chemical disinfectant to the water shall comply with the MRDLs in Table 2 beginning January 1, 2004. For purposes of this paragraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(b) Transient non-community water systems (TWSs) that are using chlorine dioxide as a disinfectant or oxidant and that are subpart H systems serving 10,000 or more persons shall comply with the chlorine dioxide MRDL in Table 2 beginning January 1, 2002. All other TWSs using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL in Table 2 beginning January 1, 2004. For purposes of this paragraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(3) DISINFECTION BYPRODUCTS – Paragraph (a) below applies only to community water systems (CWSs) serving 10,000 or more persons and adding a chemical disinfectant to the water in any part of the drinking water treatment process. Paragraph (b) applies to all community or non-transient non-community water systems adding a chemical disinfectant to the water.

(a) The interim maximum contaminant level (MCL) for total trihalomethanes is 0.10 milligram per liter. CWSs that are serving 10,000 or more persons, that are adding a chemical disinfectant to the water, and that are subpart H systems shall comply with the interim MCL for total trihalomethanes through December 31, 2001. All other CWSs serving 10,000 or more persons and adding a chemical disinfectant to the water shall comply with the interim MCL for total trihalomethanes through December 31, 2003. On and after January 1, 2004, the interim MCL for total trihalomethanes is no longer applicable. For purposes of this paragraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(b) The Stage 1 maximum contaminant levels (MCLs) for disinfection byproducts are listed in Table 3, which is incorporated herein and appears at the end of this chapter.

1. Community or non-transient non-community water systems that are adding a chemical disinfectant to the water and that are subpart H systems serving 10,000 or more persons shall comply with the MCLs in Table 3 beginning January 1, 2002. All other community or non-transient non-community water systems adding a chemical disinfectant to the water shall comply with the MCLs in Table 3 beginning January 1, 2004. For purposes of this subparagraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

2. Community or non-transient non-community water systems that are adding a chemical disinfectant to the water, that are subpart H systems serving 10,000 or more persons, and that are installing granular activated carbon or membrane technology to comply with the MCLs in Table 3 may apply to the Department for an extension of up to 24 months past the January 1, 2002, compliance date specified in subparagraph 1. above. For purposes of this subparagraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

a. Applicants for an extension shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department the following information: monitoring data demonstrating a need for an extension; documentation showing that the scope or complexity of the capital improvements warrants the length of extension requested; an engineering evaluation of interim disinfection byproduct control measures; and a compliance schedule. The engineering evaluation shall be prepared under the supervision of a professional engineer registered in Florida and, following the decision tree shown in Figure 4-1 of the U.S. Environmental Protection Agency's (USEPA's) *Microbial and Disinfection Byproduct Rules Simultaneous Compliance Guidance Manual*, shall evaluate each of the following interim disinfection byproduct control measures to identify those which are workable: moving points of disinfectant application; changing treatment to better remove disinfection byproduct precursors; changing primary or secondary disinfectants; adjusting disinfectant doses based upon water temperature or pH; changing water pH to reduce disinfection byproduct formation; and implementing a water main flushing program in areas with long detention times or biofilm problems. The USEPA's *Microbial and Disinfection Byproduct Rules Simultaneous Compliance Guidance Manual* is incorporated herein by reference and is available from the USEPA, Office of Ground Water and Drinking Water (4601), Ariel Rios Building, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460-0003. The compliance schedule shall specify dates by which steps toward implementing interim disinfection byproduct control measures will be taken and dates by which steps toward installing granular activated carbon or membrane technology will be taken.

b. The Department shall grant extensions and approve compliance schedules if the information required by sub-subparagraph a above indicates that an extension is needed; the length of extension requested is warranted; the applicant will begin implementing all workable interim disinfection byproduct control measures as soon as practicable or by January 1, 2002, whichever occurs later; and the applicant will complete installation of granular activated carbon or membrane technology by January 1, 2004.

c. Community water systems granted an extension shall include notice of the extension in their annual consumer confidence report for the duration of the extension and shall continue to comply with the interim total trihalomethane MCL in paragraph (a) above for the duration of the extension.

d. Failure by a community water system to comply with the interim total trihalomethane MCL in paragraph (a) above during an extension shall constitute a violation of primary drinking water standards. Also, failure by a community or non-transient non-community water system to meet the approved compliance schedule during an extension or failure by a community or non-transient non-community water system to continue to implement any workable interim disinfection byproduct control measure during an extension shall constitute a violation of primary drinking water standards.

~~(4)(2) ORGANICS – Paragraph (a) below applies only to community water systems serving more than 10,000 people. This subsection applies only Paragraphs (b) and (e) apply to community water systems and non-transient non-community water systems. Paragraph (d) applies to all public water systems that use acrylamide or epichlorohydrin in their water systems.~~

~~(a) Total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform)). The maximum contaminant level is 0.10 milligrams per liter (mg/L).~~

~~(a)(b) The maximum contaminant levels for the volatile organic contaminants compounds are listed in Table 4, 2 which is incorporated herein and appears at the end of this Chapter.~~

~~(b)(e) The maximum contaminant levels for the synthetic organic contaminants pesticides and polychlorinated biphenyls (PCBs) are listed in Table 5, 3 which is incorporated herein and appears at the end of this Chapter.~~

~~(d) There are no maximum contaminant levels for the water treatment chemicals acrylamide and epichlorohydrin. However, treatment techniques pursuant to Rule 62-550.325, F.A.C., shall apply.~~

~~(5)(3) MICROBIOLOGICAL – This subsection applies to all public water systems. Monitoring requirements to demonstrate compliance with this subsection are defined in Rule 62-550.518, F.A.C.~~

~~(a) through (b) No change.~~

~~(c) A public water system shall determine compliance with the maximum contaminant level for total coliforms in paragraphs (a) and (b) of this subsection for each month (or quarter for transient non-community water systems that use only ground water not under the direct influence of surface water and that which serve 1,000 or fewer persons) in which it is required to monitor for total coliforms.~~

~~(6)(4) No change.~~

Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History–New 11-19-87, Formerly 17-22.210, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.310, Amended 9-7-94, 8-1-00, _____.

62-550.315 Primary Drinking Water Standards: Treatment Technique Requirements.

(1) CONTROL OF ACRYLAMIDE AND EPICHLOROHYDRIN – This subsection applies to all public water systems using acrylamide or epichlorohydrin.

(a) Each system using acrylamide or epichlorohydrin shall certify annually in writing to the Department that the combination of dose and monomer level does not exceed the following levels:

1. Acrylamide = 0.05 percent dosed at one part per million (or equivalent).

2. Epichlorohydrin = 0.01 percent dosed at 20 parts per million (or equivalent).

(b) Certifications required by paragraph (b) above may rely on appropriate manufacturer or third party certifications.

(2) FILTRATION AND DISINFECTION (SURFACE WATER TREATMENT) – This subsection applies only to subpart H systems. Filtration and disinfection treatment technique requirements are specified in Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C.

(3) CONTROL OF LEAD AND COPPER – This subsection applies only to community water systems and non-transient non-community water systems. The treatment technique requirements for control of lead and copper are specified in 40 CFR 141, subpart I, as adopted under Rule 62-550.800, F.A.C.

(4) CONTROL OF DISINFECTION BYPRODUCT PRECURSORS (ENHANCED COAGULATION OR ENHANCED SOFTENING) – This subsection applies only to community or non-transient non-community water systems that are subpart H systems using conventional filtration treatment. The treatment technique requirements for control of disinfection byproduct precursors are specified in 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C.

Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), 403.861(17) FS. History–New _____.

62-550.320 Secondary Drinking Water Standards: Maximum Contaminant Levels.

This section applies only to community water systems. (These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.).

(1) The secondary maximum contaminant levels are listed in Table 6, 4 which is incorporated herein and appears at the end of this Chapter.

(2) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.852(13), 403.853(1) FS. History–New 11-19-87, Formerly 17-22.220, Amended 1-18-89, 1-1-93, 7-4-93, Formerly 17-550.320, Amended 9-7-94, _____.

62-550.325 Secondary Drinking Water Standards: Treatment Techniques Requirements for Control of Iron and Manganese.

This section ~~applies only to community water systems (CWSs) establishes treatment techniques that may be used by suppliers of water in lieu of complying with maximum contaminant levels for specified contaminants.~~

~~(1) The following treatment technique for acrylamide and epichlorohydrin shall be used in lieu of maximum contaminant levels:~~

~~(a) Each public water system shall certify annually in writing to the Department (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used, the combination of dose and monomer level does not exceed the levels specified as follows:~~

- ~~1. Acrylamide 0.05% dosed at 1 ppm (or equivalent).~~
- ~~2. Epichlorohydrin 0.01% dosed at 20 ppm (or equivalent).~~

~~(b) Certifications may rely on manufacturers or third parties, as approved by the Department.~~

~~(2) Iron and Manganese.~~

~~(1)(a) CWSs may, Suppliers of water may use sequestering agents in lieu of meeting the maximum contaminant level for iron or and manganese, sequester iron or manganese using polyphosphates when the maximum concentration of iron plus and manganese concentration does not exceed 1.0 milligrams per liter in water. Each CWS using polyphosphate to sequester iron or manganese shall certify annually in writing to the Department that the amount of phosphate added does not exceed 10 milligrams per liter as PO₄.~~

~~(b) Such agents or additives and their proposed dosage rate shall be approved for potable water use pursuant to Rule 62-555.320(3), F.A.C.~~

~~(c) Suppliers of water shall report the dosage rate and water concentration level of the sequestering agent in treated water to the Department annually in writing.~~

~~(2) CWSs using ground water may, in lieu of meeting the maximum contaminant level for iron or manganese, sequester iron or manganese using sodium silicates when the maximum concentration of iron plus manganese does not exceed 2 milligrams per liter. Each CWS using sodium silicate to sequester iron or manganese shall certify annually in writing to the Department that the amount of silicate added does not exceed 20 milligrams per liter as SiO₂ and that the total amount of added plus naturally occurring silicate does not exceed 60 milligrams per liter as SiO₂.~~

Specific Authority 403.861(6),(9) FS. Law Implemented 403.853(1),(3), 403.854(1), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.325, Amended _____.

62-550.500 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.

These general requirements shall apply unless other monitoring or compliance measurement requirements are specified is required for a specific contaminant as specified in Rules 62-550.511 through 62-550.540, F.A.C., or Rule 62-550.821, F.A.C.

(1) No change.

(2) Monitoring Frequencies. ~~Table 5 summarizes the~~ Monitoring frequencies for each group of contaminants or disinfectant residuals are specified in Rules 62-550.511 through 62-550.520, F.A.C., plus Rule 62-550.821, F.A.C., and are summarized in Table 7.

(3) Monitoring Schedule. Each public water system shall monitor at the time designated by this subsection part during each compliance cycle and compliance period. ~~Table 8 6~~ summarizes when each public water systems shall perform routine its monitoring.

(a) through (e) No change.

(f) Upon request, small community systems and non-transient non-community systems shall be approved to monitor ~~during~~ earlier during compliance periods or cycles than required by paragraphs (c) through (e) above Table 6.

(4) No change.

(5) Monitoring Locations.

(a) Ground water systems and subpart H surface water systems shall take a minimum of one sample at every entry point to the distribution system that is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(b) For purposes of Part V of this chapter, subpart H surface water systems also include systems using with a combination of surface water (or ground water under the direct influence of surface water) and ground sources, and ground water systems which use ground water not under the direct influence of surface water.

(c) No change.

(6) Confirmation Samples. The system shall take confirmation samples whenever a sample exceeds the maximum contaminant level for nitrate or nitrite and whenever nitrite, or whatever an unregulated contaminant is detected. However, a system may take confirmation samples for other inorganic contaminants, organic contaminants, radionuclides, or secondary contaminants. For regulated contaminants, If confirmation samples are taken, the results of confirmation samples shall be averaged with the first sampling results and the average used for the compliance determination as specified by subsection (7) below. Confirmation samples shall be collected at the same sampling point as soon as possible, but

~~not later than two weeks~~, after the initial sample was taken, ~~but not to exceed two weeks~~. The Department shall delete results of obvious sampling errors from this calculation.

(7) No change.

(8) Exceeding a ~~M~~maximum ~~C~~contaminant ~~L~~level (MCL) or Maximum Residual Disinfectant Level (MRDL). A system that exceeds ~~an MCL or MRDL~~ ~~a maximum contaminant level as determined in Rule 62-550.310, F.A.C.,~~ shall notify the Department within 48 hours of receiving the results (except for ~~violations of the microbiological, and nitrate, or nitrite MCL and acute violations of the MRDL for chlorine dioxide~~), begin monitoring quarterly in the next quarter after the violation occurred, and notify the public ~~in accordance with~~ ~~pursuant to~~ Rule 62-560.410, F.A.C. The supplier of water shall take corrective action approved by the Department to meet the applicable standard.

(9) through (10) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.859(1), 403.861(16),(17) FS. History—New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, 8-1-00,_____.

62-550.512 Nitrate and Nitrite Monitoring Requirements.

All public water systems shall monitor to determine compliance with the maximum contaminant levels for nitrate and nitrite specified in Rule 62-550.310(1)(a), F.A.C.

(1) Community ~~or and~~ non-transient non-community water systems ~~that are served by~~ ground water systems shall monitor annually. Community or non-transient non-community water ~~Those systems that are subpart H systems served by surface water~~ shall monitor quarterly.

(a) No change.

(b) A subpart H surface water system may reduce the sampling frequency to annually if each analytical result from the four most recent consecutive quarters is less than 50 percent of the maximum contaminant level. A subpart H surface water system shall return to quarterly monitoring if any one sample is greater than or equal to 50 percent of the maximum contaminant level.

(c) No change.

(2) Each transient non-community water system shall monitor annually. The monitoring frequency for any transient non-community water system shall be quarterly for at least one year following any one sample in which the concentration of nitrite is greater than or equal to 50 percent of the maximum contaminant level ~~as specified in Table 1, and which requirement is set out in Table 5. Both tables are incorporated herein and appears at the end of this chapter.~~ The system may return to annual monitoring when the running annual average is less than the maximum contaminant level.

(3) through (4) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.512, Amended 9-7-94, 2-7-95, 8-1-00,_____.

62-550.513 Inorganic Contaminants Monitoring Requirements.

Community and non-transient non-community water systems shall monitor to determine compliance with the maximum contaminant levels of all the contaminants listed in Rule 62-550.310(1)(a), F.A.C., (except asbestos, nitrate, and nitrite) as follows:

(1) Ground water systems shall take one sample at each sampling point during each compliance period. Subpart H Surface water systems shall take one sample annually.

(2) through (4) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Formerly 17-550.513, Amended 2-7-95,_____.

62-550.514 ~~Total~~ Trihalomethane Monitoring Requirements for Disinfectant Residuals and Disinfection Byproducts.

(1) DISINFECTANT RESIDUALS. ~~When monitoring for total trihalomethanes, distribution samples that are representative of the finished water from each plant shall be taken. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple plants with wells drawing raw water from a single aquifer shall be considered one treatment plant. All samples shall be collected within a 24 hour period. Free or combined chlorine residual shall be taken and recorded concurrently with all trihalomethane samples.~~

(a) Community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in Rule 62-550.310(2), F.A.C.

(b) Transient non-community water systems (TWSs) using chlorine dioxide as a disinfectant or oxidant shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the chlorine dioxide maximum residual disinfectant level specified in Rule 62-550.310(2), F.A.C.

(2) DISINFECTION BYPRODUCTS. ~~All community water systems that serve at least 10,000 individuals shall monitor for total trihalomethanes quarterly. At least four water distribution system samples shall be taken for each treatment plant used by the system. One fourth of the required samples shall be taken at a point within the distribution system which reflects the maximum residence time of the water in the system. The remainder of the samples shall be taken at locations in the distribution system representative of the areas of maximum water usage, the different sources of water, and the different treatment methods employed.~~

(a) Community water systems (CWSs) serving 10,000 or more persons and adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with the July 1, 2000, edition of 40 CFR 141.30(a), (b), (c), (d), (e), and (g), adopted and incorporated herein by reference, to determine compliance with the interim total trihalomethane maximum contaminant level specified in Rule 62-550.310(3)(a), F.A.C.

1. The monitoring requirements in paragraph (a) above apply through December 31, 2001, to CWSs that are serving 10,000 or more persons, that are adding a chemical disinfectant to the water, and that are subpart H systems and apply through December 31, 2003, to all other CWSs serving 10,000 or more persons and adding a chemical disinfectant to the water. On and after January 1, 2004, the requirements in paragraph (a) above are no longer applicable. For purposes of this subparagraph, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

2. In 40 CFR 141.30(a), (b), (c), (d), (e), and (g), the term "State" shall mean "Department." Also, references to section 141.12 shall be interpreted to mean Rule 62-550.310(3)(a), F.A.C.; references to section 141.24(e) shall be interpreted to mean Rule 62-550.550(1), F.A.C.; references to section 141.31 shall be interpreted to mean Rule 62-550.730(1), F.A.C.; and references to section 141.32 shall be interpreted to mean Rule 62-560.410, F.A.C.

(b) Community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the Stage 1 disinfection byproduct maximum contaminant levels specified in Rule 62-550.310(3)(b), F.A.C.

(3) Methods to reduce the monitoring frequency for trihalomethanes:

(a) Total trihalomethane concentration may be used by a community water system to reduce monitoring frequency required by subsection (2) upon written request to the Department and the Department's approval. Approved reduced monitoring frequency shall never be less than one sample quarterly. The Department shall review the data from at least four quarters of monitoring in accordance with this paragraph and the local conditions affecting the system to determine that trihalomethane concentrations will be consistently below the maximum contaminant level in order to approve this reduction in monitoring.

(b) Total trihalomethane potential may be used by a community water system that uses only ground water sources to reduce the monitoring frequency required by this paragraph upon written request to the Department and the Department's

approval. Approved reduced monitoring frequency for total trihalomethane potential shall never be less than one sample per year. For the monitoring frequency to be reduced, the system shall submit to the Department the results of at least one sample analyzed for maximum total trihalomethanes potential for each treatment plant used by the system. Monitoring frequency shall be reduced if the Department finds that the results have a maximum total trihalomethanes potential of less than 0.10 milligrams per liter and that, based upon an assessment of the system and local conditions affecting it, the system is not likely to exceed 50 percent of the maximum contaminant level for total trihalomethanes.

(c) If at any time during which the reduced monitoring described in paragraph (a) or (b) of this subsection applies, the results from any analysis taken by the system for total trihalomethanes or maximum total trihalomethanes potential are equal to or greater than 0.10 milligrams per liter, such results shall be confirmed by at least one check sample taken promptly after the results are received. If the check sample confirms that the total trihalomethane or maximum trihalomethanes potential is greater than or equal to 0.10 milligrams per liter, the system shall immediately begin monitoring in accordance with the requirements of subsection (2) of this section, and such monitoring shall continue for at least four consecutive quarters before the frequency may be reduced again.

(d) In the event of any significant change to the system's raw water or treatment program, the system shall immediately analyze an additional sample for total trihalomethanes or total trihalomethanes potential. If the data submitted by the water system indicate that the levels of total trihalomethanes within the distribution system are subject to significant variations, the Department shall require more frequent monitoring.

(e) All samples required by paragraphs (a), (b), (c), and (d) of this subsection shall be taken at a point within the distribution system that reflects the maximum residence time of the water in the system.

(4) Compliance with Rule 62-550.310(2)(a), F.A.C., shall be determined by the Department based on a running annual average of samples collected by the system as described in subsection (2) or paragraph (3)(a) of this section. If the average of sample results covering any four consecutive quarterly periods exceeds the maximum contaminant level, the supplier of water shall comply with Rule 62-550.500(8), F.A.C. The temporary monitoring frequency established by the Department pursuant to Rule 62-550.500(4), F.A.C., shall continue until the maximum contaminant level has not been exceeded in the average of successive samples for 12 months.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.514, Amended 2-7-95,_____.

62-550.515 Volatile Organic Contaminants Monitoring Requirements.

Monitoring for the volatile organic contaminants listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., shall be conducted to determine compliance with the maximum contaminant levels.

(1) Monitoring Frequency.

(a) Initial base point monitoring. Each community ~~or~~ ~~and~~ non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., during the first compliance period.

(b) If the public water system does not detect any of the contaminants listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., it shall sample annually beginning with the next compliance period.

(c) If the initial monitoring for contaminants listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., as required in subsection (1) of this section, ~~was has been~~ completed between January 1, 1988, and December 31, 1992, and the system did not detect any contaminant listed in 62-550.310(4)(a)(2)(b), F.A.C., then each ground water system and subpart H surface water system may take one sample annually beginning January 1, 1993.

(d) After a minimum of three years of annual sampling, ground water systems with no previous detection of any contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., may take one sample during each compliance period.

(e) Subpart H systems ~~Surface water~~ and ground water systems may apply to the Department for a monitoring waiver as specified in Rule 62-560.545, F.A.C.

(2) No change.

(3) Monitoring Frequency After a Contaminant Is Detected. If a contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., is detected at a level exceeding 0.0005 milligrams per liter in any sample:

(a) through (c) No change.

(4) A system that exceeds ~~a~~ ~~the~~ maximum contaminant level as specified in Rule 62-550.310(4)(a)(2)(b), F.A.C., shall notify the public pursuant to Rule 62-560.410, F.A.C., begin quarterly monitoring, and take corrective action as approved by the Department.

(5) The use of monitoring data collected between January 1, 1988, and January 1, 1993, shall be allowed for purposes of monitoring compliance. A single sample, rather than four quarterly samples, shall satisfy the initial base point monitoring requirement. Systems ~~that took~~ ~~which have taken~~ such samples and did not detect any contaminant listed in Rule 62-550.310(4)(a)(2)(b), F.A.C., shall begin monitoring annually.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 1-26-93, 7-4-93, Formerly 17-550.515, Amended 9-7-94, 2-7-95,_____.

62-550.516 Synthetic Organic Contaminants Pesticides and Polychlorinated Biphenyls Monitoring Requirements.

Monitoring for the synthetic organic ~~pesticide~~ ~~and~~ ~~polychlorinated biphenyl~~ contaminants listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., shall be conducted as follows:

(1) Monitoring Frequency.

(a) Each community ~~or~~ ~~and~~ non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., during each compliance period.

(b) through (2) No change.

(3) Monitoring Requirements After a Contaminant Is Detected. If an organic contaminant listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., is detected in any sample:

(a) No change.

(b) The Department shall decrease the quarterly monitoring requirement of this rule to annually if the running annual average is below the maximum contaminant level. After three years of annual sampling with no detection of any contaminant listed in Rule 62-550.310(4)(b)(2)(e), F.A.C., systems may sample according to the schedule detailed in paragraphs (1)(c) and (1)(d) above.

(c) through (d) No change.

(4) A system that exceeds ~~a~~ ~~the~~ maximum contaminant level as specified in Rule 62-550.310(4)(b)(2)(e), F.A.C., shall notify the public pursuant to Rule 62-560.410, F.A.C., begin quarterly monitoring, and take corrective action as approved by the Department.

(5) through (6) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 1-26-93, Formerly 17-550.516, Amended 9-7-94, 2-7-95,_____.

62-550.517 Physical Characteristics Monitoring Requirements.

(1) No change.

(2) All public water systems using ground water not under the direct influence of surface water as a source are required by Rules 62-550.518(2),(3), and ~~(10),(11)~~, F.A.C., to periodically sample the raw ground water source for microbiological contamination. In the event a raw water sample is positive for total coliform bacteria, the system shall begin monitoring the raw water source for turbidity, pH, temperature, nitrates, and conductivity; when notified in writing by the Department to do so and shall perform a microscopic particulate analysis and particle counter analysis when notified in writing by the Department to do so in writing. These data will be used by the Department to determine whether the system's ~~systems~~ water source is under the direct influence of surface water. If the Department renders a written decision that the source is not under the direct influence of surface water, or if no subsequent raw water samples are positive for bacteria during the following one-year period, monitoring of the raw water for

turbidity, pH, temperature, and conductivity will no longer be required. If the Department determines that a system is under the direct influence of surface water, the system shall will comply with Rule 62-550.560, F.A.C., and Part VI of Chapter 62-555, F.A.C. In the event the system notifies the Department in writing that it disagrees with the Department's determination, the system shall have six months in which to commission and complete an independent analysis of the system. Upon receipt of such an independent analysis, the Department will reconsider its determination and notify the system of its decision and include the notice of rights to an administrative hearing as provided in Rule 62-110.106, 62-103.155, F.A.C.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.517, Amended 9-7-94, 8-1-00,_____.

62-550.518 Microbiological Monitoring Requirements.

(1) All public water systems shall analyze for coliform bacteria to determine compliance with Rule 62-550.310(5)(3), F.A.C. Public water systems shall collect total coliform samples at sites that are representative of water throughout the distribution system and in accordance with a written sampling plan that addresses location, timing, frequency, and rotation period. These plans shall be available for review and possible revision on the occasion of a sanitary survey conducted by the Department. Descriptions of sampling locations shall be specific, i.e., numbered street addresses or lot numbers. Pressure tank or and plant tap samples are not acceptable for determining compliance.

(2) Total coliform samples shall be taken at regular intervals and in numbers proportionate to the population served by the system. Community water systems, non-transient non-community water systems, transient non-community water systems that are subpart H systems use surface water, and transient non-community water systems that serve more than 1,000 persons per day during any one month shall take monthly distribution system samples. In addition, systems that are using ground water not under the direct influence of surface water shall take a minimum of one monthly representative raw water sample that is representative of each ground water source (i.e., well) not under the direct influence of surface water per month shall be taken. For purposes of this subsection, consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems. In no event shall the number of distribution system samples be less than as set forth below:

TABLE No change.

(3) A Transient non-community water systems using only ground water not under the direct influence of surface water and serving that serves 1,000 or fewer persons shall monitor at the rate of two distribution system samples in each calendar quarter during which the system provides water to the public.

In addition, such systems shall take a minimum of one quarterly raw water sample that is representative of each ground water source (i.e., well) shall be collected per quarter.

~~(4) The supplier of water shall maintain a minimum free chlorine residual of 0.2 milligrams per liter or its equivalent throughout the distribution system at all times. If the supplier of water fails to maintain this level of free chlorine residual, or its equivalent, the supplier of water shall take necessary corrective action as approved by the Department. When using chlorine in combination with ammonia, a minimum combined chlorine residual of 0.6 milligrams per liter shall be maintained.~~

~~(4)(5) The P~~ublic water systems shall collect distribution system samples at regular intervals throughout the month, except that a system that uses only ground water not (except ground water under the direct influence of surface water); and that serves 4,900 persons or fewer; may collect all required samples on a single day if the samples are taken from different sites.

~~(5)(6) A Subpart H~~ public water systems that do uses surface water or ground water under the direct influence of surface water and that does not practice filtration in compliance with Part VI of Chapter 62-555, Rule 62-555.610, F.A.C., shall collect at least one sample near the first service connection each day the turbidity level of the source water exceeds one NTU, measured as specified in Rule 62-550.560(2)(3), F.A.C. This sample shall be analyzed for the presence of total coliforms. When any turbidity measurement in any day exceeds one NTU, the system shall collect this coliform sample within 24 hours; unless the Department determines that the system, for logistical reasons outside the system's control, cannot have the sample analyzed within 30 hours of collection. In this case, the Department shall specify how much time the system has to collect the sample. Sample results from this coliform monitoring shall be included in determining compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C.

~~(6)(7) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C. Repeat distribution system samples taken pursuant to subsection (7)(8) of this section are not considered special purpose samples, and shall be used to determine compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C.~~

~~(7)(8) Additional or Repeat M~~onitoring.

(a) If a raw water sample is total-coliform-positive, the public water system shall disinfect and bacteriologically survey the relevant well(s) in accordance with Rule 62-555.315(3), F.A.C., when notified in writing by the

Department to do so and shall conduct physical characteristics monitoring in accordance with Rule 62-550.517(2), F.A.C., when notified in writing by the Department to do so.

(b)(a) If a routine distribution system sample is total-coliform-positive, the public water system shall collect a set of repeat distribution system samples within 24 hours of being notified of the positive result. The system shall collect all repeat samples on the same day. A system that collects monthly routine distribution samples shall collect no fewer than three repeat samples for each total-coliform-positive sample found. A transient non-community water system that collects quarterly routine samples serves 1,000 or fewer persons shall collect no fewer than four repeat samples for each total-coliform-positive sample found. The Department shall extend the 24-hour limit on a case-by-case basis if the system has a logistical problem that is beyond its control in collecting the repeat samples within 24 hours. If an extension is granted, the Department shall specify how much time the system has to collect the repeat samples. If a routine distribution system sample is total-coliform-positive and the public water system is collecting fewer than five routine distribution system samples per month, the system also shall comply with the sampling requirements in Rule 62-550.518(8), F.A.C.

(c)(b) The system shall collect at least one repeat distribution system sample from the sampling tap where the original total-coliform-positive sample was taken, at least one repeat distribution system sample at a tap within five service connections upstream of the original sampling site, and at least one repeat distribution system sample at a tap within five service connections downstream of the original sampling site. If a total-coliform-positive sample is at the beginning or end of the distribution system, or one service connection away from the beginning or end of the distribution system, the system need not collect a the one repeat sample upstream or downstream of the original sampling site, whichever is applicable, but still must collect the total number of repeat samples specified in paragraph (b) above.

(d)(e) If any repeat distribution system sample in the set is total-coliform-positive the public water system shall collect an additional set of repeat distribution system samples in the manner specified in paragraphs (7)(b) and (7)(c) (8)(a) through (8)(e) of this section. The public water system shall collect the additional samples within 24 hours of being notified of the positive result; unless the Department extends the limit as provided in paragraph (7)(b) (8)(a) of this section. The system shall repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C., has been exceeded and notifies the Department in accordance with subsections (10)(11) and (11)(12) below.

(e)(d) Results of all routine and repeat distribution system samples not invalidated by the Department shall be included in determining compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C.

(8)(9) If a system collecting fewer than five routine distribution system samples per month has one or more total-coliform-positive samples and the Department does not invalidate the sample(s) under Rule 62-550.518(9)(10)(a), F.A.C., it shall collect at least five routine distribution system samples during the next month the system provides water to the public.

(9)(10) Invalidation of Ttotal Ceoliform Ssamples. A total-coliform-positive sample invalidated under this subsection does not count toward meeting the minimum monitoring requirements of this section. Department invalidation of a total-coliform-positive sample invalidates subsequent fecal-coliform-positive or E.-coli-positive results on the same sample.

(a) The Department shall invalidate a total-coliform-positive sample if any of the following conditions are met:

1. No change.
2. The Department, on the basis of the results of the repeat distribution system samples collected as required by subsection (7)(8) of this section, determines that the total-coliform-positive sample resulted from a non-distribution system plumbing problem. The Department shall not invalidate a sample on the basis of repeat samples unless all repeat samples collected at the same tap as the original total-coliform-positive sample are also total-coliform-positive; and all repeat samples collected within five service connections of the original tap are total-coliform-negative. The Department shall not invalidate a total-coliform-positive sample on the basis of repeat samples if all the repeat samples are total-coliform-negative; or if the public water system has only one service connection.

3. The Department has received in writing substantial grounds to conclude that a total-coliform-positive result is due to a circumstance or condition that does not reflect raw water quality or water quality in the distribution system. In this case, the system shall still collect all repeat distribution system samples required under subsection (7)(8) of this section; and use them to determine compliance with the maximum contaminant level for total coliforms in Rule 62-550.310(5)(3), F.A.C. The written documentation shall describe the specific cause of the total-coliform-positive sample; and what action the system has taken, or will take, to correct this problem. The Department shall not invalidate a total-coliform-positive sample solely on the grounds that all repeat samples are total-coliform-negative.

~~(10)(11)~~ Fecal Coliforms/Escherichia coli (E. coli) Testing. If any raw water sample is total-coliform-positive, the system shall analyze that total-coliform-positive culture to determine if E. coli is present. If any routine or repeat distribution system sample is total-coliform-positive, the system shall analyze that total-coliform-positive culture to determine if fecal coliforms are present; or shall analyze that total-coliform-positive culture to determine if E. coli is present except that the system may test for E. coli in lieu of fecal coliforms. If fecal coliform or E. coli is present in any repeat distribution system sample, the system shall notify the Department in accordance with paragraph (11)(a) below. If fecal coliforms or E. coli is are present in any the routine distribution system or repeat sample; or if E. coli is present in any raw water sample that is representative of a well previously considered to be meeting the bacteriological requirements in Rule 62-555.315(3)(c), F.A.C., the system shall notify the appropriate Department of Environmental Protection (DEP) District Office or appropriate Approved County Health Department (ACHD) by the end of the day that when the system learns is notified of the test result; unless the system learns is notified of the result after the appropriate DEP District Office or appropriate ACHD Department office is closed, in which case the system shall notify the appropriate DEP District Office or appropriate ACHD Department before the end of the next business day.

~~(11)(12)~~ Response to Violation.

(a) A public water system that has an acute violation of the total coliform maximum contaminant level (MCL) as specified in Rule 62-550.310(5)(b), F.A.C., shall report the violation to the Department as soon as practicable but no later than 24 hours after the system learns of the violation and shall notify the public in accordance with Rule 62-560.410, F.A.C. A public water system that has a non-acute violation of exceeded the maximum contaminant level for total coliforms MCL as specified in Rule 62-550.310(5)(a)(3), F.A.C., shall report the violation to the Department no later than the end of the next business day after it learns of the violation, and shall notify the public in accordance with Rule 62-560.410, F.A.C.

(b) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.518, Amended 9-7-94, 2-7-95, 8-1-00, _____.

62-550.519 Radionuclides Monitoring Requirements.

(1) Monitoring Requirements for Naturally Occurring Radionuclides for Community or and Non-Transient Non-Community Water Systems.

(a) No change.

(b) When an annual record taken in conformance with paragraph (a) above has established that the average annual concentration is less than half the maximum contaminant

levels set forth in Rule 62-550.310~~(6)(a)(4)~~, F.A.C., analysis of a single sample shall be substituted for the quarterly sampling procedure required by paragraph (a).

(c) through (i) No change.

(j) If the average annual maximum contaminant level for gross alpha particle activity or combined radium-226 and radium-228 as set forth in Rule 62-550.310~~(6)(5)(a)~~, F.A.C., is exceeded, the supplier of water shall comply with Rule 62-550.500, F.A.C. The temporary monitoring frequency established by the Department pursuant to Rule 62-550.500, F.A.C., shall continue for at least quarterly intervals until the annual average no longer exceeds the maximum contaminant level.

(2) Monitoring Requirements for Man-Made Radioactivity in Community Water Systems That Are Subpart H Systems using surface water and Serving More Than 100,000 Persons; and in Public Water Systems Vulnerable to Man-Made Radioactive Contamination as Determined by the Department.

(a) No change.

(b) The supplier of water will be in compliance with this section if the gross beta particle activity is less than 50 pCi/L and the average annual concentrations of tritium and strontium-90 are less than the levels listed in Rule 62-550.310~~(6)(4)(b)~~, F.A.C. If both radionuclides are present, the sum of their annual dose equivalents to bone marrow shall not exceed 4 millirem/year.

(c) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample shall be performed to identify the major radioactive constituents present, and the appropriate organ and total body doses shall be calculated to determine compliance with Rule 62-550.310~~(6)(4)(b)2.~~, F.A.C.

(d) The supplier of any public water system designated by the Department as using waters contaminated by nuclear facilities shall conduct quarterly monitoring for gross beta particle and iodine-131 radioactivity and shall conduct annual monitoring for strontium-90 and tritium.

1. Compliance with quarterly monitoring for gross beta particle activity standards shall be based on the average of the analyses of monthly samples taken for three consecutive months or the analysis of a composite of three monthly samples. The former monitoring procedure is recommended. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present, and the appropriate organ and total body doses shall be calculated to determine compliance with Rule 62-550.310~~(6)(4)(b)~~, F.A.C.

2. through 4. No change.

(e) If the average annual maximum contaminant level for man-made radioactivity set forth in Rule 62-550.310~~(6)(4)(b)~~, F.A.C., is exceeded, the supplier of water shall take corrective

action approved by the Department to meet the applicable standards. The supplier of water also shall give notice to the public served by the water system as required by Rule 62-560.410, F.A.C. The Department shall establish more stringent monitoring frequencies, if necessary, based on the maximum contaminant level exceeded, the potential health effects of that level, the estimated time needed to take corrective action, and any other relevant information known to the Department.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.519, Amended 2-7-95,_____.

62-550.540 Monitoring of Consecutive Public Water Systems.

~~When one public water system receives all of its water from another public water system, the recipient public water system is the consecutive public water system. If a public water system receives only part of its water from another public water system, the recipient water system is not a consecutive public water system. The consecutive public water system shall provide microbiological and chlorine residual monitoring in a manner complying with Rule 62-550.518, F.A.C. Additional monitoring of the contaminants listed in Part III shall be required for consecutive systems which have a potential threat of contamination within their distribution system that is not corrected by the treatment provided. Consecutive water systems shall comply with the provisions of Rule 62-550.800, F.A.C., Control of Lead and Copper and Rule 62-550.511, F.A.C., Asbestos Monitoring Requirements.~~

(1) Consecutive systems shall conduct asbestos monitoring in their distribution systems in accordance with Rule 62-550.511, F.A.C.; shall conduct microbiological monitoring in their distribution systems in accordance with Rule 62-550.518, F.A.C.; shall comply with the lead and copper control requirements in Rule 62-550.800, F.A.C.; and shall conduct residual disinfectant monitoring at a remote point in their distribution systems in accordance with Rule 62-555.900(2), (3), or (4), F.A.C. to verify that the minimum residual disinfectant concentration required by Rule 62-555.350(1), F.A.C., is being maintained throughout their distribution systems. Consecutive systems that receive any finished water originating from a subpart H system shall comply with the distribution system residual disinfectant requirements in Rules 62-550.560(3)(d) and 62-555.630(3)(d), F.A.C. Consecutive systems that add a chemical disinfectant to the water shall conduct residual disinfectant monitoring in accordance with Rules 62-550.514(1) and 62-550.821, F.A.C., and shall conduct disinfection byproduct monitoring in accordance with Rules 62-550.514(2) and 62-550.821, F.A.C.

(2) Consecutive systems that treat or retreat a wholesale system's finished water in a manner that could cause violation of any applicable primary or secondary standard in Part III of this chapter shall conduct additional monitoring or comply

with additional requirements (i.e., monitoring or requirements in addition to the monitoring and requirements specified in subsection (1) above) when notified in writing by the Department to do so. Such additional monitoring or requirements shall be for the standard(s) in question and shall be consistent with the monitoring or requirements specified in this chapter for the standard(s) in question.

(3) Consecutive systems that have their own source(s) of raw water or that receive raw water from one or more other water systems shall monitor such water in accordance with Rules 62-550.500, 62-550.512, 62-550.513, 62-550.515, 62-550.516, 62-550.517, 62-550.519, 62-550.520, and 62-550.521, F.A.C.; the source water asbestos monitoring requirements under Rule 62-550.511, F.A.C.; and the raw water microbiological monitoring requirements under Rule 62-550.518, F.A.C.; and shall comply with any primary or secondary treatment technique requirements applicable to such water.

(4) Upon written approval by the Department, consecutive systems that receive all of their finished water from a single wholesale system may consolidate their monitoring requirements with those of the wholesale system or those of another interconnected consecutive system that receives all of its finished water from the same wholesale system. To obtain the Department's approval, consolidating systems shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department the following:

(a) Documentation that interconnection of the systems justifies treating them as a single system for monitoring purposes;

(b) Written asbestos, residual disinfectant and disinfection byproducts, microbiological, or lead and copper sampling/monitoring plans, as applicable, for the consolidated system; and

(c) A written agreement between the systems establishing the following:

1. The one system that shall be solely accountable to the Department for compliance with applicable monitoring requirements and associated maximum contaminant levels, maximum or minimum residual disinfectant levels, treatment technique requirements, reporting requirements, public notification requirements, and recordkeeping requirements for the consolidated system; and

2. Each system's responsibilities to the other for providing treatment, taking corrective action, monitoring, reporting, notifying the public, and keeping records.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 11-19-87, Formerly 17-22.340, Amended 1-18-89, 1-1-93, Formerly 17-550.540, Amended _____.

62-550.550 Certified ~~Approved~~ Laboratories and Analytical Methods for Public Water Systems.

(1) For the purpose of determining ~~To determine~~ compliance with standards and monitoring requirements other than those mentioned in subsection (2) below, ~~Rules 62-550.310, 62-550.320, and 62-550.800, F.A.C.,~~ samples shall be considered for compliance monitoring ~~are acceptable~~ only if they have been analyzed by a laboratory certified ~~approved~~ by the Department of Health except that measurements for alkalinity, bromide, calcium, chlorite at entrances to distribution systems, conductivity, disinfectant residual, orthophosphate, pH, silica, specific ultraviolet absorbance, temperature, total organic carbon, or turbidity may be performed by operators licensed under Chapter 62-602, F.A.C., or by persons under the direct supervision of a licensed operator. ~~The~~ Approved analytical methods shall be used and are contained in the July 1, 2000, edition of 40 CFR 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, and 143.4, Code of Federal Regulations (C.F.R.) title 40, part 141, sections 21, 23, 24, 25, 27, 74, 89, and 131 (1999); in 40 C.F.R. part 143, section 4 (1999); and on pages 67450 through 67467 of the December 1, 1999 Federal Register, all of which ~~and~~ are adopted and incorporated herein by reference. Use of an alternative analytical technique requires written permission from the Department and the U.S. Environmental Protection Agency. The use of DPD colorimetric test kits to measure residual chlorine, chloramine, or chlorine dioxide concentration is approved.

(2) Measurements for disinfectant residual to demonstrate that TTHM and HAA5 samples were taken under normal operating conditions and measurements for disinfectant residual to determine compliance with the operational requirements in Rule 62-555.350(1), F.A.C., may be performed by any authorized representative of the supplier of water or the Department. Approved analytical methods or DPD colorimetric test kits shall be used as specified in subsection (1) above.

(3)(2) ~~Measurements for residual disinfectant concentration, conductivity, temperature, alkalinity, calcium, orthophosphate, turbidity, silica, bromide, total organic carbon, specific ultraviolet absorbance, and pH may be performed by any supplier of water in accordance with the appropriate methodology referenced above. Such measurements shall be conducted by an authorized representative of the supplier of water. The Department~~ State may take ~~and analyze~~ samples and use the results to determine compliance with the applicable requirements of this ~~Chapter~~ or Chapter 62-555, F.A.C.

(4)(3) Compositing of Samples.

(a) A public water system may reduce the total number of samples that must be analyzed pursuant to Rules 62-550.511, 62-550.512, 62-550.513, 62-550.515, 62-550.516, and 62-550.519, ~~and 62-550.521,~~ F.A.C., by the use of compositing. No more than two samples shall be combined

into one composite sample when analyzing for antimony or thallium, which are listed in Table 1, or for any of the ~~contaminants in the~~ volatile organic contaminants ~~compounds~~ listed in Table 4, 2, or for ethylene dibromide (EDB), which is listed in Table 5 3. No more than three samples shall be combined into one composite sample when analyzing for toxaphene, which is listed in Table 5 3. No more than four samples shall be combined into one composite sample when analyzing for cyanide, which is listed in Table 1. No more than five samples shall be combined into one composite sample when analyzing for the other contaminants in the other groups.

(b) Compositing shall be done only by certified laboratories using the approved methods referenced in subsection (1) above ~~approved pursuant to Chapter 10D 41, F.A.C.~~ All samples, except those taken for radionuclides, shall be analyzed within 14 days of collection.

(c) No change.

(d) Resampling ~~After a~~ Detection of a ~~Ce~~contaminant in a Composite ~~S~~sample.

1. No change.

2. If duplicates of the original sample for volatile or synthetic organics contaminants and pesticides are available, the system may use these duplicates instead of resampling. If a duplicate is used, it shall be analyzed for the detected contaminant within 14 days of collection.

(e) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History—New 11-19-87, Formerly 17-22.350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, 8-1-00,_____.

62-550.590 Public Water System Monitoring Information and Monitoring Schedule.

(1) Table 7 5 summarizes the ~~base~~ monitoring frequencies and locations that ~~which~~ apply to public water systems in determining compliance with the rules set forth in this ~~p~~Part.

(2) Table 8 6 contains the monitoring schedule ~~for that all~~ public water systems on routine monitoring shall follow. Public water systems on increased or reduced monitoring as summarized in Table 7 shall refer to Rule 62-550.500(3), F.A.C., to determine their monitoring schedule.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History—1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-550.590, Amended 9-7-94, 8-1-00,_____.

62-550.720 Recordkeeping.

~~All~~ Ssuppliers of water shall retain on their premises, ~~of the public water system treatment plant~~ or at a convenient location near their premises, the following records:

(1) Records of bacteriological analyses made under ~~pursuant to this~~ Chapter shall be kept for not less than 5 years. Records of physical, chemical, or radiological analyses made under any portion of ~~pursuant to this~~ Chapter other than Rule 62-550.800 shall be kept for not less than 10 years. Actual

laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the information required in Rule 62-550.730(4), F.A.C., is included.

(2) through (4) No change.

(5) ~~Monthly Water plant~~ operation reports shall be kept for a period of not less than 10 ~~5~~ years.

(6) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.861(16), 403.853(3) FS. History—New 11-19- 87, Formerly 17-22.820, Amended 1-18-89, 1-1-93, 7-4-93, Formerly 17-550.720, Amended _____.

62-550.730 Reporting Requirements for Public Water Systems.

Suppliers of water and DOH certified laboratories shall report as follows:

(1) Suppliers of Wwater.

(a) No change.

(b) The supplier of water shall use the ~~approved DEP computer~~ format described in subparagraphs 1. through 8. below for reporting all water analysis results; for inorganics, volatile or synthetic organics, microbiological contaminants, radionuclides, or secondary contaminants and for reporting results of water analyses to determine compliance with the interim maximum contaminant level for total trihalomethanes available from the Department's Drinking Water Section, 2600 Blair Stone Road, Tallahassee, Florida 32399 2400. The supplier of water shall completely fill out ~~the~~ analysis forms in non-erasable ink, on a typewriter, or using a computer generated form ~~format~~ and shall include, at a minimum, the following information:

(c) No change.

(d) The supplier of water shall submit ~~The~~ monthly operation reports as specified in Rules 62-555.900(2) through (4), F.A.C., for a public water system shall be submitted by the supplier of water or certified lead operator to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department within 10 ~~45~~ days after the month of operation.

(e) The supplier of water shall report to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department ~~of the Department~~ within 48 hours (unless otherwise specified by the chapter) the failure to comply with any drinking water rule contained in Parts III, ~~IV, or V,~~ or VIII of this Chapter; or Part IV of Chapter 62-560, F.A.C. When compliance is achieved, the measures taken shall be reported to that office.

(f) through (i) No change.

(2) Certified Llaboratories.

(a) A certified laboratory shall report analysis results for inorganics, volatile or synthetic organics, microbiological contaminants, radionuclides, or secondary contaminants and results of analyses to determine compliance with the interim maximum contaminant level for total trihalomethanes ~~the~~

~~following information, at a minimum, to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department in a the appropriate Department approved format that includes all of the information described in subparagraphs 1. through 7. below. Format specifications may be obtained by writing to the Department's Drinking Water Section, 2600 Blair Stone Road, Tallahassee, Florida 32399 2400. If lab analysis results forms are not submitted using the specified approved format, the results forms will be rejected. The information submitted by the certified laboratory shall include, for water analysis includes, at a minimum, the following information:~~

1. through 4. No change.

5. Detection limits and analytical methods – The analytical method for each bacteriological analysis and the actual detection limits and analytical methods for each chemical or radiological analysis parameter shall be included.

6. Analysis results True value of the detected contaminant – For bacteriological analyses, only the presence or absence of the contaminant need be reported. For chemical or radiological analyses, any value detected above the certification method detection limit shall be reported as a real number; only reporting that a value is below the maximum contaminant level is insufficient.

7. No change.

(b) All certified laboratories shall report the chemical analysis results by using the name of the contaminant as given in Parts III ~~or IV~~ of this the Chapter. Different isomers of a contaminant shall be reported separately. If a laboratory reports a result for a contaminant not listed in Parts III ~~or IV~~ of this Chapter, the name of the contaminant and its isomers shall be given using I.U.P.A.C. (International Union of Pure and Applied Chemistry) nomenclature.

(c) through (d) No change.

(3) Reporting Format for Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors and Enhanced Coagulation or Enhanced Softening. Results of analyses required under Rule 62-550.514(1), 62-550.514(2)(b), or 62-550.821, F.A.C., shall be reported in the format described in Rule 62-550.821(12), F.A.C. Results of analyses required under Rule 62-550.514(2)(a), F.A.C., shall be reported in the format described in Rule 62-550.730(1)(b) and (2)(a), F.A.C.

(3) through (4) renumbered (4) through (5) No change.

~~(6)(5)~~ Reporting Formats for the Control of Lead and Copper. Analytical results for samples taken pursuant to this chapter shall be reported in a format that which includes all of the required information described below. If laboratory analysis reports are submitted without all of the required information, as set forth below, the submittal will be rejected.

(a) Lead and Ceopper Tap Samples. The information submitted by the certified laboratory for the analysis of lead and copper tap samples shall include, at a minimum:

1. through 10. No change.

11. Specify whether the sample is part of the minimum number of samples selected under the July 1, 2000, edition of 40 ~~CFR C.F.R. part~~ 141.86(c) (1995), or is an ADDITIONAL sample taken under the July 1, 2000, edition of 40 ~~CFR C.F.R. part~~ 141.86(e) (1995).

12. Specify the rank of the sample result for lead or copper and list results in ascending order in accordance with the July 1, 2000, edition of pursuant to 40 CFR C.F.R. part 141.80(c)(3)(i) (1995).

13. through 17. No change.

18. The laboratory's authorized representative shall certify that the samples were submitted by the listed public water system; each sample container contained one liter of solution (±100 mL); each sample was taken and analyzed by the methods in Rule 62-550.550(1), chapter 10D-41, F.A.C.; the sample date for each sample was reported; and all data submitted are correct.

(b) No change.

(c) Reporting Formats for Water Quality Parameters. The results submitted by systems for the analysis of water quality parameters required under the July 1, 2000, edition of 40 ~~CFR C.F.R. part~~ 141.87 (1995), shall be reported in the following format:

1. Format ~~H~~header.

a. through h. No change.

i. The number of sampling sites required under the July 1, 2000, edition of 40 CFR C.F.R. part 141.87(a)(2)(e) (1995).

j. No change.

2. Format ~~T~~table.

a. through b. No change.

c. The measured value of the water quality parameters and dosage rates required to be analyzed under the July 1, 2000, edition of 40 ~~CFR C.F.R. part~~ 141.87 (1995).

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(3), 403.861(16),(17) FS. History--New 11-19-87, Formerly 17-22.830, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-550.730, Amended 9-7-94, 2-7-95, 12-9-96, 8-1-00,_____.

62-550.800 Control of Lead and Copper.

~~In addition to the requirements of this chapter, The requirements standards and criteria contained in the July 1, 2000, edition of 40 CFR 141, subpart I (sections 80 through 91), Code of Federal Regulations (C.F.R.), title 40, part 141, sections 80 through 91, (1999), and changes to those sections as published on pages 1950 through 2015 of the January 12, 2000 Federal Register, are adopted and incorporated herein by reference and are enforceable under this rule.~~

Specific Authority 403.861(9) FS. Law Implemented 403.853 FS. History--New 12-9-96, Amended 8-1-00,_____.

62-550.821 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.

The requirements contained in the July 1, 2000, edition of 40 CFR 141, subpart L (sections 141.130 through 141.135), and the revisions to 40 CFR 141, subpart L, published on pages 3770 through 3780 of the January 16, 2001, *Federal Register* are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 CFR 141, subpart L.

(1) In 40 CFR 141, subpart L, the term "State" shall mean "Department." Also, references to section 141.2 shall be interpreted to mean Rule 62-550.200, F.A.C.; references to section 141.21 shall be interpreted to mean Rule 62-550.518, F.A.C.; references to section 141.23(k)(1) or 141.89(a) shall be interpreted to mean Rule 62-550.550(1), F.A.C.; references to section 141.31 shall be interpreted to mean Rule 62-550.730(1), F.A.C.; references to section 141.32 or 141.202 shall be interpreted to mean Rule 62-560.410, F.A.C.; references to section 141.32(e)(78) shall be interpreted to mean Rule 62-560.410(5), F.A.C.; references to section 141.64 or 141.64(a) shall be interpreted to mean Rule 62-550.310(3)(b), F.A.C.; references to section 141.65 shall be interpreted to mean Rule 62-550.310(2), F.A.C.; references to section 141.74(b)(6)(i) shall be interpreted to mean Rule 62-550.560(2), F.A.C.; references to section 141.74(c)(3)(i) shall be interpreted to mean Rule 62-550.560(3)(d), F.A.C.; references to subpart Q shall be interpreted to mean Part IV of Chapter 62-560, F.A.C.; and references to section 142.16(h)(5) shall be interpreted to mean Rule 62-550.821(9), F.A.C.

(2) For purposes of the compliance dates in 40 CFR 141.130(b) and the disinfection byproduct and residual disinfectant monitoring requirements in 40 CFR 141.132(b), (c), and (f):

(a) The number of persons served by a wholesale system includes the number of persons served by the consecutive systems that receive finished water from the wholesale system; and

(b) Consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(3) 40 CFR 141.130(c) shall be interpreted to mean that suppliers of water who own or operate a CWS or NTNCWS, including either a consecutive CWS or a consecutive NTNCWS, must employ operators licensed under Chapter 62-602, F.A.C., to operate the system and staff the system's water treatment plant(s), if any, in accordance with Chapter 62-699, F.A.C.

(4) Under 40 CFR 141.132(a), systems shall demonstrate that TTHM and HAA5 samples were taken under normal operating conditions by measuring, and reporting with the results of samples for TTHM and HAA5, the residual chlorine or chloramine level at the same points where, and same times when, TTHM and HAA5 samples are taken. These residual

chlorine or chloramine measurements shall not be used for determining compliance with the MRDL for chlorine or the MRDL for chloramines.

(5) For purposes of the TTHM and HAA5 monitoring requirements in 40 CFR 141.132(b)(1), each entry point from a wholesale system to a consecutive system is considered a plant for the consecutive system.

(a) Consecutive systems may request that the Department allow for multiple entry points from a single wholesale system to a single consecutive system to be considered as one plant.

(b) The Department shall approve requests made in accordance with paragraph (a) above if the consecutive system submits documentation showing that factors such as relative locations of entry points, detention times, sources, and the presence of treatment (such as corrosion control or booster disinfection) will not have a significant differential effect on TTHM and HAA5 formation associated with individual entry points.

(6) 40 CFR 141.132(b)(1)(v) shall be disregarded. The Department shall return a system to routine monitoring only if the system is required to return to routine monitoring under 40 CFR 141.132(b)(1)(iii) or is allowed to return to routine monitoring under 40 CFR 141.132(b)(1)(iv).

(7) Under 40 CFR 141.131(c)(2), the use of DPD colorimetric test kits to measure residual chlorine, chloramines, or chlorine dioxide is approved per Rule 62-550.550(1), F.A.C.

(8) Under 40 CFR 141.131(b)(3), (c)(3), and (d), operators licensed under Chapter 62-602, F.A.C., and persons under the direct supervision of a licensed operator, as well as laboratories certified by the Department of Health, are approved to measure alkalinity, bromide, chlorite (only at entrances to distribution systems), pH, residual disinfectant concentration, specific ultraviolet absorbance, and total organic carbon. Refer to Rule 62-550.550(1), F.A.C.

(9) Under 40 CFR 141.132(a)(2), the Department shall approve reduced TTHM and HAA5 monitoring by allowing systems to consider multiple plants treating water from multiple wells completed in the same aquifer as one treatment plant if:

(a) The plants are applying the same disinfectant(s); and

(b) The system submits a hydrogeological evaluation that is prepared under the supervision of a professional geologist or engineer registered in Florida and that indicates the wells are completed in, and drawing water from, the same aquifer and indicates the characteristics (including the total organic carbon level and, if ozone is being used to treat the water, bromide level) of the water from each well are enough alike to conclude disinfection byproduct formation will be similar.

(10) Under 40 CFR 141.132(f), all subpart H systems shall submit a copy of their monitoring plan to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department no later than

the date of the first report required under 40 CFR 141.134. All other systems shall make their monitoring plan available for review during sanitary surveys conducted by the Department and shall submit their monitoring plan if requested by the Department.

(11) The monitoring plans required under 40 CFR 141.132(f) shall be prepared in a format containing all the following information:

(a) A cover page identifying the system and providing relevant general information, including:

1. The system name and PWS identification number;
2. A contact person and phone number;
3. The system type (community, non-transient non-community, or transient non-community system);
4. The number and type of water sources and water treatment plants; and
5. The population served by the system when including the population served by any consecutive systems that receive water from the system.

(b) For subpart H systems using conventional filtration treatment, a summary of the system's enhanced coagulation or softening performance requirements. If applicable, a copy of the most recent Department approval of Step 2 TOC removal requirements shall be attached to the monitoring plan.

(c) A summary of the residual disinfectant, disinfection byproduct, and disinfection byproduct precursor monitoring that is required of the system. If applicable, a copy of the following Department approvals shall be attached to the monitoring plan:

1. Department approval allowing the system to consider multiple plants treating water from multiple wells completed in the same aquifer as one treatment plant;
2. If the system is a consecutive system, Department approval allowing the system to consider multiple entry points from a single wholesale system as one plant.

(d) For subpart H systems using conventional filtration treatment, a schematic drawing of each of the system's plants that use conventional treatment to treat surface water or ground water under the direct influence of surface water. Each schematic drawing shall show:

1. The water source(s);
2. Each unit process of each treatment train and each chemical application point; and
3. Sampling locations identified and numbered (e.g., T-1, T-2, etc.).

(e) A schematic drawing of the system's distribution system. The schematic drawing shall show:

1. Entry points to the distribution system (i.e., water treatment plants and, if the system is a consecutive system, entry points from wholesale systems);
2. Finished water storage facilities and booster chlorination facilities; and

3. Sampling locations identified and numbered (e.g., D-1, D-2, etc.).

(f) A summary of typical distribution system operating characteristics explaining, on a seasonal basis if necessary, how water sources are used and water treatment plants are operated to meet demands on the system and where average and maximum water residence times are expected to occur in the distribution system.

(g) Schedules for collecting all required samples. The schedules shall identify sampling times, sampling locations, sample handling and preservation requirements, and whether samples will be analyzed on site by either a licensed operator or a person under the direct supervision of a licensed operator or will be analyzed at a certified laboratory. Also, the schedules shall address both routine and reduced monitoring frequencies.

(h) The method for calculating compliance with applicable maximum residual disinfectant levels, maximum contaminant levels, and treatment technique requirements.

(12) Under 40 CFR 141.134(b), (c), and (d), systems shall disregard footnote 1 in the tables and shall report the results of required analyses by submitting the results to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department in the format described in paragraphs (a), (b), and (c) below.

(a) Results of analyses for disinfectant residuals shall be submitted in a format including all of the following information:

1. The system name and PWS identification number.
2. A contact person and phone number.
3. The information listed in 40 CFR 141.134(c) except that:

a. Systems monitoring for chlorine or chloramines also shall include the location, date, and result of each sample taken during the last quarter plus the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample.

b. In addition to including the date, result, and location of each sample taken during the last quarter, systems monitoring for chlorine dioxide shall include the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample and shall identify each sample as to whether it is an entry point sample or a distribution system sample.

(b) Results of analyses for disinfection byproducts shall be submitted in a format including all of the following information:

1. The system name and PWS identification number.
2. A contact person and phone number.
3. The information listed in 40 CFR 141.134(b) except that:

a. In addition to including the location, date, and result of each sample taken during the last monitoring period, systems monitoring for TTHM and HAA5, chlorite, or bromate shall include the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample, and the analytical method used for each sample.

b. Systems monitoring for TTHM and HAA5 also shall identify each sample as to whether it was taken at a location representing maximum residence time in the distribution system or at a location representing average residence time in the distribution system and shall report the residual chlorine or chloramine level measured at the same point where, and same time when, each sample was taken.

c. Systems monitoring for chlorite also shall identify each sample as to whether it is an entry point sample or a distribution system sample.

(c) Results of analyses for disinfection byproduct precursors and enhanced coagulation or softening shall be submitted in a format including all of the following information:

1. The system name and PWS identification number and the water treatment plant name.
2. A contact person and phone number.
3. The information listed in 40 CFR 141.134(d) except that:

a. In addition to including the location, date, and results of each paired TOC and source-water alkalinity sample taken during the last quarter, systems monitoring for TOC shall include the name of the person who collected each sample, the date of analysis of each sample, the name and certification number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample.

b. Calculations for determining compliance with Step 1 or 2 TOC removal requirements shall be presented in a table similar to Tables 4-3 through 4-6 in the U.S. Environmental Protection Agency's (USEPA's) *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the USEPA, Office of Ground Water and Drinking Water (4601), Ariel Rios Building, 1200 Pennsylvania Avenue, Northwest, Washington, DC 20460-0003.

c. Systems monitoring for SUVA, treated-water alkalinity, or magnesium hardness removal shall include the location, date, and result of each sample that was taken during the last quarter plus the name of the person who collected each sample, the date of analysis of each sample, the name and certification

number of the laboratory that analyzed each sample or the name and license number of the operator responsible for analysis of each sample, and the analytical method used for each sample.

(13) Under 40 CFR 141.135(b), systems practicing enhanced softening are not required to apply to the Department for Step 2 TOC removal requirements. Enhanced softening systems that are unable to meet the alternative compliance criteria in 141.135(a)(2) and (3) and that are unable to meet the Step 1 TOC removal requirements may apply to the Department for a waiver of enhanced softening requirements.

(a) Applicants for a waiver shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department results of bench- or pilot-scale testing conducted in accordance with Section 3.3 of the U.S. Environmental Protection Agency's *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in Rule 62-550.821(12)(c)3.b., F.A.C.

(b) The Department shall grant waivers if the test results required by paragraph (a) above show that the applicant is unable to meet the alternative compliance criteria in 40 CFR 141.135(a)(2) and (3) and is unable to meet the Step 1 TOC removal requirements.

(14) This subsection supplements 40 CFR 141.135(b)(3). The Department shall approve Step 2 TOC removal requirements submitted by a system if the system's application includes the information discussed in 40 CFR 141.135(b)(4) and paragraph (13)(a) below and if all alternative TOC removal percentages are determined in accordance with 40 CFR 141.135(b)(4) and Section 3.2 of the U.S. Environmental Protection Agency's *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in Rule 62-550.821(12)(c)3.b., F.A.C.

(15) This subsection supplements 40 CFR 141.135(b)(4). Applications made to the Department for approval of Step 2 TOC removal requirements shall include a table of Step 2 removal requirements that is similar in format to the table of Step 1 TOC removal requirements in 40 CFR 141.135(b)(2). The Step 2 table shall address the same source-water TOC/alkalinity ranges as addressed in the Step 1 table. Also, in each source-water TOC/alkalinity range, the required Step 2 TOC removal percentage shall remain the same as the Step 1 TOC removal percentage unless the application includes test results as described in 40 CFR 141.135(b)(4) supporting an alternative TOC removal percentage for that specific TOC/alkalinity range.

(16) 40 CFR 141.135(b)(4)(v) is supplemented by the following:

(a) Systems applying for a waiver of enhanced coagulation requirements shall submit to the appropriate Department of Environmental Protection District Office or appropriate

Approved County Health Department results of bench- or pilot-scale testing conducted in accordance with 40 CFR 141.135(b)(4) and Section 3.2 of the U.S. Environmental Protection Agency's *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in Rule 62-550.821(12)(c)3.b., F.A.C.

(b) The Department shall grant waivers of enhanced coagulation requirements if the test results required by paragraph (a) above show that the TOC removal from the applicant system's water is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose (as aluminum) at all dosages of alum (or equivalent addition or iron coagulant).

(17) In the event of an acute violation of the maximum residual disinfectant level for chlorine dioxide, the supplier of water shall notify the Department as soon as practicable but no later than 24 hours after learning of the violation.

Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.852(12), 403.853(1),(3),(7), 403.861(16),(17) FS. History—New _____.

62-550.824 Consumer Confidence Reports.

These rules are intended to implement the National Primary Drinking Water Regulations that require community water systems to prepare and provide to their customers annual consumer confidence reports on the quality of the water delivered by the systems. In addition to the requirements of this rule, the ~~requirements standards and criteria~~ contained in the following regulations are adopted ~~and incorporated herein~~ by reference and ~~are~~ enforceable under this rule: ~~the July 1, 2000, edition of 40 CFR 141, Code of Federal Regulations (CFR), Title 40, Part 141, sSubpart O, sSections 151 and 153 through 155, and Appendix A the Appendices to 40 CFR 141, sSubpart O, the amendments to Subpart O (1998 Federal Register, pages 44526-44536 and pages 69475 and 69516), and the corrections to the Code of Federal Regulations (CFR), Title 40, Part 141, Subpart O (1999 Federal Register, pages 34732-34733).~~

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

(a) No change.

(b) Additional Primary Contaminant Information.

1. through 2. No change.

3. Different Monitoring Location Requirements. Rule 62-550.500(5), F.A.C., requires monitoring at the entry point to the distribution system rather than at points within the distribution system; when monitoring for compliance with the MCLs for the radiological contaminants listed in Rule 62-550.310(6)(4), F.A.C. These results shall be applicable to the consumer confidence reports requirements of 40 CFR 141.153(d)(1)(i).

4. through (3) No change.

Specific Authority 403.861(9),(16),(17) FS. Law Implemented 403.853(3),(4) FS. History—New 9-22-99, Amended 8-1-00, _____.

TABLE 1
 MAXIMUM CONTAMINANT LEVELS FOR INORGANIC COMPOUNDS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL (mg/L)
1074	Antimony	0.006
1005	Arsenic	0.05
1094	Asbestos	7 MFL
1010	Barium	2
1075	Beryllium	0.004
1015	Cadmium	0.005
1020	Chromium	0.1
1024	Cyanide (as free Cyanide)	0.2
1025	Fluoride	4.0
1030	Lead	0.015
1035	Mercury	0.002
1036	Nickel	0.1
1040	Nitrate	10 (as N)
1041	Nitrite	1 (as N)
	Total Nitrate and Nitrite	10 (as N)
1045	Selenium	0.05
1052	Sodium	160
1085	Thallium	0.002

Abbreviations Used: MCL = maximum contaminant level;
 MFL = million fibers per liter (longer greater than 10 micrometers);
 mg/L = milligrams per liter.

TABLE 2
MAXIMUM RESIDUAL DISINFECTANT LEVELS

<u>FEDERAL CONTAMINANT ID NUMBER</u>	<u>DISINFECTANT RESIDUAL</u>	<u>MRDL (mg/L)</u>
<u>1012</u>	<u>Chlorine</u>	<u>4.0 (as Cl₂)</u>
<u>1006</u>	<u>Chloramines</u>	<u>4.0 (as Cl₂)</u>
<u>1008</u>	<u>Chlorine Dioxide</u>	<u>0.8 (as ClO₂)</u>

Abbreviations Used: mg/L = milligrams per liter;
MRDL = maximum residual disinfectant level.

TABLE 3
STAGE 1 MAXIMUM CONTAMINANT LEVELS FOR DISINFECTION BYPRODUCTS

<u>FEDERAL CONTAMINANT ID NUMBER</u>	<u>CONTAMINANT</u>	<u>MCL (mg/L)</u>
<u>2950</u>	<u>Total Trihalomethanes (TTHM)</u>	<u>0.080</u>
<u>2456</u>	<u>Haloacetic Acids (Five) (HAA5)</u>	<u>0.060</u>
<u>1011</u>	<u>Bromate</u>	<u>0.010</u>
<u>1009</u>	<u>Chlorite</u>	<u>1.0</u>

Abbreviations Used: MCL = maximum contaminant level;
mg/L = milligrams per liter.

TABLE 4 2
 MAXIMUM CONTAMINANT LEVELS LIMITS FOR VOLATILE ORGANIC CONTAMINANTS COMPOUNDS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & (CAS NUMBER)	MCL (mg/L)
2977	1,1-Dichloroethylene (75-35-4)	0.007
2981	1,1,1-Trichloroethane (71-55-6)	0.2
2985	1,1,2-Trichloroethane (79-00-5)	0.005
2980	1,2-Dichloroethane (107-06-2)	0.003
2983	1,2-Dichloropropane (78-87-5)	0.005
2378	1,2,4-Trichlorobenzene (120-82-1)	0.07
2990	Benzene (71-43-2)	0.001
2982	Carbon tetrachloride (56-23-5)	0.003
2380	cis-1,2-Dichloroethylene (156-59-2)	0.07
2964	Dichloromethane (75-09-2)	0.005
2992	Ethylbenzene (100-41-4)	0.7
2989	Monochlorobenzene (108-90-7)	0.1
2968	o-Dichlorobenzene (95-50-1)	0.6
2969	para-Dichlorobenzene (106-46-7)	0.075
2996	Styrene (100-42-5)	0.1
2987	Tetrachloroethylene (127-18-4)	0.003
2991	Toluene (108-88-3)	1
2979	trans-1,2-Dichloroethylene (156-60-5)	0.1
2984	Trichloroethylene (79-01-6)	0.003
2976	Vinyl chloride (75-01-4)	0.001
2955	Xylenes (total) (1330-20-7)	10

Abbreviations used: CAS Number = Chemical Abstract System Number;
 MCL = maximum contaminant level;
 mg/L = milligrams per liter.

TABLE 5 3
 MAXIMUM CONTAMINANT LEVELS LIMITS FOR SYNTHETIC ORGANIC
 CONTAMINANTS PESTICIDES AND PCBs

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & (CAS NUMBER)	MCL (mg/L)
2063	2,3,7,8-TCDD (Dioxin) (1746-01-6)	3 X 10 ⁻⁸
2105	2,4-D (94-75-7)	0.07
2110	2,4,5-TP (Silvex) (93-72-1)	0.05
2051	Alachlor (15972-60-8)	0.002
2050	Atrazine (1912-24-9)	0.003
2306	Benzo(a)pyrene (50-32-8)	0.0002
2046	Carbofuran (1563-66-2)	0.04
2959	Chlordane (57-74-9)	0.002
2031	Dalapon (75-99-0)	0.2
2035	Di(2-ethylhexyl)adipate (103-23-1)	0.4
2039	Di(2-ethylhexyl)phthalate (117-81-7)	0.006
2931	Dibromochloropropane (DBCP) (96-12-8)	0.0002
2041	Dinoseb (88-85-7)	0.007
2032	Diquat (85-00-7)	0.02
2033	Endothall (145-73-3)	0.1
2005	Endrin (72-20-8)	0.002
2946	Ethylene dibromide (EDB) (106-93-4)	0.00002
2034	Glyphosate (1071-83-6)	0.7
2065	Heptachlor (76-44-8)	0.0004
2067	Heptachlor epoxide (1024-57-3)	0.0002
2274	Hexachlorobenzene (118-74-1)	0.001
2042	Hexachlorocyclopentadiene (77-47-4)	0.05
2010	Lindane (58-89-9)	0.0002
2015	Methoxychlor (72-43-5)	0.04
2036	Oxamyl (vydate) (23135-22-0)	0.2
2326	Pentachlorophenol (87-86-5)	0.001
2040	Picloram (1918-02-1)	0.5
2383	Polychlorinated biphenyls (PCBs)	0.0005
2037	Simazine (122-34-9)	0.004
2020	Toxaphene (8001-35-2)	0.003

Abbreviations used: CAS Number = Chemical Abstract System Number;
 MCL = maximum contaminant level;
 mg/L = milligrams per liter.

TABLE 6 4
SECONDARY DRINKING WATER STANDARDS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL LEVELS (mg/L)*
1002	Aluminum	0.2
1017	Chloride	250
1022	Copper	1
1025	Fluoride	2.0
1028	Iron	0.3
1032	Manganese	0.05
1050	Silver	0.1
1055	Sulfate	250
1095	Zinc	5
1905	Color	15 color units
1920	Odor**	3 (threshold odor number)
1925	PH	6.5 - 8.5
1930	Total Dissolved Solids	500 (may be greater if no other maximum contaminant level is exceeded)
2905	Foaming Agents	0.5

Abbreviations Used: MCL = maximum contaminant level;
mg/L = milligrams per liter.

* Except color, odor, corrosivity, and pH.

** For purpose of compliance with ground water quality secondary standards, as referenced in Chapter 62-520, F.A.C., levels of ethylbenzene exceeding 30 micrograms per liter, toluene exceeding 40 micrograms per liter, or xylenes exceeding 20 micrograms per liter shall be considered equivalent to exceeding the drinking water secondary standard for odor.

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NAME OF PERSON ORIGINATING PROPOSED RULE:
 Richard D. Drew, Chief, Bureau of Water Facilities
 Regulation, Department of Environmental Protection
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Mimi Drew, Director, Division of
 Water Resource Management, Department of Environmental
 Protection
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 5, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-16R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Requirements for Public Water	
Systems that are Out of Compliance	62-560
RULE TITLES:	RULE NOS.:
Violations	62-560.310
Scope of Drinking Water Public	
Notification Rules	62-560.400
Public Notification – Primary Standards	62-560.410
Public Notice Requirements Pertaining to Lead	62-560.420
Public Notification – Secondary Standards	62-560.430
Drinking Water Variance Request	62-560.510
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Selected Contaminants	62-560.546
Manner of Decision on Variances,	
Exemptions, and Waivers	62-560.550
Variances and Exemptions from the	
Additional Requirements For	
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Best Available Technology for Achieving	
Compliance With a Maximum	
Contaminant Level or Maximum	
Residual Disinfectant Level	62-560.610
Bottled Water, Point-of-Use, and	
Point-of-Entry Devices	62-560.620

PURPOSE AND EFFECT: The Department is incorporating the U.S. Environmental Protection Agency’s (USEPA’s) Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-560. In addition, the Department is deleting obsolete noncompliance fee rules, amending variance and exemption

rules to make them consistent with the federal Safe Drinking Water Act, deleting obsolete public notice requirements for lead, and correcting and clarifying miscellaneous rules.

SUMMARY: Rule 62-560.310 is being revised to specify that the Department can assess administrative penalties for violations and to delete obsolete noncompliance fee rules. Rules 62-560.400 and 62-560.430 are being revised to change the title and date of the Department’s publication containing mandatory health effects language, which is being updated to include language for disinfectants and disinfection byproducts. Rule 62-560.410 is being revised to specify that a violation of the maximum residual disinfectant level for chlorine dioxide in the distribution system is an acute violation. Rule 62-560.420 is being repealed because the requirements in this rule have been deleted from USEPA regulations as obsolete and have been superseded by the lead public education provisions in the treatment technique requirements for control of lead and copper. Rule 62-560.510 is being amended to make this rule consistent with the federal Safe Drinking Water Act and federal regulations and to specify that a variance cannot be obtained from the treatment technique requirements for control of disinfection byproduct precursors. Rules 62-560.520 and 62-560.600 are being amended to make these rules consistent with the federal Safe Drinking Water Act and federal regulations. Rule 62-560.530 is being revised to limit the waiver of disinfection requirements to only those transient non-community water systems using ground water because federal regulations require a disinfectant residual for all water systems using surface water. Rule 62-560.540 is being revised to limit the waiver of certified operator requirements to only transient non-community water systems using ground water because federal regulations and guidelines require that all community or non-transient non-community water systems and all water systems using surface water be operated by an appropriately certified operator. Rule 62-560.545 is being revised to delete all references to waivers from unregulated contaminant monitoring because the Department no longer requires unregulated contaminant monitoring. Rule 62-560.560 is being repealed because the requirements in this section are being incorporated into revised Rule 62-560.510(7) and new Rule 62-560.520(5). Rule 62-560.610 is being revised to add Best Available Technology for achieving compliance with maximum residual disinfectant levels and maximum contaminant levels for disinfection byproducts and to delete the requirements of Rules 62-560.610(3)(a) and (b), which are being incorporated into revised Rule 62-560.600. Rule 62-560.620 is being revised to specify that, when necessary to avoid an unreasonable risk to health, the Department shall require use of bottled water, point-of-use devices, or point-of-entry devices as a condition of granting a variance or exemption from maximum residual disinfectant levels or as a condition of granting an exemption from certain treatment technique requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 403.853(3), 403.861, 403.861(8),(9) FS.

LAW IMPLEMENTED: 120.57, 120.60, 403.0877, 403.121, 403.852(12),(13), 403.853, 403.853(1),(3), 403.854, 403.854(1),(2),(3),(4),(5),(6),(7), 403.857, 403.859, 403.860 FS.

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

TIME AND DATE: 10:00 a.m., October 17, 2001

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steven Michael Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

THE FULL TEXT OF THE PROPOSED RULES IS:

62-560.310 Violations.

(1) Prohibited Acts.

(a) through (e) No change.

(f) Failure by a supplier of water to comply with the requirements of a Department permit any approval or condition to the approval of plans and specifications issued for constructing, altering, or extending a public water system by the Department pursuant to the Florida Safe Drinking Water Act.

(g) through (h) No change.

(2) Penalties.

(a) through (b) No change.

(c) The Department shall assess administrative penalties for violations of subsection (1) above in accordance with Section 403.121, F.S.

(3) Noncompliance Fees.

(a) In addition to any judicial or administrative remedy, the Department or a county public health unit approved by the Department pursuant to Section 403.862(1)(c), F.S., is authorized to assess a noncompliance fee when any supplier of water of a public water system fails to comply with Department requirements for the reporting of test results in the

~~manner and time provided by Chapter 62-550, F.A.C. The Department's assessment of a noncompliance fee shall be in lieu of any civil action which may be instituted by the Department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the Department initiates a civil action for nonpayment of a properly assessed noncompliance fee.~~

~~1. For the first and second violations of the microbiological reporting requirements in a 36 month period, and for the first violation of other reporting requirements, the fee shall not be assessed until the Department has given the supplier of water at least 30 days to comply with the reporting requirement. The time shall not begin until the Department has given the supplier of water written notice of the facts alleged to constitute the reporting violation, the specific provision of law, rule, or order alleged to have been violated by the supplier of water, the corrective action needed to bring the facility into compliance, and the potential penalties that may be imposed as a result of the failure to comply with the notice.~~

~~2. For subsequent reporting violations, the Department does not have to provide a 30-day written notice of the violations prior to assessing a noncompliance fee. If any additional reporting violations occur prior to the expiration date of the second 30-day notice issued by the Department in accordance with (3)(a)1., above, the Department must provide the supplier of water with a 30-day written notice to correct these violations as well. On January 1, 1992, and each 36 months thereafter, the Department shall reinstate the 30-day notice requirements prior to assessing a noncompliance fee.~~

~~(b) At the time of assessment of a noncompliance fee, the Department shall give the supplier of water written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under Chapter 120, F.S., to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to Section 120.69, F.S.~~

~~(c) Noncompliance fees are based on the type of violation, the degree of noncompliance, and the potential for harm. The types of reporting violations apply to the failure to submit the reports or data described in (a), above. The violation types and their corresponding fee assessment amounts are as follows:~~

~~1. Microbiological:~~

~~a. For first violation and failure to comply with the 30-day written notice: \$125.~~

~~b. For second violation and failure to comply with a 30-day written notice: \$150.~~

~~e. For each subsequent violation the fee shall be increased by \$25.~~

~~2. Other contaminants:~~

a. Failure to comply with the 30-day written notice: \$20 per day of violation.

b. Subsequent violations in a 36-month period: \$20 per day of violation.

e. After each subsequent 30 days of failure to comply the fee shall be increased by \$10 per day of violation.

~~(d) Adjustment factors shall, under the following circumstances, be applied by the Department subsequent to the issuance of a notice assessing an amount in (c), above, to increase or decrease the total amount assessed. The Department shall apply mitigating adjustment factors to decrease an assessed noncompliance fee if the supplier of water makes a request to the Department and provides justification for such a change. The Department, when applying an adjustment factor to increase an assessed noncompliance fee, shall provide the supplier of water with justification for such an increase. The Department shall determine if any combination of aggravating or mitigating adjustment factors apply to the assessment. Aggravating factors shall increase the assessment, and mitigating factors shall decrease the assessment. The adjustment factors are the following:~~

~~1. Aggravating-~~

~~a. Lack of good faith efforts of the suppliers to comply with reporting requirements: 25 percent~~

~~b. The degree of willfulness or negligence on the part of the supplier: 50 percent~~

~~c. The supplier's previous history of reporting violations: 75 percent~~

~~d. The economic benefits associated with suppliers failure to comply with the reporting requirement: 75 percent~~

~~2. Mitigating-~~

~~a. Good faith efforts of the supplier to comply with the reporting requirements: 25 percent~~

~~b. The lack of willfulness or negligence on the part of the supplier: 50 percent~~

~~c. The supplier's previous history of reporting violations: 75 percent~~

~~d. The supplier's ability to pay the noncompliance fee: 75 percent~~

~~(e) No microbiological noncompliance fee shall exceed \$250, and cumulative microbiological noncompliance fees assessed shall not exceed \$1,000 per assessment for all microbiological reporting violations attributable to a specific facility during any one month.~~

~~(f) For violations of reporting requirements for test results other than microbiological, the fee shall be no greater than \$50 per day for each violation, and the total amount assessed shall not exceed \$2000.~~

~~(g) No noncompliance fee may be assessed unless the Department has, within 90 days of the test result reporting violation, provided the supplier of water written notice of the violation.~~

~~(h) Noncompliance fees collected by the Department shall be deposited in the Water Quality Assurance Trust Fund. Noncompliance fees collected by approved county public health units shall be deposited in the appropriate county public health unit trust fund.~~

Specific Authority 403.861 FS. Law Implemented 403.121, 403.859, 403.860, 403.860(5),(6) FS. History-New 11-19-87, Formerly 17-22.930, Amended 1-18-89, 5-23-91, 7-4-93, Formerly 17-560.310, Amended _____.

62-560.400 Scope of Drinking Water Public Notification Rules.

The following sections set forth the requirements ~~that which~~ a supplier of water shall meet when public notification is required. In addition to the requirements described in this part, the Department publication, "Mandatory Health Effects Language for Certain Contaminants and Disinfectants Regulated in Chapters 62-550, 62-551, 62-555, and 62-560, F.A.C.," 2001, 1994, is adopted and incorporated herein by reference, and is available from the Department of Environmental Protection, Drinking Water Section (MS 3520), Regulation, Information Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History-New 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-560.400, Amended 9-7-94, _____.

62-560.410 Public Notification – Primary Standards.

(1) Maximum Contaminant Level, Maximum Residual Disinfectant Level, Treatment Technique, Requirement, and Variance or and Exemption Schedule Violations. The owner or operator of a public water system ~~that which~~ fails to comply with an applicable maximum contaminant level, maximum residual disinfectant level, or treatment technique requirement established by Chapter 62-550, ~~or 62-555~~, F.A.C., or ~~that which~~ fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, shall notify persons served by the system as follows:

(a) Except as provided in paragraph (1)(c) or (1)(d) of this section, the owner or operator of a public water system shall give notice:

1. through 2. No change.

3. For ~~violations of the~~ maximum contaminant levels or maximum residual disinfectant level violations of ~~contaminants~~ that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations ~~that which~~ broadcast in the area served by the public water system as soon as possible but in no case later than 72 hours after the violation. The following are acute violations:

a. No change.

b. Violation of the maximum contaminant level for fecal coliform or *E. coli* in the water distribution system, as specified in Rule 62-550.310(5)(b)(4), F.A.C.

c. Occurrence of a waterborne disease outbreak, as defined ~~specified~~ in Rule 62-550.200(69), F.A.C.

d. Violation of the maximum residual disinfectant level for chlorine dioxide in the water distribution system, as specified in Rule 62-550.310(2), F.A.C., and determined according to 40 CFR 141.133(c)(2)(i) as adopted and modified under Rule 62-550.821, F.A.C.

(b) through (c) No change.

(d) In lieu of the requirements of paragraphs (1)(a) and (b) of this section, the owner or operator of a transient non-community water system may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the system. Notice by hand delivery or posting shall begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations, or 14 days after the violation or failure for any other violation. Posting shall continue for as long as the violation or failure exists. Notice by hand delivery shall be repeated at least every three months for as long as the violation or failure exists.

(2) Other Violations, Variations, or Exemptions. The owner or operator of a public water system that ~~which~~ fails to perform monitoring required by Part V of Chapter 62-550, Part V, F.A.C., or is subject to a variance or an exemption granted under Part V of Chapter 62-560, Part V, F.A.C., shall notify persons served by the system as follows:

(a) through (b) No change.

(c) In lieu of the requirements of paragraph (2)(a) of this section, the owner or operator of a transient non-community water system may give notice, within three months of the violation or the granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation exists or a variance or exemption remains in effect. Notice by hand delivery shall be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

(3) Notice to New Billing Units. The owner or operator of a community water system shall give a copy of the most recent public notice for every ~~any~~ outstanding violation of a ~~any~~ maximum contaminant level, maximum residual disinfectant level, or any treatment technique requirement, or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins.

(4) No change.

(5) The supplier of water shall include in the notice the language on potential adverse health effects for those contaminants and disinfectants found in the Department

publication, "Mandatory Health Effects Language for Certain Contaminants and Disinfectants Regulated in Chapters 62-550; ~~62-551, 62-555~~, and 62-560, F.A.C.," 2001 ~~1994~~.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History--New 11-19-87, Formerly 17-22.910, Amended 1-18-89, 1-3-91, 1-1-93, 7-4-93, Formerly 17-560.410, Amended 9-7-94,_____.

62-560.420 Public Notice Requirements Pertaining to Lead.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History--New 1-18-89, Amended 5-7-90, 5-23-91, Formerly 17-560.420, Amended 9-7-94, Repealed_____.

62-560.430 Public Notification – Secondary Standards.

(1) Community water systems that exceed the secondary maximum contaminant level for fluoride shall:

(a) No change.

(b) The notice shall contain the language found in the Department publication, "Mandatory Health Effects Language for Certain Contaminants and Disinfectants Regulated in Chapters 62-550; ~~62-551, 62-555~~, and 62-560, F.A.C.," 2001 ~~1994~~.

(2) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History--New 11-19-87, Formerly 17-22.915, Amended 1-18-89, 5-7-90, 5-23-91, 1-3-93, 7-4-93, Formerly 17-560.430, Amended 9-7-94,_____.

62-560.510 Drinking Water Variance Request.

(1) A supplier of water may request a variance from a maximum contaminant levels, maximum residual disinfectant level, or treatment technique requirement ~~for a public water system~~ by submitting a request in writing to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department ~~on DEP Form 62-555-900(6)~~. Any written request for a variance shall include the following information:

(a) The nature and duration of the variance requested;;

(b) Relevant analytical results of water quality sampling of the public water system, including results of relevant tests conducted in accordance with ~~pursuant to~~ the requirements of Chapter 62-550, F.A.C. ~~the state drinking water regulations;~~ and

(c) For any request for a variance from a maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL):

1. Explanation in full and evidence that ~~of~~ the public water system ~~s~~ cannot meet the MCL or MRDL despite application use of the Bbest Aavailable treatment Technology, and techniques;

2. An evaluation indicating that alternative sources of water are not reasonably available to the public water system. The evaluation may consider eEconomic and legal factors, relevant to ability to comply;

3. Analytical results of raw water quality relevant to the variance request;;

4. A proposed compliance schedule, including the date each step toward compliance will be achieved. Such schedule shall include as a minimum the following dates:

a. Date by which arrangement for ~~alternative raw water source or~~ improvement of the existing raw water source will be completed;

b. Date of initiation of ~~the connection of the alternative raw water source or~~ improvement of the existing raw water source; and

c. No change.

5. A plan for the provision of safe drinking water in the case of an excessive rise in the contaminant or residual disinfectant level for which the variance is requested.;

6. A plan for interim control measures during the effective period of the variance.; including a proposed schedule for implementing such measures. The schedule shall include dates by which steps toward implementing the interim control measures will be taken. and

7. ~~Such other information as needed to demonstrate entitlement to a variance.~~

(d) For any request for a variance from a treatment technique requirement:

1. Analytical results of raw water quality relevant to the variance request and a description of raw water pollution sources relevant to the variance request.

2. A plan for source protection measures relevant to the variance request.

3. A plan for monitoring relevant to the variance request.

(e) Other information believed by the applicant to be pertinent to the application.

(f) Such other information as needed to demonstrate entitlement to a variance.

(2) The Department shall grant a variance from a maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL) when reasonable assurance ~~of the following~~ is provided by the applicant to demonstrate each of the following:

(a) That granting of a variance will not result in an unreasonable risk to the health of persons served by the public water system.

(b) That, because of the characteristics of the raw water sources reasonably available to the public water system, the system cannot meet the MCL or MRDL despite application of Best Available Technology application to the raw water source of the best technology and treatment techniques has not resulted in compliance with a maximum contaminant level.

(c) That alternative sources of water are not reasonably available to all reasonable technological, economic and other efforts have been made, including a demonstration that the public water system is unable to join another system, and unable to find or develop another source.

(3) When granting a variance from a maximum contaminant level or maximum residual disinfectant level to a public water system that has not installed Best Available Technology (BAT) before requesting the variance, the Department, except as provided in Rule 62-560.600(2), F.A.C., shall grant the variance on the condition that the system install BAT. In its consideration of whether the public water system is unable to comply with a maximum contaminant level required by the drinking water regulations because of the nature of the raw water source, the Department shall consider such factors as, but not limited to:

(a) The availability and effectiveness of treatment methods for the contaminant for which the variance is requested.

(b) Cost and other economic considerations such as implementing additional treatment, improving the quality of the source water, or using an alternate source.

(4) The Department shall grant a variance from a treatment technique requirement when reasonable assurance is provided by the applicant to demonstrate that the treatment technique requirement is not necessary to protect the health of persons because of the nature of the raw water source for the public water system. In its consideration of whether a public water system will be granted a variance to a required treatment technique, the Department shall consider such factors as, but not limited to:

(a) Quality of the water source including water quality data and pertinent sources of pollution.

(b) Source protection measures employed by the public water system.

(5) The proposed compliance schedule for a ~~A~~ variance from cannot extend the time indefinitely for compliance with a treatment technique prescribed by Rule 62-560.610, F.A.C.; or a maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL), shall provide for compliance with the MCL or MRDL requirement prescribed by Rule 62-550.310, F.A.C. Compliance shall be achieved as expeditiously as possible. If the schedule provides for compliance later than five years after the date of application for the variance, the applicant shall document its rationale for the extended compliance schedule. The schedule may, if the public water system cannot effect or anticipate adequate improvement of the existing raw water source, specify an indefinite time period for compliance until a new and effective treatment technology is developed, at which time a new schedule addressing installation of the new technology shall be proposed by the applicant and a new variance shall be issued by the Department.

(6) No change.

(7) A variance cannot be obtained from the following: maximum contaminant levels for total coliform bacteria, fecal coliform or *E. coli*.

(a) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(a), F.A.C. (unless the public water system demonstrates that the violation is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system);

(b) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(b), F.A.C.;

(c) The filtration and disinfection treatment technique requirements applicable to subpart H systems;

(d) The treatment technique requirement for control of disinfection byproduct precursors.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.854(1) FS. History—New 11-19-87, Formerly 17-22.745, Amended 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-560.510, Amended 9-26-95,_____.

62-560.520 Drinking Water Exemption Request.

(1) A supplier of water may request an exemption from a maximum contaminant levels, maximum residual disinfectant level, or treatment technique requirement for a public water system by submitting a request in writing to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department on DEP Form 62-555.900(6). Any written request for an exemption shall include the following information:

(a) No change.

(b) Relevant analytical results of water quality sampling of the public water system, including results of relevant tests conducted in accordance with pursuant to the requirements of Chapter 62-550, F.A.C. the state drinking water regulations.

(c) Explanation of the compelling factors, such as time, legal, or economic factors, that which prevent the public water such system from achieving compliance or implementing measures to develop an alternative source of water supply. The applicant shall consider the availability of an alternative source of water, including the feasibility of partnerships with neighboring public water systems as identified by the applicant or by the Department consistent with its capacity development strategy as described in the February 7, 2001, document entitled *Department of Environmental Protection, Drinking Water Section New Systems Capacity Development Program Reference Documents*, which is incorporated herein by reference and is available from the Department of Environmental Protection, Drinking Water Section, 2600 Blair Stone Road, Mail Station 3520, Tallahassee, Florida 32399-2400.

(d) through (e) No change.

(f) Explanation of why management or restructuring changes cannot reasonably be made to achieve compliance or improve the quality of the drinking water if compliance cannot be achieved. Before finding that management and restructuring

changes cannot be made, the applicant shall consider the following measures and the availability of federal or state financial assistance to implement these measures:

1. Rate increases, accounting changes, the appointment of an operator licensed under Chapter 62-602, F.A.C., and contractual agreements for joint operation with one or more other public water systems;

2. Activities consistent with the Department's capacity development strategy (as described in the document referenced in paragraph (c) above) to help the public water system acquire and maintain technical, financial, and managerial capacity to come into compliance; and

3. Ownership changes, physical consolidation with another public water system, or other feasible and appropriate means of consolidation that would result in compliance.

(g) A plan for interim control measures during the effective period of the exemption, including a proposed schedule for implementing such measures.

(h)(f) No change.

(2) The Department shall grant an exemption when reasonable assurance is provided by the applicant to demonstrate each of the following:

(a) That, due to compelling factors (which may include time, legal, or economic factors), the public water system is unable to comply or to implement measures to develop an alternative source of water supply.

(b) That the public water system was in operation on the effective date of the maximum contaminant level, maximum residual disinfectant level, or treatment technique; requirement or both from which exemption is sought or, for a system that was not in operation by that date, no reasonable alternative source of drinking water is available to the system.

(c) No change.

(d) That management or restructuring changes cannot reasonably be made to achieve compliance or improve the quality of the drinking water if compliance cannot be achieved the public water system was unable to join another system, and unable to find or develop another source.

(e) That the public water system is taking all practicable steps to comply and that:

1. The system cannot comply without capital improvements that cannot be completed before the applicable compliance date established in Chapter 62-550, F.A.C.;

2. In the case of a system needing financial assistance for necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

3. The system has entered into an enforceable agreement to become part of a regional public water system.

(3) In its consideration of whether the public water system is unable to comply due to compelling factors, the Department shall consider such factors as, but not limited to:

(a) Construction, installation, or modification of treatment equipment or systems; and

(b) The time needed to put into operation a new treatment facility to replace an existing system which is not in compliance; and

(c) Economic feasibility of compliance.

(3)(4) An exemption cannot extend the time indefinitely for compliance with a standard (i.e., a treatment technique requirement, prescribed by Rule 62-560.610, F.A.C. or a maximum contaminant level, or maximum residual disinfectant level) requirement prescribed by Rule 62-550.310, F.A.C. The proposed compliance schedule shall provide for compliance with the standard ~~be achieved~~ as expeditiously as practicable but, in the case of a primary standard, not later than three years after the otherwise applicable compliance date established in Chapter 62-550, F.A.C. In the case of a public water system that serves a population of not more than 3,300 persons and that needs financial assistance for improvements necessary to comply with a primary standard, an exemption granted under subparagraph (2)(e)1. or 2. above may be renewed for one or more additional two-year periods, but not more than a total of six additional years, if the public water system establishes that it is continuing to take all practicable steps to comply for a maximum contaminant level or treatment technique, which is denoted as an interim national primary drinking water regulation under the Federal Act, and not later than seven years after a maximum contaminant level or treatment technique, which is denoted as a revised national primary drinking water regulation or its equivalent under the Federal Safe Drinking Water Act, comes into effect; however, if a public water system has entered into an enforceable agreement to become a part of a regional public water system the times shall be for no more than nine years.

(4)(5) No change.

(5) An exemption cannot be obtained from the following:

(a) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(a), F.A.C. (unless the public water system demonstrates that the violation is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system);

(b) The total coliform maximum contaminant level as specified in Rule 62-550.310(5)(b), F.A.C.;

(c) The disinfection treatment technique requirements applicable to subpart H systems.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.854(1),(2),(3) FS. History—New 11-19-87, Formerly 17-22.750, Amended 1-18-89, 1-1-93, Formerly 17-560.520, Amended 9-26-95, _____.

62-560.530 Request for Waiver of Disinfection Chlorination Requirements.

(1) Any supplier of water who owns or operates a transient non-community water system using only ground water not under the direct influence of surface water may request a waiver of the any disinfection chlorination requirements specified in Rules 62-555.320(4)(a) and 62-555.350(1), F.A.C., for a non-community water system by submitting a request for a waiver in writing to the Department. Any written request shall include the following information:

(a) through (2) No change.

(3) In consideration of whether a supplier of non-community water system should be granted a waiver of disinfection chlorination requirements, the Department shall consider the results of a sanitary surveys.

(4) The Suppliers of water for any non-community water system granted a waiver of disinfection the chlorination requirements shall monitor for microbiological contamination on at least a monthly basis or as otherwise specified by the Department and shall report the results to the Department in accordance with Rules 62-550.518 and 62-550.730, 62-550.510, F.A.C.

(5) through (6) No change.

Specific Authority 403.853(3), 403.861(8) FS. Law Implemented 403.852(12),(13), 403.853(1),(3), 403.854(4) FS. History—New 11-19-87, Formerly 17-22.755, Amended 1-18-89, 5-23-91, Formerly 17-560.530, Amended _____.

62-560.540 Request for Waiver of Certified Operator Requirements.

(1) Any supplier of water who owns or operates a transient non-community water system that uses only ground water not under the direct influence of surface water may request a the waiver of the certified operator requirements specified in Chapter 62-699, F.A.C., if applicable, for a non-transient non-community or non-community water system that exclusively uses ground water and has a design flow of less than 10,000 gallons per day by submitting a request for a waiver in writing to the Department. Any request shall include the following information:

(a) through (2) No change.

(3) A sanitary survey is not mandatory before a waiver of ~~the~~ certified operator requirements but may be performed and considered by the Department.

(4) through (5) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.854(5),(6),(7) FS. History—New 11-19-87, Formerly 17-22.760, Amended 1-18-89, 1-1-93, Formerly 17-560.540, Amended _____.

62-560.545 Request for Waiver of Monitoring Requirements.

(1) Volatile Organics. Each community or and non-transient non-community water system; that which does not detect a contaminant listed in Rule 62-550.310(4)(a), 62-550.310(2)(b); F.A.C., after completing initial monitoring

requirements; may apply to the Department for a waiver from the monitoring requirements for volatile organics in Rule 62-550.515, F.A.C., and the unregulated organic contaminants in Rule 62-550.521(2), F.A.C.

(a) A waiver from the volatile organic contaminant monitoring requirements of Rule 62-550.515, F.A.C., shall be effective for no more than six years (two compliance periods).

(b) A waiver from the group II unregulated organic contaminant monitoring requirements of Rule 62-550.521(2), F.A.C., shall be effective for no more than nine years (three compliance periods).

(2) Synthetic Organics Pesticides and PCBs. Each community or non-transient non-community water system may apply to the Department for a waiver from the synthetic organic pesticide and PCB contaminants monitoring requirements in of Rule 62-550.516, F.A.C., and from the group I unregulated organic contaminants monitoring requirements of Rule 62-550.521(1), F.A.C. A system shall reapply for a waiver for each three-year compliance period.

(3) The Department shall grant a waiver if the supplier of water; or the State; performs a study that shows the public water system is not vulnerable to contamination. Not vulnerable to contamination shall mean:

(a) No change.

(b) If previous use of the contaminant is not known or if the contaminant it has been used previously, then the supplier of water shall evaluate the following factors to show:

1. That the previous analytical results show no contaminants were detected, and for the unregulated contaminants, previous analytical results show contamination would not occur. Data used in this analysis shall have been collected after January 1, 1990;

a. through 3. No change.

4. The water source is protected against contamination. Subpart H Surface water systems shall have implemented a watershed protection plan accepted by the Department. Ground water systems shall consider factors such as depth of the well, the integrity of the well casing, the type of soil, and wellhead protection.

(c) through (4) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.853 FS. History—New 1-1-93, Formerly 17-560.545, Amended 9-7-94, 9-26-95, _____.

62-560.546 Statewide State-wide Monitoring Waivers for Selected Contaminants.

(1) No change.

(2) Dioxin. The Department has reviewed scientific literature and testing results and determined that dioxin exhibits very limited mobility in ground water sources. Public water systems that have whose wells are located at a distance of 1.6 kilometers (1 mile) or more from a potential source of dioxin contamination shall not be required to analyze raw

water or treated water at the entry point to the distribution system for dioxin. Potential sources of contamination include any waste disposal site or facility using chlorine in a manufacturing process (for example, industries involved in manufacturing bleached pulp and paper products, preserving wood, formulating pesticides, tanning, producing cleaning products, or producing drugs and cosmetics). If, as a result of a sanitary survey, the Department finds which involves a finding that a the public water system does not qualify for a waiver from dioxin monitoring, the Department shall notify the system in writing that it must begin monitoring for dioxin as described in Rule 62-550.500, F.A.C. Such written notification shall include a notice of rights to the administrative procedures as described in Rule 62-110.106, F.A.C. Subpart H Public water systems using surface water sources, or ground water sources under the direct influence of surface water, may submit a request for waiver of the monitoring requirements as described in Rule 62-560.545(2), F.A.C., above.

(3) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History—New 9-7-94, Amended _____.

62-560.550 Manner of Decision on Variances, Exemptions, and Waivers.

For the purposes of this section, the term “waivers” only applies to waivers of disinfection chlorination requirements under Rule 62-560.530, F.A.C., and waivers of certified operator requirements under Rule 62-560.540, F.A.C. Within 90 days of receipt of a complete request, the Department shall make a decision on the request. The applicant shall be notified of the Department’s intended decision by a written notice which states with particularity the grounds for the decision. The notice shall also contain an intended schedule for compliance with that from which a variance or exemption is sought. A hearing may be requested on the Department’s intended decision in accordance with Chapter 120, F.S. Whenever the Department issues a letter of intent to grant or deny a variance, exemption, or waiver, the Department shall give all affected persons constructive notice of the compliance schedule or terms of the waiver by publication in the Florida Administrative Weekly, and the supplier of water shall give notice in a newspaper of general circulation in the area affected by the variance, exemption, or waiver. In order to request a public hearing, the request must be received within thirty days of publication of the intended agency action. The Department shall only act upon hearing requests from persons whose substantial interests are affected. If a hearing is not requested within the allotted time, the right to an administrative hearing shall be deemed waived, and the Department’s intended decision shall be final.

Specific Authority 403.861(8) FS. Law Implemented 120.57, 120.60, 403.852(12),(13), 403.853(1),(3), 403.854(1),(2),(3),(4),(5) FS. History—New 11-19-87, Formerly 17-22.765, Amended 1-18-89, Formerly 17-560.550, Amended 11-7-95, _____.

62-560.560 Variances and Exemptions From the Additional Requirements for Surface Water Systems.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(1),(3), 403.854(1),(3) FS. History—New 1-3-91, Formerly 17-560.560, Repealed _____.

PART VI BEST AVAILABLE TECHNOLOGY AND TREATMENT TECHNIQUES

62-560.600 General.

~~If a water system is unable to meet particular water quality standards described in Chapter 62-550, F.A.C., the Department shall require the system to install and use the best generally available treatment method. No public water system shall be granted a variance from a particular standard (maximum contaminant level) (MCL) or maximum residual disinfectant level (MRDL) without first demonstrating that the system cannot meet the MCL or MRDL despite application of installing and using the Best Available Technology (BAT) treatment.~~

~~(1) If a public water system has not installed BAT before requesting a variance from a maximum contaminant level or maximum residual disinfectant level, the Department shall require, as a condition of granting the variance, that the system install BAT except as provided in subsection (2) below. Before the Department requires a system to install a particular treatment, the Department shall determine that the required treatment method is available and effective for the substance in question.~~

~~(2) If a public water system can demonstrate through comprehensive engineering assessments, which shall include pilot plant studies, that BAT would only achieve an insignificant reduction in a contaminant or disinfectant residual, the Department shall require, as a condition of granting a variance, that the system examine other treatment methods. A treatment method shall not be considered by the Department to be available and effective for an individual system if the treatment method would not be technically appropriate and technically feasible for that system.~~

~~(3) If the Department determines that a treatment method examined under subsection (2) above is technically feasible, the public water system shall propose a new compliance schedule addressing installation of the treatment method, and the Department shall issue a new variance requiring the system to install the treatment method. The Department's determination shall be based upon studies by the system and other relevant information. The determination by the Department of available and effective treatment methods shall be based upon studies by the water system and other relevant information which show the cost of such treatment and the amount of the substance in question which is removed from the water.~~

~~(4) Studies conducted by the water system shall determine:~~

~~(a) the probability that any specific methods will significantly reduce the level of the substance in question for that system; and~~

~~(b) if such probability exists, whether any specific methods are technically feasible and economically reasonable; and~~

~~(c) that the reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment methods for that system.~~

Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853, 403.854 FS. History—New 11-19-87, Formerly 17-22.500, Amended 1-18-89, Formerly 17-560.600, Amended _____.

62-560.610 ~~The~~ Best Available Technology for Achieving Compliance With a Maximum Contaminant Level or Maximum Residual Disinfectant Level.

~~(1) The technologies listed in Table 1 are the Best Available Technology for achieving compliance with the maximum contaminant levels for inorganic contaminants listed in Rule 62-550.310(1), F.A.C.~~

~~(2) Best Available Technology for achieving compliance with the maximum residual disinfectant levels listed in Rule 62-550.310(2), F.A.C., is control of treatment processes to reduce disinfectant demand or control of disinfection treatment processes to reduce disinfectant levels.~~

~~(3) The technologies listed in Table 2 are Best Available Technology for achieving compliance with the maximum contaminant levels for disinfection byproducts listed in Rule 62-550.310(3), F.A.C.~~

~~(4)(2) The technologies listed in Table 3 2 are the Best Available Technology Treatment for achieving compliance with the maximum contaminant levels for organic contaminants listed in Rule 62-550.310(4)(2), F.A.C.~~

~~(3) The Department shall require community and non-transient non-community water systems to install and use any treatment method identified in subsections (1) and (2) as a condition for granting a variance. If, after the system's installation of the treatment method, the system cannot meet the maximum contaminant level that system may apply for a variance under the provisions of Rule 62-560.510, F.A.C.~~

~~(a) A system shall prove through engineering assessments, which shall include a pilot study, that the treatment identified in Rule 62-560.610, F.A.C., will not result in compliance. The Department shall issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance.~~

~~(b) If the Department decides that a treatment method identified in this section is technically feasible, the Department shall require the system to install and use that treatment method in connection with a compliance schedule issued under the provisions of Rules 62-560.510 and 62-560.520, F.A.C. The Department determination shall be based upon studies by the system and other relevant information.~~

~~(5)(4) The Best Available Technology, treatment techniques, and other means generally available for achieving compliance with the maximum contaminant level for microbiological contaminants listed in Rule 62-550.310(5), 62-550.518, F.A.C., includes the following:~~

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

~~(d) Filtration or disinfection of surface water, or ground water under the direct influence of surface water, as described in Part VI of Chapter 62-555, Rule 62-555.610, F.A.C., or disinfection of ground water not under the direct influence of surface water using strong oxidants such as chlorine, chlorine dioxide, or ozone; and~~

~~(e) No change.~~

Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.853 FS. History—New 11-19-87, Formerly 17-22.510, Amended 1-18-89, 1-3-91, 1-1-93, 1-26-93, Formerly 17-560.610, Amended _____.

62-560.620 Bottled Water, Point-of-Use, and Point-of-Entry Devices.

(1) The Department shall require a public water system to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting a variance or an exemption from the maximum contaminant levels and maximum residual disinfectant levels listed in Rules 62-550.310(1),(2),(3),(4),(5)(a), and (6), 62-550.310(2), F.A.C., to avoid an unreasonable risk to health. The Department shall require a public water system to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting an exemption from the treatment technique requirements listed in Rules 62-550.315(1) and (4), F.A.C., or an exemption from the surface water filtration requirements in Part VI of Chapter 62-555, F.A.C., to avoid an unreasonable risk to health. The Department shall require a public water system to use bottled water and point-of-use devices or other means, but not point-of-entry devices, as a condition for granting an exemption from corrosion control treatment requirements for lead and copper in Rule 62-550.800, F.A.C., to avoid an unreasonable risk to health. The Department shall require a public water system to use point-of-entry devices as a condition for granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper in Rule 62-550.800, F.A.C., to avoid an unreasonable risk to health.

(2) A public water system that uses bottled water as a condition for receiving a variance or an exemption under pursuant to the requirements of Rules 62-560.510 or and 62-560.520, F.A.C., shall receive certification from the bottled water company that the bottled water meets all requirements specified in Chapter 5E-15, F.A.C. (May 4, 1992); has been taken from an approved source as defined in the April 1, 2000, edition of 21 CFR C.F.R. pt. 129.3(a); (1994); has been monitored by the bottled water company in accordance with the April 1, 2000, edition of 21 CFR C.F.R. pt. 129.80(g)(1) through (3); (1994); and does not exceed any maximum contaminant levels or quality limits set out in the April 1, 2000, edition of 21 CFR 165.110(b), C.F.R. pts. 102.35, 110, and 129 (1994); All of the aforementioned federal regulations which are hereby incorporated herein by reference. The authorized representative of the public water system shall provide such certification to the Department once during the first three-month period that the public water system supplies bottled water and annually thereafter for as long as bottled water is being supplied. The public water system shall provide sufficient quantities of bottled water to every person supplied by the public water system via door-to-door bottled water delivery.

(3) Public water systems that use point-of-entry or point-of-use devices as a condition for obtaining a variance or an exemption under from the maximum contaminant levels listed in Rule 62-550.310, F.A.C., or the treatment technique requirements in Rule 62-560.510 or 62-560.520, 62-550.325(1) and Rule 62-550.800, F.A.C., shall meet the following requirements:

(a) No change.

(b) Before point-of-use or point-of-entry devices are installed, the authorized representative of the public water system shall certify that the system will sample from a representative tap served by one of the devices once during the first three-month period after the devices are installed and annually thereafter for each contaminant or disinfectant residual for which the variance or exemption was received; ~~from one representative tap served by one of the devices.~~

(c) through (f) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853 FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-560.620, Amended 9-7-94, _____.

TABLE 1
BEST AVAILABLE TECHNOLOGY TREATMENT FOR INORGANIC CONTAMINANTS

CONTAMINANT	BEST AVAILABLE TECHNOLOGY (BAT) TREATMENT
Antimony	Coagulation/filtration ¹ Reverse osmosis
Arsenic	Reserved
Asbestos	Coagulation/filtration ¹ Direct and diatomite filtration Corrosion control
Barium	Ion exchange Lime softening ¹ Reverse osmosis Electrodialysis
Beryllium	Activated alumina Coagulation/filtration ¹ Lime softening ¹ Ion exchange Reverse osmosis
Cadmium	Coagulation/filtration Ion exchange Lime softening ^{1,2} Reverse osmosis
Chromium	Coagulation/filtration ¹ Ion exchange Lime softening ^{1,3} Reverse osmosis
Cyanide	Ion exchange Chlorine oxidation Reverse osmosis
Fluoride	Reverse osmosis Activated alumina absorption
Lead	Reserved
Mercury	Coagulation/filtration ^{1,2} Lime softening ^{1,2} Reverse osmosis ² Granular activated carbon
Nickel	Lime softening ¹ Ion exchange Reverse osmosis
Nitrate	Ion exchange Reverse osmosis Electrodialysis
Nitrite	Ion exchange Reverse osmosis

Selenium	Coagulation/filtration ^{1,4} Lime softening ¹ Reverse osmosis Activated alumina Electrodialysis
Sodium	Reserved
Thallium	Activated alumina Ion eXchange

¹Not BAT for systems with less than 500 service connections.

²BAT only if influent ~~m~~Mercury concentrations are less than or equal to 10 micrograms per liter.

³BAT for Chromium III only.

⁴BAT for Selenium IV only.

TABLE 2
BEST AVAILABLE TECHNOLOGY FOR DISINFECTION BYPRODUCTS

CONTAMINANT	BEST AVAILABLE TECHNOLOGY
<u>Total Trihalomethanes</u>	<u>Enhanced coagulation with chlorine as the primary and residual disinfectant.</u> <u>Enhanced softening with chlorine as the primary and residual disinfectant.</u> <u>GAC 10 with chlorine as the primary and residual disinfectant.</u>
<u>Haloacetic acids (five)</u>	<u>Enhanced coagulation with chlorine as the primary and residual disinfectant.</u> <u>Enhanced softening with chlorine as the primary and residual disinfectant.</u> <u>GAC 10 with chlorine as the primary and residual disinfectant.</u>
<u>Bromate</u>	<u>Control of ozone treatment process to reduce production of bromate.</u>
<u>Chlorite</u>	<u>Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.</u>

TABLE 3 2
 BEST AVAILABLE TECHNOLOGY TREATMENT FOR ORGANIC CONTAMINANTS

CONTAMINANT	BEST AVAILABLE TECHNOLOGY TREATMENT
1,1-Dichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
1,1,1-Trichloroethane	Granular a Activated c Carbon Packed t Tower a Aeration
1,1,2-Trichloroethane	Granular a Activated c Carbon Packed t Tower a Aeration
1,2-Dichloropropane	Granular a Activated c Carbon Packed t Tower a Aeration
1,2-Dichloroethane	Granular a Activated c Carbon Packed t Tower a Aeration
1,2,4-Trichlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
2,3,7,8-TCDD (Dioxin)	Granular a Activated c Carbon
2,4-D	Granular a Activated c Carbon
2,4,5-TP (Silvex)	Granular a Activated c Carbon
Alachlor	Granular a Activated c Carbon
Atrazine	Granular a Activated c Carbon
Benzene	Granular a Activated c Carbon Packed t Tower a Aeration
Benzo(a)pyrene	Granular a Activated c Carbon
Carbofuran	Granular a Activated c Carbon
Carbon tetrachloride	Granular a Activated c Carbon Packed t Tower a Aeration
Chlordane	Granular a Activated c Carbon
cis-1,2-Dichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Dalapon	Granular a Activated c Carbon
Di(2-ethylhexyl)adipate	Granular a Activated c Carbon Packed t Tower a Aeration
Di(2-ethylhexyl)phthalate	Granular a Activated c Carbon
Dibromochloropropane (DBCP)	Granular a Activated c Carbon Packed t Tower a Aeration
Dichloromethane	Packed t Tower a Aeration
Dinoseb	Granular a Activated c Carbon
Diquat	Granular a Activated c Carbon
Endothall	Granular a Activated c Carbon
Endrin	Granular a Activated c Carbon
Ethylbenzene	Granular a Activated c Carbon Packed t Tower a Aeration
Ethylene dibromide (EDB)	Granular a Activated c Carbon Packed t Tower a Aeration
Glyphosate	Oxidation (c Chlorine or o Ozone)
Heptachlor epoxide	Granular a Activated c Carbon

Heptachlor	Granular a Activated c Carbon
Hexachlorobenzene	Granular a Activated c Carbon
Hexachlorocyclopentadiene	Granular a Activated c Carbon Packed t Tower a Aeration
Lindane	Granular a Activated c Carbon
Methoxychlor	Granular a Activated c Carbon
Monochlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
o-Dichlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
Oxamyl (vydate)	Granular a Activated c Carbon
para-Dichlorobenzene	Granular a Activated c Carbon Packed t Tower a Aeration
Pentachlorophenol	Granular a Activated c Carbon
Picloram	Granular a Activated c Carbon
Polychlorinated_biphenyls (PCBs)	Granular a Activated c Carbon
Simazine	Granular a Activated c Carbon
Styrene	Granular a Activated c Carbon Packed t Tower a Aeration
Tetrachloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Toluene	Granular a Activated c Carbon Packed t Tower a Aeration
Toxaphene	Granular a Activated c Carbon
trans-1,2-Dichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Trichloroethylene	Granular a Activated c Carbon Packed t Tower a Aeration
Vinyl chloride	Packed t Tower a Aeration
Xylenes (total)	Granular a Activated c Carbon Packed t Tower a Aeration

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard D. Drew, Chief, Bureau of Water Facilities
Regulation, Department of Environmental Protection
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mimi Drew, Director, Division of
Water Resource Management, Department of Environmental
Protection
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 5, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 27, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
RULE NO.: 64B13-6.001
PURPOSE AND EFFECT: The proposed rule amendment is
intended to implement an initial license fee for a faculty
certificate in the amount of \$100.
SUMMARY: The Board proposes the implementation of an
initial license fee for a faculty certificate in the amount of
\$100.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.036, 463.005,
463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036,
463.0057, 463.006, 463.007, 463.008 FS.

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

TIME AND DATE: 10:00 a.m., October 18, 2001
PLACE: Room 324, Collins Building, 107 W. Gaines Street,
Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (12) No change.

(13) The initial license fee for a faculty certificate shall be \$100.00.

(13) through (19) renumbered (14) through (20) No
change.

Specific Authority 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007,
463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057,
463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82,
8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86,
7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001,
Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95,
4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 31, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations
RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The proposed rule amendment is
intended to clarify the Department's responsibility for
providing quarterly reports with regard to citations.

SUMMARY: The proposed rule amendment clarifies the
Department's responsibility for providing quarterly reports
with regard to the issuance of citations.

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

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

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

TIME AND DATE: 10:00 a.m., October 18, 2001
PLACE: Room 324, Collins Building, 107 W. Gaines Street,
Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) through (6) No change.

(7) The ~~Department Board of Optometry~~ shall, at the end of each calendar quarter, promulgate a report of the citations issued which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who chose to follow the procedures of Section 456.077, Florida Statutes.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

FLORIDA HOUSING FINANCE CORPORATION.

RULE TITLE: Appeals
RULE NO.: 67-25.020

PURPOSE AND EFFECT: The purpose of this proposed rule is to repeal this rule related to appeals in the Single-Family Mortgage Revenue Bonds Program. Chapter 120, Florida Statutes provides for an adequate appeal mechanism and thus Rule 67-25.020, Florida Administrative Code is obsolete and unnecessary. Repeal of Rule 67-25.020, Florida Administrative Code, is proposed to eliminate the obsolete and unnecessary rule and should cause no adverse affect.

SUMMARY: The proposed rule would repeal Rule 67-25.020, Florida Administrative Code which is unnecessary and obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507(12) FS.

LAW IMPLEMENTED: 420.503, 420.507, 420.508, Chapter 120 FS.

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

TIME AND DATE: 10:00 a.m., October 15, 2001

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Andrew T. Price, Esq., Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329, phone (850)488-4197

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Corporation at least 5 calendar days before the program by contacting Andrew Price at the above address.

THE FULL TEXT OF THE PROPOSED RULE IS:

67-25.020 Appeals.

Specific Authority 420.507(12) FS. Law Implemented 420.503, 420.507, 420.508, Chapter 120 FS. History--New 4-15-87, Formerly 9I-25.020, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew T. Price, Esq
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2001

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

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 27, No. 22, on June 1, 2001. The rule incorporates by reference guidelines and forms relating to the following programs: Library Services and Technology Act Grants, Florida Library Literacy Grants and State Aid to Libraries Grants. Changes have been made to the guidelines and forms for Library Services and Technology Act Grants, Florida Library Literacy Grants and State Aid to Libraries Grants to reflect comments made by the Joint Administrative Procedures Committee (JAPC) and in response to comments received.

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Mattresses
RULE NO.: 4A-54.006

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. 12, March 23, 2001 edition of the Florida Administrative Weekly.

4A-54.006 Mattresses.

(1) through (2) No change.

(3) New purchases of mattresses for new or existing correctional facilities shall be for fire-retardant cotton core with durable fire retardant outer coverage, or fiber-filled material conforming to the flammability requirements set forth in the following standards:

(a) 16 Code of Federal Regulations, Part 1632, Revised as of January 1, 2001 CFR 16, Part 1632, which is incorporated herein by reference; or

(b) U.L. Standard 1895, Standard for Fire Test of Mattresses, Third Edition, Dated February 11, 2000, which is incorporated herein by reference; or

~~(c) Department of Management Services, General Services Standard, 850 500 170, which is incorporated herein by reference; or~~

~~(c)(4) ASTM E 906-99~~, which is incorporated herein by reference.

(4) No change.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 6-6-90, Amended _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-40	Highway Beautification and Landscape Management
RULE NOS.:	RULE TITLES:
14-40.020	Grant Procedure Funding, Construction, and Maintenance of Beautification
14-40.021	Projects
14-40.022	Florida Highway Beautification Council Grant Process

NOTICE OF CHANGE

SUMMARY OF CHANGE: The following changes result from a review by the Joint Administrative Procedures Committee:

1. 14-40.020(2)(a)1. is amended to read as follows:

“1. Prior to submitting a grant request, applicants must prepare a landscape plan and have it reviewed by the District Landscape Manager for compliance with Part I of this rule chapter. Following the review, the applicant must make any plan revisions required by the District Landscape Manager prior to approval. The Department’s landscape plan review, revision, and approval process may require up to 120 days.”

2. 14-40.022(1)(a)4. is amended to read as follows:

“4. Irrigation requirements matched to plant needs and water conservation requirements, including Xeriscape practices.”

3. 14-40.022(1)(a)7. Is amended to read as follows:

“7. Contribution to noise abatement, visual screening, litter prevention, ~~and~~ or the correction of other environmental problems.”

4. The Law Implemented citation for Rule 14-40.022 is amended as follows:

“Law Implemented ~~335.167~~, 339.2405(7)(a)4. FS.”

5. 14-40.022(1)(a)14.: The reference to a repealed DEP rule is removed as shown:

“14. Demonstration of the use of environmentally sensitive materials, such as solid yard waste compost ~~as described in Rule 62-709.515, F.A.C.~~, or the use of reuse water, in the construction or maintenance of the project for which a Florida Department of Environmental Protection permit is required, ~~in the construction or maintenance of the project.~~”

6. 14-40.022(1)(b)1., is revised for clarification of the point ranges (0 to 10) for each attribute with a maximum of 150 total points available.

“1. Establishing a range of 0 to 10 points numbers weighted for each attribute for a total possible score of 150 points. ~~Each attribute is assigned a value range of ten points, for a total possible score of 140.~~”

7. In addition to the change to 14-40.022(1)(b)1., as shown in #5. above, the incorporated form also will be revised to clarify the 0 to 10 point range for each attribute and the total maximum possible score of 150 points. The revision date as shown in 14-40.020(2)(a)2., also is being changed to Rev. 09/01.

Notice of rulemaking was published in Florida Administrative Weekly, Vol. 27, No. 29, Pages 3322 through 3325.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:	RULE TITLES:
19B-5.003	Contract Requirements

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. 27, No. 32, August, 10, 2001 of the Florida Administrative Weekly:

19B-5.003 Contract Requirements.

(1) through (4) No change.

(5)(a) The benefits of a contract may be received for up to a ten-year 10-year period after the said selected matriculation date. This ten-year limitation will ~~may~~ be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The matriculation

projected enrollment date is the projected college enrollment year shall correspond to the age/grade of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits from a contract shall expire on December 31, ten years after the matriculation date, or any extension thereof.

(b) When the benefits from a contract have not been used on December 31, nine years after the matriculation date or one year prior to the expiration of any extension of the expiration date for the use of contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The ~~procedure~~ the purchaser must request in writing that the Board follow to extend the time period for the use of contract benefits or to obtain a refund for the contract;

2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

4. Such notice shall be mailed not later than 180 days prior to the expiration of the contract benefits. An alphabetical list of the names of purchasers of such accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with a contract for which the benefits have not been used by December 31, ten years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) No change.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2- 18-99, 6-6-99.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-6.001 Fee Schedule

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. 27, No. 32, August, 10, 2001 of the Florida Administrative Weekly:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) through (3) No change.

(4) Late Fee

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. ~~The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20)~~

~~days mentioned above.~~ This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When a contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the contract.

(c) When a contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) through (7) No change.

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

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6- 20-96, 12-16-97, 2-18-99, 2-8-00, _____

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-11.001 General

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. 27, No. 32, August, 10, 2001 of the Florida Administrative Weekly:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory residence plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to 19B-10.001 and 19B-10.002, respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. However, refunds may exceed the amount paid into the fund in the following circumstances:

(1) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant in such form as specified by the Board from the institution granting the scholarship.

(2) through (3) No change.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, _____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.701	Visiting – Authority of the Secretary
33-601.702	Posting of Visiting Policies
33-601.703	Visiting Records
33-601.704	Visiting – Inmates in Special Status
33-601.705	Refusal of Visit by Inmate
33-601.706	Inmate’s Visitors List
33-601.707	Visiting Denial
33-601.708	Visiting Procedures and Conditions
33-601.709	Non-contact Visiting
33-601.710	Special Visits
33-601.713	Inmate Visiting – Definitions
33-601.714	Inmate Visiting – General
33-601.715	Visiting Application Initiation Process
33-601.716	Visiting Record Management
33-601.717	Visiting Denial
33-601.718	Review of Request for Visiting Privileges
33-601.719	Visiting by Former and Current and Contract Employees
33-601.720	Sex Offender Visiting Restrictions
33-601.721	Visiting Operations
33-601.722	Visiting Schedule
33-601.723	Visiting Check-In Procedures
33-601.724	Visiting Attire
33-601.725	Permissible Items for Visitors
33-601.726	Visitor Searches
33-601.727	Visitor Conduct
33-601.728	Visiting Appearance, Search and Conduct
33-601.729	Denial or Termination of Visits
33-601.731	Revocation or Suspension of Visiting Privileges
33-601.732	Reinstatement of Revoked or Suspended Visiting Privileges
33-601.733	Visiting – Special Status Inmates
33-601.734	Visiting – Disciplinary Confinement, Protective Management and Administrative Confinement
33-601.735	Non-Contact Visiting
33-601.736	Special Visits
33-601.737	Visiting – Forms

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. 48, December 1, 2000 issue of the Florida Administrative Weekly:

33-601.701 Visiting – Authority of the Secretary.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 10-8-76, Formerly 33-5.01, Amended 6-20-85, 5-13-87, 3-8-98, Formerly 33-5.001, Repealed _____.

Editorial Note: See 33-601.713 through 33-601.737.

33-601.702 Posting of Visiting Policies.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-5.02, Amended 6-20-85, 3-8-98, Formerly 33-5.002, Repealed _____.

Editorial Note: See 33-601.714.

33-601.703 Visiting Records.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-5.03, Formerly 33-5.003, Repealed _____.

Editorial Note: See 33-601.716.

33-601.704 Visiting – Inmates in Special Status.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 10-8-76, Formerly 33-5.04, Amended 6-20-85, 3-8-98, 10-7-98, Formerly 33-5.004, Repealed _____.

Editorial Note: See 33-601.733.

33-601.705 Refusal of Visit by Inmate.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-5.05, Amended 6-20-85, 3-8-98, Formerly 33-5.005, Repealed _____.

Editorial Note: See 33-601.729.

33-601.706 Inmate’s Visitors List.

Specific Authority 20.315, 944.09, 944.23, FS. Law Implemented 944.09, 944.23 FS. History—New 10-8-76, Formerly 33-5.06, Amended 10-6-83, 6-20-85, 3-12-86, 9-6-93, 3-8-98, Formerly 33-5.006, Repealed _____.

Editorial Note: See 33-601.715, 33-601.717 through 33-601.719.

33-601.707 Visiting Denial.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 10-8-76, Formerly 33-5.07, Amended 10-6-83, 6-20-85, 3-12-86, 1-28-98, 3-8-98, Formerly 33-5.007, Repealed _____.

Editorial Note: See 33-601.717, 33-601.720, 33-601.729, 33-601.731.

33-601.708 Visiting Procedures and Conditions.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 386.204, 386.205, 944.09, 944.23 FS. History—New 10-8-76, Amended 10-6-83, 6-20-85, Formerly 33-5.08, Amended 3-12-86, 4-16-95, 3-8-98, 6-29-98, Formerly 33-5.008, Repealed _____.

Editorial Note: See 33-601.714 through 33-601.716, 33-601.721 through 33-601.724, 33-601.726 through 33-601.728, 33-601.731.

33-601.709 Non-contact Visiting.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-15-98, Formerly 33-5.0081, Repealed _____.

Editorial Note: See 33-601.734.

33-601.710 Special Visits.

Specific Authority 20.315, 944.09, FS. Law Implemented 944.09 FS. History--New 10-6-83, Formerly 33-5.10, Amended 6-20-85, 3-12-86, 3-8-98, Formerly 33-5.010, Repealed _____.

Editorial Note: See 33-601.735.

33-601.713 Inmate Visiting – Definitions.

(1) through (3) No change.

(4) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to the Request for Visiting Privileges, Form DC6-111A. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C 33-601.738.

(5) “Institutional Classification Team (ICT)” refers to the team responsible for making local classification decisions as defined in rule and procedure. The ICT shall be comprised of the warden or assistant warden who shall serve as chairperson, classification supervisor, chief of security, and other members ~~as necessary~~ when appointed by the warden or designated by rule.

(6) through (8) No change.

(9) “Suspension” refers to the suspension of visiting privileges for a specified period of time for an inmate or visitor, ~~to include the current and any future incarcerations.~~

(10) “Regular Visit” refers to any approved visit between an inmate and any approved visitor persons on the inmate’s visiting record that occurs on scheduled visiting days and hours.

(11) through (13) No change.

(14) “Special Status Inmate” refers to an inmate who is not in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., that shall prohibit or restrict visiting based upon the status.

(15) No change.

(16) “Revoked” refers to the withdrawing or voiding of visiting privileges of a visitor for an unspecified period of time.

(17) “Maximum Capacity” refers to the capacity of the inside visiting park as determined by the State Fire Marshall.

(18) “Temporarily Suspended” refers to a visitor’s status pending a review or investigation of circumstances or events that can result in the revocation or suspension of visiting privileges. A visitor shall not be allowed to visit while in this status.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____.

33-601.714 Inmate Visiting – General.

(1) through (2) No change.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any violation shall be entered on the AVR and shall subject the visitor to revocation or suspension of visiting privileges by the CVA and the inmate to disciplinary action.

(4) through (5) No change.

(6) Inmates shall be allowed to file grievances concerning visiting privileges in accordance with the provisions of Rule 33-103.005, F.A.C.

(7) Visitors whose visiting privileges have been denied, suspended or revoked shall be allowed to appeal in writing within 60 days of the date of the notice of denial, suspension or revocation to the Office of the Family Ombudsman for review. The Office of the Family Ombudsman shall review the denial, suspension or revocation of the visitor’s visiting privileges and respond to the visitor in writing within 60 days of the receipt of the appeal. The Office of the Family Ombudsman shall have the authority to recommend modification of the denial, suspension or revocation to the CVA.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____, Formerly 33-601.708.

33-601.715 Visiting Application Initiation Process.

(1) No change.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.737, F.A.C 33-601.738. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, Form DC6-111B, until they reach 12 years of age.

(a) Only visitors approved pursuant to Rule 33-601.718, F.A.C., shall be allowed to visit.

(b) No change.

~~(c) The applicant shall provide a social security number for identification purposes for obtaining the visitor’s criminal history and to be used as the identification number for the automated visiting record.~~

~~1. Failure to provide a social security number shall result in denial of the visiting request.~~

~~2. As part of the automated visiting record, the social security number may become public record.~~

(3) The CVA shall conduct criminal history background checks on all applicants ~~18 years of age or older~~ requesting visiting privileges. ~~A criminal history background check shall~~

~~be conducted on an applicant 17 years old or younger if information on the application indicates that it is prudent to do so.~~

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.706 and 33-601.708.

33-601.716 Visiting Record Management.

(1) through (2) No change.

(3) No more than fifteen people, twelve years of age or older, including family and non-family members, are allowed on an inmate's approved visiting record.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing a Remove/Add Visitor Request, Form DC6-111C, provided by institutional classification staff. Form DC6-111C is incorporated by reference in Rule 33-601.737, F.A.C. 33-601.738. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Removals ~~Deletions~~ shall only be permitted every six months. Visitors whose visiting privileges are suspended or revoked shall not be removed from an inmate's approved visiting list while in the respective status and the inmate shall not be allowed to replace the visitor with another approved visitor.

(5) A person who requests placement on an inmate's visiting record shall be referred to the inmate concerned. The inmate shall be responsible for notifying prospective visitors of whether they have been approved or disapproved for visitation.

(6) A visitor shall not be permitted to be on more than one inmate's approved visiting record unless they are immediate family members except as provided in Rule 33-601.716(7), F.A.C.

~~(7) A visitor who is approved as immediate family on an inmate's visiting record shall not be considered for visitation with a non-immediate family member inmate if both inmates are housed at the same institution unless: shall be on only one non-immediate family member inmate's visiting record. The visitor who is already approved on a non-immediate family inmate's visiting list will be allowed to remain on the approved list should an immediate family member be incarcerated. However, should the visitor already be on an immediate family member's visiting list the visitor shall not be considered for approval on an non-immediate family member's visiting list until such time as the immediate family member has been released from incarceration.~~

(a) The immediate family member inmate is transferred to another institution or is released from incarceration.

(b) The visitor is already approved to visit a non-immediate family inmate prior to the immediate family member inmate being received at the same institution. Visitation shall be allowed, but not on the same day.

(c) The visitor is already approved to visit a non-immediate family member inmate prior to being transferred to the same institution housing an immediate family member inmate. Visitation shall be allowed, but not on the same day.

(8) An approved visitor who is on the visiting list of two or more immediate family member inmates who are at the same institution or an immediate family member inmate and a non-immediate family member inmate, may visit the inmates only one inmate on the same day at the same time institution.

(9) A visitor approved to visit as a non-immediate family member shall not be removed from the visiting list of the inmate for purposes of visiting another non-immediate family member inmate at the same institution.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.703 and 33-601.708.

33-601.717 Visiting Denial.

(1) through (4) No change.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) through (b) No change.

(c) The nature and extent of the individual's criminal record, consideration of which includes:

1. Felony convictions, withholds of adjudication, adjudications of delinquency, misdemeanor convictions for stalking, battery, prostitution, possession of marijuana under 20 grams, possession of narcotic paraphernalia, or resisting a law enforcement officer without violence, and criminal history dispositions in any jurisdiction. If the disposition of an a felony arrest is not reflected, the disposition shall not be ascertained prior to completion of the review of the visiting request unless circumstances suggest additional clarification is prudent. If additional clarification of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question;

2. No change.

(d) Former department employment, contract employment or volunteer ~~work~~ with a documented work history that raises security concerns;

(e) No change.

(f) Either the inmate or prospective potential visitor gave false or misleading information to obtain visiting privileges with in the past five years;

(g) through (h) No change.

(i) The individual provided testimony, documentation, or physical evidence which assisted the prosecution in the inmate's conviction or incarceration;

(j) The individual has an active protection order or injunction against the inmate to be visited or the inmate has an active protection order or injunction against the prospective visitor;

(k) The individual is an illegal alien;

~~(l)(4)~~ No change.

~~(6) The inmate's immediate family members shall be subject to denial of visiting based on the following:~~

~~(a) The potential visitor's criminal conviction or rule violation history or a reasonable suspicion supported by specific, objective facts that suggest the visit would further criminal activity or rule violations;~~

~~(b) The family member is a victim of the inmate's current or prior offense, or~~

~~(c) The family member is a co-defendant in the inmate's current or prior offense.~~

~~(6)(7)~~ No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.706 and 33-601.707.

33-601.718 Review of Request for Visiting Privileges.

(1) In approving or disapproving visiting privileges, CVA staff shall review the Request for Visiting Privileges, Form DC6-111A, and shall consider all factors related to the security, order or effective management of the institution.

(a) Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions and adjudications withheld combined with the person's relationship to the inmate shall affect approval or disapproval.

(b) CVA staff shall evaluate a person's criminal history and visiting background using the CVA Visitor Screening Matrix, Form DC6-111D, ~~to consider whether the applicant:~~

~~1. Has prior felony convictions;~~

~~2. Has prior incarcerations, probation, parole, community control, or other forms of community supervision;~~

~~3. Has been convicted of any new felony convictions within five years of release from incarceration.~~

~~4. Is under community supervision for minimum of one year and additionally:~~

~~a. Complies with all conditions of supervision, and~~

~~b. Submits a written authorization of the supervising correctional probation officer with the Request for Visiting Privileges;~~

~~5. Has a history of past negative department visiting behavior; and~~

~~6. Other factors such as security threat group involvement or ex-employee status.~~

(c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.706.

33-601.719 Visiting By Former and Current Department and Contractor Employees.

(1) Former Department and Contractor Employees. The CVA shall consider approving former department employees and former employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) No change.

(b) During employment the applicant did not have a documented incident of any of the following:

1. through 2. No change.

3. A personal relationship with an offender; A personal relationship is any that goes beyond what is necessary for the performance of one's job.

4. through 5. No change.

(c) No change.

(2) Current Department and Contract Employees. The CVA shall consider approving current department employees and employees of a contractor currently under contract with the department for visiting privileges under the following conditions:

(a) No change.

(b) The employee has not violated the conditions stipulated in Rule 33-601.719(1), F.A.C.;

(c) through (d) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.706.

33-601.720 Sex Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger:

(a) If the inmate has a current or prior conviction under:

1. through 3. No change.

4. Chapter 847, F.S. – obscene literature; profanity, and ~~or~~

(b) through (e) No change.

(2) A warden, with a recommendation from the CVA supervisor, is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in Rule 33-601.720(1), F.A.C., above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) An evaluation ~~A request for consideration~~ from a professionally certified or licensed counselor; from the community, ~~acting in the interest of the minor, or an evaluation by the counselor of which reports~~ the impact on the minor of such visits or the lack of visits,

(b) through (e) No change.

(3) The warden shall provide documentation required in 33-601.720(2)(a) and (c), F.A.C., above to the CVA supervisor who shall recommend approval or denial to the warden.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.707.

33-601.721 Visiting Operations.

(1) No change.

(2) Wardens shall ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation. Purchases to replenish toys and items for other activities is authorized from the Inmate Welfare Trust Fund. Visitors shall not be charged for damaged or broken games or toys.

(3) Chaplains shall provide non-denominational religious material in the visiting park suitable for all religions.

(2) through (7) renumbered (4) through (9) No change.

(10) When the inside visiting park has reached its maximum capacity, the warden is authorized to utilize any of the following remedies to alleviate overcrowding:

(a) Other temporary visiting areas or structures;

(b) Asking earlier arrival visitors to voluntarily leave so that others may enter;

(c) Mandating early departures of visitors when voluntary departures are insufficient.

(11) Weather permitting, the outside visiting park shall be available for use by approved visitors at any time during regular visiting hours.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.722 Visiting Schedule.

(1) Regular visitors shall be allowed to visit between 9:00 AM and 3:00 PM Eastern Standard Time (EST) – 8:00 AM and 2:00 PM Central Standard Time CST each Saturday and Sunday.

(a) Institutions shall initiate the visiting registration process not later than at 8:15 AM EST and 7:15 AM CST.

(b) Visitors shall not be processed after 2:00 PM EST and 1:00 PM CST unless authorized by the duty warden.

(c) No change.

(2) Where unusual circumstances occur, the warden or his designee shall be authorized to allow an inmate additional visiting hours for a regular or special visitor. The exception will be based on such factors as great travel distance or infrequency of visits.

~~(3) The warden shall request exceptions to regular visiting days, hours, and numbers of visitors when facilities are limited based on fire safety standards for capacity. The secretary or his designee shall approve or disapprove any the request for changes to visiting hours or days exception.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.723 Visiting Check-In Procedures.

(1) through (3) No change.

(4) All visitors twelve years of age or older must present a valid form of picture identification for visiting registration. Acceptable forms of identification are identification cards that contain a photograph, current address, and date of birth and physical characteristics of the individual. Signatures are not required if the identification otherwise complies with all other standards of proper identification.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the parent or legal guardian (not an inmate) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue.

(6) through (7) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.724 Visitor Attire.

Persons desiring to visit shall be fully clothed including shoes. Small hats such as baseball caps, religious coverings, or surgical caps are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

(1) through (8) No change.

(9) A visitor shall be subject to suspension of visiting privileges and the visit shall be terminated if, after admission to the visiting area, the visitor changes, removes or alters his or her attire so that it is in violation of Rule 33-601.724(1)-(8), F.A.C.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) No change.

(b) ~~A~~ Vehicle keys necessary to operate a motor vehicle.

(c) Up to \$25.00, in \$1.00 and \$5.00 denominations only or silver change, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(d) No change.

(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723(7), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (g) No change.

(h) Visitors with authorized infants and small children shall be allowed to bring in:

1. through 3. No change.

4. One set of infant clothing and a non-quilted blanket for each infant and toddler.

(i) Prescription sunglasses.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____.

33-601.726 Visitor Searches.

(1) Visitors shall be subject to search upon entering and exiting the institution. Refusal of a visitor to be searched upon entering the institution either search shall result in denial of the current visits. Refusal of a visitor to be searched after entry to the visiting park or upon exiting the institution shall result in the denial of future visits.

(2) Authorized visitor searches include:

(a) through (f) No change.

~~(g) Careful search by touching of clothing worn next to the body such as stockings or socks, using sufficient pressure to detect contraband items;~~

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

(j) Careful search by touching of clothing worn next to the body such as stockings, socks and diapers, using sufficient pressure to detect contraband items. If it is necessary to remove the diaper of an infant or toddler, it shall be done in the privacy of a search room and by an officer of the same sex.

(3) The visitor shall be instructed to sign an Unclothed Body Search Consent, Form DC1-803, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person, and this suspicion is not resolved by a less

intrusive search. The parent, legal guardian, or authorized adult shall sign the consent form if a minor is to be searched. Form DC1-803 is incorporated by reference in Rule 33-601.737, F.A.C 33-601.738 of this rule.

(a) No change.

(b) The visitor shall also be asked to sign a Consent to or Notification of Search, Form DC1-804, if reasons exist to search the visitor's vehicle. Form DC1-804 is incorporated by reference in Rule 33-601.737, F.A.C 33-601.738. Visiting shall be denied if the visitor refuses to give written consent to search the vehicle.

(4) through (5) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) There shall be no loitering;

~~(b) Visitors shall not take any article whatsoever from the visiting area or the grounds of the institution (e.g., gifts from inmates or inmates' excess personal property items) without prior authorization from the warden, assistant warden, or duty warden.~~

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

~~(f) Visitors shall not walk or drive along the perimeter road or on the grounds of the institution except in those areas designated for inmate visitor parking;~~

(g) through (k) renumbered (e) through (i) No change.

~~(j)(4)~~ Visitors shall not give to or receive from the inmate any item of any description nor take any article whatsoever from the visiting area or grounds of the institution unless authorization is first obtained from the warden, assistant warden, or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. The visitor shall not give cash or currency directly to an inmate.

~~(k)(m)~~ Visitors may exchange a brief ~~briefly~~ (five seconds) embrace and kiss with the inmate to be visited once at the beginning and end of visit.

1. A visitor and inmate may hold hands if visiting park staff can observe the holding of hands. However, the holding of hands in the lap of either the visitor or the inmate is prohibited.

2. through 3. No change.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.728 Inmate Visiting Appearance, Search, and Conduct.

(1) During visiting, inmates shall wear a clean uniform consisting of the following department issued items:

(a) through (f) No change.

(g) ID card in accordance with Rule 33-602.101(9)(h), F.A.C.

(h) Permanent inmates assigned to reception centers may wear a white shirt and white trousers during visitation. Inmates at work release centers whose work assignments are at the center may wear white shirts and white trousers during visitation.

(2) Inmates shall be strip-searched before and after visiting. Staff will conduct searches in accordance with Rule 33-602.204, F.A.C.

(3) No change.

(4) The inmate shall not pass items to another inmate or to a visitor or accept items from another inmate or a visitor except as specified in Rule 33-601.727(1)(l), F.A.C.

(5) No change.

(6) Inmates may briefly (~~five seconds~~) embrace and kiss each visitor once at the beginning and end of each visit.

(a) No change.

(b) Inmates and their visitors may hold hands if the holding of hands can be observed by visiting park staff. However, the holding of hands in either the visitor's or inmate's lap is prohibited.

(c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.708.

33-601.729 Denial or Termination of Visits.

(1) A warden, assistant warden, or duty warden shall be authorized to deny or terminate a visit for the following reasons:

(a) through (b) No change.

(c) Visiting space is limited and remedies authorized in Rule 33-601.721(10), F.A.C., have been exhausted;

(d) through (g) No change.

(h) The inmate refuses to visit with the visitor; Such refusal shall be made in writing by the inmate and placed in the inmate's file. If the inmate refuses to make a written refusal, the staff witnessing the refusal shall make a notation in the inmate's file regarding the refusal. The refusal shall also be noted in the inmate's AVR.

(i) through (l) No change.

(m) The visitor violates visitor's conduct standards in Rule 33-601.727, F.A.C.

(2) Before considering denial or termination of a visit in progress due to violation of or failure to comply with any establish rule or procedure, the warden, assistant warden or duty warden shall first attempt less severe alternatives if the

violation does not pose an immediate threat to the security and order of the institution when applicable, including verbal warnings to the inmate and visitor about improper conduct. If the visit is denied or terminated, the visitor shall be interviewed and a statement recorded by staff prior to exiting the institution if the situation does not pose an immediate threat to the security and order of the institution.

(3) No change.

(4) The warden, assistant warden or duty warden shall ensure that the inmate is notified of the denial of his or her visitor's admission and the reasons as soon as the inmate can be located possible. Comments regarding the incident shall be made on the AVR system.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.705 and 33-601.707.

33-601.731 Revocation or Suspension of Visiting Privileges.

(1) Suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C.

(2) Indefinite suspension of an inmate's visiting privileges as a management tool by the ICT is available as a management tool by the ICT when an inmate is found guilty of the following offenses:

(a) No change.

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges.

(3) Suspension of an inmate's visiting privileges as a management tool by the ICT for the following disciplinary offenses are authorized up limited to a two-years period when inmate is found guilty of:

(a) through (c) No change.

(4) Suspension of an inmate's visiting privileges as a management tool by the ICT for the following disciplinary offenses are limited to three months for a first offense, six months for a second offense and two years for a third or subsequent offense when an inmate is found guilty of possession of any of the following contraband or illegal items:

(a) ~~Any~~ Intoxicating beverages,

(b) ~~Any~~ Cellular phone or recording devices, or

(c) ~~Any~~ Pager.

(5) through (6) No change.

(7) The ICT shall consider suspending the inmate's visiting privileges for each subsequent offense described in 33-601.731 (1) through (5), F.A.C.

~~(8)~~ In lieu of suspending an inmate's visiting privileges, the ICT shall be authorized to consider placement of an inmate in non-contact visitation status as provided in Rule 33-601.735(2)(c), F.A.C., for offenses listed in Rule 33-601.731(1) through (6), F.A.C.

~~(9)~~~~(8)~~ Suspension of Visitor's Visiting Privileges.

(a) A visitor whose visiting privileges are under consideration for revocation or suspension shall have his or her visiting privileges temporarily suspended.

~~(b)~~~~(a)~~ A visitor's visiting privileges shall be revoked ~~suspended~~ by the CVA when the visitor:

1. Is found in possession of an illegal drug (controlled substances) or drug paraphernalia when on the property of any department facility, when entering or exiting any department facility, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.

2. Is found in possession of a firearm, ammunition or explosive device, articles, or instrument, or is found attempting to pass or passing such items to an inmate. Staff will secure the weapons for the law enforcement officers.

3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found in possession of or passing or attempting to pass to an inmate any item or instrument that is capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in this instance.

a. through b. No change.

4. For ~~eriminal activity, serious rule violations~~ repeated visiting rule or procedure infractions or any security breach.

5. Visits or attempts to visit an inmate work area or walks or drives along the perimeter road or the grounds of the institution except in those areas designated specifically for inmate visitation or visitor parking.

~~(c)~~~~(b)~~ Visiting privileges shall be suspended by the CVA for up to a mandatory period of two years when the visitor:

1. No change.

2. Is intoxicated or has consumed intoxicating beverages or is found in possession of intoxicating beverages on the grounds of any department facility, or found passing or attempting to pass such items to an inmate;

~~3. Is found in possession of any article or instrument capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in these instances.~~

~~3.4.~~ Violates visitor conduct standards in Rule 33-601.727(1)(i)~~(k)~~ through (k)~~(m)~~, F.A.C.

4. For criminal activity, serious rule violations or infractions or any security breach.

5. Evidences intent to do harm to a staff member, visitor or inmate.

6. As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges.

~~(d)~~~~(e)~~ Visitors found in violation of Rule 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, Rule 33-701.724(9), F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, Rule 33-601.727(3) or visitor conduct standards as outlined in Rule 33-601.727(1)(a)-(h)(j), F.A.C. shall have visiting privileges suspended by the CVA for up to a mandatory period of one year.

~~(10)~~~~(9)~~ The warden shall have the discretion to recommend to the CVA a length period of suspension ~~for~~ less than the maximum allowed by rule ~~mandatory period of suspension~~ by considering the type of violation, and the impact of the violation on the overall security or safety of the institution, and prior visits without incident. The warden shall set forth the justification for ~~less than the length mandatory period~~ of suspension, if less than the maximum, in the recommendation to the CVA.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.707 and 33-601.708.

33-601.732 Reinstatement of Revoked or Suspended Visiting Privileges.

(1) The warden shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) through (c) No change.

(2) The CVA shall approve or deny requests for reinstatement of a visitor's revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the CVA supervisor. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of revoked privileges ~~suspended for more than two years~~ shall only be considered after two years from imposition.

1. through 2. No change.

(b) through (c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____.

33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) No change.

(b) In ~~maximum management, close management, disciplinary confinement, administrative confinement, or protective management status~~, inmates shall have visiting privileges as outlined in ~~Rules 33-601.734, F.A.C. through 33-601.736.~~

~~(c) Inmates hospitalized in a DC infirmary or non-correctional medical facility shall not have visiting privileges except as described in (3) and (4) below.~~

~~(c)(d) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-506.207, F.A.C.~~

(2) No change.

(3) Visitation for inmates ~~Requests for visiting exceptions in special situations such as prolonged hospitalization, with serious medical conditions or terminal illnesses shall be allowed reviewed visits unless security or medical issues as determined by the warden and chief health officer preclude visitation, who shall render Aa decision shall be made on a case-by-case basis. If visitation is authorized, the warden, in consultation with he chief health officer, shall determine the visitation schedule and shall inform at least three members of the inmate's immediate family.~~ The regional director shall be informed in high notoriety risk or high profile cases before allowing visiting.

(4) An inmate housed in a mental health unit ~~community hospital~~ shall not be permitted visits except as authorized by the warden and chief health officer on a case by case basis.

(5) A maximum management inmate shall be allowed to receive non-contact visits from approved visitors in accordance with Rule 33-601.820, F.A.C.

(6) An inmate in close management shall be allowed to receive visits from approved visitors in accordance with Rule 33-601.803, F.A.C.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.704.

33-601.734 Visiting—Close Management Inmates.

~~(1) Visits for CM I and CM II inmates shall be non-contact visits. The warden shall determine the level of supervision and restraint for visits with inmates in CM III status on a case-by-case basis.~~

(2) CM I.

~~(a) Inmates are eligible to receive a non-contact visit after completing ninety days of satisfactory adjustment in CM I status and maintaining a clear disciplinary record since assignment to CM I.~~

~~(b) CM I inmates are eligible for another visit after each subsequent 90 day period in which a clear disciplinary record is maintained, providing security or safety concerns do not preclude a visit. CM I inmates are eligible for a maximum of four visits per year.~~

~~(c) CM I inmates placed into disciplinary confinement are not eligible for visiting until ninety days following release from disciplinary status or the conclusion of the disciplinary hearing, if a penalty other than disciplinary confinement was imposed.~~

~~(3) CM II.~~

~~(a) Inmates are eligible to receive a non-contact visit after completing sixty days of satisfactory adjustment in CM II status and maintaining a clear disciplinary record since assignment to CM II status.~~

~~(b) CM II inmates are eligible for another visit after each subsequent 60 day period in which a clear disciplinary record and satisfactory adjustment are maintained, provided security or safety concerns do not preclude a visit. CM II inmates are eligible for a maximum of six visits per year.~~

~~(c) CM II inmates placed in disciplinary confinement are not eligible for visiting until sixty days following release from disciplinary status or the disciplinary action, if a penalty other than disciplinary confinement was imposed.~~

~~(d) Inmates moved from CM I to CM II shall receive credit toward visiting for clear disciplinary record and time served in CM I.~~

~~(4) CM III.~~

~~(a) CM III inmates are eligible to receive a visit after completing sixty days of satisfactory adjustment in CM III and maintaining a clear disciplinary record since assignment to CM III.~~

~~(b) CM III inmates are eligible for another visit after each subsequent 30 day period in which a clear disciplinary record and satisfactory adjustment is maintained if security or safety concerns do not preclude a visit. A CM III inmate is eligible for a maximum of eleven visits per year.~~

~~(c) CM III inmates placed in disciplinary confinement are not eligible for visiting until thirty days following release from disciplinary status or the disciplinary action, if a penalty other than disciplinary confinement was imposed.~~

~~(5) Time spent in any status other than close management status shall not count towards completion of the period required prior to visiting. For example, if a CM I inmate serves thirty days and then enters a medical status for thirty days, he must complete another sixty days in CM I status prior to consideration for a visit.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____.

33-601.734 33-601.735 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

(1) No change.

(2) Protective Management. Inmates shall have a minimum of two hours a week for visiting under the following conditions:

(a) through (c) No change.

(d) The warden is authorized to approve special visits as provided in Rule 33-601.736, F.A.C. 33-601.737.

(3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.709.

33-601.735 33-601.736 Non-contact Visiting.

(1) through (4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.710.

33-601.736 33-601.737 Special Visits.

(1) through (2) No change.

(3) The CVA Visitor Screening Matrix, Form DC6-111D shall be used to evaluate the proposed visitor’s criminal record and visiting background in determining approval or disapproval of the special visiting request. Form DC6-111D is incorporated by reference in Rule 33-601.737, F.A.C. 33-601.738.

(4) Requests for a special visit shall be made by the inmate on the Inmate Request, Form DC6-236 or in writing or by phone by an individual requesting a special visit. The request and shall be submitted no less than five workdays in advance of the requested visit. Individuals requesting special visits shall be referred to the inmate who they wish to visit. The warden, assistant warden or duty warden shall approve or deny the request by the next working day after receipt. If it can be conclusively established that circumstances prevented the visitor from requesting a special visit within the five-day period, the warden, assistant warden, or duty warden shall consider the request for a special visit. The inmate shall be responsible for notifying individuals approved for a special visit.

(5) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____.

33-601.737 33-601.738 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (f) renumbered (1) through (6) No change.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New _____.

COMMISSION ON ETHICS

RULE NO.: RULE TITLE:
34-7.010 List of Forms and Instructions

NOTICE OF RESCHEDULING OF HEARING

The Florida Commission on Ethics announces the rescheduling of a hearing to adopt proposed changes to Rule 34-7.010, F.A.C., and forms adopted by reference therein. The hearing

was originally noticed in FAW, Vol. 27, No. 31, dated August 3, 2001, for Friday, October 19, 2001, in the Tallahassee City Commission Chambers at City Hall, but has been changed to:
TIME AND DATE: 9:00 a.m., Thursday, October 18, 2001
PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-8.001	General
34-8.010	Penalties for Late Filing
34-8.210	Penalties for Late Filing

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 rules, as published in Vol. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee.

34-8.001 General.

The Commission on Ethics has the responsibility pursuant to Article II, Section 8(i)1., Florida Constitution, to prescribe forms for disclosure of income sources and amounts and the rules under which such forms are to be filed, which rules shall include disclosure of secondary sources of income. In addition, the Commission is authorized by Section 112.3147, Florida Statutes, to prescribe forms required for use in making the disclosures required by Article II, Section 8, Florida Constitution, and by Section 112.322(9)(40) Florida Statutes, to adopt rules interpreting the disclosures established by Article II, Section 8, Florida Constitution.

34-8.010 Penalties for Late Filing.

(1) through (3) No change.

(4) Fines which are not waived pursuant to Rule 34-8.015, F.A.C. by final order of the Commission and which remain unpaid more than 60 days after the notice of payment due is transmitted or which remain unpaid more than 60 days after the Commission renders a final order on the appeal will be referred to the Department of Banking and Finance for collection.

34-8.210 Penalties for Late Filing.

(1) through (3) No change.

(4) Fines which are not waived pursuant to Rule 34-8.215, F.A.C. by final order of the Commission and which remain unpaid more than 60 days after the notice of payment due is transmitted or which remain unpaid more than 60 days after the Commission renders a final order on the appeal will be referred to the Department of Banking and Finance for collection.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-36.002 RULE TITLE: Definitions

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. 27, No. 27, July 6, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) shall now read as follows:

(1) Product. A manufactured product or system required to be approved and certified as, for the purpose intended, at least equivalent of that required by the standards specified by the Florida Building Code or by a local authority having jurisdiction.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.005 RULE TITLE: Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 27, No. 23, June 8, 2001, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.009 RULE TITLE: Denial of Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 27, No. 30, July 27, 2001, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.062 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – North Central Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.062(6)(d)1., F.A.C., of this

proposed rule which was published in Vol. 27, No. 31, Florida Administrative Weekly, August 3, 2001, so that when adopted, it will read as follows:

The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes those lands bounded by the following roads and survey lines: Begin at the intersection of County Road 125 and the northern boundary of the National Forest, proceed south on County Road 125 to the eastern boundary of the National Forest, then south and west along the National Forest boundary to County Road 229, then north along County Roads 229 and 250, then west along Forest Service Road 232, then northwest along Forest Service Road 235 until it becomes Forest Road 39, then generally north along Forest Road 39, then northwest along Forest Road 46, then west along Forest Road 36 to the Baker County/Columbia County line, then north along the west side of Section 31, Township 1 South, Range 19 East, to the northwest corner of Section 30, Township 1 South, Range 19 East, then east along the north boundary of Section 30, Township 1 South, Range 19 East, to the NE corner of the NW 1/4 of the NW 1/4 Section 29, Township 1 North, Range 19 East, then south to the south boundary of Section 29, Township 1 South, Range 19 East, then east to the southeast corner of Section 27, Township 1 South, Range 19 East, then north along the east side of Section 27, Township 1 South, Range 19 East, to the northwest corner of Section 23, Township 1 South, Range 19 East, then east to Forest Road 5, then north and eventually east along Forest Road 41, then east on Forest Road 28, then east along Forest Roads 9 and 4, then northwest and northeast along Forest Road 5A then northwest along Forest Road 5 until it becomes Forest Service Road 297, then along Forest Service Road 297 to Forest Service Road 295, then northwest and eventually northeast along Forest Service Road 295 to State Road 2, then southeast along State Road 2 to Eddy Grade, the junction with Forest Service Road 295A, then southeast along 295A until it becomes Forest Road 19 and junctions with Forest Road 8, then northeast along Forest Road 8 to the junction of Eddy Grade, then south along Eddy Grade to the junction of Forest Road 3, then west along Forest Road 3, southwest, west, and then south along Forest Road 4, then southeast along Forest Road 24 until it intersects the northern boundary of Section 5, Township 1 South, Range 20 East, then east along the Base Line to the Northeast corner of the Northwest 1/4 of Section 3, Township 1 South, Range 20 East, then south along the east boundary of the West 1/2 of Section 3, Township 1 South, Range 20 East to the southwest corner of the North 1/2 of the Northeast 1/4 of Section 10, Township 1 South, Range 20 East, then east back to the beginning point on County Road 125. ~~The eastern dog hunt area includes that portion of the area bounded on the north by the National Forest~~

~~Service boundary; on the west by Forest Service Road 235 and eastward on Forest Service Road 232 and County Roads 250 and 229; and on the south and east by the National Forest Service property line to the intersection with County Road 125 and then along County Road 125 to the beginning point on the National Forest Service boundary.~~ Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68B-13	Stone Crabs
RULE NO.:	RULE TITLE:
68B-13.008	Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

NOTICE OF WITHDRAWAL OF PROPOSED RULE

The Fish and Wildlife Conservation Commission announces the withdrawal of proposed amendment to Rule 68B-13.008, F.A.C., relating to stone crabs, which rule amendment was proposed and published in the August 3, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 31, pages 3588-3590.

**Section IV
Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition on August 10, 2001, from Environmental Services, Inc., representing Sabal Chase Homeowners, Inc., seeking a variance of Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), with respect to the Environmental Resource Permit Application to construct a community observation pier. Some of the planned construction is proposed to occur directly in the Indian River which is categorized as Class III waters that are classified by the Department as conditionally approved and/or conditionally

restricted for shellfish harvesting. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2001-114.

For a copy of the petition or additional information, contact: Mary Ellen Jones, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)312-2340.

NOTICE IS HEREBY GIVEN that on August 20, 2001, the South Florida Water Management District (District) received a petition for waiver from Winningham & Fradley, Inc. on behalf of the Plantation Acres Improvement District, for utilization of Works or Lands of the District known as the C-42 Canal, Broward County. The petition seeks relief from Rule 40E-6.011(4),(5) and (6), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within Works or Lands of the District and from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of fence encroachments within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on August 21, 2001, the South Florida Water Management District (District) received a petition for waiver from Daniel Thornhill, for utilization of Works or Lands of the District known as the C-100C Canal, Miami-Dade County. The petition seeks relief from Rule 40E-6.011(4),(5) and (6), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within Works or Lands of the District, and from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of fence encroachments within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on August 9, 2001, the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-258 DAO-ROW), to Palm Beach County Engineering and Public Works Department. The petition for waiver was received by the SFWMD on June 21, 2001. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 28 on July 13, 2001. No public comment was received. This Order provides a waiver to allow installation of a guardrail within the south right of way of L-14 along West Canal Street South beginning at SR715 (Chosen Bridge) running westerly approximately 2600', S36/T43S/R36E, Palm Beach County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Palm Beach County from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6299 or by e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that on August 9, 2001, the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-259 DAO-ROW) to David Bratt. The petition for waiver was received by the SFWMD on May 21, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 23 on June 8, 2001. No public comment was received. This Order provides a waiver to allow an existing boat dock, boat lift with buried electrical service and a portion of an existing above-ground pool deck

and screened enclosure encroaching 2 feet onto the District's east right of way of the Golden Gate Main Canal at the rear of 1739 Outrigger Lane, Collier County, to remain. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent David Bratt from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that on August 9, 2001, the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-261 DAO-ROW) to Lorraine Smith. The petition for waiver was received by the SFWMD on April 27, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 20 on May 18, 2001. No public comment was received. This Order provides a waiver to allow an existing tree to remain and for the proposed construction of a chain link fence enclosure encroaching approximately 20 feet onto the south right of way of C-13 at the rear of 3451 N. W. 37th Street, Broward County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Lorraine Smith from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that on August 9, 2001, the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2001-260 DAO-ROW) to Hillsboro Pines Civic Association. The petition for waiver was received by the SFWMD on May 11, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 23 on June 8, 2001. No public comment was received. This Order provides for a waiver of the District's Application Processing Fee for proposed park improvements consisting of landscaping, fencing, mulch walkways with bench, horseshoe pit and organic vegetable garden within the south right of way of the Hillsboro Canal at NW 54th Avenue, Section 31, Township 47 South, Range 42 East, Palm Beach County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires payment of an application processing fee. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Hillsboro Pines Civic Association from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On September 29, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from MRI Funding, Inc., Teleford #23, requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1107. A Notice of Receipt of Petition for Variance/Waiver was published in the October 13, 2000, F.A.W. On August 3, 2001, the petition was partially granted and partially denied. Copies may be received from the Department of Environmental Protection, Office of

General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Rebecca Grace.

On March 2, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Royal Environmental Services, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1128. A Notice of Receipt of Petition for Variance/Waiver was published in the March 9, 2000, F.A.W. On August 24, 2001, the petition was denied. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

On January 12, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from E-Z Serve Convenient Stores, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1310. A Notice of Receipt of Petition for Variance/Waiver was published in the February 9, 2001, F.A.W. On July 3, 2001, the petition was granted for certain records required from ViroGroup, Inc. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

On January 17, 2001, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Brown and Root Environmental, Circle K #7313, requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1727. A Notice of Receipt of Petition for Variance/Waiver was published in the July 6, 2001, F.A.W. On April 2, 2001, the petition was granted and repayment of the costs associated with certain Halliburton NUS charges is no longer necessary. Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on August 22, 2001, a petition from Mobil Corporation (S/S #02-A31) for a waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-0823. Copies may be received from, and

written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

On June 5, 2001, the Department received a request, pursuant to Section 120.542, F.S. (2000), from Weaver Oil Company seeking a temporary variance from the requirement for an annual test of operability of release detection equipment under Rules 62-761.700(1)(c)3., F.A.C., for the Hogly Wogly #8, Citgo-Half Time, and Citgo-End Zone facilities located in Tallahassee, FL. The petition was assigned OGC case #01-0929. A Notice of Receipt of Petition for Variance/Waiver was published in the June 22, 2001, F.A.W. On August 29, 2001, the request was approved. No comments from the public were received. Copies may be obtained from the Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4575, 2600 Blair Stone Rd. Tallahassee, Florida 32399-2400; Attn.: John Svec.

Pursuant to Section 120.542(8), F.S., the Department of Environmental Protection announces that Clark Environmental, Inc. has withdrawn its Petition for Variance or Waiver.

NAME OF THE PETITIONER: Clark Environmental, Inc.

DATE THE PETITION WAS FILED: August 13, 2001.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 62-713.510(6)(a)2. and 62-713.510(6)(b)4., Florida Administrative Code (F.A.C.), relating to post-treatment testing of contaminated soils.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, September 7, 2001, Vol. 27, No. 36.

THE DATE THE PETITION FOR VARIANCE OR WAIVER WAS WITHDRAWN: September 4, 2001

EXPLANATION OF HOW A COPY OF THE WITHDRAWAL CAN BE OBTAINED: A copy of the letter withdrawing the Petition for Variance or Waiver is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspections should be made to Richard Tedder, Section Administrator at the above address, telephone (850)488-0300.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy Practice issued an order in response to an emergency Petition for Waiver filed on July 19, 2001, by Sarah Grabbe seeking a waiver of Rule 64B11-2.005(3), Florida Administrative Code. The notice of receipt of the petition was published in Vol. 27, No. 31 of the August 3, 2001, issue of the Florida Administrative Weekly. Petitioner asked the Board to waive a deadline requirement for a temporary permit so that she could work while awaiting her examination results. The Board voted to GRANT Petitioner's request because, under the circumstances presented, a denial would violate basic principles of fairness. The order was issued and filed with the Clerk on August 28, 2001.

For a copy of the order, contact: Kaye Howerton, Board Executive Director, Board of Occupational Therapy, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Historic Preservation Advisory Council** announces three public meetings to which all persons are invited.

DATES AND TIME: Monday, October 8, 2001; Tuesday, October 9, 2001; Wednesday, October 10, 2001, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications submitted to the Bureau of Historic Preservation by May 31, 2001, for Special Category grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Robert C. Taylor, Historic Preservationist Supervisor, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)245-6333 or by Fax (850)245-6437.

The Florida **Secretary of State, Select Task Force on Voting Accessibility** will hold a workshop and public hearing on:

DATE AND TIME: September 27, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Orange County Government Center, 1st Floor, 201 South Rosalind Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation to task force members regarding voting reforms and technology, federal voter accessibility panel proceedings and to consider public testimony from others regarding elections laws, building and construction requirements for Americans with Disabilities under both federal and state laws, and possible uses of alternative technologies to benefit disabled voters.

If you need an accommodation because of a disability in order to participate, please notify Ginger Simmons, Staff Secretary, in writing at least five days in advance at Suite 200, 301 South Bronough Street, Tallahassee, Florida 32301.

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited:

COMMITTEE: ART SELECTION COMMITTEE

DATE AND TIME: Wednesday, October 3, 2001, 8:30 a.m.

PLACE: Sarasota County Administration Building, 1st Floor, Press Room, 1660 Ringling Boulevard, Sarasota, FL 34236, (941)953-7123

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Meeting to review and discuss final proposals for Art in State Buildings Project No. DOH 9858/7050 Sarasota County Health Department, Sarasota County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Women's Hall of Fame/Women's History Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: October 18, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a telephonic meeting.

DATE AND TIME: Monday, September 24, 2001, 10:00 a.m.

PLACE: Room 2002, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of election-related legislation to be proposed by the Commission to the Florida Legislature for the 2002 regular session.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing before the meeting.

DEPARTMENT OF BANKING AND FINANCE

The **Florida Financial Management Information System (FFMIS)**, Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: October 4, 2001, 2:00 p.m.

PLACE: Room 301, State Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relating to the Florida Financial Management Information System.

A copy of the agenda may be obtained by contacting: Martin Young, Department of Banking and Finance, Division of Accounting and Auditing, FFMIS Design and Coordination Staff, Room 434E, Fletcher Building, 101 E. Gaines Street, Tallahassee, FL 32399-0350, (850)410-9415, Fax: (850)410-9934, e-mail: myoung@mail.dbf.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a two-part meeting of the Animal Industry Technical Council. Meeting attendees will convene first at the Kissimmee Diagnostic Laboratory for a laboratory tour, then proceed to the Florida Cattlemen's Association Headquarters for the meeting session.

PART I: LABORATORY TOUR

DATE AND TIME: October 5, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Kissimmee Diagnostic Laboratory, 2700 North John Young Parkway, Kissimmee, Florida 34741, (407)846-5200

PART II: MEETING SESSION

DATE AND TIME: October 5, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Cattlemen's Association Headquarters, 800 Shakerag Road, Kissimmee, Florida 34744, (407)846-6221

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida's agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, Room 335, Mayo Building, Tallahassee, FL 32399-0800, (850)410-0900.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited:

DATE AND TIME: Friday, November 2, 2001, 10:00 a.m.

PLACE: Suite 201, 15251 Roosevelt Boulevard, Clearwater, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss consumer-related issues and proposed legislation for the 2002 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, Room 233, Mayo Building, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, (850)922-2966.

The **Department of Agriculture and Consumer Services** announces a rule development workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Mounts Auditorium, 531 N. Military Trail, West Palm Beach, Florida 33415

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is conducting a workshop, pursuant to Section 120.54(2), Florida Statutes, to address proposed amendments to Rule 5B-58.001, Citrus Canker Eradication, F.A.C., and to receive public comments on the proposed amendments. The preliminary text of the proposed rule amendments was published in the August 17, 2001, Florida Administrative Weekly, Vol. 27, No. 33. The purpose and effect of the proposed amendments is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida's more than \$8 billion citrus industry and dooryard citrus. The proposed rule amendments

require removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of such infected trees. The proposed rules also establish the required content of Immediate Final Orders and delivery of such Final Orders in pursuit of the citrus canker eradication program.

A copy of the workshop agenda and the preliminary text of the proposed rule amendments may be obtained from the Department's contact person for the rule development process: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

If you need a special accommodation in order to attend this workshop because of a disability, please contact Richard Gaskalla, by October 5, 2001.

The **Department of Agriculture and Consumer Services** announces a rule development workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2001, 6:00 p.m. – 9:00 p.m.

PLACE: Fall Bayview Room, 2nd Floor, Kovens Conference Center, 3000 N. E. 151st St., Miami, Florida 33181

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is conducting a workshop, pursuant to Section 120.54(2), Florida Statutes, to address proposed amendments to Rule 5B-58.001, Citrus Canker Eradication, F.A.C., and to receive public comments on the proposed amendments. The preliminary text of the proposed rule amendments was published in the August 17, 2001, Florida Administrative Weekly, Vol. 27, No. 33. The purpose and effect of the proposed amendments is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida's more than \$8 billion citrus industry and dooryard citrus. The proposed rule amendments require removal of all citrus trees infected with citrus canker and all citrus trees located within 1,900 feet of such infected trees. The proposed rules also establish the required content of Immediate Final Orders and delivery of such Final Orders in pursuit of the citrus canker eradication program.

A copy of the workshop agenda and the preliminary text of the proposed rule amendments may be obtained from the Department's contact person for the rule development process: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

If you need a special accommodation in order to attend this workshop because of a disability, please contact Richard Gaskalla, by October 5, 2001.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: October 12, 2001, 10:00 a.m.

PLACE: Tropical Aquaculture Laboratory, 1408 24th Street, Southeast, Ruskin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting to review and evaluate proposals received in response to the Request for Proposals (RFP) #2002-02, Selection of Diagnostic Reading Assessment Instruments for Use in Florida Schools, will be held:

DATES AND TIMES: October 1, 2001, 1:00 p.m.; October 2-3, 2001, 9:00 a.m. – 4:30 p.m., as necessary

PLACE: Room 1704, Turlington Building, Tallahassee, FL

To obtain additional information and request an agenda for this meeting, please contact: Dr. Judith Keck, (850)488-8198

The **Department of Education**, Commissioner Charlie Crist announces the fall adoption meetings of the State Instructional Materials Committees. The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 2001 and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2002-2003 school year. The subject areas, meeting dates and locations are as follows.

MEETING: Remedial Reading, Grades 9-12

DATE AND TIME: October 9, 2001, 8:30 a.m.

MEETING: Developmental And Remedial Reading, Grades 6-8

DATES AND TIME: November 14-15, 2001, 8:30 a.m.

MEETING: Developmental Reading, Grades K-5

DATES AND TIME: November 27-28, 2001, 8:30 a.m.

PLACE: Hilton Jacksonville Riverfront Hotel, Jacksonville, Florida

The meetings are open to the public. Copies of the agenda and committee rosters, and further information about the meetings may be obtained by contacting: Department of Education, Instructional Materials Office, (850)487-8791.

The Florida **Department of Education** announces a public meeting which all interested parties are invited to participate in.

DATE AND TIME: Wednesday, October 10, 2001, 9:00 a.m. – 11:00 a.m.

PLACE: Adam's Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida, 1(800)444-2326, (904) 633-9095, email: www.adamsmark.com/reserv

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Council of Student Financial Aid Advisors.

A copy of the agenda may be obtained by writing: Office of Student Financial Assistance, Department of Education, Attention: Sherall Jackson, Suite 70, 1940 North Monroe Street, Tallahassee, Florida 32303-4759.

Pursuant to the provisions of the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency by contacting Sherall Jackson, (850)410-6804, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency by calling, (850)410-6804.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Monday, October 1, 2001, 10:00 a.m.

PLACE: John D. MacArthur Campus, 5353 Parkside Drive, Jupiter, Florida 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustees Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-3032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD, (561)297-2130.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: FLORIDA REHABILITATION COUNCIL – OCTOBER ROUND TABLE

DATES AND TIME: October 4-5, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn, 1355 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council and Lawmakers.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old St. Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: FLORIDA REHABILITATION COUNCIL QUARTERLY MEETING

DATES AND TIME: November 7-9, 2001, 8:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn, 1355 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old St. Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or

hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: Rosen Center Hotel, 9840 International Drive, Orlando, Florida, (407)996-9840

MEETING OF THE ACCESSIBILITY ADVISORY COUNCIL

DATE AND TIME: October 1, 2001, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications for waiver from accessibility requirements: Masters Title Services, Inc., 3011 Manatee Avenue, West, Bradenton; Sandbar Waterfront Restaurant and Bar, 94 Pinellas Bayway, Tierra Verde; Tiki Island Adventure Golf, 7460 International Drive, Orlando; Plaza Resort and Spa, 600 North Atlantic Avenue, Daytona Beach; ACTS DACCO Facility, 3107 North 50th Street, Tampa; Kur-Star, Inc., 8150 Lone Star Road, Jacksonville; The Hippodrome State Theatre, 99 S. E. 2nd Place, Gainesville; TCBY Pretzelmaker, 321 Johnson Street, Hollywood.

DATE AND TIMES: October 1, 2001, 8:00 a.m., meeting of the Rehab Code Ad Hoc Committee; 10:00 a.m., meeting of the Building Code Training Program Quality Management Task Group.; 10:00 a.m., Manufactured/Prototype Buildings Ad Hoc Committee; 10:00 a.m., Rules of Procedure Ad Hoc Committee; 1:00 p.m. Education Ad Hoc Committee; 1:00 p.m., Elevator Emergency Access Ad Hoc Committee; 1:00 p.m., Pool and Spa Draw Safety Subcommittee; 2:00 p.m., Accessibility Technical Advisory Committee; 3:00 p.m., Attic Air Handler Study Subcommittee; 3:00 p.m., Product Approval Ad Hoc Committee;

MEETING OF THE FLORIDA BUILDING COMMISSION

DATE AND TIME: October 2, 2001, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and take necessary actions on the August 2001 Commission meeting minutes, the October 2001 Commission agenda; Rule Hearing on Accessibility Code Amendments; Rule Hearing on Rules of Procedure Notice of Change, if requested; Rule Hearing on Code Refinements Notice of Change, if requested; Rule Hearing on Product Approval

System to Consider Public Comments and the Product Approval Ad Hoc Report and Recommendations on Prior Rule Hearing Comments; consideration of waiver applications from the accessibility requirements: Masters Title Services, Inc. 3011 Manatee Avenue, West, Bradenton; Sandbar Waterfront Restaurant and Bar, 94 Pinellas Bayway, Tierra Verde; Tiki Island Adventure Golf, 7460 International Drive, Orlando; Plaza Resort and Spa, 600 North Atlantic Avenue, Daytona Beach; ACTS DACCO Facility, 3107 North 50th Street, Tampa; Kur-Star, Inc., 8150 Lone Star Road, Jacksonville; The Hippodrome State Theatre, 99 S. E. 2nd Place, Gainesville; TCBY Pretzelmaker, 321 Johnson Street, Hollywood; Rehab Code Ad Hoc Committee Report and Recommendations; Manufactured/Prototype Building Ad Hoc Report and Recommendations; Rules of Procedure Ad Hoc Report and Recommendations; Education Ad Hoc Report and Recommendations; Elevator Emergency Ad Hoc Committee Report and Recommendations; Accessibility Technical Advisory Technical Committee Report and Recommendations; Legal Staff Report; and receive public comment.

MEETING OF THE RESEARCH ADVISORY COMMITTEE (BCIAC)

DATE AND TIME: October 2, 2001, 2:30 p.m.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or looking on the website at www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs (DCA)** announces a telephone conference to which all interested persons are invited.

FUNDING FORMULA TELEPHONE CONFERENCE

DATE AND TIME: October 8, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Call (850)488-5776 or Suncom 278-5776 (Calling one of these numbers at the time of the conference will allow you to participate in this call.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this conference call is to review the currently proposed Community Services Block Grant (CSBG) funding formula with the new Community Assistance Advisory Council members. A vote will be taken of the council members concerning whether they wish to proceed with the previously recommended formula or make additional changes.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered during this public conference call, he or she will be required to provide a record of the proceedings, and for such purposes he or she must ensure that an official record is made, including the testimony and evidence upon which the appeal is to be made.

Any person requiring special accommodations because of a disability or a physical impairment should contact the CSBG program, (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the CSBG program using the Florida Dual Party Relay System which can be reached at 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: October 4, 2001, 10:00 a.m.

PLACE: Department of Health, Room 301, 4025 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Education and Training Section, (850)413-9899, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Education and Training Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9899.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting of all Local Emergency Planning Committee chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: October 4, 2001, 1:30 p.m.

PLACE: Department of Health, Room 301, 4025 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9970.

The **State Emergency Response Commission for Hazardous Materials** announces a meeting to which all persons are invited.

DATE AND TIME: October 5, 2001, 10:00 a.m.

PLACE: Department of Health, Room 301, 4025 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision, with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need

to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or by telephoning (850)413-9970.

DEPARTMENT OF REVENUE

The **Department of Revenue**, Advisory Committee on Property Taxation announces a public meeting and teleconference to which all interested persons are invited.

DATE AND TIME: Friday, September 28, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Room B-12, Carlton Building, 501 S. Calhoun St., Tallahassee, Florida. This will be available as a conference call meeting. The number to call is (850)921-6623, Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee will be meeting to review and approve its report to the Legislature, and to consider other proposed matters related to the business of the Advisory Committee.

The agenda may be obtained by writing: Lynne Moeller, Department of Revenue, Office of the Executive Director, Room 104, Carlton Building, 5050 W. Tennessee St., Tallahassee, Florida 32399-0100, (850)487-1453.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department of Revenue at least 48 hours before the meeting by calling (850)488-8026. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331 (TDD).

DEPARTMENT OF TRANSPORTATION

DISTRICT FIVE TENTATIVE WORK PROGRAM FISCAL YEARS 2002/2003 – 2006/2007

The Florida **Department of Transportation**, District Five, announces public hearings to which all interested persons are invited. Specific notice is provided to the Brevard, Volusia, Ocala and Orlando Metropolitan Planning Organizations (MPOs) and the County Commissioners for Brevard, Volusia, Marion, Orange, Seminole, Osceola, Lake, Flagler and Sumter Counties.

DATE/TIME/LOCATION: Appointed dates, times and locations for specific counties are listed below.

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4), Florida Statutes, as amended. The purpose of these public hearings is to consider the Department's Tentative Five Year Work Program for Fiscal Years 2002/2003 – 2006/2007, and to consider making any changes to the Program.

Prior to each hearing, the public is invited to review and discuss with Department staff, the District's Tentative Five Work Program and other exhibits. Court reporters will also be available to accept public comments for entry into the public hearing records.

LOCATIONS/SPECIFIC DATES AND TIMES:

1. Marion and Sumter Counties:

DATE AND TIME: October 9, 2001, 5:00 p.m., Documents/Information available for review, 6:00 p.m., Public Hearing

PLACE: Marion County Commission Chambers, 601 S. E. 25th Avenue, Ocala, Florida

2. Volusia and Flagler Counties:

DATE AND TIME: October 16, 2001, 5:00 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Volusia County Mobility Management Center (VOTRAN), 950 Big Tree Road, South Daytona, Florida

3. Brevard County:

DATE AND TIME: October 23, 2001, 5:00 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida

4. Lake, Orange, Osceola and Seminole Counties:

DATE AND TIME: October 30, 2001, 5:00 p.m., Documents/Information available for review; 6:00 p.m., Public Hearing

PLACE: Florida Department of Transportation, Orlando Urban Office, Lake Apopka Conference Room, 133 South Semoran Boulevard, Orlando, Florida

These hearings also will include consideration of proposed projects for Florida's Turnpike System as applicable in Lake, Marion, Orange, Osceola, Seminole and Sumter Counties. The proposed projects have been developed in accordance with the Civil Rights Acts of 1964 and the Civil Rights of 1968. Under Title VI and Title VIII of the United States Civil Rights Act, any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation's Minority Programs Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator as shown below:

Central Office: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, M.S. 65, Tallahassee, Florida 32399-0450

District Five: Florida Department of Transportation, District Five, Morris Scott, 719 South Woodland Boulevard, DeLand, Florida 32720

In compliance with the Americans with Disabilities Act, the Department, if requested, will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting: Jim Martin, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807, (407)482-7800.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the Public Hearing.

Comments should be addressed to: Michael Snyder, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

A copy of the agenda may be obtained from: Ms. A. Lennon Moore, District Planning Manager, Florida Department of Transportation, 133 South Semoran Boulevard, Orlando, Florida 32807.

NOTICE OF CHANGE – The Florida Department of Transportation, District 5 is rescheduling a public hearing to which all persons are invited:

DATE AND TIMES: October 18, 2001, Open House, 5:00 p.m.; Presentation, 7:00 p.m.

PLACE: Rockledge City Hall, 1600 Huntington Lane, Rockledge, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of FID Number 237556-1-22-02, Federal Aid Project Number 4856 032 P, otherwise known as SR 5 (US 1). The project limits are from Barnes Boulevard in Rockledge to Cidco Road north of Cocoa, which is located in Brevard County, Florida.

A copy of the agenda may be obtained by contacting: Mr. Daniel Kristoff, Project Manager, 4811 Beach Boulevard, Suite 201, Jacksonville, FL 32207-4867.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact Mr. Gary Huttman, by telephone at (904)672-8600, or by writing to 555 West Granada Boulevard, Suite C-12, Ormond Beach, Florida 32174, at least seven days prior to the public hearing.

NOTE: This notice was previously scheduled for September 27, 2001, and appeared in the August 31, 2001 issue of the Florida Administrative Weekly.

The Florida **Department of Transportation**, District Seven announces the Five Year Tentative Work Program Public Hearings for Fiscal Years July 1, 2002, through June 30, 2007. Public comments, thoughts, and ideas are needed at the public hearings. The Tentative Work Program covers the next five years of preliminary engineering, right of way acquisition,

construction, and public transportation projects including Florida Turnpike projects for Citrus, Hernando, Hillsborough, Pasco and Pinellas Counties. The public hearings will be held at the following locations:

DATE AND TIME: Tuesday, October 23, 2001, 5:00 p.m. – 7:00 p.m.

PLACE: Florida Department of Transportation, District Seven, Auditorium, 11201 N. McKinley Drive, Tampa, FL

DATE AND TIME: Thursday, October 25, 2001, 5:00 p.m. – 7:00 p.m.

PLACE: Hernando County Government Center, Board of County Commission Chambers, 20 N. Main Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearings are being conducted pursuant to Section 339.135(4)(d), Florida Statutes, Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990, should contact Ms. Lee Royal, Government Liaison Administrator, (813)975-6427 or 1(800)226-7220, at least 10 days in advance of the public hearings.

The Department at the Public Hearing will receive verbal and written comments from organizations and the general public. In addition, written comments may be submitted within ten days after the last Public Hearing. Written comments should be addressed to: Florida Department of Transportation, District 7, Kenneth A. Hartmann, P. E., District Secretary, 11201 N. McKinley Drive, MS #7-100, Tampa, FL 33612.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of public meetings of the Florida State Board of Administration regarding the Request for Information and Invitation to Negotiate #2001-17 for Post-Retirement Annuity Products for Public Pension Fund for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, October 1, 2001, 9:00 a.m. – 12:00 Noon

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the RAPIG evaluation team will make a final recommendation regarding the candidate or candidates for the post-retirement annuity vendors for PEORP. The meeting may also include a discussion of the general business of PEORP.

Anyone wishing further information of a copy of the agenda should contact: Joan Lazar, Defined Contribution Program, Post Office Drawer 13300, Tallahassee, FL 32317-3300 or by e-mail: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Tuesday, October 16, 2001, 9:00 a.m. – 4:00 p.m. (EST)

PLACE: Hermitage Conference Room 116, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida. For those who wish to participate by telephone, the Conference Call telephone number is (850)487-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the October bonding estimates, to begin planning for the next contract year, to begin preparing for the 2002 Legislative Session, to review the use of mitigation funds, to address liquidity needs, and to engage in the general business of the Council.

Anyone wishing a copy of the agenda should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above, or by telephone, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, (850)488-3417.

PUBLIC SERVICE COMMISSION

The **Florida Energy 2020 Study Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 20, 2001, 9:30 a.m.

PLACE: Knott Building, Room 412, 111 W. St. Augustine Street, Tallahassee, Florida

DATE AND TIME: October 17, 2001, 9:30 a.m.

PLACE: Haydon Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will be discussing restructuring Florida's electricity market information relevant to determining what Florida's electric energy needs will be over the next 20 years, and how best to supply those needs in an efficient, affordable, and reliable manner that will ensure adequate electric reserves.

A copy of the agenda for this meeting may be obtained by writing: Executive Director, Florida Energy 2020 Study Commission, Office of the Governor, Room 225B, Knott Building, Tallahassee, Florida 32399-0001.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Executive Director, (850)413-7777, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired may contact the Florida Energy 2020 Study Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a motion hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 010795-TP – Petition by Sprint Communications Company Limited Partnership for arbitration with Verizon Florida Inc. pursuant to Section 251/252 of the Telecommunications Act of 1996.

DATE AND TIME: Tuesday, September 25, 2001, 1:00 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear argument on Sprint Communications Company Limited Partnership's Motion to Join Verizon Advanced Data, Inc. as a Party and to Amend Tentative Issues List, as well as to take up such other matters as the Prehearing Officer deems appropriate.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services,

(850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 001109-TI – Initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

DATE AND TIME: October 8, 2001, 9:30 a.m.

PLACE: Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No 960786-TL – Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996.

DATES AND TIME: October 11-12, 17-19, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on September 20, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The District I, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2001, 10:00 a.m.

PLACE: Okaloosa County Health Department, Conference Room, First Floor, 221 Hospital Drive, Fort Walton Beach, FL 32547

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the District I, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: The Executive Director, West Florida Regional Planning Council, P. O. Box 486, Pensacola, Florida 32593-0486.

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 4, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 4, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, October 4, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 4, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, Suite 350, 9143 Phillips Highway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, Suite 350, 9143 Philips Highway, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Janie Tillman, (904)363-6350, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, October 8, 2001, 8:30 a.m.
(Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, October 8, 2001, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, October 8, 2001, 11:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Boulevard, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 11, 2001, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency on Bay Management – Committee Meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, October 19, 2001, 9:30 a.m. (Subject to cancellation, please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council’s Comprehensive Economic Development Strategy Committee to which all persons are invited:

DATE AND TIME: October 11, 2001, 2:00 p.m. – 4:00 p.m.

PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: October 19, 2001, 9:30 a.m.

PLACE: Howard Johnson’s Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

DATE AND TIME: October 26, 2001, 9:30 a.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Planning Council Energy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

AMENDED NOTICE – The **St. Johns River Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited:

FACILITIES, PLANNING, CONSTRUCTION COMMITTEE

DATE AND TIME: Wednesday, September 26, 2001, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss project construction and contractual matters of the District.

DATE AND TIME: Wednesday, September 26, 2001, 10:00 a.m.

PLACE: Georgia-Pacific Corporation, County Road 216, Palatka, FL 32177 (two miles north of Palatka; accessible from Highway 100, West or Highway 17, South)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on Georgia-Pacific Corporation environmental issues and tour of Palatka facility.

BUDGET, GOVERNING BOARD AND PUBLIC HEARING

DATE AND TIME: Wednesday, September 26, 2001, 2:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments that will result in a net decrease in the adopted FY 2000-2001 budget. Discussion and consideration of other District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY 2001-2002

DATE AND TIME: Wednesday, September 26, 2001, 5:05 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the final FY 2001-2002 millage rate and budget and an opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces a public hearing to which all persons are invited. The meeting is scheduled for:

MEETING: PUBLIC HEARING ON LAND ACQUISITION
DATE AND TIME: Wednesday, September 26, 2001, 2:00 p.m.

PLACE: District headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public testimony concerning the District's proposed acquisition of the North American Timber Corp./Rice Creek Property, location in Putnam County, Florida, pursuant to the "Save Our Rivers Act", Section 373.59, Florida Statutes, Water Management Lands Trust Fund.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited:
FLORIDA'S 26TH ANNUAL CONFERENCE ON WATER MANAGEMENT

DATES AND TIME: Wednesday, October 3, 2001 – Friday, October 5, 2001, 3:00 p.m.

PLACE: University of Florida Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference will provide a forum for water managers, elected officials, industry leaders, environmentalists, farmers and other interested parties to discuss water supply and water management issues.

NOTE: A copy of the agenda for these meetings may be obtained by writing: McRae and Company, Inc., P. O. Box 12187, Tallahassee, FL 32317-2187 or contacting conference management, (850)906-0099.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise conference management at least 48 hours before the meeting, (850)906-0099.

The **Southwest Florida Water Management District** (SWFMWD) announces the following public meeting to which all interested persons are invited:

Please note that the following meeting has been cancelled:

BAY AREA DELEGATION BRIEFING

DATE AND TIME: September 28, 2001, 10:30 a.m.

PLACE: Florida Power Corporation, 100 Central Avenue, St. Petersburg, FL

WATER RESOURCES CONFERENCE

DATES AND TIMES: Tuesday, October 2, 2001, 6:00 p.m. through Wednesday, October 3, 2001, 5:00 p.m.

PLACE: University of Florida Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: National Water Issues and Solutions.

2001 ANNUAL CONFERENCE ON WATER MANAGEMENT

DATES AND TIMES: Wednesday, October 3, 2001, 3:00 p.m. through Friday, October 5, 2001, 1:00 p.m.

PLACE: University of Florida Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida's Diverse water needs and multiple solutions.

These are public meetings and agendas are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476, Extension 4604 (Florida only), TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

P. O. #5681

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATES AND TIME: October 2, 9, 16, 23, 30, 2001, 1:00 p.m.

PLACE: South Florida Water Management District Headquarters, Egret Conference Room, 3rd Floor, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Committee decision require a record of the proceedings. Although Appraiser Review Committee meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact Ken Daw, Chief Appraiser, Land Acquisition Support Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 4, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: South Florida Water Management Headquarters, Auditorium, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update of Lake Okeechobee Supply Side Management methodologies, Water Supply Contingency Plan Review, or other water supply related subjects of concern to the District

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Dr. Jayantha Obeysekera, Water Supply Department, (561)682-6503, Mail Stop Code 4340, or Mr. Dean Powell, Everglades Department, (561)682-6787, Mail Stop Code 4440, District Headquarters.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 10, 2001, 12:30 p.m.

PLACE: STA 3/4 Construction Village, U.S. Highway 27, 4 miles north of the Palm Beach-Broward County line.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Groundbreaking ceremony for Stormwater Treatment Area 3/4.

A map and a copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) By writing to the South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Sharon Gabriel, Comprehensive Everglades Restoration Plan Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6844.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Nominating Committee to which all persons are invited.

DATE AND TIME: Friday, October 5, 2001, 3:00 p.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Room 308, Tallahassee, Florida, (850)488-6036

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the nomination process, review letters of interest to serve and adopt a proposed slate of officers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2001, 10:00 a.m. – completion

PLACE: Rhyne Building, Suite 1A, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To wrap-up the 2001 TD conference and plan for the 2002 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49,

Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

DEPARTMENT OF VETERANS' AFFAIRS

The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 21, 2001, 10:00 a.m.
 PLACE: Room 117, The Knott Building, 404 South Monroe Street, Tallahassee, FL 32399-1100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Jan Stearns, Florida Department of Veterans' Affairs, Koger Center, Suite 100, Douglas Building, 2540 Executive Center Circle, West, Tallahassee, Florida 32301. Please telephone (850)487-1533, at least 48 hours prior to the workshop.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency For Health Care Administration** announces the following meeting schedule of the District 11, Managed Care Ombudsman Committee to which all interested parties are invited.

DATES AND TIME: September 27, 2001 (fourth Thursday of September); October 25, 2001 (fourth Thursday of October); November 29, 2001 (fourth Thursday of November); December 27, 2001 (fourth Thursday of December), 12:30 p.m. – 2:30 p.m.

PLACE: AHCA, Room 216A, 2nd Floor, Manchester Building, 8355 N. W. 53rd Street, Miami, Florida 33166, (305)499-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)922-2546, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Agency For Health Care Administration, Bureau of Consumer Protection, Attention: Jason Ottinger, Room 339, Building 1, 2727 Mahan Drive, Tallahassee, Florida 32308.

P. O. #J00048

The **Agency for Health Care Administration** announces the following meeting schedule of the District 8, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: September 28, 2001, 9:30 a.m.
 PLACE: Punta Gorda Airport, Commission Offices, Punta Gorda, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)922-2546, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Agency For Health Care Administration, Bureau of Consumer Protection, Attention: Jason Ottinger, Room 339, Building 1, 2727 Mahan Drive, Tallahassee, Florida 32308.

P.O. J00048

The **Agency For Health Care Administration** announces a meeting of the Prescribing Pattern Review Panel and the Drug Utilization Review Board to which all interested parties are invited.

DATE AND TIME: Saturday, September 29, 2001, 9:30 a.m. – 2:30 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Evaluation of prescribing patterns and profiles of prescribers for selected therapeutic classes in the Medicaid Program.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott Hotel, (813)874-6084, at least five days prior to the meeting.

P. O. #S5900J00486

DEPARTMENT OF MANAGEMENT SERVICES

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2001, 10:00 a.m.

PLACE: Claude Pepper Building, Room G-01, 111 West Madison Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent Commission business relating to the current and upcoming fiscal years.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of the agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, Pepper Building, Suite 680, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The Boards of Directors for the **Florida Correctional Finance Corporation**, the Glades County Correctional Facilities Finance Corporation, the Bay County Private Correctional Facility Finance Corporation, and the South Bay Correctional Facilities Finance Corporation announce a meeting to which all persons are invited.

DATE AND TIME: October 4, 2001, immediately following the Correctional Privatization Commission Meeting to be held at 10:00 a.m.

PLACE: Claude Pepper Building, Room G-01, 111 West Madison Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of pertinent business of the above-named Corporations relative to refinancing of correctional facilities owned by them and the merger and acquisition of private correctional and juvenile justice facilities in Bay, Glades, Columbia, Gadsden, Polk and Palm Beach Counties.

Any persons deciding to appeal a decision of any of the above-named Corporations with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of each of the Corporation's agenda may be obtained by writing to that Corporation: c/o Correctional Privatization Commission, Office of the Executive Director, Pepper Building, Suite 680, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers to which all persons are invited.

DATE AND TIME: Friday, October 26, 2001, 10:30 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040 or by calling their office, (850)488-2141.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: September 26, 2001, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Robert A. Crabill, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, Ste. 60, 1940 N. Monroe St., Tallahassee, FL 32399-2202 or by phone, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2001, 8:30 a.m. or shortly thereafter

PLACE: Sheraton Suites Tampa, 4400 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Pat Janecek, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Pat Janecek, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact the Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited:

DATES AND TIMES: Tuesday, October 2, 2001, 8:30 a.m.; Wednesday, October 3, 2001, 8:30 a.m., if the business of the Boards is not concluded

PLACE: Doubletree Club, Miami Airport, 1101 N. W. 57th Ave., Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Rd., Suite 200, Tallahassee, FL 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Board of Accountancy**, Committee of Accounting Education announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, October 5, 2001, 10:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications for November 2001, CPA Examination and other items relating to the educational requirements to sit for the CPA Examination.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite A, 240 Northwest 76th Drive, Gainesville, Florida 32607.

Anyone wishing to participate in the meeting should notify Evelyn Anglehart, no later than October 3, 2001, (352)333-2500, Ext. 103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Evelyn Anglehart, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection**, Rookery Bay National Estuarine Research Reserve announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Rookery Bay National Research Reserve Headquarters, 300 Tower Road, Naples, FL 34113, (941)417-6310

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reserve Advisory Committee Meeting.

A copy of the agenda may be obtained by writing: DEP/Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, FL 34113 or by calling Gary Lytton, (941)417-6310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting is asked to advise the agency at least 48 hours before the meeting by contacting Staff Assistant, Camille Sonesen, (941)417-6310 or e-mail camille.sonesen@dep.state.fl.us.

The Florida **Department of Environmental Protection** announces the public hearing described below:

DATE AND TIME: October 25, 2001, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Holiday Inn, Winward Room, 3384 Ocean Drive, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing will be held to determine whether or not Calpine Construction Finance Company, L.P.'s Blue Heron Energy Center power plant is in conformance with local land use plans and zoning ordinances, pursuant to the Florida Electrical

Power Plant Siting Act, Sections 403.501-403.518, F.S. The hearing will be conducted by J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. The date for filing of notices of intent to become a party to the certification proceeding under Section 403.508(4)(c), F.S., is 15 days prior to the date of the hearing. The Department's application number for this project is PA00-42. The Division of Administrative Hearings case number is 00-4564EPP.

For additional information concerning the hearing, contact: Steven Palmer, Department of Environmental Protection, 2600 Blair Stone Road, M.S. #48, Tallahassee, Florida 32399-2400, (850)487-0472.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2001, 7:00 p.m. (EDT)

PLACE: 4-H Extension Office, Forest Capital Hall Building, 203 Forest Park Drive, Perry, Florida 32348

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public regarding management and land uses for Forest Capital Museum State Park before the development of a new management plan for the park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling Jim Greist, Park Ranger, Forest Capital Museum State Park, (850)584-3227. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a meeting of The KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Thursday, October 4, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: Capital Health Plan Building, 1491 Governor's Square Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The KidCare Coordinating Council, an advisory body appointed by the Secretary, of the Florida Department of Health, will meet to discuss KidCare, Florida's child health insurance program. The Council is charged with offering guidance to the Department

and to the Secretary as well as other state government groups about possible changes and adjustments to the KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change or Congressional action.

A copy of the agenda may be obtained from: Francine Millinor, The Chiles Center, (850)487-6277, fmillino@hsc.usf.edu.

P. O. #DOH/G10797

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to which all persons are invited:

DATE AND TIME: October 11, 2001, 6:00 p.m.

PLACE: Embassy Suites, 3974 N. W. South River Drive, Miami, FL 33142, (305)634-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258 or you may call (850)245-4474. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Expert Witness Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, October 5, 2001, immediately following the Board meeting or soon thereafter

PLACE: The Embassy Suites Hotel, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142, (305)634-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Pharmacy announces a public meeting to which all persons are invited.

DATES AND TIME: October 8-10, 2001, 8:00 a.m. (EDT)

PLACE: The Radisson Hotel, 415 North Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet October 7, 2001, 2:00 p.m. This meeting is closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Pharmacy, announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2001, 8:00 a.m. – 11:30 a.m. (EDT)

PLACE: The Radisson Hotel, 415 North Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to consider the establishment or revision of Board rules in the following areas: Rules: 64B16-28.118, 64B16-28.119, 64B16-28.820, 64B16-28.830, Automated Medication Systems, and Central Fill concept.

A copy of the board agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Department of Health, Board of Speech-Language Pathology and Audiology announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: October 4, 2001, 9:00 a.m.

PLACE: Double Tree, 3050 North Rocky Point Way, Tampa, FL 33607, (813)888-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Business.

A copy of the agenda may be obtained by writing: Karen Eaton, Executive Director, Department of Health, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Karen Eaton, (850)245-4161, by Thursday, September 27, 2001.

The Florida **Department of Health**, Division of Disease Control, on behalf of the Biomedical Research Advisory Council announces a public meeting.

DATE AND TIME: Monday, October 8, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Florida Department of Health, Bureau of Epidemiology, Conference Room 320-P, Prather Building, 3rd Floor, 2585 Merchant's Row Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss new program designs and policies.

CONTACT: To ensure adequate space, observers are asked to contact Cathy Hughes, (850)245-4444, Ext. 2438, by 5:00 p.m., Friday, October 5, 2001, to confirm attendance or to request accommodations such as assistive listening device, large print, sign language interpretation or other accommodations for persons with disabilities.

P. O. #G11169

The **Department of Health**, Bureau of Emergency Medical Services (EMS) invites the public to attend the following three Grant Writing Workshops.

The first workshop is:

DATE AND TIME: October 3, 2001, 1:00 p.m. – 2:30 p.m. (Eastern Standard Time)

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, FL 33050-3756, 1(800)432-2242, 1(888)809-7459 (Check with EMS registration desk for the Training Room Number on October 3, 2001)

The second workshop is:

DATE AND TIME: October 9, 2001, 9:00 a.m. – 11:00 a.m. (Eastern Standard Time)

PLACE: Bureau of EMS, Capital Circle Office Center, Room 301, Third Floor, 4025 Esplanade Way, Tallahassee, FL 32311, (850)245-4440, Extension 2737

The third workshop is:

DATE AND TIME: October 11, 2001, 10:00 a.m. – 12:00 Noon (Eastern Standard Time)

PLACE: Seminole County Public Safety Complex, Community Room, First Floor, 150 Bush Blvd., Sanford, FL 32773 (Park on the south side of the building. Use the main entrance.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a grant writing workshop for Emergency Medical Service (EMS) providers and other eligible organizations. The grant workshop will be conducted to provide training and information to potential grant applicants about the Florida EMS matching grant program.

There is no cost for attending and there is no pre-registration. You may just walk in at the time, date and place of the training. ASSISTANCE: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Ms. Karen Harvey, Florida Bureau of Emergency Medical Services, (850)245-4440, Extension 2779, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The person to be contacted regarding the workshop is: Ed Wilson, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Extension 2737, E-mail Ed_Wilson@doh.state.fl.us.

P.O. G10454

The **Department of Health**, Division of Environmental Health, Bureau of Radiation Control announces a meeting of the Advisory Council on Radiation Protection to which all persons are invited:

DATE AND TIME: October 16, 2001, 10:00 a.m.

PLACE: Hawthorn Suites, 7601 Canada Avenue, Orlando, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Radiation protection matters.

A copy of the agenda may be obtained by contacting: William A. Passetti, Chief, Bureau of Radiation Control, 4052 Bald Cypress Way, BIN #C21, Tallahassee, FL 32399-1741, (850)245-4266.

P. O. #G10429

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Suncoast Region, **DeSoto County Community Alliance** will meet on:

DATE AND TIME: Tuesday, September 25, 2001, 1:30 p.m.

PLACE: Desoto County Courthouse, Courtroom, 3rd Floor, 115 East Oak Street, Arcadia, Florida

The public is welcome to attend. For information call (941)741-3682.

P. O. #S6020FL0110

The Big Bend Community-Based Care Community Alliance and the **Department of Children and Family Services**, Subdistrict 2B announces a meeting to which all persons are invited. The Alliance encompasses Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATES AND TIME: Tuesday, October 2, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Family Services, Cedars Executive Center, Conference Room, Second Floor, Building A, 2639 North Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Big Bend Community-Based Care Community Alliance to conduct general business.

A copy of the agenda can be obtained by writing: Ima Brown, Department of Children and Family Services, Cedars Executive Center, Suite 200A, 2639 North Monroe Street, Tallahassee, FL 32303.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Ima Brown) at least 5 working days prior to the meeting, (850)488-0569 or 1(800)226-6223 (TDD).

P. O. #FD0032

The **Department of Children and Family Services**, Developmental Disability Services Program announces a hearing to discuss the establishment of the requirement for Prior Service Authorization Reviews for adults and children enrolled in the Developmental Services Home and Community-Based Services waiver in accordance with the 2001 Legislative Appropriations Act. All persons are invited to this hearing.

DATE AND TIME: October 12, 2001, 10:00 a.m.

PLACE: Developmental Disability Services Program, Conference Room 313, Building 3, 1317 Winewood Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Prior Service Authorization Review is to ensure that the services identified in an individual's support and cost plan provide medically necessary services that are appropriate to meet identified needs. The Prior Service Authorization Review shall comply with relevant state and federal requirements.

Copies of the proposed changes shall be available for public review at the Developmental Disability Services Program, Room 304A, Building 3, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, or by calling Liesl V. Ramos, (850)488-4257.

P. O. #FA0642

FLORIDA HOUSING FINANCE CORPORATION

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments. Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Monday, October 8, 2001, 9:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, Seltzer Meeting Room, 6th Floor, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Walden Park Apartments, a 300 unit multifamily residential rental development to be located at the north east corner of Partin Settlement Road and Shady Lane, Kissimmee, Osceola County, Florida 34744. The prospective owner of the proposed development is TWC Sixty-Four, Ltd., c/o TWC Sixty-Four Development Inc., 655 North Franklin Street, Suite 2200, Tampa, Florida 33602, or such successor in interest in which TWC Sixty-Four Development Inc., or an affiliate thereof, is a

managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$15,600,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Friday, October 5, 2001, and should be addressed to the attention of Jean Amison, Multifamily Bond Program Senior Analyst. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jean Amison, Multifamily Bond Senior Analyst, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

MIAMI-DADE COMMUNITY COLLEGE

The **Region XIV, Advisory Council** announces a meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, October 2, 2001, 10:00 a.m.

PLACE: School of Justice and Safety Administration, Miami-Dade Community College, North Campus, Room 8205, Miami, FL

Contract person is: Mary Greene, Secretary of the Region XIV, Advisory Council, (305)237-1329.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: ENTERPRISE FLORIDA, INC.'S SMALL BUSINESS COUNCIL URBAN CORE/MINORITY SUBCOMMITTEE MEETING

DATE AND TIME: Tuesday, October 2, 2001, 2:00 p.m. – 5:00 p.m.

PLACE: Enterprise Florida, Inc., Suite 1300, 390 North Orange Avenue, Orlando, Florida 32801, (407)316-4631

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is the first meeting of the newly formed Urban Core/Minority subcommittee. This is an orientation meeting and members will discuss the development of new ideas and expansion of old ones to promote the growth and vitality of Florida's small businesses.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: October 10, 2001, 8:00 a.m.

PLACE: Central Florida Research Park, Suite 100, 12424 Research Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors meeting to which all persons are invited to attend.

DATE AND TIME: October 12, 2001, 10:00 a.m.

PLACE: Sittig Hall, Kleman Plaza, 301 South Bronough Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting: Florida Healthy Kids Corporation, P. O. Box 980, Tallahassee, Florida 32302, (850)224-5437.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from the Miami-Dade Building Department on August 8, 2001 has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA01-DEC-128, appeared in the August 24, 2001 edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Mark Osterback. The Department denied the Petition to amend subsection 33-103.005(5), Florida Administrative Code, to require a time limit for responses to inmate requests.

A copy of the Order may be obtained from: Perri Dale, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Elder Affairs issued an Order Denying the Petition For Declaratory Statement filed on behalf of Mario Albo, Petitioner. The petition was denied on the basis that Petitioner did not demonstrate an actual, present, need for a declaratory statement in that it was based on conduct that had already occurred; the issues raised in the petition are within the governance of either the Agency for Health Care Administration and the Department of Children and Family Services, or both; and Petitioner has pending before DCF a fair hearing request on her denial of eligibility for HCBS.

A copy of the Order Denying Petition For Declaratory Statement may be obtained by writing: Ms. Lena Baulkmon, Administrative Assistant II, Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Hearing Aid Specialists has GRANTED a petition for declaratory statement received from Neil L. Waingrow on July 27, 2001. The Final Order was filed on September 5, 2001, and was given the number DOH-01-1490-DS-MQA. No public comments were received with regard to the Petition.

Petitioner requested the declaratory statement, which approves the use of the "lot number" in lieu of the serial number under specified circumstances, because Songbird disposable hearing aids are not manufactured with any serial numbers. The Board held that Petitioner's use of the lot number at time of delivery would constitute full compliance with the statute.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of James J. Norconk, Jr., M.D., Paul H. Skaggs, M.D., Joanne Wernicki, M.D. and H. Paul Hatten, Jr., M.D. The Petitioners seek the

Board's interpretation of whether the services agreement described in the petition to provide outpatient radiology services exclusively at Indian River Memorial Hospital (IRMH) and contemporaneous abandonment of their independent outpatient radiology practice would, under the facts of the petition result in a violation of the fee-splitting prohibition set forth in Section 458.331(1)(i), Florida Statutes. Petitioners additionally request the Board's interpretation of whether the circumstances as outlined in the petition would constitute a violation of Section 456.054, Florida Statutes. The Board will consider this petition at its meeting scheduled for October 6, 2001, 8:00 a.m., or as soon thereafter as can be heard, at the Embassy Suites Hotel, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142. Copies of the petition may be obtained by writing: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

American Insurance Association vs. Department of Insurance; Case No.: 01-3485RP; Rule No.: 4-128.001-.023

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

INVITATION TO BID

The Florida State University FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
 FO&M Maintenance, Purchasing
 114F Mendenhall, Building A
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the:

Bid Number: FO&M 10-1 (Diesel-engine Generator)
 Mandatory
 Jobsite Visit: October 15, 2001, 11:00 a.m.
 Location: 2606 Mission Road, Tallahassee, FL
 Purchasing Agent: B. J. Lewis, FO&M
 Public Bid Opening: Monday, October 19, 2001, 11:00 a.m.

FSU – FO&M Maintenance
 106 Mendenhall Hall, Building A
 Tallahassee, Florida 32306-4150
 FO&M Maintenance Purchasing

Bid Documents: Install, connect and put into operation an Owner furnished diesel-engine generator set and auto transfer switch. Install new switchgear and electrical energy distribution equipment and connect and place in service new loads and reconnect existing loads to new distribution system. (PROJECT #10511)

Contact Person: Richard Brooks
 Phone (850)644-4980
 Cell (850)567-9006

Plans and specifications are available from the following:
 Office of Campus Design
 Suite 125, Mendenhall, Building A
 Phone (850)644-6801

INVITATION TO BID

The Florida State University FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
 FO&M Maintenance, Purchasing
 114F Mendenhall, Building A
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the:

Bid Number FO&M 8-1
 Purchasing Agent: B. J. Lewis, FO&M
 Public Bid Opening: Monday, October 15, 2001, 2:00 p.m.
 FSU – FO&M Maintenance
 154 Mendenhall Hall, Building B
 Tallahassee, Florida 32306-4150
 FO&M Maintenance Purchasing
 Bid Documents: 2002 Mack Front Loader Refuse Truck,
 Mack E7-300-E-TECH-1950
 Contact Person: Hal Walton
 Phone (850)644-7695

CALL FOR BIDS

made by the University of Central Florida, on behalf of the State of Florida, Division of Colleges and Universities.

PROJECT NAME, NUMBER & LOCATION: Parking Garage IV, BR #462, University of Central Florida

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Wednesday, October 31, 2001, until 2:00 p.m. (Local Time)

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16, Libra Drive, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the Architect/Engineer at Burke Bales & Mills Architects, 100 Colonial Center Parkway, Suite 150, Lake Mary, FL 32746, (407)629-4511.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Florida Department of Management Services, Office of Supplier Diversity. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Thursday, October 18, 2001, 10:00 a.m. (Local Time)

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16, Libra Drive

DEPOSIT: \$300.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders or plumbing, heating/ventilating/ air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work, and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be at the local plan rooms. Full sets may be purchased through the Architect/Engineer for \$200.00 per set for the printing and handling cost. Partial sets may be purchased at \$5.00 per sheet of the drawings and \$50.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**BID REQUEST FOR
 BEVERAGE PRODUCTS (A LA CARTE) FOR LEE
 COUNTY SCHOOLS**

Bid No: 5963 Opening Date: October 9, 2001, 2:00 p.m. (EST)
 Phone (941)479-4250, Fax (941)337-8200, In Person or Mail:
 3308 Canal Street, Fort Myers, Florida 33916-6594
 Requests must be received by October 1, 2001, 2:00 p.m.
 Complete Bid Package available only upon request.
 By: Linda Owen, Senior Buyer

**INVITATION TO BID (ITB)
 FOR A GENERAL CONTRACTOR**

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s)

recorded below and immediately thereafter publicly opened and recorded in the Fifth (5th) Floor, Conference Room No. 513D, School Board Building.

October 23, 2001, 2:00 p.m.

DCSB Project No. M-88660 Replace domestic water piping and renovate restrooms at West Jacksonville Elementary School No. 143. This project is to replace domestic waterlines, various fixtures throughout the school and tile various restrooms.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on October 15, 2001, 9:30 a.m. (Local Time), West Jacksonville Elementary School No. 143, 2115 Commonwealth Avenue, Jacksonville, Florida 32209. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida. Contract documents for bidding may be obtained at no charge at the office of:

M. V. Cummings Engineers, Inc.
6501 Arlington Expressway, Suite B-211
Jacksonville, Florida 32211, (904)724-0660

Contract documents for bidding may be examined at:

F. W. Dodge McGraw Hill Plan Room
Construction Bulletin
Construction Market Data, Inc.
Business Service Center

DCSB Point of Contact: John McKean, (904)858-6310

MBE Participation Goal: A MINIMUM OF 15% OVERALL MINORITY BUSINESS ENTERPRISE PARTICIPATION REQUIRED.

The Bid Award Recommendation will be posted on the First Floor, Bulletin Board, Duval County Public Schools, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Competitive sealed bids will be received in the Department of Children and Family Services, District III, Tacachale Purchasing Office, 1621 N. E. Waldo Road, Gainesville, Florida 32609, until 2:00 p.m., October 9, 2001 for the following:

Biohazardous Waste Removal

Interested bidders may obtain bid forms and specifications by writing or calling the Tacachale Purchasing Office at the above address, telephone (352)955-5537. The Department reserves the right to reject any or all bids.

DCF 2001-10RN
P. O. #S6032 FP0138

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

PUBLIC NOTICE

The Division of Historical Resources announces that it is soliciting applications for State grant-in-aid assistance for historic preservation projects.

Approximately \$2 million will be available for acquisition and development, survey and planning and community education projects.

The deadline for filing applications is December 17, 2002, and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day or clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)487-2333.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 12, 2001):

APPLICATION TO MERGE

Constituent Institutions: Capital City Bank, Tallahassee, Florida and First National Bank of Grady County, Cairo, Georgia

Resulting Institution: Capital City Bank

Received: September 4, 2001

**APPLICATION AND PLAN FOR THE
PURCHASE OF CERTAIN ASSETS AND
ASSUMPTION OF CERTAIN LIABILITIES**

Acquiring Entity: Prosperity Bank, 790 North Ponce de Leon Boulevard, St. Augustine, Florida 32804-3519

Selling Entity: BankAtlantic, a Federal Savings Bank, 1750 East Sunrise Boulevard, Ft. Lauderdale, Florida 33304-3096

Received: August 31, 2001

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Lake-Sumter Community
Bank, 903 N. Boulevard West, Leesburg, Florida 34748
Correspondent: Richard P. Hunt, 324 South Hyde Park
Avenue, Suite 202, Tampa, Florida 33606
Received: September 5, 2001

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 01-0993

In Re: The Receivership of N.A.P.T., NAPT, National
Association of Physical Therapists, National Association of
Professionals & Technicians, National Association of
Professional Technical, National Association of Professional
Truckers, National Association of Professional Traders,
National Association of Chiropractic Professionals, National
Association of Dental Professionals, [Dental Division],
National Tourism & Hospitality Association [Division],
National Veterinarian Association, National Real Estate
Association [Division], Physician's Choice Limited a/k/a
Physician's Choice Ltd., collectively "N.A.P.T."

You are hereby notified that by order of the Circuit Court of
the Second Judicial Circuit, in and for Leon County, Florida,
entered the 3rd day of August, 2001, the Department of
Insurance of the State of Florida was appointed as Receiver of
N.A.P.T. and was ordered to liquidate the assets located in

Florida of said company. Contract holders, claimants,
creditors, and other persons in this State having claims against
the assets of N.A.P.T. shall present such claims to the Receiver
on or before 11:59 p.m., February 2, 2002, or such claims shall
be forever barred. Requests for forms for the presentation of
such claims and inquiries concerning this Receivership should
be addressed to: The Division of Rehabilitation and
Liquidation of the Florida Department of Insurance, Receiver
for N.A.P.T., Post Office Box 110, Tallahassee, Florida
32302-0110.

DEPARTMENT OF COMMUNITY AFFAIRS

REVISED NOTICE OF SCHEDULE FOR EVALUATION
AND APPRAISAL REPORTS (EARs) 2003-2011

Notice is hereby given to the public that the Department of
Community Affairs has revised the Evaluation and Appraisal
Report (EAR) Schedule for submittal of adopted EAR reports
pursuant to Section 163.3191(9), Florida Statutes. The revised
schedule provides for EAR submittal during the years
2003-2011, and is available upon request by contacting Ray
Eubanks, Community Program Administrator, Department of
Community Affairs, Division of Community Planning, Bureau
of State Planning, 2555 Shumard Oak Boulevard, Tallahassee,
Florida 32399-2100. The revised schedule is also available
electronically on the Department of Community Affairs
website at [http://www.dca.state.fl.us/fdcp/DCP/Resources/
index.htm](http://www.dca.state.fl.us/fdcp/DCP/Resources/index.htm). The revised schedule is:

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PAGE 1 OF 5

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PAGE 2 OF 5

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PAGE 3 OF 5

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PAGE 4 OF 5

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PAGE 5 OF 5

DCA Final Order No. DCA01-OR-135
In re: A LAND DEVELOPMENT REGULATION
ADOPTED
BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 01-12

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On July 26, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-12 which was adopted by the Village Council ("Ord. 01-12"). Ord. 01-12 regulates vacation rentals by prohibiting vacation rentals in certain future land use districts, and provides standards for vacation rentals where permitted.
2. Ord. 01-12 is consistent with the presently effective Village transitional comprehensive plan. Ord. 01-12 is also consistent with the adopted, but not yet effective, Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000). "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-12 are land development regulations.
5. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
6. Ordinance 01-12 is consistent with Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation;" with (d) "To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development;" with Principle (j), "To make available adequate affordable housing for all sectors of the population of the Florida

Keys;" and with Principle (l), "To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource."

7. Ordinance 01-12 is not inconsistent with the remaining Principles. Ord. 01-12 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-12 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
STEVEN M. SEIBERT, Secretary
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTION 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO

SECTION 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 7th day of September, 2001.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P. A.
2665 South Bayshore Drive
Miami, FL 33133
Nancy E. Stroud, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P. A.
3107 Stirling Road, Suite 300
Fort Lauderdale, FL 33312
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

DCA Final Order No. DCA01-OR-136
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 01-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. On July 26, 2001, the Department received for review Islamorada, Village of Islands Ordinance No. 01-13 which was adopted by the Village Council ("Ord. 01-13"). Ord. 01-13 sets forth a definition of "home occupation" and adopts a process for regulating home occupation.
- 2. Ord. 01-13 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).

4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 01-13 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).
7. Ordinance 01-13 promotes and furthers Principle (d), "To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development."
8. Ordinance 01-13 is not inconsistent with the remaining Principles. Ord. 01-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

 CARI ROTH, ACTING DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTION 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA

ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTION 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 7th day of September, 2001.

/s/ Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P. A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No. DCA01-OR-137

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 337-2001

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On July 27, 2001, the Department received for review City of Key Colony Beach Ordinance No. 337-2001 which was adopted by the City of Key Colony Beach Board of City Commissioners ("Ord. 337-2001"). Ord. 337-2001 provides

for a zoning change for the Southerly 100 feet of Lot 11, Marina Subdivision, from B-1 (neighborhood business) to R-2A (two family residential) to make it consistent with recently approved amendments to the Future Land Use Map.

2. Ord. 337-2001 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2000).

4. The City of Key Colony Beach is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 337-2001 are land development regulations.

6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

7. Ordinance 337-2001 is consistent with Principle (a), "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation;" and with Principle (j), "To make available adequate affordable housing for all sectors of the population of the Florida Keys."

8. Ordinance 337-2001 is not inconsistent with the remaining Principles. Ord. 337-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 337-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ CARI ROTH, ACTING DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTION 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTION 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 7th day of September, 2001.

/s/_____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Edward Sheahan
Mayor of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051
Lorine Fernandez
Clerk of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Deputy General Counsel, DCA Tallahassee

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Kawasaki Motors Corp., U.S.A., intends to allow the establishment of A & G Auto Exchange, Inc., as a dealership for the sale of motorcycles, at 1970 N. E. 153rd St. Unit 3., N. Miami Beach (Dade County), Florida 33162-6063 on or after September 15, 2001.

The name and address of the dealer operator(s) and principal investor(s) of A & G Auto Exchange, Inc., are: dealer operator(s) and principal investor(s): Armando Maury, 9380 Bay Drive, Surfside, FL 33154.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jim Capps, Regional Sales Manager, East Region, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Blvd., S. W., Atlanta, GA 30378.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Daimler Chrysler Motors Corporation intends to allow the relocation of CarMax Auto Superstores, Inc., d/b/a CarMax Chrysler Plymouth Jeep of Orlando, as a dealership for the sale of Chrysler and Jeep vehicles, from its present location at 7530 South Orange Blossom Trail, Orlando, FL to a proposed location at 6375 Semoran Boulevard, Orlando (Orange County), Florida 32822, on or after October 10, 2001.

The name and address of the dealer operator(s) and principal investor(s) of CarMax Auto Superstores, Inc., d/b/a CarMax Chrysler Plymouth Jeep of Orlando are: dealer operator: Dugald Yska, 7530 South Orange Blossom Trail, Orlando, FL 32809; principal investor(s): Dugald Yska, 7500 South Orange Blossom Trail, Orlando, FL 32809 and Alan McCollough, 4900 Cox Road, Glen Allen, VA 23060.

The notice indicates an intent to relocate the franchise in a county of More than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. J. Browne, Zone Manager, 8000 South Orange Blossom Trail, Orlando, FL 32809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc., intends to allow the establishment of Vespa of Central Florida, d/b/a Vespa Orlando, as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 930 Orange Avenue, Winter Park (Orange County), Florida 32789 on or after June 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Orlando Freightliner-South are: dealer operator(s): Ed Englander, 930 Orange Avenue, Winter Park, FL 32789, principal investor(s): Ed Englander and Bruce Albertson, 930 Orange Avenue, Winter Park, FL 32789.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Coral D. Meadows, Piaggio USA, Inc., 20003 South Rancho Way, Rancho Dominguez, CA 90220.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Palm Beach Service District: 9
Facility/Project: Bethesda Memorial Hospital
Applicant: Bethesda Healthcare System, Inc.
Project Description: Convert 20 adult psychiatric beds to 20 acute care beds
County: Dade Service District: 11
Facility/Project: Brookwood Gardens Convalescent Center
Applicant: Brookwood Gardens Convalescent Center Operations, LLC
Project Description: Transfer CON # 8157
AHCA Purchase Order Number S5900I0310.

CERTIFICATE OF NEED

EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Volusia District: 4
ID #: 0100013 Decision: A Issue Date: 9/4/2001
Facility/Project: Memorial Hospital-Ormond Beach

Applicant: Memorial Health Systems, Inc.
Project Description: Convert 17 hospital-based skilled nursing beds to 17 acute care beds
Proposed Project Cost: \$0 Equipment Cost:
County: Flagler District: 4
ID #: 0100014 Decision: A Issue Date: 9/4/2001
Facility/Project: Memorial Hospital-Flagler
Applicant: Memorial Hospital Flagler, Inc.
Project Description: Convert 8 hospital-based skilled nursing beds to 8 acute care beds
Proposed Project Cost: \$0 Equipment Cost:
County: Dade District: 11
ID #: 0100016 Decision: A Issue Date: 8/23/2001
Facility/Project: South Miami Hospital
Applicant: South Miami Hospital, Inc.
Project Description: Convert 32 hospital-based skilled nursing beds to 32 acute care beds
Proposed Project Cost: \$0 Equipment Cost:
County: Clay District: 4
ID #: 0100017 Decision: A Issue Date: 9/4/2001
Facility/Project: Orange Park Medical Center
Applicant: Orange Park Medical Center, Inc.
Project Description: Convert 16 hospital-based skilled nursing beds to 16 acute care beds
Proposed Project Cost: \$94,700 Equipment Cost:
County: Seminole District: 7
ID #: 0100018 Decision: A Issue Date: 9/5/2001
Facility/Project: Florida Hospital-Altamonte
Applicant: Adventist Health System/Sunbelt, Inc. d/b/a FL Hosp.
Project Description: Convert 17 hospital-based skilled nursing beds to 17 acute care beds
Proposed Project Cost: \$0 Equipment Cost:
County: Hillsborough District: 6
ID #: 0100019 Decision: A Issue Date: 9/7/2001
Facility/Project: Brandon Regional Hospital
Applicant: Galencare, Inc.
Project Description: Convert 15 hospital-based skilled nursing beds to 15 acute care beds
Proposed Project Cost: Equipment Cost: \$0
AHCA Purchase Order Number S5900I00310.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
CITY OF BELLE GLADE**

The Florida Department of Environmental Protection has determined that the proposed construction will not adversely affect the environment. The Clearinghouse SAI number for this project is FL200108230866C. The projects consist of upgrades and expansion to the existing system. Construction includes filter refurbishment, new high service pumps, emergency generator, renewal and replacement of backwash pump controls, plant waste disposal system, a 1 MG water storage tank, pumps and generator and booster chlorination. The total cost of the projects is estimated to be \$4,143,800. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Bob Holmden, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

IN RE: Request for a DCF CASE NO.: 01-068CF
Declaratory Statement RENDITION NO.: DCF-01193-FO
Resolving Questions
About The Eligibility
Rules That Apply To
Maria Albo's Application
For Medicaid Home and
Community Based Services.

**FINAL ORDER DENYING PETITION
FOR DECLARATORY STATEMENT**

The Department of Children and Family Services, hereinafter "department", hereby notifies the Petitioner, Maria Albo, of the following action taken on her Petition for Declaratory Statement:

FINDINGS OF FACTS

1. The petition was filed with the department on June 11, 2001, pursuant to section 120.565, Florida Statutes (2000), and Chapter 28-105, et. seq., Florida Administrative Code (2000).
2. Petitioner, Maria Albo, is represented by and through her daughter and next friend, Maria Albo, who has a Durable Power of Attorney empowering her to perform all necessary acts as Ms. Albo, her mother, might or could do. The daughter resides in Miami, Florida.
3. Title 42 Code of Federal Regulations subpart 435.911
3. Petitioner resides with her husband and adult son in Miami, Dade County, Florida.
4. During the time relevant to the petition, Petitioner received adult day care services from the Golden Age Adult Day Center located in South Dade County, Florida.
5. The department determines the eligibility of applicants for Medicaid benefits, including the Medicaid Program's Home and Community Based Services program.
6. The department only relies on those statements of fact set out in the petition and supporting documents attached to it that concern the application of Maria Albo, (the mother). See Petition for Declaratory Statement, paragraph 1.
7. Allegations concerning Ms. Albo's husband and son, set out in paragraphs 5 and Footnote 1 in the petition, are not before the department because Ms. Albo (the daughter and next friend) does not allege that she is empowered to act on behalf of Ms. Albo's husband or son. See Petition, paragraph 6.
8. Ms. Albo filed two (2) applications with the Department of Children and Family Services. See Petition, paragraph 3. One application was filed on or about September 2000. See Petition, paragraph 17. It was denied on December 11, 2000. See Petition, paragraphs 3 and 18. The other application was filed on February 28, 2001. See Petition, paragraph 20. See also Paragraph 21 and Footnote 3. It is still pending. See Petition, paragraph 3.
9. Ms. Albo filed a request for an administrative Fair Hearing with the department on March 29, 2001. See Petition, paragraph 20.

10. There are no factual allegations set out in the petition: (a) outlining the subject matter of the issues to be determined during the administrative Fair Hearing, or (b) identifying which application(s) is the subject of the administrative Fair Hearing, (c) describing the status of the administrative Fair Hearing.
11. The department takes no position with regard to the validity of the facts set out in the petition, as authorized by Rule 28-105.003(3), Florida Administrative Code.
12. Petitioner did not request a hearing on the petition, as is her right pursuant to Section 120.569(2)(b), Florida Statutes (2000), and Rule 28-105.003, Florida Administrative Code.
13. The department did not refer the petition to the Division of Administrative Hearing because there are no facts in dispute.

STATEMENT OF STATUTORY PROVISION, RULE

OR ORDER THAT PETITIONER BELIEVES MAY APPLY

Petitioner believes that the following list of statutory provisions, rules or orders set forth below may apply to her particular circumstances, and she requests a determination of the applicability of these legal authorities to her application for Home and Community Based Services Program benefits.

A. Federal Statutes:

1. Title 42 United States Code Annotated section 1396a(a)(8)
2. Title 42 United States Code Annotated section 1396n(c)(2)(C)

B. Federal Regulations:

1. Title 42 Code of Federal Regulations subpart 431.200 et seq.
2. Title 42 Code of Federal Regulations subpart 435.905

C. State Regulations:

1. Rule 59G-8.200(6)(b), Florida Administrative Code
2. Rule 59G-8.200(6)(h), Florida Administrative Code
3. Rule 65A-1.711(4)(f), Florida Administrative Code
4. HRS-AA Form 2515, (Revised 11/92)

CONCLUSIONS OF LAW

1. The department has jurisdiction to act in the proceedings. See Sections 120.565 and 120.569, Florida Statutes (2000), and Chapter 28-105, Florida Administrative Code.
 2. Petitioner is a substantially affected person within the meaning of Section 120.565, Florida Statutes (2000).
 3. Administrative Fair Hearings are governed by Chapter 65-2, Florida Administrative Code.
 4. The failure to render an eligibility decision on an application for medical assistance can be the subject of an administrative Fair Hearing. See Rules 65-2.042 and 65-2.044 and 65-2.056, Florida Administrative Code.
 5. The unreasonable delay of action on a claim for medical assistance or services can be the subject of an administrative Fair Hearing. See Rules 65-2.042 and 65-2.044 and 65-2.056, Florida Administrative Code.
 6. In the context of an administrative Fair Hearings, the Hearing Officer can authorize corrective action retroactive to the date the incorrect action was taken. See Rule 65-2.066(6), Florida Administrative Code.
 7. Petitioner fails to demonstrate an actual, present need for issuance of a declaratory statement by the department.
 8. A Hearing Officer is required by rule to render a final order within 90 days of the date of the request for a hearing. See Rule 65-2.066(5), Florida Administrative Code.
 9. On June 11, 2001, the date of filing the Petition for Declaratory Statement with the department, the 90-day period for rendition of a final order by the Hearing Officer on petitioner's request for an administrative Fair Hearing had not expired.
 10. The petitioner fails to demonstrate an actual, present need for issuance of the requested declaratory statement by the department. See *Sutton v. Department of Environmental Protection*, 654 So.2d 1047 (Fla. 5th DCA 1995).
- ACCORDINGLY, for the foregoing reasons the Petition for Declaratory Statement is denied.

DONE AND ORDERED this 10th day of September, 2001, in Tallahassee, Leon County, Florida.

KATHLEEN A. KEARNEY, Secretary
Department of Children and Family Services
NOTICE OF RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeals in Tallahassee, Florida, or with the District Court of Appeals in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.¹

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this FINAL ORDER has been served by U.S. Mail or by hand delivery to the above-named persons on this 10th day of September, 2001.

WILLIAM F. FRIEDER, Acting Agency Clerk
Department of Children and Family Services
1317 Winewood Blvd. Bldg.2 Room 204
Tallahassee, FL 32399-0700

¹ The date of the "rendition" of this Final Order is the date that is stamped on it's first page. The Notices of Appeal must be received on or before the thirtieth day after that date.
P.O. #FA0186

FISH AND WILDLIFE CONSERVATION
COMMISSION

The Florida Fish and Wildlife Conservation Commission announces the availability of permits giving alligator farmers the authority to collect alligator hatchlings pursuant to subsection 68A-25.031(1), F.A.C. Persons wishing to apply for an available permit shall do so in writing within 30 days after original publication of this notice. Late applications shall not be accepted. Only persons licensed as alligator farmers pursuant to s. 372.6673, Florida Statutes, may apply, and only one application per person shall be accepted. The available permits shall be assigned by random drawing of qualified applicants. Individuals assigned an available permit shall be notified. Applicants shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified in Florida Administrative Code.

The applications should be sent to: Florida Fish and Wildlife Conservation Commission, Attn: Lieutenant Delmar Teagan, 620 S. Meridian Street, Tallahassee, FL 32399-1600.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 4, 2001
 and September 7, 2001

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-20.0010	9/7/01	9/27/01	26/49	27/32
61G15-20.0015	9/7/01	9/27/01	26/49	27/32
61G15-20.0017	9/7/01	9/27/01	26/49	27/32

Board of Professional Surveyors and Mappers

61G17-4.007	9/6/01	9/26/01	27/29	
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Florida Building Code Administrators and Inspector

61G19-6.002	9/6/01	9/26/01	27/30	
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-12.019	9/7/01	9/27/01	27/30	
64B5-12.020	9/7/01	9/27/01	27/30	
64B5-13.001	9/7/01	9/27/01	27/30	
64B5-15.008	9/7/01	9/27/01	27/30	
64B5-15.009	9/7/01	9/27/01	27/30	
64B5-15.011	9/7/01	9/27/01	27/30	
64B5-15.012	9/7/01	9/27/01	27/30	
64B5-16.006	9/7/01	9/27/01	27/30	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Medicine

64B8-41.001	9/6/01	9/26/01	27/30	
64B8-44.003	9/6/01	9/26/01	27/30	
64B8-44.005	9/6/01	9/26/01	27/30	
64B8-45.001	9/6/01	9/26/01	27/15	27/30
64B8-45.002	9/6/01	9/26/01	27/15	27/30
64B8-45.005	9/6/01	9/26/01	27/15	
64B8-50.002	9/6/01	9/26/01	27/30	
64B8-54.002	9/6/01	9/26/01	27/30	

Board of Podiatric Medicine

64B18-17.001	9/7/01	9/27/01	27/29	
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Board of Psychology

64B19-12.012	9/6/01	9/26/01	27/30	
64B19-17.002	9/6/01	9/26/01	27/30	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.702	9/4/01	9/24/01	27/27	
65A-1.705	9/4/01	9/24/01	27/27	