

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations RULE NO.: 68A-20.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes required to conform Commission rules to the restructuring and renaming of the Commission's administrative regions.

SUBJECT AREA TO BE ADDRESSED: Administration of freshwater fisheries management.

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

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

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

TIME AND DATES: 8:30 a.m. each day, March 29-30, 2001
PLACE: Holiday Inn-Capital, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Darrell L. Scovell (850)488-0520

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: General Methods of Taking Freshwater Fish RULE NOS.: 68A-23.002

Introduction of Freshwater Non-native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish 68A-23.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes required to conform Commission rules to the restructuring and renaming of the Commission's administrative regions.

SUBJECT AREA TO BE ADDRESSED: Administration of freshwater fisheries management rules and regulations.

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

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

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

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**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements RULE NO.: 4-137.001

PURPOSE AND EFFECT: To adopt, by incorporation by reference, the National Association of Insurance Commissioners (NAIC) Accounting Practices and Procedures Manual, effective, January 1, 2001.

SUMMARY: Replaces references to year 1999 manuals with year 2001 manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 9:00 a.m., February 7, 2001
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Insurer Services, L&H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)922-3153, Ext. 5038

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Kerry Krantz, (850)922-3100, Ext. 5038.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 4-137.001 Annual and Quarterly Reporting Requirements.
 - (1) through (3) No change.
 - (4) Manuals Adopted.
 - (a) 1. through 2. No change.

3. The NAIC's Accounting Practices and Procedures, effective January 1, 2001, for Property and Casualty Insurance Companies, 1998; and

4. ~~The NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, 1999.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Insurer Services, L&H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)922-3153, Ext. 5038

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Division Director, Insurer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 29, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2000

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Risk Rates	4-149
RULE TITLES:	RULE NOS.:
Scope	4-149.201
Standard Risk Rates	4-149.202
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Indemnity Stand Risk Rates	4-149.205
Preferred Provider/Exclusive Provider	
Stand Risk Rates	4-149.206
Health Maintenance Organization	
Stand Risk Rates	4-149.207

PURPOSE AND EFFECT: Section 627.6675, F.S. requires that the Department annually survey the market to determine the "standard risk rates". The results of our latest survey is the basis for 2001 rates. The Rule where these rates have been published is updated to reflect these new results.

SUMMARY: Annual determination of standard risk rates by the Department of Insurance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 627.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., February 6, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Actuary, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Frank Dino, (850)413-5014.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-149.201 Scope.

The provisions of this Part shall apply to all group conversion coverage issued or renewed in Florida on or after the effective date of this rule for coverage issued:

- (1) As an individual policy, or
- (2) As a certificate under a group policy; including group policies issued or delivered outside of this state.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended

4-149.202 Standard Risk Rate.

(1) Standard risk rates, pursuant to the provisions of section 627.6675(3), Florida Statutes F.S., are provided for the following "categories of coverages":

- (a) through (c) No change.
- (2) No change.

(3) Standard risk rates are provided for the Standard Health Benefit Plan pursuant to section 627.6699(12), Florida Statutes benefit designs outlined in Rule 4-149.2045.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended

4-149.203 Group Conversion Premium.

(1) through (2) No change.

(3) The maximum group conversion rate determined in (1) above shall be adjusted for benefit differences from those benefits used for the standard risk rates based on a common morbidity basis of all other individual major medical forms of the company, or if none, other major medical group forms for the same category of coverage. Such adjustment factor shall be included in the comparison table of (2) above for each benefit difference identified. For purposes of this subsection, "common morbidity" means a set of values for the frequency and intensity of claims from which claim costs for a set of benefits may be calculated.

(4) A company providing coverage issued on a family basis may ~~shall~~ file for approval a family factor for approval. Any such factor proposed for approval may be no greater than that used by the company for other individual major medical products, or if none, other similar products.

(5) Terminating employees or members shall be offered the same "category of coverage" (see Rule 4-149.202(1)) as the underlying group policy form from which they are being offered conversion coverage.

(6) The following benefit adjustment factors to reflect the benefit difference from the \$1,000 plan provided in this part will be accepted without further justification required by (8):

- (a) 1.171, for \$250 deductible.
- (b) 1.107, for \$500 deductible.
- (c) 1.050, for \$750 deductible.
- (d) 0.914, for \$1,500 deductible.
- (e) 0.847, for \$2,000 deductible.
- (f) 0.797, for \$2,500 deductible.
- (g) 0.632, for \$5,000 deductible.

(7) For any coverage that provides for a lifetime maximum, the premium charged to one individual shall not exceed the remaining lifetime maximum at any point in time.

(8) ~~(5)~~ Group conversion rate schedules are subject to all filing and approval requirements of section 627.410(6), Florida Statutes F.S., and Chapter 4-149.

Specific Authority 624.308, 627.410(6)(b), 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended.

4-149.204 Outline of Coverage.

(1) No change.

(2) It is noted that this list is an outline and not intended to be a comprehensive description of all policy benefits. The statutory sections indicated should be reviewed for more comprehensive information.

	FCHA Benefit Health Plan (Section 627.6498)	Standard Benefit Health Plan (Section 627.6675(11))
Lifetime Limit	\$500,000	\$1,000,000
Annual Deductible	\$1,000	\$1,000
Coinsurance Amount		
Preferred Provider	In-network — 80% of the first \$10,000 then 90%; Out of network 60% of the first \$10,000 then 70%	In-network — 80% of the first \$10,000 then 100%; Out of network 60% of the first \$10,000 then 100%
Indemnity Plan	N/A	80% of the first \$10,000 then 100%
Maternity	Covered	Covered
Prescription Drug	Covered	Covered
In-patient	Covered	Covered
Out-patient	Covered	Covered
Out-of-Network	Covered	Covered
Emergency	Covered	Covered

<u>PPO/EPO & Indemnity</u>	<u>Standard Health Benefit Plan (Section 627.6675(11))</u>
<u>Lifetime Limit</u>	<u>\$1,000,000</u>
<u>Annual Deductible</u>	<u>\$1,000</u>
<u>Coinsurance Amount:</u> <u>Preferred Provider</u> <u>(2) Indemnity Plan</u>	<u>(1) In-network – 80% of the first \$10,000 then 100%; Out-of-network 60% of the first \$10,000 then 100%</u> <u>(2) 80% of the first \$10,000 then 100%</u>
<u>Maternity</u>	<u>Covered</u>
<u>Prescription Drug</u>	<u>Covered</u>
<u>In-patient</u>	<u>Covered</u>
<u>Out-patient</u>	<u>Covered</u>
<u>Out-of-Network</u>	<u>Covered</u>
<u>Emergency</u>	<u>Covered</u>

<u>HMO</u>	<u>Standard Health Benefit Plan Health (Section 641.3922(10))</u>
<u>Office visit co-pay</u>	<u>\$10.00</u>
<u>In-Patient</u>	<u>\$100.00</u>
<u>Emergency Room co-pay (if not admitted)</u>	<u>\$100.00</u>
<u>Rx – generic</u>	<u>\$5.00</u>
<u>Rx — brand</u>	<u>\$10.00</u>
<u>Maternity</u>	<u>Covered</u>
<u>Prescription Drug</u>	<u>Covered</u>
<u>In-patient</u>	<u>Covered</u>
<u>Out-patient</u>	<u>Covered</u>
<u>Out-of-Network</u>	<u>Covered</u>
<u>Emergency</u>	<u>Covered</u>

<u>Maternity</u>	<u>Covered</u>	<u>Covered</u>
<u>Prescription Drug</u>	<u>Covered</u>	<u>Covered</u>
<u>In-patient</u>	<u>Covered</u>	<u>Covered</u>
<u>Out-patient</u>	<u>Covered</u>	<u>Covered</u>
<u>Out-of-Network</u>	<u>Covered</u>	<u>Covered</u>
<u>Emergency</u>	<u>Covered</u>	<u>Covered</u>

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended

(2) No change.

(3) Standard risk rates for coverage providing benefits coordinating with Medicare shall be determined by multiplying the standard risk rates identified herein by .278.

4-149.205 Indemnity Standard Risk Rates.

(1) The table below provides the standard annual risk rates for indemnity plans for the Standard Health Benefit Plan. The 200% standard risk rate referenced in section 627.6675(3)(a), Florida Statutes F.S., is determined by multiplying each value in the table by the factor 2.0.

Age	STANDARD Male	PLAN Female	County	Area Factor
0-17	\$895.82	\$1,071.29	Alachua	0.78
18	\$909.34	\$1,180.11	Baker	0.82
19	\$970.55	\$1,309.30	Bay	0.75
20	\$971.98	\$1,310.48	Bradford	0.84
21	\$977.06	\$1,318.39	Brevard	0.89
22	\$980.16	\$1,323.13	Broward	1.34
23	\$984.81	\$1,330.72	Calhoun	0.75
24	\$987.41	\$1,335.14	Charlotte	0.94
25	\$995.07	\$1,343.00	Citrus	0.78
26	\$1,047.51	\$1,390.24	Clay	0.84
27	\$1,091.33	\$1,437.35	Collier	0.92
28	\$1,125.68	\$1,479.77	Columbia	0.84
29	\$1,153.90	\$1,520.49	Dade	1.44
30	\$1,240.96	\$1,595.22	De-Soto	0.77
31	\$1,271.71	\$1,659.09	Dixie	0.78
32	\$1,300.28	\$1,717.10	Duval	0.95
33	\$1,330.45	\$1,776.45	Eseambia	0.76
34	\$1,357.58	\$1,839.97	Flagler	0.79
35	\$1,391.49	\$1,915.84	Franklin	0.75
36	\$1,421.12	\$1,977.83	Gadsden	0.75
37	\$1,445.99	\$1,797.67	Gilchrist	0.78
38	\$1,475.44	\$2,098.84	Glades	0.98
39	\$1,518.85	\$2,164.44	Gulf	0.75
40	\$1,580.66	\$2,251.74	Hamilton	0.82
41	\$1,640.27	\$2,309.34	Hardee	0.79
42	\$1,712.74	\$2,380.12	Hendry	0.91
43	\$1,799.61	\$2,451.37	Hernando	0.83
44	\$1,896.25	\$2,520.57	Highlands	0.79
45	\$2,014.74	\$2,624.11	Hillsborough	0.90
46	\$2,120.87	\$2,702.25	Holmes	0.75
47	\$2,227.64	\$2,783.42	Indian River	0.89
48	\$2,304.85	\$2,837.79	Jackson	0.75
49	\$2,398.20	\$2,899.69	Jefferson	0.75
50	\$2,539.16	\$2,996.29	Lafayette	0.82

51	\$2,666.69	\$3,053.70	Lake	0.89
52	\$2,814.53	\$3,113.52	Lee	0.92
53	\$2,937.01	\$3,164.19	Leon	0.75
54	\$3,091.33	\$3,215.21	Levy	0.80
55	\$3,285.18	\$3,289.53	Liberty	0.75
56	\$3,479.16	\$3,348.09	Madison	0.77
57	\$3,676.78	\$3,410.00	Manatee	0.83
58	\$3,869.15	\$3,489.58	Marion	0.78
59	\$4,053.89	\$3,589.88	Martin	0.96
60	\$4,246.50	\$3,697.84	Monroe	1.36
61	\$4,373.27	\$3,809.89	Nassau	0.84
62	\$4,456.08	\$3,924.32	Okaloosa	0.76
63	\$4,512.65	\$4,039.11	Okeechobee	0.92
64	\$4,560.88	\$4,121.81	Orange	0.90
65	\$4,714.39	\$4,246.00	Osceola	0.90
66	\$4,873.06	\$4,373.93	Palm Beach	1.00
67	\$5,037.07	\$4,521.14	Pasco	0.83
68	\$5,206.60	\$4,673.31	Pinellas	0.85
69	\$5,381.84	\$4,830.60	Polk	0.79
70	\$5,562.98	\$4,993.18	Putnam	0.82
71	\$5,750.21	\$5,161.23	St. Johns	0.82
72	\$5,943.74	\$5,334.95	St. Lucie	0.95
73	\$6,143.79	\$5,514.50	Santa Rosa	0.76
74	\$6,350.57	\$5,700.10	Sarasota	0.81
75	\$6,564.31	\$5,891.95	Seminole	0.89
76	\$6,785.25	\$6,090.26	Sumter	0.82
77	\$7,013.62	\$6,295.24	Suwannee	0.84
78	\$7,249.67	\$6,507.11	Taylor	0.77
79	\$7,493.67	\$6,726.12	Union	0.82
			Volusia	0.82
			Wakulla	0.75
			Walton	0.75
			Washington	0.75

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-2	\$904.73	\$10,58.22	Alachua	0.77
3-17	\$946.73	\$1,100.22	Baker	0.78
18	\$1,012.08	\$1,234.22	Bay	0.75
19	\$1,232.10	\$1,562.90	Bradford	0.82
20	\$1,233.63	\$1,564.80	Brevard	0.92
21	\$1,242.17	\$1,573.97	Broward	1.34
22	\$1,250.63	\$1,583.40	Calhoun	0.75
23	\$1,258.65	\$1,594.58	Charlotte	0.96

24	<u>\$1,266.59</u>	<u>\$1,606.11</u>	<u>Citrus</u>	<u>0.75</u>
25	<u>\$1,274.66</u>	<u>\$1,618.01</u>	<u>Clay</u>	<u>0.83</u>
26	<u>\$1,315.49</u>	<u>\$1,661.09</u>	<u>Collier</u>	<u>0.92</u>
27	<u>\$1,351.45</u>	<u>\$1,704.10</u>	<u>Columbia</u>	<u>0.81</u>
28	<u>\$1,385.82</u>	<u>\$1,749.81</u>	<u>Dade</u>	<u>1.41</u>
29	<u>\$1,416.64</u>	<u>\$1,837.75</u>	<u>De Soto</u>	<u>0.77</u>
30	<u>\$1,474.79</u>	<u>\$1,892.52</u>	<u>Dixie</u>	<u>0.77</u>
31	<u>\$1,510.31</u>	<u>\$1,955.32</u>	<u>Duval</u>	<u>0.96</u>
32	<u>\$1,550.54</u>	<u>\$2,024.88</u>	<u>Escambia</u>	<u>0.76</u>
33	<u>\$1,588.71</u>	<u>\$2,099.73</u>	<u>Flagler</u>	<u>0.78</u>
34	<u>\$1,622.86</u>	<u>\$2,178.29</u>	<u>Franklin</u>	<u>0.75</u>
35	<u>\$1,661.61</u>	<u>\$2,259.28</u>	<u>Gadsden</u>	<u>0.75</u>
36	<u>\$1,694.22</u>	<u>\$2,332.06</u>	<u>Gilchrist</u>	<u>0.75</u>
37	<u>\$1,734.61</u>	<u>\$2,408.63</u>	<u>Glades</u>	<u>0.98</u>
38	<u>\$1,788.44</u>	<u>\$2,485.41</u>	<u>Gulf</u>	<u>0.76</u>
39	<u>\$1,856.46</u>	<u>\$2,568.71</u>	<u>Hamilton</u>	<u>0.77</u>
40	<u>\$1,918.25</u>	<u>\$2,642.17</u>	<u>Hardee</u>	<u>0.80</u>
41	<u>\$1,996.21</u>	<u>\$2,724.99</u>	<u>Hendry</u>	<u>0.95</u>
42	<u>\$2,076.10</u>	<u>\$2,807.88</u>	<u>Hernando</u>	<u>0.82</u>
43	<u>\$2,178.17</u>	<u>\$2,893.78</u>	<u>Highlands</u>	<u>0.79</u>
44	<u>\$2,288.60</u>	<u>\$2,988.46</u>	<u>Hillsborough</u>	<u>0.89</u>
45	<u>\$2,409.80</u>	<u>\$3,090.87</u>	<u>Holmes</u>	<u>0.75</u>
46	<u>\$2,539.83</u>	<u>\$3,198.78</u>	<u>Indian River</u>	<u>0.93</u>
47	<u>\$2,666.17</u>	<u>\$3,295.95</u>	<u>Jackson</u>	<u>0.76</u>
48	<u>\$2,791.36</u>	<u>\$3,378.19</u>	<u>Jefferson</u>	<u>0.75</u>
49	<u>\$2,932.00</u>	<u>\$3,472.60</u>	<u>Lafayette</u>	<u>0.78</u>
50	<u>\$3,096.81</u>	<u>\$3,565.80</u>	<u>Lake</u>	<u>0.84</u>
51	<u>\$3,259.24</u>	<u>\$3,656.34</u>	<u>Lee</u>	<u>0.95</u>
52	<u>\$3,442.80</u>	<u>\$3,759.28</u>	<u>Leon</u>	<u>0.75</u>
53	<u>\$3,612.40</u>	<u>\$3,845.61</u>	<u>Levy</u>	<u>0.80</u>
54	<u>\$3,811.76</u>	<u>\$3,938.43</u>	<u>Liberty</u>	<u>0.75</u>
55	<u>\$4,021.34</u>	<u>\$4,034.29</u>	<u>Madison</u>	<u>0.79</u>
56	<u>\$4,224.42</u>	<u>\$4,109.26</u>	<u>Manatee</u>	<u>0.83</u>
57	<u>\$4,438.54</u>	<u>\$4,202.31</u>	<u>Marion</u>	<u>0.77</u>
58	<u>\$4,648.98</u>	<u>\$4,322.74</u>	<u>Martin</u>	<u>0.97</u>
59	<u>\$4,838.33</u>	<u>\$4,438.63</u>	<u>Monroe</u>	<u>1.40</u>
60	<u>\$5,030.94</u>	<u>\$4,577.65</u>	<u>Nassau</u>	<u>0.84</u>
61	<u>\$5,184.07</u>	<u>\$4,709.01</u>	<u>Okaloosa</u>	<u>0.74</u>
62	<u>\$5,313.49</u>	<u>\$4,847.63</u>	<u>Okeechobee</u>	<u>0.97</u>
63	<u>\$5,365.15</u>	<u>\$4,935.47</u>	<u>Orange</u>	<u>0.92</u>
64	<u>\$5,408.94</u>	<u>\$5,018.70</u>	<u>Osceola</u>	<u>0.92</u>
65	<u>\$5,590.98</u>	<u>\$5,169.91</u>	<u>Palm Beach</u>	<u>1.00</u>
66	<u>\$5,779.16</u>	<u>\$5,325.68</u>	<u>Pasco</u>	<u>0.83</u>
67	<u>\$5,973.67</u>	<u>\$5,504.92</u>	<u>Pinellas</u>	<u>0.87</u>
68	<u>\$6,174.72</u>	<u>\$5,690.20</u>	<u>Polk</u>	<u>0.77</u>
69	<u>\$6,382.54</u>	<u>\$5,881.72</u>	<u>Putnam</u>	<u>0.77</u>

70	\$6,597.36	\$6,079.68	St. Johns	0.79
71	\$6,819.41	\$6,284.30	St. Lucie	0.97
72	\$7,048.93	\$6,495.81	Santa Rosa	0.77
73	\$7,286.17	\$6,714.44	Sarasota	0.77
74	\$7,531.40	\$6,940.42	Seminole	0.92
75	\$7,784.88	\$7,174.02	Sumter	0.81
76	\$8,046.90	\$7,415.47	Suwannee	0.82
77	\$8,317.73	\$7,665.05	Taylor	0.79
78	\$8,597.68	\$7,923.04	Union	0.79
79	\$8,887.05	\$8,189.70	Volusia	0.82
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended

4-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) The table below provides the standard annual risk rates for PPO/EPO plans for the FCHA and Standard Health Benefit Plans. The 200% standard risk rate referenced in section 627.6675(3)(a), Florida Statutes F.S., is determined by multiplying each value in the table by the factor 2.0.

(2) No change.

(3) Standard risk rates for coverage providing benefits coordinating with Medicare shall be determined by multiplying the standard risk rates identified herein by .278.

(4) Standard risk rates for coverage providing benefits as defined in section 627.6498, Florida Statutes (FCHA plan), shall multiply the standard risk rates identified herein by .96.

Age	FCHA Male	PLAN Female	STANDARD Male	PLAN Female	County	Factor
0-17	\$628.73	\$751.89	\$653.88	\$781.97	Alachua	0.78
18	\$638.22	\$828.27	\$663.75	\$861.40	Baker	0.79
19	\$681.18	\$918.93	\$708.43	\$955.69	Bay	0.77
20	\$682.19	\$919.76	\$709.47	\$956.55	Bradford	0.83
21	\$685.75	\$925.32	\$713.18	\$962.33	Brevard	0.96
22	\$687.93	\$928.64	\$715.44	\$965.79	Broward	1.34
23	\$691.19	\$933.97	\$718.84	\$971.33	Calhoun	0.77
24	\$693.02	\$937.07	\$720.74	\$974.55	Charlotte	0.98
25	\$698.39	\$942.59	\$726.33	\$980.29	Citrus	0.67
26	\$735.20	\$975.74	\$764.61	\$1,014.77	Clay	0.85
27	\$765.95	\$1,008.81	\$796.59	\$1,049.16	Collier	0.91
28	\$790.06	\$1,038.58	\$821.66	\$1,080.12	Columbia	0.81
29	\$809.87	\$1,067.16	\$842.26	\$1,109.85	Dade	1.38
30	\$870.97	\$1,119.61	\$905.81	\$1,164.39	De Soto	0.79
31	\$892.55	\$1,164.44	\$928.25	\$1,211.02	Dixie	0.77
32	\$912.61	\$1,205.15	\$949.11	\$1,253.35	Duval	0.99
33	\$933.78	\$1,246.81	\$971.13	\$1,296.68	Escambia	0.81
34	\$952.82	\$1,291.39	\$990.94	\$1,343.04	Flagler	0.80
35	\$976.62	\$1,344.64	\$1,015.68	\$1,398.42	Franklin	0.79
36	\$997.42	\$1,388.15	\$1,037.31	\$1,443.67	Gadsden	0.77

37	\$1,014.87	\$1,261.70	\$1,055.47	\$1,312.17	Gilchrist	0.74
38	\$1,035.54	\$1,473.08	\$1,076.96	\$1,532.00	Glades	0.99
39	\$1,066.01	\$1,519.12	\$1,108.65	\$1,579.88	Gulf	0.79
40	\$1,109.39	\$1,580.39	\$1,153.77	\$1,643.61	Hamilton	0.77
41	\$1,151.22	\$1,620.82	\$1,197.27	\$1,685.65	Hardee	0.81
42	\$1,202.09	\$1,670.49	\$1,250.18	\$1,737.31	Hendry	0.99
43	\$1,263.06	\$1,720.50	\$1,313.59	\$1,789.32	Hernando	0.84
44	\$1,330.89	\$1,769.07	\$1,384.12	\$1,839.84	Highlands	0.79
45	\$1,414.05	\$1,841.74	\$1,470.61	\$1,915.41	Hillsborough	0.90
46	\$1,488.54	\$1,896.59	\$1,548.08	\$1,972.45	Holmes	0.76
47	\$1,563.47	\$1,953.55	\$1,626.01	\$2,031.69	Indian River	0.99
48	\$1,617.66	\$1,991.71	\$1,682.37	\$2,071.38	Jackson	0.78
49	\$1,683.19	\$2,035.16	\$1,750.51	\$2,116.56	Jefferson	0.76
50	\$1,782.12	\$2,102.95	\$1,853.40	\$2,187.07	Lafayette	0.78
51	\$1,871.62	\$2,143.25	\$1,946.49	\$2,228.98	Lake	0.81
52	\$1,975.39	\$2,185.23	\$2,054.41	\$2,272.64	Lee	0.97
53	\$2,061.35	\$2,220.80	\$2,143.80	\$2,309.63	Leon	0.76
54	\$2,169.66	\$2,256.60	\$2,256.45	\$2,346.87	Levy	0.83
55	\$2,305.71	\$2,308.76	\$2,397.94	\$2,401.11	Liberty	0.77
56	\$2,441.86	\$2,349.87	\$2,539.53	\$2,443.86	Madison	0.81
57	\$2,580.56	\$2,393.32	\$2,683.78	\$2,489.05	Manatee	0.88
58	\$2,715.57	\$2,449.17	\$2,824.20	\$2,547.14	Marion	0.79
59	\$2,845.24	\$2,519.57	\$2,959.05	\$2,620.35	Martin	0.99
60	\$2,980.42	\$2,595.34	\$3,099.63	\$2,699.15	Monroe	1.37
61	\$3,069.39	\$2,673.98	\$3,192.17	\$2,780.94	Nassau	0.86
62	\$3,127.51	\$2,754.29	\$3,252.61	\$2,864.46	Okaloosa	0.73
63	\$3,167.22	\$2,834.86	\$3,293.91	\$2,948.26	Okeechobee	1.02
64	\$3,201.07	\$2,892.91	\$3,329.11	\$3,008.62	Orange	0.96
65	\$3,308.81	\$2,980.07	\$3,441.16	\$3,099.27	Osceola	0.95
66	\$3,420.17	\$3,069.85	\$3,556.98	\$3,192.65	Palm Beach	1.00
67	\$3,535.28	\$3,173.18	\$3,676.69	\$3,300.10	Paseo	0.85
68	\$3,654.27	\$3,279.97	\$3,800.44	\$3,411.17	Pinellas	0.89
69	\$3,777.26	\$3,390.37	\$3,928.35	\$3,525.98	Polk	0.84
70	\$3,904.39	\$3,504.48	\$4,060.57	\$3,644.66	Putnam	0.75
71	\$4,035.80	\$3,622.43	\$4,197.23	\$3,767.32	St. Johns	0.80
72	\$4,171.63	\$3,744.35	\$4,338.50	\$3,894.12	St. Lucie	1.01
73	\$4,312.04	\$3,870.37	\$4,484.52	\$4,025.18	Santa Rosa	0.80
74	\$4,457.17	\$4,000.63	\$4,635.45	\$4,160.66	Sarasota	0.77
75	\$4,607.18	\$4,135.28	\$4,791.47	\$4,300.70	Seminole	0.96
76	\$4,762.24	\$4,274.46	\$4,952.73	\$4,445.44	Sumter	0.82
77	\$4,922.53	\$4,418.33	\$5,119.43	\$4,595.06	Suwannee	0.82
78	\$5,088.20	\$4,567.04	\$5,291.73	\$4,749.72	Taylor	0.80
79	\$5,259.46	\$4,720.75	\$5,469.83	\$4,909.58	Union	0.78
					Volusia	0.84
					Wakulla	0.77
					Walton	0.77
					Washington	0.77

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17	\$825.58	\$993.78	Alachua	0.77
18	\$820.62	\$1,087.63	Baker	0.78
19	\$790.88	\$1,123.32	Bay	0.75
20	\$790.88	\$1,123.32	Bradford	0.82
21	\$790.88	\$1,123.32	Brevard	0.92
22	\$790.88	\$1,123.32	Broward	1.34
23	\$790.88	\$1,123.32	Calhoun	0.75
24	\$790.88	\$1,123.32	Charlotte	0.96
25	\$807.91	\$1,152.63	Citrus	0.75
26	\$843.28	\$1,186.20	Clay	0.83
27	\$872.66	\$1,218.79	Collier	0.92
28	\$896.53	\$1,250.41	Columbia	0.81
29	\$915.83	\$1,281.25	Dade	1.41
30	\$1,014.09	\$1,341.83	De Soto	0.77
31	\$1,036.17	\$1,396.12	Dixie	0.77
32	\$1,055.79	\$1,440.11	Duval	0.96
33	\$1,078.65	\$1,483.89	Escambia	0.76
34	\$1,100.67	\$1,532.30	Flagler	0.78
35	\$1,142.12	\$1,604.83	Franklin	0.75
36	\$1,170.69	\$1,650.57	Gadsden	0.75
37	\$1,189.40	\$1,695.01	Gilchrist	0.75
38	\$1,213.07	\$1,742.59	Glades	0.98
39	\$1,242.67	\$1,793.08	Gulf	0.76
40	\$1,306.17	\$1,869.24	Hamilton	0.77
41	\$1,343.63	\$1,909.20	Hardee	0.80
42	\$1,392.08	\$1,960.38	Hendry	0.95
43	\$1,452.87	\$2,013.59	Hernando	0.82
44	\$1,518.56	\$2,059.87	Highlands	0.79
45	\$1,633.98	\$2,140.74	Hillsborough	0.89
46	\$1,703.22	\$2,190.89	Holmes	0.75
47	\$1,776.43	\$2,242.36	Indian River	0.93
48	\$1,824.24	\$2,272.73	Jackson	0.76
49	\$1,886.62	\$2,310.79	Jefferson	0.75
50	\$2,035.56	\$2,403.08	Lafayette	0.78
51	\$2,126.70	\$2,438.67	Lake	0.84
52	\$2,235.86	\$2,473.90	Lee	0.95
53	\$2,323.69	\$2,501.11	Leon	0.75
54	\$2,434.58	\$2,531.10	Levy	0.80
55	\$2,669.35	\$2,641.72	Liberty	0.75
56	\$2,818.01	\$2,676.18	Madison	0.79
57	\$2,967.66	\$2,717.17	Manatee	0.83
58	\$3,110.76	\$2,775.41	Marion	0.77

59	\$3,263.63	\$2,851.46	Martin	0.97
60	\$3,557.61	\$3,062.54	Monroe	1.40
61	\$3,662.24	\$3,142.07	Nassau	0.84
62	\$3,731.11	\$3,224.51	Okaloosa	0.74
63	\$3795.31	\$3,309.39	Okeechobee	0.97
64	\$8,54.59	\$3,374.15	Orange	0.92
65	\$3984.32	\$3,475.81	Osceola	0.92
66	\$4,118.42	\$3,580.53	Palm Beach	1.00
67	\$4,257.03	\$3,688.41	Pasco	0.83
68	\$4,400.31	\$3,799.54	Pinellas	0.87
69	\$4,548.41	\$3,914.02	Polk	0.77
70	\$4,748.36	\$4,086.08	Putnam	0.77
71	\$4,957.11	\$4,265.71	St. Johns	0.79
72	\$5,175.03	\$4,453.23	St. Lucie	0.97
73	\$5,402.53	\$4,649.00	Santa Rosa	0.77
74	\$5,640.03	\$4,853.38	Sarasota	0.77
75	\$5,839.70	\$5,025.20	Seminole	0.92
76	\$6,046.45	\$5,203.11	Sumter	0.81
77	\$6,260.51	\$5,387.32	Suwannee	0.82
78	\$6,482.15	\$5,578.04	Taylor	0.79
79	\$6,711.64	\$5,775.52	Union	0.79
			Volusia	0.82
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) The table below provides the standard annual risk rates for HMO plans for the Standard Benefit Plan. The 200% standard risk rate referenced in section 627.6675(3)(a), Florida Statutes F.S., is determined by multiplying each value in the table by the factor 2.0.

(2) To determine the rate for a particular county, multiply the rate schedule below by the appropriate area factor.

Age	STANDARD Male	PLAN Female	County	Area Factor
0	\$926.02	\$926.02	Alachua	1.00
1-14	\$804.75	\$804.75	Baker	1.00
15-17	\$804.75	\$832.82	Bay	0.90
18	\$798.63	\$1,059.37	Bradford	1.00
19	\$816.92	\$1,113.72	Brevard	0.96
20	\$819.20	\$1,146.37	Broward	1.00
21	\$830.68	\$1,194.03	Calhoun	0.90
22	\$848.10	\$1,249.30	Charlotte	0.92
23	\$863.83	\$1,315.85	Citrus	0.80

24	\$883.34	\$1,379.37	Clay	1.00
25	\$928.48	\$1,444.35	Collier	0.90
26	\$945.47	\$1,505.20	Columbia	1.00
27	\$976.80	\$1,570.11	Dade	1.00
28	\$970.04	\$1,568.71	De Soto	0.90
29	\$981.55	\$1,550.03	Dixie	1.00
30	\$995.25	\$1,545.36	Duval	1.00
31	\$1,008.91	\$1,549.20	Escambia	1.02
32	\$1,015.91	\$1,545.65	Flagler	0.88
33	\$1,035.60	\$1,542.61	Franklin	0.90
34	\$1,061.08	\$1,542.11	Gadsden	0.90
35	\$1,079.30	\$1,526.97	Gilechrist	1.00
36	\$1,096.58	\$1,521.47	Glades	0.90
37	\$1,132.67	\$1,517.45	Gulf	0.90
38	\$1,152.74	\$1,521.43	Hamilton	0.90
39	\$1,172.61	\$1,542.30	Hardee	0.80
40	\$1,193.89	\$1,546.89	Hendry	0.90
41	\$1,240.94	\$1,571.94	Hernando	1.05
42	\$1,283.79	\$1,605.40	Highlands	0.80
43	\$1,340.24	\$1,631.76	Hillsborough	0.97
44	\$1,391.56	\$1,668.94	Holmes	0.90
45	\$1,460.42	\$1,710.44	Indian River	0.90
46	\$1,521.16	\$1,759.05	Jackson	0.90
47	\$1,591.71	\$1,806.77	Jefferson	0.90
48	\$1,673.09	\$1,867.95	Lafayette	0.90
49	\$1,763.52	\$1,932.40	Lake	0.90
50	\$1,856.56	\$1,996.48	Lee	0.92
51	\$1,953.64	\$2,068.08	Leon	0.90
52	\$2,061.59	\$2,143.30	Levy	1.00
53	\$2,168.14	\$2,221.94	Liberty	0.90
54	\$2,281.05	\$2,303.77	Madison	0.90
55	\$2,391.63	\$2,379.75	Manatee	0.96
56	\$2,509.70	\$2,466.21	Marion	0.88
57	\$2,637.69	\$2,557.26	Martin	1.00
58	\$2,762.98	\$2,666.02	Monroe	0.90
59	\$2,889.40	\$2,777.81	Nassau	1.00
60	\$3,023.71	\$2,895.35	Okaloosa	0.90
61	\$3,124.56	\$2,986.96	Okeechobee	0.90
62	\$3,221.24	\$3,075.34	Orange	0.96
63	\$3,277.16	\$3,131.85	Osceola	0.96
64	\$3,292.80	\$3,145.43	Palm Beach	1.00
65	\$3,424.15	\$3,307.21	Pasco	0.97
66	\$3,539.39	\$3,406.86	Pinellas	0.97
67	\$3,658.52	\$3,509.50	Polk	1.03
68	\$3,781.65	\$3,615.24	Putnam	0.96
69	\$3,908.93	\$3,724.16	St. Johns	1.00

70	\$4,080.77	\$3,887.88	St. Lucie	0.90
71	\$4,260.17	\$4,058.80	Santa Rosa	1.02
72	\$4,447.45	\$4,237.23	Sarasota	0.98
73	\$4,642.96	\$4,423.50	Seminole	0.96
74	\$4,847.07	\$4,617.96	Sumter	1.00
75	\$5,018.67	\$4,781.45	Suwannee	0.90
76	\$5,196.35	\$4,950.73	Taylor	0.90
77	\$5,380.31	\$5,126.00	Union	0.88
78	\$5,570.79	\$5,307.47	Volusia	0.98
79	\$5,768.02	\$5,495.37	Wakulla	0.90
			Walton	1.02
			Washington	0.90

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$1,446.14	\$1,446.14	Alachua	1.05
1-4	\$1,008.94	\$1,008.94	Baker	1.05
5-12	\$953.77	\$953.77	Bay	0.90
13-17	\$969.07	\$1,024.15	Bradford	1.05
18	\$976.60	\$1,092.89	Brevard	1.01
19	\$1,085.58	\$1,274.63	Broward	1.00
20	\$1,149.13	\$1,348.56	Calhoun	0.90
21	\$1,203.86	\$1,423.44	Charlotte	0.97
22	\$1,261.48	\$1,489.58	Citrus	0.84
23	\$1,328.10	\$1,575.29	Clay	1.05
24	\$1,387.70	\$1,649.21	Collier	0.90
25	\$1,335.35	\$1,702.24	Columbia	1.05
26	\$1,380.28	\$1,761.32	Dade	1.00
27	\$1,443.53	\$1,827.48	De Soto	0.90
28	\$1,430.44	\$1,812.19	Dixie	1.05
29	\$1,432.53	\$1,800.98	Duval	1.05
30	\$1,432.70	\$1,803.43	Escambia	1.05
31	\$1,440.40	\$1,794.11	Flagler	0.90
32	\$1,444.22	\$1,788.56	Franklin	0.90
33	\$1,446.71	\$1,766.79	Gadsden	0.90
34	\$1,457.67	\$1,756.59	Gilchrist	1.05
35	\$1,458.89	\$1,722.37	Glades	0.90
36	\$1,463.62	\$1,700.29	Gulf	0.90
37	\$1,482.53	\$1,678.16	Hamilton	0.90
38	\$1,495.99	\$1,670.30	Hardee	0.84
39	\$1,520.69	\$1,662.87	Hendry	0.90
40	\$1,531.63	\$1,650.95	Hernando	1.05
41	\$1,589.44	\$1,732.78	Highlands	0.84
42	\$1,641.81	\$1,821.39	Hillsborough	1.02

43	<u>\$1,702.93</u>	<u>\$1,864.41</u>	<u>Holmes</u>	<u>0.90</u>
44	<u>\$1,753.76</u>	<u>\$1,909.10</u>	<u>Indian River</u>	<u>0.90</u>
45	<u>\$1,805.31</u>	<u>\$1,947.31</u>	<u>Jackson</u>	<u>0.90</u>
46	<u>\$1,869.33</u>	<u>\$2,012.23</u>	<u>Jefferson</u>	<u>0.90</u>
47	<u>\$1,934.85</u>	<u>\$2,070.82</u>	<u>Lafayette</u>	<u>0.90</u>
48	<u>\$2,023.67</u>	<u>\$2,145.52</u>	<u>Lake</u>	<u>0.95</u>
49	<u>\$2,106.88</u>	<u>\$2,216.99</u>	<u>Lee</u>	<u>0.97</u>
50	<u>\$2,197.28</u>	<u>\$2,295.69</u>	<u>Leon</u>	<u>0.90</u>
51	<u>\$2,288.55</u>	<u>\$2,408.69</u>	<u>Levy</u>	<u>1.05</u>
52	<u>\$2,399.09</u>	<u>\$2,494.66</u>	<u>Liberty</u>	<u>0.90</u>
53	<u>\$2,490.09</u>	<u>\$2,571.37</u>	<u>Madison</u>	<u>0.90</u>
54	<u>\$2,586.09</u>	<u>\$2,649.74</u>	<u>Manatee</u>	<u>1.01</u>
55	<u>\$2,763.35</u>	<u>\$2,754.40</u>	<u>Marion</u>	<u>0.90</u>
56	<u>\$2,958.19</u>	<u>\$2,846.41</u>	<u>Martin</u>	<u>1.05</u>
57	<u>\$3,090.07</u>	<u>\$2,951.12</u>	<u>Monroe</u>	<u>0.90</u>
58	<u>\$3,255.01</u>	<u>\$3,091.01</u>	<u>Nassau</u>	<u>1.05</u>
59	<u>\$3,419.11</u>	<u>\$3,232.46</u>	<u>Okaloosa</u>	<u>0.95</u>
60	<u>\$3,594.37</u>	<u>\$3,380.28</u>	<u>Okeechobee</u>	<u>0.95</u>
61	<u>\$3,743.66</u>	<u>\$3,487.80</u>	<u>Orange</u>	<u>1.01</u>
62	<u>\$3,847.50</u>	<u>\$3,592.90</u>	<u>Osceola</u>	<u>1.01</u>
63	<u>\$3,952.84</u>	<u>\$3,701.91</u>	<u>Palm Beach</u>	<u>1.00</u>
64	<u>\$4,081.23</u>	<u>\$3,813.28</u>	<u>Pasco</u>	<u>1.02</u>
65	<u>\$4,218.59</u>	<u>\$3,928.17</u>	<u>Pinellas</u>	<u>1.02</u>
66	<u>\$4,360.58</u>	<u>\$4,046.52</u>	<u>Polk</u>	<u>1.05</u>
67	<u>\$4,507.34</u>	<u>\$4,168.44</u>	<u>Putnam</u>	<u>1.01</u>
68	<u>\$4,659.04</u>	<u>\$4,294.03</u>	<u>St. Johns</u>	<u>1.05</u>
69	<u>\$4,815.85</u>	<u>\$4,423.41</u>	<u>St. Lucie</u>	<u>0.95</u>
70	<u>\$5,027.56</u>	<u>\$4,617.86</u>	<u>Santa Rosa</u>	<u>1.05</u>
71	<u>\$5,248.58</u>	<u>\$4,820.87</u>	<u>Sarasota</u>	<u>1.03</u>
72	<u>\$5,479.31</u>	<u>\$5,032.80</u>	<u>Seminole</u>	<u>1.01</u>
73	<u>\$5,720.19</u>	<u>\$5,254.05</u>	<u>Sumter</u>	<u>1.02</u>
74	<u>\$5,971.66</u>	<u>\$5,485.02</u>	<u>Suwannee</u>	<u>0.90</u>
75	<u>\$6,183.07</u>	<u>\$5,679.21</u>	<u>Taylor</u>	<u>0.90</u>
76	<u>\$6,401.97</u>	<u>\$5,880.27</u>	<u>Union</u>	<u>0.90</u>
77	<u>\$6,628.62</u>	<u>\$6,088.45</u>	<u>Volusia</u>	<u>1.03</u>
78	<u>\$6,863.29</u>	<u>\$6,304.00</u>	<u>Wakulla</u>	<u>0.90</u>
79	<u>\$7,106.27</u>	<u>\$6,527.18</u>	<u>Walton</u>	<u>1.05</u>
			<u>Washington</u>	<u>0.90</u>

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Bureau of Life and Health Forms and Rates,
Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Rich Robleto, Bureau Chief, Bureau
of Life and Health Forms and Rates, Division of Insurer
Services, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 29, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 9, 2000

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Everglades Program	40E-63
RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-63.011
Publications Incorporated by Reference	40E-63.091
Scope	40E-63.101
Definitions	40E-63.102
EAA Basin Boundaries	40E-63.104
Works of the District within the Everglades Implementation	40E-63.106
EAA Basin – Permits Required	40E-63.110
General Permits for Use of Works of the District Within the Everglades	40E-63.120
Individual Permit Application Requirements In the EAA Basin	40E-63.130
Content of Application for Individual Permits in the EAA Basin	40E-63.132
Permit Application Processing Fee for Individual Permits in the EAA Basin	40E-63.134
Conditions for Issuance of Individual Permits in the EAA Basin	40E-63.136
Duration of Individual Permits in the EAA Basin	40E-63.138
Modification of Individual Permits in The EAA Basin	40E-63.140
Delegation of Authority Pertaining to Letter Modifications and Administrative Information Updates of Existing Individual Permits	40E-63.141
Transfer of Individual Permits in the EAA Basin	40E-63.142
Limiting Conditions for Individual Permits In the EAA Basin	40E-63.143
Compliance and Enforcement of Individual Permits in the EAA Basin	40E-63.145
Master Permit Application Requirements In the EAA Basin	40E-63.150
Content of Application for Master Permits In the EAA Basin	40E-63.152
Permit Application Processing Fee for Master Permits in the EAA Basin	40E-63.154
Conditions for Issuance for Master Permits In the EAA Basin	40E-63.156
Duration of Master Permits in the EAA Basin	40E-63.158
Modification of Master Permits in the EAA Basin	40E-63.160
Delegation of Authority Pertaining to Letter Modifications and Administrative Information Updates of Existing Master Permits	40E-63.161
Transfer of Master Permits in the EAA Basin	40E-63.162
Limiting Conditions for Master Permits In the EAA Basin	40E-63.163

Compliance and Enforcement of Master Permits in the EAA Basin 40E-63.165

Model to Quantify Annual Allocation of Replacement Water 40E-63.223

Permits Required 40E-63.302

Conditions for Issuance of a Master Permit 40E-63.310

Transfer of Master Permit 40E-63.312

Master Permit General Conditions 40E-63.314

PURPOSE AND EFFECT: The purpose and effect of these proposed rule amendments is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes, and timely compliance with the EFA.

Components of the EFA Everglades Program related to this initiative are: Reduction of phosphorus loads in the EAA by 25% through implementation of Best Management Practices; Everglades water supply and hydroperiod improvement and restoration; and diverging certain 298 District discharges within the Everglades Construction Project from Lake Okeechobee so that the primary discharge plan will divert flow south through the Everglades Agricultural Area.

SUMMARY: The EFA mandates a 25 percent reduction in the total phosphorus load discharged from the Everglades Agricultural Area (EAA). The District is required to calculate the EAA Basin compliance annually. Chapter 40E-63, F.A.C., established a formal procedure to calculate phosphorus loads. Amendments to the rule are necessary to modify the basin load calculation procedures to account for the changing flow patterns that result from construction of Stormwater Treatment Areas (STAs) and the 298 District Diversion Project. The proposed amendments reflect adjusted land areas and new monitoring locations associated with the projects. The proposed rule amendment modifies EAA Basin load calculations to reflect adjusted land areas and new monitoring locations associated with the construction of STAs and the Chapter 298 District Diversion project.

The Best management Practice (BMP) replacement water model has been publicly reviewed through the rule development process and has been modified accordingly.

Other amendments clarify the review process for minor modifications to permits and correct typographical errors in the current rule.

A new section has been added to identify what appendices are incorporated by reference and to update the date of these documents. Appendices A1 through A5 are being changed to reflect the changes being made in the rule, and are available on the District’s website (sfwmd.gov/rules) or you may contact Pam Smith at the District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6901 for a copy. Appendix A6 is a new document, and it is therefore being published here in its entirety.

STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 8:30 a.m., February 15, 2001

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov)

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-63.011 Policy and Purpose.

(1) through (3) No change.

(4) The State of Florida enacted The Marjory Stoneman Douglas Everglades Protection Act in 1991. The Act required ~~requires~~ the District to publish notice of rulemaking by October 1, 1991, allowing for a master permit or permits authorizing discharges, subject to conditions or requirements, from landowners within the area served by the drainage structures listed in Appendix A3, TABLE A1 S-5A, S-6, S-7, S-8, and S-150. That law was substantially revised in 1994 and is codified today as the Everglades Forever Act, Sec. 373.4592, F.S.

(5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended 7-7-92, _____.

40E-63.091 Publications Incorporated by Reference.

(1) “Appendix A1 – Description: Regulated Portion of Everglades Agricultural Area S-5A, S-6, S-7 and S-8 Basins Palm Beach, Broward and Hendry Counties”, dated January 2001.

(2) “Appendix A2 – Typical Best Management Practices for the EAA Basin”, dated January 2001, and including nutrient control practices, water management practices, particulate matter and sediment control, pasture management, and other BMPs.

(3) “Appendix A3 – EAA Basin Compliance”, dated January 2001, and setting forth the procedures the District will follow to determine whether the entire EAA Basin has met the applicable total Phosphorus reduction goals based upon mathematical data analysis.

(4) “Appendix A3.1 – FORTRAN Program for Calculating EAA Basin Flows and Phosphorus Loads”, dated January 2001..

(5) “Appendix A3.2 – Flow Computation Methods Used to Calculate EAA Basin Flows” dated January 2001, providing applicable mathematical formulas for calculating flow rates through water management structures.

(6) “Appendix A4 – EAA Basin Farm Scale Allocation”, dated January 2001, setting forth the procedure the District will follow to regulate total Phosphorus loads from individual farms when the EAA Basin has been determined to be not in compliance with applicable requirements.

(7) “Appendix A5 – Outline of Compliance and Enforcement Procedures in the EAA Basin”, dated January 2001.

(8) “Appendix A6 – EAA Basin Examples of Permit Modifications”, dated January 2001, distinguishing permit modifications, letter modifications, and administrative updates.

(9) South Florida Water Management District Form 0779 dated January 01, entitled “Application for a Works of the District Permit”

(10) “South Florida Water Management District Guidance for Preparing an application for “A Works of the District” Permit in the Everglades Pursuant to Ch. 40E-63, F.A.C.”, dated May, 1992.

(11) The documents listed in subsections (1) through (10) are hereby incorporated by reference, are published by the District and are available on the District’s website (sfwmd.gov/rules) or from the District at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800, upon request.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History—New _____.

40E-63.101 Scope.

(1) The goal of the regulatory program contained in Part I of this Chapter is to reduce by 25% the total phosphorus loads discharged from the EAA.

(a) The EAA is generally depicted in Appendix A1 ~~on~~ Figure 2 ~~40E-63-2~~ and includes the drainage Basins of S-2, S-3, S-5A, S-6, S-7, S-8 and S-150.

(b) The Everglades Protection Area is generally depicted ~~on~~ in Appendix A1 Figure ~~40E-63-1~~ and includes Water Conservation Areas 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge and the Everglades National Park.

(c) No change.

(2) In Part I of this Chapter, the "Works of the District within the Everglades" are specifically named. These include water control structures, rights-of-way, canals, and other water resources which the South Florida Water Management District owns, has accepted responsibility for, or has specifically named. All lands within the EAA are deemed to be users of the Works of the District within the Everglades, and as such, must comply with the applicable provisions of this Chapter. Any owner of a parcel of land in the EAA must obtain the applicable general, individual, or master permit, and comply with applicable rule criteria.

(3) This rule is based on the assumption that implementation of the regulatory program for the EAA will not reduce the quantity of water discharged from the S-2, S-3, S-5A, S-6, S-7, S-8, and S-150 Basins by more than 20% of the quantity discharged historically. The District will evaluate water quantity data collected from the structures, beginning on the effective date of this rule, to determine whether the quantity discharged from the structures after implementation of this regulatory program is less than 80% of the historical amount. If the quantity of water discharged is less than assumed or the water supply for the Everglades is inadequate, the District intends to take appropriate actions in the future to insure water supply for the Everglades. Appropriate actions may include, but are not limited to operational changes, or the initiation of proceedings pursuant to Chapter 120, Florida Statutes, to modify or revoke District permits or rules relating to water quantity used or discharged (surface water management, consumptive water use and works of the district). This section is not intended to modify or limit in any way the District's authority and responsibilities to plan for and regulate consumptive water use, water shortages and water supply.

(4) No change.

(5) The District intends to continue research and evaluation of the data collection procedures and methodology specified in Parts I, II and III of this Chapter, the effectiveness of the regulatory program in accomplishing the goal, and the water quality of the Everglades. The regulatory program and requirements set forth in this Chapter, including all compliance and enforcement procedures for permittees, are subject to revision if future evaluations indicate that the goal of reducing total phosphorus loads discharged from the EAA by 25% is not met. The District will initiate Chapter 120, Florida Statutes, rulemaking procedures to incorporate any significant changes to the data collection procedures, methodology, program requirements, or program compliance and enforcement procedures specified in this Chapter. In addition, other water

quality parameters, water quantity withdrawal conditions, or requirements may be added, and funding requirements for fulfilling other District objectives could be affected.

(6) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended 7-7-92, _____.

40E-63.102 Definitions.

When used in this Chapter:

(1) "Best Management Practice (BMP) Plan" means the plan required by Rule 40E-63.136(1), F.A.C.

(2)(~~4~~) "EAA Basin" means the entire EAA, which is described in Rule 40E-63.104(2), F.A.C. (Boundaries).

(3)(~~2~~) "Everglades Agricultural Area Environmental Protection District" (EAA EPD) was established by the State Legislature as a special district representing landowners within the EAA Basin for the purposes of ensuring environmental protection by means of conducting scientific research on environmental matters related to air and water and land management practices and implementing the financing, construction, and operation of works and facilities designed to prevent, control, abate or correct environmental problems and improve the environmental quality of air and water resources.

(~~3~~) "Best Management Practice (BMP) Plan" means the plan required by Rule 40E-63.136(1), F.A.C.

(4) through (8) No change.

(9) "Parcel" means a contiguous land area under single ownership within ~~a Basin in~~ the Everglades Agricultural Area Basin.

(10) "Structure" means a structural device or hydrologic feature through which water is discharged from a parcel or parcels to a receiving water.

(11) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended 7-7-92, 6-30-97, 6-7-99, _____.

40E-63.104 EAA Basin Boundaries.

(1) The Everglades Protection Area is generally described as: Water Conservation Areas 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades National Park. It is depicted on maps and legally described in "Appendix A1" of Chapter 40E-63, F.A.C., which is published by reference and incorporated into this Chapter.

(2) The EAA is generally described as: the area including, but not limited to, the drainage ~~b~~Basins of S-2, S-3, S-5A, S-6, S-7, S-8, and S-150. The EAA is depicted on maps and legally described in "Appendix A1" of Chapter 40E-63, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended _____.

40E-63.106 Works of the District within the Everglades. The following Works of The District within the Everglades Agricultural Area Basin are or have been used for calculating compliance with the phosphorus load reduction objectives of the Everglades program named as follows: S-2, S-3, S-5A, S-6, S-7, S-8, S-150, G-88, G-136, G-200, G-344A, G-344B, G-344C, G-344D, G-349B, G-350B, G-357, G-404, G-410, G-402-A, G-402-B, G-402-C, G-402-D, G-605, G-606, Miami Canal, North New River Canal, Hillsboro Canal, C-51 (at both current and ultimate discharge locations into the Everglades Protection Area), and their open channel connections.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended.

40E-63.108 Implementation.

The effective date of Parts I, II, and III of this Chapter is 1-22-92. The rules shall apply to existing and new releases of water to Works of the District within the Everglades.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended.

40E-63.110 EAA Basin – Permits Required.

(1) The lands in the EAA, as described in Rule 40E-63.104(2), F.A.C., (Boundaries) release water that ultimately makes use of, connects to, is released to, or is discharged to the Works of the District within the Everglades, as defined in Rule 40E-63.106, F.A.C., (Works of the District within the Everglades) and a general permit, individual permit, or master permit must be obtained pursuant to Subpart A, B, or C of Part I of this Chapter.

(2) Any landowner in the EAA, as described in Rule 40E-63.104(2), F.A.C., (Boundaries) may submit evidence to the District demonstrating that the water discharged from their ~~his~~ property does not use the Works of the District within the Everglades, and request District staff to make a written determination that the requirements of this Chapter do not apply to his property. The request and supporting evidence must be submitted no later than 90 days prior to the application date specified below for Subparts B and C for Individual and Master Permits. District staff will review the evidence submitted and other available information and issue a written statement within 60 days specifying whether the property is subject to the requirements of Part I of this Chapter.

(3) If the BMP Plan submitted pursuant to Part I of this Chapter proposes activities which require new or modified consumptive water use, surface water management, environmental resource, right-of-way, or well construction permits from the District, applications for the other permits shall be submitted at the same time the Works of the District permit application is submitted. The permit applications for the new or modified activities must be complete by the time the

Works Of The District permit application is complete. If the applications are not complete, the proposed activities will be excluded from the Works of the District application.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Repromulgated 7-7-92, Amended.

40E-63.120 General Permits for Use of Works of the District Within the Everglades.

(1) Parcels of land that connect to or make use of the Works of The District Within The Everglades, and that meet the conditions specified below in Subsection (2), are granted a General Permit to connect to and make use of the Works Of The District Within The Everglades, subject to the requirements of Part I of this Chapter.

(2) through (3) No change.

(4) General permits granted upon adoption of Part I of this Chapter do not relieve the permittee of the responsibility to comply with all other laws or regulations applicable to the use of or discharges from the parcel.

(5) General permits granted upon adoption of Part I of this Chapter remain effective unless the District notifies a permittee in writing by certified mail pursuant to Subsection (3), above, that the permit is revoked.

(6) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended 1-1-97.

40E-63.130 Individual Permit Application Requirements in the EAA Basin.

(1) Individual Permits are required for all structures which discharge or release water to one of the Works of the District within the Everglades as defined in Rule 40E-63.106, F.A.C., (Works of the District within the Everglades), unless granted a general permit or included in a Master Permit pursuant to Part I of this Chapter.

(a) Individual permit applications must be submitted by the owner of land on which a structure is located and any entity responsible for operating the structure. The permit application must include the owners of all parcels which discharge water tributary to the structure.

(b) No change.

(c) Applications may be submitted by a lessee of a parcel provided the lease is in writing, and reasonable assurance is provided that the lessee has the legal and financial capability of implementing the BMP Plan, monitoring plan and other permit conditions. Reasonable assurance shall be provided by a lease with a duration as long as the duration of an individual permit issued pursuant to Part I of this Chapter together with an application co-signed by the parcel owner; however, other alternatives submitted by an applicant will be considered.

(2) through (3) No change.

(4) The District expects to take final agency action on all initial permits issued pursuant to Part I of this Chapter no later than July 1993. Accordingly, the District shall process the applications submitted pursuant to Part I of this Chapter in strict accordance with the 90-day time provisions set forth in Section 120.60, F.S. Applicants are expected to make good faith efforts to complete applications within a reasonable time. Applications which are not complete within a reasonable time are subject to denial and administrative or judicial enforcement action.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended.

40E-63.132 Content of Application for Individual Permits in the EAA Basin.

No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended 7-7-92.

40E-63.134 Permit Application Processing Fee for Individual Permits in the EAA Basin.

The following permit application processing fees shall be paid to the District at the time the following actions on Individual Permits are filed:

(1) For new applications ~~or applications to modify an existing~~ for Individual Permits: a minimum fee of \$1,880, plus \$1.50 per acre for each acre above 320 acres in size, with a total maximum fee of \$30,000;

(2) For renewals (with or without ~~no~~ modifications) to existing Individual Permits: a fee of \$1,560, plus \$0.25 per acre for each acre over 320 acres, with a maximum fee of \$5,000;

(3) For a Modification of an existing Individual Permit: a fee of \$1880; For Transfers of existing Individual Permits: a fee of \$200.

(4) For a Letter Modification of an existing Individual Permit: a fee of \$500;

(5) For Administrative Information Updates to an existing Individual Permit: No Fee;

(6) For Transfers of existing Individual Permits: a fee of \$200.

(7) An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Failure of any applicant to pay the applicable fees established herein will result in denial of an application.

Specific Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.109, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended 7-7-92, _____.

40E-63.136 Conditions for Issuance of Individual Permits in the EAA Basin.

In order to obtain a permit under Part I of this Chapter, an applicant must satisfy all the following conditions:

(1) Submit and implement a BMP Plan which includes:

(a) through (b) No change.

(c) A consideration of the Best Management Practices listed ~~in~~ on Appendix A2, which is published by reference and incorporated by reference into this Chapter, and an explanation of why Best Management Practices not included in the BMP Plan are not suitable for implementation;

(d) through (h) No change.

(2) Submit an acceptable water quality monitoring plan which provides reasonable assurance that annual water discharge and total phosphorus load are accurately documented. A plan which contains the following items generally provides reasonable assurance, but other alternatives may be proposed by the applicant and authorized by the District:

(a) through (c) No change.

(d) A description of the proposed sample handling and laboratory analyses, including identification of the laboratory (which must have an ~~DER~~ approved QA/QC Plan from the appropriate State of Florida agency) to be used to perform the chemical analyses on the samples, a specified schedule for processing samples, and chain of custody documentation. The plan shall include "split sampling", to furnish the District with samples to ensure field and laboratory accuracy;

(e) through (h) No change.

(3) Submit applications for new permits or modifications to existing permits required pursuant to other District rules (e.g., Surface Water Management, Environmental Resource, Consumptive Water Use, Well Construction, Right-of-Way, or Lake Okechobee SWIM), as a result of activities proposed by the BMP Plan.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS., Ch. 17-40, F.A.C. History--New 1-22-92, Amended.

40E-63.138 Duration of Individual Permits in the EAA Basin.

(1) Individual Permits issued pursuant to Part I of this Chapter remain effective until January 1, 1997. The duration of renewals of or modifications to Individual Permits issued pursuant to Part I of this Chapter will be specified by the District as a permit condition in the renewal or modification.

(2) through (3) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History--New 1-22-92, Amended 7-7-92, 1-1-97, _____.

40E-63.140 Modification of Individual Permits in the EAA Basin.

A permittee may apply for a modification to an Individual Permit issued under Part I of this Chapter by submitting the same information required for new applications, unless the permit has expired or has been otherwise revoked or suspended and provided the permit is in compliance with all applicable permit conditions. Modifications will be evaluated based on the criteria in effect at the time the application to modify is submitted.

(1) Applications to modify an existing Works of the District Individual Permit shall contain the information required by Rule 40E-63.132, and shall identify the portion of the existing authorization for which the modification is requested.

(2) Applications to modify existing Works of the District Individual Permits shall be made by the following methods:

(a) Modification requiring District Governing Board action for final determination; or

(b) Letter Modifications and Administrative Information Updates for which the District Governing Board has delegated authority for final action pursuant to Rule 40E-63.141, F.A.C., below.

Letter Modifications and Administrative Information Updates to existing Individual Permits pursuant to subsections (4) and (5) below are acknowledged and approved by letter with an accompanying Permit Review Summary (Staff Report) from the District or designee through correspondence to the permittee.

(3) Modifications requiring Board action are those that:

(a) Result in a change in the permit conditions;

(b) Result in a change in the landuse;

(c) Require public notice because it is determined to be of heightened public concern in accordance with Rule 40E-1.5095, F.A.C.; or

(d) Result in the addition of acreage not previously included in an existing Everglades Works of the District Permit.

(4) Letter Modifications are those that result in:

(a) A change in an existing permitted boundary basin;

(b) Moving an existing basin from one Everglades Works of the District Permit to another;

(c) The addition of a water control structure to the previously permitted Water Quality Monitoring Plan; or

(d) A change to the previously approved BMP Plan.

(5) Administrative Information Updates are updates to the information in the Permit Review Summary (Staff Report) necessary for administration of the permit.

Examples of Modifications, Letter Modifications and Administrative Information Updates are provided in Appendix A6.

(6) The same review time and informational requirements which apply to new permit applications shall apply to all applications to modify an existing valid permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended _____.

40E-63.141 Delegation of Authority Pertaining to Letter Modifications and Administrative Information Updates of Existing Individual Permits.

The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resource Regulation Division Director, Environmental Resource Regulation Division Deputy Director, Everglades Regulation Department Director, and Service Center Directors, as its agents to review and take final action on all Letter Modifications and Administrative Information Updates issued under Chapter 40E-63, F.A.C. However, staff recommendations for denial of such applications shall be considered by the Governing Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New _____.

40E-63.142 Transfer of Individual Permits in the EAA Basin.

A permittee and prospective owner must notify the District within 30 days of any transfer of interest or control, prior to the sale or conveyance of real property or works permitted under Part I of this Chapter. The permittee/seller shall notify the District of the transfer using Form 0779, Section 1, providing the name and address of the new owner or person in control and a copy of the instrument effectuating the transfer. The transferee shall submit the appropriate transfer application and fee using a completed Form 0779, Section 2. The District will transfer the permit provided the land practice remains the same and the permittee is in compliance with all conditions of the permit. All conditions of the permit remain applicable to the new permittee. If the District is not so notified by the transferee within 90 days of the sale or conveyance of the property, the permit is void and the transferee will be required to apply for a new permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended _____.

40E-63.143 Limiting Conditions for Individual Permits in the EAA Basin.

(1) The Board shall impose on any Individual Permit granted under Part I of this Chapter such reasonable conditions as are necessary to assure that the permitted discharge will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(2) In addition to special conditions, all the following standard limiting conditions (a)-(l) shall be attached to all Individual permits:

(a) through (c) No change.

(d) The permittee shall submit to the District reports summarizing implementation of the approved BMP Plan. The report must contain a summary of all required activities including Best Management Practice installation, Best Management Practice operation activities (pertinent to water management and nutrient management), water quality assurance audits, and monitoring. The first report is due November 1, 1993; subsequent reports are due July 1, 1994, January 1, 1995, and February 1 annually thereafter.

(e) No change.

(f) The permittee shall notify the District in writing within 30 days after any significant change in land practice, as described in Rule 40E-63.102(7)(4), F.A.C. is made on the permitted parcel.

(g) through (k) No change.

(l) The permittee shall achieve the phosphorus load limitations allocations specified in Appendices ~~40E-63-A3~~ (EAA Basin Compliance) and A4 (EAA Farm Scale Allocation), in accordance with the procedures described in Rule 40E-63.145 (Compliance and Enforcement of Individual Permits).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS., Ch. 17-40, F.A.C. History—New 1-22-92, Amended 7-7-92, _____.

40E-63.145 Compliance and Enforcement of Individual Permits in the EAA Basin.

(1) through (2) No change.

(3)(a) The District shall begin collecting monitoring data from the EAA Basin on January 1, 1995, for the purpose of determining compliance with the phosphorus load reduction requirement calculated in accordance with Appendix 40E-63-A3 (EAA Basin Compliance) (~~Amended October, 1999~~ which is incorporated by reference into this Chapter. Copies of ~~Appendix 40E-63-3~~ are available from the South Florida Water Management District, Department, Everglades Regulation Division, 3301 Gun Club Road, West Palm Beach, FL 33406-3089.

(b) When the District periodically evaluates the monitoring data collected ~~on January 1, 1995, and thereafter~~, to assess the general trend in phosphorus load reduction, the evaluation shall be included in an annual ~~a monthly~~ report.

(c) The District shall determine whether the EAA Basin is in compliance with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~, as of April 30, 1996, and annually thereafter. The District shall attempt to make the determination and publish the results by July 1, 1996, and annually thereafter.

(d) No change.

(e) If the EAA Basin is determined to be not in compliance on April 30, 1996, or any subsequent year, with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~, permittees in the EAA Basin shall be subject to the following compliance and enforcement actions:

1. The District shall determine, according to Appendix ~~40E-63-A4~~ (EAA Basin Farm Scale Allocation), which structures shall be required to meet a Maximum Unit Area Load (MUAL) in order to bring the EAA Basin in compliance with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~ (EAA Basin Compliance).

2. The District shall provide written notice to permittees of structures required to meet a Maximum Unit Area Load. The notice shall specify the Maximum Unit Area Load assigned to the permittee. The District shall attempt to transmit the written notices by July 1, 1996, and by July 1 of any subsequent year the EAA Basin is determined to be not in compliance with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~ (EAA Basin Compliance).

3. Permittees shall submit to the District within 45 days of transmittal of the written notice, a revised BMP Plan which proposes changes in BMPs needed to ensure that the Maximum Unit Area Load will be met. The revised plan shall include all the elements specified in Rule 40E-63.132(6), F.A.C. (Content of Application for Individual Permits in the EAA Basin), or explain why an omitted element is not relevant to evaluation of the revised Plan. The implementation schedule shall require complete installation within 6 months of District approval of the revised BMP Plan. Permittees shall make good faith efforts to provide complete revised BMP Plans. Failure to provide a complete revised BMP Plan within 45 days shall not justify a corresponding delay of the date on which a permittee is required to meet a Maximum Unit Area Load pursuant to Subsection 40E-63.145(3)(e)6., F.A.C.

4. No change.

5. Permittees who fail to complete the revised BMPs according to the approved implementation schedule shall be subject to enforcement action pursuant to Subsection ~~(6)(5)~~ below.

6. Permittees shall be required to meet the Maximum Unit Area Load on the first April 30 occurring 24 months after the April 30 on which the EAA Basin was determined to be not in compliance with the load allocation calculated in accordance with Appendix ~~40E-63-A3~~ (EAA Basin Compliance).

7. If the EAA Basin does not achieve the phosphorus load reduction sufficient to bring the Basin in compliance with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~ on the April 30 occurring 24 months after the April 30 on which the EAA Basin was determined to be not in compliance, the District shall repeat the procedures specified in Subsections 1.-6. above, and seek whatever enforcement or corrective action is

appropriate, including those set forth in subsection ~~(6)~~(5) below against permittees who failed to achieve their Maximum Unit Area Load.

(4) No change.

(a) Applicants who elect to participate in the Early Baseline Option must declare their intention to do so in the initial permit application due in 1992. In addition to the information required by Rule 40E-63.132, F.A.C. (Content of Application for Individual Permits in the EAA Basin), the application must identify soil type, include soil phosphorus test results and methods, describe crops for the last five years, indicate expected future crops, describe the automatic recording rainfall collectors to be installed at each structure discharging to a District primary canal, and identify the acreage served by each collector.

(b) through (f) No change.

1. through 2. No change.

3. The District shall consider requests presented by permittees under Rule 40E-63.101(4), F.A.C., to calculate the baseline to reflect implementation of BMPs prior to implementation of the plan for monitoring water quantity and quality. Such requests should be accompanied by adequate supporting evidence, for example data from the area subject to the request and from a similar area on which BMPs have not been implemented regarding soil type, depth of ~~muck~~ mud, crop type, historical usage, drainage system, water quality and water quantity.

(g) If the EAA Basin is determined to be in compliance with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~, as of April 30, 1996, or annually thereafter, permittees who elected to participate in the Early Baseline Option shall not be subject to compliance and enforcement action by the District in regard to achievement of the phosphorus load limitation, so long as the EAA Basin remains in compliance. However, permittees are still subject to monitoring and enforcement action for failure to comply with the requirements of an approved monitoring plan or BMP Plan, pursuant to Subsection (2) above.

(h) If the EAA Basin is determined to be not in compliance as of April 30, 1996, or any subsequent year, with the allocation calculated in accordance with Appendix ~~40E-63-A3~~, permittees who elected to participate in the Early Baseline Option shall be subject to the following compliance and enforcement actions:

1. The District shall determine whether the permittee has reduced the Early Baseline load from permitted structures by 25%, adjusted for hydrological variability. The District shall provide written notice of the determination to permittees. The District shall attempt to transmit the written notices by July 1, 1996, and by July 1 of any subsequent year the EAA Basin is found to be not in compliance with the phosphorus load reduction requirement calculated in accordance with Appendix ~~40E-63-A3~~ (EAA Basin Compliance).

2. No change.

3. Permittees who have not reduced the Early Baseline load by 25% shall submit to the District, within 45 days of transmittal of the written notice, a revised BMP Plan which proposes changes in BMPs needed to ensure that the 25% reduction will be achieved. The revised Plan shall include all the elements specified in Rule 40E-63.132(6), F.A.C. (Content of Application for Individual Permits in the EAA Basin), except for elements not relevant to evaluation of the revised Plan. The revised Plan shall contain an explanation of why any omitted elements are not relevant. The implementation schedule shall require complete installation of revised BMPs within 6 months of District approval of the revised BMP Plan. Permittees shall make good faith efforts to provide complete revised BMP Plans. Permittees shall be required to meet the 25% reduction the next time the EAA Basin is determined to be not in compliance with the load allocation calculated in accordance with Appendix ~~40E-63-A3~~ (EAA Basin Compliance). Failure to provide a complete revised BMP Plan within 45 days shall not justify a corresponding delay of the date on which a permittee is required to meet the 25% reduction.

(h) No change.

(5) In applying the requirements of this Chapter after the EAA has been determined to be not in compliance with the allocation calculated in accordance with Appendix ~~40E-63-A3~~, the District shall determine whether to accept an alternative method or level of phosphorus reduction for a particular permittee based on the demonstrated site-specific impracticability of achieving the required reduction of phosphorus in accordance with an approved Best Management Plan, if requested by a permittee.

(a) through (d) No change.

(6) No change.

An outline of the compliance and enforcement procedures to the EAA Basin is provided in Appendix A5 which is incorporated by reference.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS. History—New 1-22-92, Amended 7-7-92, 8-25-96, 10-1-98, 6-7-99, 10-31-99.

40E-63.150 Master Permit Application Requirements in the EAA Basin.

(1) through (2) No change.

(3) The District expects to take final agency action on all initial permits issued pursuant to this Chapter no later than July 1993. Accordingly the District shall process the applications submitted pursuant to Part I of this Chapter in strict accordance with the 90-day time provisions set forth in Section 120.60, F.S. Applicants are expected to make good faith efforts to complete applications within a reasonable time. Applications which are not complete within a reasonable time are subject to denial and administrative or judicial enforcement action.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended.

40E-63.152 Content of Application for Master Permits in the EAA Basin.

Applications for Master Permits shall contain the following:

- (1) No change.
- (2) All information required by Subsections 40E-63.132(2),(3),(4),(5),(6) and (7), F.A.C. (Content of Application for Individual Permits in the EAA Basin).
- (3) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended.

40E-63.154 Permit Application Processing Fee for Master Permits in the EAA Basin.

The following permit application processing fees shall be paid to the District at the time the following actions on Master Permits are filed:

- (1) For new applications ~~or applications to modify an existing~~ for a Master Permit: a minimum fee of \$1,880, plus \$1.50 per acre for each acre above 320 acres in size, with a total maximum fee of \$750,000;
- (2) For renewals (with or without ~~no~~ modifications) to existing Master Permits: a fee of \$1,680, plus \$0.25 per acre for each acre above 320, with a total maximum fee of \$150,000;
- (3) For a Modification of an existing Master Permit: a fee of \$1880; For Transfers of existing Master Permits: a fee of \$500.
- (4) For a Letter Modification of an existing Master Permit: a fee of \$500.
- (5) For Administrative Information Updates to an existing Master Permit: No Fee;
- (6) For Transfers of existing Master Permits: a fee of \$500.

(7) An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Failure of any applicant to pay the applicable fees established herein will result in denial of an application.

Specific Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.109, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended 7-7-92.

40E-63.156 Conditions for Issuance for Master Permits in the EAA Basin.

- (1) In order to obtain a permit under Part I of this Chapter, an applicant must satisfy all the following conditions:
 - (a) The permittee shall comply with all conditions required by Subsections 40E-63.136(1), (2), (3), F.A.C. (Conditions for Issuance of Individual Permits in the EAA Basin); and

- (b) No change.
- (2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended.

40E-63.158 Duration of Master Permits in the EAA Basin.

- (1) Master Permits issued pursuant to Part I of this Chapter remain effective until January 1, 1997. The duration of or modifications to Master Permits issued pursuant to Part I of this Chapter will be specified by the District as a permit condition in the renewal or modification.
- (2) through (3) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History—New 1-22-92, Amended 7-7-92, 1-1-97.

40E-63.160 Modification of Master Permits in the EAA Basin.

A permittee may apply for a modification to a Master Permit issued under Part I of this Chapter by submitting the same information required for new applications, unless the permit has expired or has been otherwise revoked or suspended and provided the permit is in compliance with all applicable permit conditions. Modifications will be evaluated based on criteria in effect at the time the application to modify is submitted.

(1) Applications to modify an existing Works of the District Master Permit shall contain the information required by Rule 40E-63.152, and shall identify the portion of the existing authorization for which the modification is requested.

(2) Applications to modify existing Works of the District Master Permits shall be made by the following methods:

- (a) Modification requiring District Governing Board action for final determination; or
- (b) Letter Modifications and Administrative Information Updates for which the District Governing Board has delegated authority for final action pursuant to Rule 40E-63.161, F.A.C. below.

Letter Modifications and Administrative Information Updates to existing Master Permits pursuant to subsections (4) and (5) below are acknowledged and approved by letter with an accompanying Permit Review Summary (Staff Report) from the District or designee through correspondence to the permittee.

- (3) Modifications requiring Board action are those that:
 - (a) Result in a change in the permit conditions;
 - (b) Result in a change in the landuse;
 - (c) Require public notice because it is determined to be of heightened public concern in accordance with Rule 40E-1.5095, F.A.C.; or

(d) Result in the addition of acreage not previously included in an existing Everglades Works of the District Permit.

- (4) Letter Modifications are those that result in:
 - (a) A change in an existing permitted boundary basin;

(b) Moving an existing basin from one Everglades Works of the District Permit to another;

(c) The addition of a water control structure to the previously permitted Water Quality Monitoring Plan; or

(d) A change to the previously approved BMP Plan.

(5) Administrative Information Updates are updates to the information in the Permit Review Summary (Staff Report) necessary for administration of the permit.

Examples of Modifications, Letter Modifications and Administrative Information Updates are provided in Appendix A6 which is incorporated by reference.

(6) The same review time and informational requirements which apply to new permit applications shall apply to all applications to modify an existing valid permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended _____.

40E-63.161 Delegation of Authority Pertaining to Letter Modifications and Administrative Information Updates of Existing Master Permits.

The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resource Regulation Division Director, Environmental Resource Regulation Division Deputy Director, Everglades Regulation Department Director, and Service Center Directors, as its agents to review and take final action on all Letter Modifications and Administrative Information Updates issued under Chapter 40E-63, F.A.C. However, staff recommendations for denial of such applications shall be considered by the Governing Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New _____.

40E-63.162 Transfer of Master Permits in the EAA Basin.

A permittee and prospective owner must notify the District within 30 days of any transfer of interest or control, prior to the sale or conveyance of real property or works permitted under Part I of this rule Chapter. The permittee/seller shall notify the District of the transfer using Form 0779, Section 1, providing the name and address of the new owner or person in control and a copy of the instrument effectuating the transfer. The transferee shall submit the appropriate transfer application and fee using a completed Form 0779, Section 3. The District will transfer the permit provided the land practice remains the same and the permittee is in compliance with all conditions of the permit. All conditions of the permit remain applicable to the new permittee, including the legal, financial and institutional capability to carry out all acts necessary to the terms and conditions of the Master Permit. If the District is not so notified by the transferee within 90 days of the sale or conveyance of the property, the permit is void and the transferee will be required to apply for a new permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended _____.

40E-63.163 Limiting Conditions for Master Permits in the EAA Basin.

(1) The Board shall impose on any Master Permit granted under Part I of this Chapter such reasonable conditions as are necessary to assure that the permitted discharge will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(2) In addition to special conditions, all the following standard limiting conditions (a)-(c) shall be attached to all master permits:

(a) All conditions required by Subsections 40E-63.143(2)(a)-(l), F.A.C. (Limiting Conditions for Individual Permits in the EAA Basin).

(b) Legal entities or groups of cooperating landowners responsible for implementing a Master Permit shall remain capable of performing their responsibilities required by permits issued pursuant to Part I of this Chapter.

(c) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended _____.

40E-63.165 Compliance and Enforcement of Master Permits in the EAA Basin.

The provisions of Rule 40E-63.145, F.A.C., (Compliance and Enforcement of Individual Permits in the EAA) apply to the compliance and enforcement of Master Permits issued pursuant to Part I of this Chapter.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended _____.

40E-63.223 Model to Quantify Annual Allocation of Replacement Water.

(1) This section outlines the model to be used to calculate the volume of water needed to compensate for reductions in runoff from the EAA resulting from implementation of BMPs pursuant to Chapter- 40E-63, F.A.C. Replacement water volumes refer to flows reaching the Water Conservation Areas or Stormwater Treatment Areas. Replacement water volumes do not include any flows released for urban water supply or agricultural water supply.

(2) The model is based upon hydrologic data collected during the base period. Procedures for calculating EAA runoff and rainfall are as follows:

(a) Total EAA Runoff is calculated from daily flow measurements obtained from the District's data base. The data base identifiers are listed in the following table:

BMP REPLACEMENT WATER
TABLE 1 – RUNOFF

STRUCTURE	DBKEY	STRUCTURE	DBKEY	STRUCTURE	DBKEY	STRUCTURE	DBKEY
HGS5	15068	G88	15196	<u>G344C</u>	<u>J0721</u>	<u>G402A</u>	<u>LX264</u>
S2	15021	G136	15195	<u>G344D</u>	<u>J0722</u>	<u>G402B</u>	<u>LX265</u>
S3	15018	G200	<u>15736</u> 15154	<u>G349B</u>	<u>JA353</u>	<u>G402C</u>	<u>LX266</u>
S5A5AW	15031	G250	<u>16222</u> 15847	<u>G350B</u>	<u>JA352</u>	<u>G402D</u>	<u>LX267</u>
S6	15034	<u>G600</u>	<u>GG955</u>	<u>G344A</u>	<u>J0719</u>	<u>G404</u>	<u>LX269</u>
S7	15037	<u>EBPS</u>	<u>LX274</u>	<u>G344B</u>	<u>J0720</u>	<u>G410</u>	<u>LX270</u>
S8	15040	<u>ESPS</u>	<u>LX273</u>	<u>G328</u>	<u>J0718</u>	<u>G357</u>	<u>LX263</u>
S150	15041						

1. The EAA Runoff equation is:

$$\text{Runoff} = - \text{Minimum} (0, S3 + \del{G88} + G136 + G344A + G344B + G344C + G344D + G402A + G402B + G402C + G402D - S8 - G200 - G349B - G350B - G357 - G404 - G410 - G600) - \text{Minimum} (0, S2 - S6 - S7 - S150 - G328 + \text{ESPS}) - \text{Minimum} (0, \text{HGS5} - S5A5AW - G250 + 0.813 \text{EBPS})$$

2. through 3. No change.

(b) No change.

(3) The methodology to calculate ~~model calculates~~ the annual replacement water volume is based upon:

(a) Volume of runoff from the EAA under base-period conditions, adjusted for variations in monthly annual rainfall;

(b) through (d) No change.

(4) The method equations for calculating the annual replacement water volume (1000 acre-ft) is based on a two step process are:

Step 1. A statistical test is used to determine if the monthly rainfall/runoff relationship observed during the Averaging Period is statistically similar to the monthly rainfall runoff relationship observed during the Base Period. If the statistical test demonstrates similarity in the runoff response to rainfall at a 90% confidence level between the Base Period and the Averaging Period, no Replacement Water deliveries will be made.

The test is conducted utilizing the 120 months of data from the Base Period and the 60 months of data from the Averaging period. An F-Test is then performed to determine whether the regression coefficients for the two time periods are significantly different.

Step 2. If the test in Step 1 fails to demonstrate similarity, then the Replacement Volume will be computed as the greater of zero (0.0) and the Replacement Volume as computed based on the following:

Replacement Volume	=	Predicted Runoff x Runoff Reduction x Area Factor x Fraction South
Predicted Runoff	=	Total Runoff for Current Water Year Predicted from Base Period Rainfall/Runoff Regression (1000 acre-ft)
	=	1585.6 + 53.87 x Rainfall
<u>Runoff reduction</u>	≡	<u>Sum of the twelve monthly values calculated by taking the difference between the runoff predicted for each month of the Current Water Year using the Base Period Equation, and the runoff predicted for the same months using the Averaging Period Equation. (1000 acre-ft)</u>
<u>Base Period Equation</u>	≡	<u>1.2091*Rainfall²+13,764*Rainfall+2.6</u>

<u>Avg. Period Equation</u>	=	This equation is calculated each year by computing the second order regression between the monthly rainfall and monthly runoff for the five years of data collected during the Averaging Period
Rainfall	=	Total EAA Rainfall for each month of the Current Water Year (inches)
Area Factor	=	Factor to Account for Change in Watershed Contributing Area
	=	Average Area in Current Water Year/Average Area in Base Period
Average Area for Base Period	=	523,791 acres (Everglades Protection Project, Conceptual Design, February 15, 1994)
Runoff Reduction	=	Measured Runoff Reduction for Averaging Period = $1 \sum; (\text{Observed EAA Runoff}) / \sum; (\text{Predicted Runoff} \times \text{Area Factor})$
\sum	=	Sum over Averaging Period
Fraction South	=	Fraction of Total Runoff Discharged to South During Averaging Period
	=	$\sum; (\text{EAA Runoff to South}) / \sum; (\text{EAA Total Runoff})$
\sum	=	Sum over Averaging Period

(5) No change.

Specific Authority 373.044, 373.113, 373.4592 FS. Law Implemented 373.4592(4)(b) FS. History--New 11-26-95, Amended.

40E-63.302 Permits Required.

(1) No change.

(2) If a notice of intent to issue a master permit has not been issued to the EAA-EPD or its successor interests as required by Rule 40E-63.302(1) by August 1, 1997, all landowners who are required to obtain a Works of the District permit pursuant to Rules 40E-61.041(4), 40E-63.130, and 40E-63.150, F.A.C., must modify such permits individually to comply with this Part pursuant to Rules 40E-63.320 through 40E-63.323, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.4592(4)(f) FS. History--New 1-1-97, Amended 6-30-97, _____.

40E-63.310 Conditions for Issuance of a Master Permit.

In order to qualify for the no-notice master permit provided for in Rule 40E-63.305, the EAA-EPD must satisfy all the following conditions:

(1) through (2) No change.

(3) Submit verification of laboratory certification by the appropriate State of Florida agency HRS of the laboratory to be used to perform the chemical analyses on the samples. The HRS certification must cover analysis of water quality parameters specified in Subsection 40E-63.310(1)(a)1.-3.

(4) through (6) No change.

(7) All information required in subparagraphs (1) through (6) shall be submitted to the South Florida Water Management District, Surface Water Management Division, 3301 Gun Club Road, West Palm Beach, Florida 33406, Attention: Everglades Regulation Department Section.

(a) No change.

(b) District staff's decision to approve or deny the master permit shall constitute final agency action. If the District's decision is to deny the master permit, the EAA-EPD may, at any time thereafter, request a hearing to address the Governing Board regarding the District staff's decision. This request shall be submitted to the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, Attention: Everglades Regulation Department Section.

(c) through (d) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.4592(4)(f) FS. History--New 1-1-97, Amended 6-30-97, _____.

40E-63.312 Transfer of Master Permit.

(1) No change.

(2) To transfer the master permit, the proposed transferee must submit a written request to transfer the master permit. This request shall be submitted to the South Florida Water Management District, Surface Water Management Division, 3301 Gun Club Road, West Palm Beach, Florida 33406, Attention: Everglades Regulation Department Section.

(3) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.4592(4)(f) FS. History--New 1-1-97, Amended 6-30-97, _____.

40E-63.314 Master Permit General Conditions.

The master permit shall be subject to the following conditions (1)-(9)(10):

(1) No change.

(2) All laboratory analysis of parameters required as part of this research shall be analyzed by an HRS certified laboratory certified (by the appropriate State of Florida agency) to analyze the specific parameters identified in the permitted program scope-of-work.

(3) through (9) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.4592(4)(f) FS. History--New 1-1-97, Amended 6-30-97, _____.

	<u>Appendix A6</u> <u>EAA Basin</u> <u>Examples of Permit Modifications</u>	
<u>Modification</u> <u>Fee: \$1880</u>	<u>Letter Modification</u> <u>Fee: \$500</u>	<u>Administrative Update</u> <u>No Fee</u>
<u>Modifications that result in a change in the conditions of the permit.</u>	<u>Modifications that result in a change in an existing basin boundary.</u>	<u>Deletion of an existing water control structure from the water quality monitoring plan.</u>
<u>Modifications that change the landuse.</u>	<u>Modifications that result in an addition of a basin to the permit (transfer of previously permitted acreage from one existing permit to another).</u>	<u>Deletion of acreage that does not affect the overall drainage plan. (e.g. land removed for district canal widening, or STA construction)</u>
<u>Modifications that have a potential for heightened public concern based on comments from the public.</u>	<u>Addition of a water control structure to the Water Quality Monitoring Plan.</u>	<u>A change to a water control structure's approved calibrated capacity.</u>
<u>Modifications that result in the addition of acreage not previously included in an existing permit.</u>	<u>Modifications to the BMP Plan unless the modification of the BMP Plan is the result of a land use change, in which case it will be a Permit Modification.</u>	<u>A change in the administrative information in the Water Quality Monitoring Plan (e.g. sampler collector, laboratory).</u>
	<u>A change in the technical information in the Water Quality Monitoring Plan (e.g. identifying monitored sites, sampling methods, sample locations)</u>	<u>A change in lessee or parcel owner (not the same as Transfer of Permit).</u>
		<u>A change in Early Baseline Status.</u>
		<u>A change in the description of associated permits.</u>

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon Trost, Director, Everglades Stormwater Program
Department
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: South Florida Water Management
District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 14, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 19, 2000, July 7, 2000, August 4,
2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:

Quorum; Meetings; Board Meetings;

Notice of Meetings; Agenda 64B3-1.008

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

SUMMARY: The Board does not always find it practicable to
meet in January.

SUMMARY OF STATEMENT OF ESTIMATED 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: 456.011, 483.805 FS.
 LAW IMPLEMENTED: 286.0105, 456.011 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, Bin #C07, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B3-1.008 Quorum; Meetings; Board Meetings; Notice of Meetings; Agenda.
- (1) No change.
 - (2) The Board shall hold such meetings during the year as necessary, including an annual meeting ~~held in January~~ at which the chairperson and vice-chairperson shall be elected from the membership and shall serve for a term of one year. The chairperson or a quorum of the Board shall have authority to call other meetings.
 - (3) through (7) No change.

Specific Authority 456.011, 483.805 FS. Law Implemented 286.0105, 456.011 FS. History--New 3-15-93, Formerly 21KK-1.088, 61F3-1.008, Amended 2-7-95, Formerly 59O-1.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES:	RULE NOS.:
Advanced Life Support Service	
License – Ground	64E-2.003
Medical Direction	64E-2.004
Air Ambulances	64E-2.005
Emergency Medical Technician	64E-2.008
Paramedic	64E-2.009
Involuntary Inactive Certification	64E-2.0095
Records and Reports	64E-2.013
Certificate of State Approval	64E-2.026
Emergency Treatment of Insect Stings	64E-2.035
Training Programs	64E-2.036
Members and Spouses of Members of the Armed Forces of the United States	64E-2.038

PURPOSE, EFFECT AND SUMMARY: Pediatric Measurement Tape/Wheel – To authorize an alternative to the length based pediatric measurement tape used in determining equipment selection and drug dosage.
Medical Director Reporting Requirements: To remove the requirement for medical directors to notify the department when telemetry is not used by the licensee.
EMT and Paramedic Recertification by Examination: To clarify the timeframes that the certification examination can be taken for recertification purposes.
Emergency Medical Technician Intravenous Administration: To update the incorporated curriculum relating to IV therapy to the most recent version of the U.S. DOT EMT-Intermediate National Standard Curriculum and to clarify the paramedic’s responsibility in the initiation of a non-medicated IV by an EMT.
Involuntary Inactive Status: To clarify the timeframes for a certificate holder to successfully complete recertification requirements while on involuntary inactive status.
Records and Reports: To correct an oversight and make 64E-2.013(6) consistent with the intent of 64E-2.013(3)(e) which allows providers to substitute the signature of the lead crew member on the patient care record with a unique identification number. This correction will allow emergency medical services providers to leave a completely automated record at the hospital receiving facility at the time the patient is delivered.
Certificate of State Approval of Trauma Centers: To repeal rule language that is redundant to statute (64E-2.026(2), F.A.C.).
Administration of Epinephrine: To amend the Insect Sting Emergency Treatment Certification Application form to reflect current authority to require or request specific information.
Recertification of Training Programs: To provide clarification of approval process for recertification training programs by ensuring consistent application and expiration timeframes for program approval.
Certification of Members and Spouses of Members of the Armed Forces: To provide the same process and timeframes related to certification renewal for members and spouses of members of the Armed Forces.
STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 395.405, 395.4025, 401.121, 401.27, 401.271, 401.2715, 401.35 FS.
LAW IMPLEMENTED: 395.40, 395.4001, 395.401(1), 395.4015, 395.4045, 395.405, 401.113(2), 401.23, 401.26, 401.27, 401.271, 401.2715, 401.30, 401.35, 401.265 FS.

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

TIME AND DATE: 10:00 a.m., February 6, 2001
 PLACE: Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32301-4881

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4444, Ext. 2733 or Fax (850)487-2911

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.003 Advanced Life Support Service License – Ground.

(1) through (9) No change.

TABLE V
 ALS EQUIPMENT AND MEDICATIONS

MEDICATION	WT/VOL	QTY.
1. through 10. No change.		
I.V. Solutions	Minimum Amount	Minimum Quantity
No change.		

EQUIPMENT	QTY.
(a) through (u) No change.	
(v) Pediatric <u>age, weight, or length</u> based measurement <u>device</u> tape for equipment selection and drug dosage.	One.
(w) through (x) No change.	

Specific Authority 381.0011, 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.50, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 1-26-97, Formerly 10D-66.050, Amended 8-4-98, 1-3-99, 7-14-99, 2-20-00, 9-3-00,_____.

64E-2.004 Medical Direction.

(1) through (4)(f) No change.

~~(g) Notify the department in writing when the use of telemetry is not necessary.~~

~~(g)(h)~~ Notify the department in writing of each substitution by the EMS provider of equipment or medication.

~~(h)(i)~~ Assume direct responsibility for: the use by an EMT of an automatic or semi-automatic defibrillator; the performance of esophageal intubation by an EMT; and on routine interfacility transports, the monitoring and maintenance of non-medicated I.V.'s by an EMT. The medical director shall ensure that the EMT is trained to perform these procedures; shall establish written protocols for the performance of these

procedures; and shall provide written evidence to the department documenting compliance with provisions of this paragraph.

~~(i)(j)~~ Review, and if appropriate, approve a 30-hour EMT refresher course for which the medical director is contracted.

~~(j)(k)~~ Ensure that all EMTs and paramedics are trained in the use of the trauma scorecard methodologies as provided in sections 64E-2.017, F.A.C., for adult trauma patients and 64E-2.0175, F.A.C., for pediatric trauma patients.

~~(k)(l)~~ Develop and revise when necessary TTPs for submission to the department for approval.

~~(l)(m)~~ Participate as a crew member on an EMS vehicle for a minimum of 10 hours per year and complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both.

~~(m)(n)~~ If he is a medical director of a training program.

(5) No change.

Specific Authority 381.0011, 395.405, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35, 401.41, 401.411, 499.005 FS. History–New 8-7-89, Amended 6-6-90, 12-10-92, 3-19-95, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 1-3-99, 2-20-00,_____.

64E-2.005 Air Ambulances.

(1) through (8) No change.

Table I No change.

TABLE II
 Prehospital Rotary Wing Air Ambulances

ITEM	QTY.
Aircraft Structural Requirements	
Equipment	
1. through 23. No change.	
24. Pediatric <u>age, weight, or length</u> based measurement <u>device</u> tape for equipment selection and drug dosage.	One.
25. through 48. No change.	
49. Pediatric length based measurement tape.	One.
49.50. Standing orders.	

<u>MEDICATION</u>	<u>WT./VOL.</u>	<u>QTY.</u>
No change.		
<u>I.V. Solutions</u>	<u>Minimum Amount</u>	<u>Minimum Quantity</u>
No change.		

Specific Authority 381.0011, 401.251, 401.35 FS. Law Implemented 381.0011, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.27, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.51, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.051, Amended 1-3-99, 9-3-00,_____.

64E-2.008 Emergency Medical Technician.

(1) No change.

(2)(a) No change.

(b) Successfully pass the EMT certification examination ~~during the within the immediately preceding 2-year~~ certification cycle; and complete 2 hours of HIV/AIDS refresher training, in accordance with section 381.0034, F.S.; and maintain a current CPR/BLS card for the professional rescuer. Prior to taking the examination, a candidate shall submit DH Form 1583, Jan. 00, Emergency Medical Technicians and Paramedics Certification Application/Examination Application to the department so as to be received by the department no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled, and pay the required fees.

(c) through (3) No change.

(4) An EMT employed by a licensed ALS provider is authorized to start a non-medicated IV under the following conditions:

(a) A non-medicated IV is initiated only in accordance with department approved protocols of the licensed ALS provider's medical director. These protocols must include a requirement that the non-medicated IV be initiated in the presence of a Florida certified paramedic (of the same licensed provider) who ~~directs instructs~~ the EMT to initiate the IV.

(b) If the licensed ALS provider elects to utilize EMTs in this capacity, the licensed EMS provider shall ensure that the medical director provides training at least equivalent to that required by the ~~1998 1986~~ U.S. D.O.T. EMT-Intermediate National Standard Curriculum relating to IV therapy which is incorporated by reference and available from the Superintendent of Documents, Post Office Box 371954, Pittsburg, ~~PA P.A.~~ 15250-7954. The licensed EMS provider shall document successful completion of such training in each EMTs training file and make documentation available to the department upon request.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00,_____.

64E-2.009 Paramedic.

(1) No change.

(2)(a) No change.

(b) Successfully pass the paramedic certification examination ~~during the within the first 2-year~~ certification cycle; complete 2 hours of HIV/AIDS refresher training in accordance with section 381.0034, F.S.; and also maintain a current ACLS card. Prior to taking the examination, a candidate shall submit DH Form 1583, January 00, Emergency Medical Technicians and Paramedics Certification Application/Examination Application, to the department so as to be received by the department no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled, and pay the required fees.

(3) through (4) No change.

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00,_____.

64E-2.0095 Involuntary Inactive Certification.

(1) No change.

(2)(a) No change.

(b) Verification of having met one of the recertification requirements contained in section 64E-2.008(2) or 64E-2.009(2), F.A.C. The requirements for recertification shall be completed before the end of ~~within~~ the 180-day inactive certification period.

(3) No change.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History–New 8-4-98, Amended 1-3-99, 9-3-00,_____.

64E-2.013 Records and Reports.

(1) through (5) No change.

(6) Each EMS provider shall maintain a copy of the patient care record as defined in section 64E-2.001(15), F.A.C., for a period of at least 5 years. This copy is considered to be the copy of record, shall contain an original signature by the lead crew member or an identification number assigned to the lead crew member and is certifiable as a true copy.

(7) through (14) No change.

Specific Authority 381.0011, 395.405, 401.30, 401.35 FS. Law Implemented 381.001, 381.0205, 395.401-395.405, 401.23, 401.25, 401.27, 401.30, 401.35, 401.411 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.60, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.060, Amended 7-14-99, 2-20-00,_____.

64E-2.026 Certificate of State-Approval.

~~(*)~~ Each hospital approved as a SATC or SAPTRC shall be issued a DH Form 2032-Z, January 2000, Level I Trauma Center Certificate of Approval, DH Form 2043-Z, January 2000, Level II Trauma Center Certificate of Approval, or DH Form 1721-Z, January 2000, Pediatric Trauma Referral Center Certificate of Approval, which are incorporated by reference and available from the department. The certificates shall include:

~~(1)(*)~~ The date effective and the date of termination;

~~(2)(b)~~ The hospital's name; and

~~(3)(c)~~ The approved trauma center level.

~~(2) Unless sooner suspended, revoked, or terminated pursuant to section 395.0335(8), F.S., the certificate shall expire 7 years after the date of issuance.~~

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History–New 8-3-88, Amended 12-10-92, Formerly 10D-66.110, Amended 2-20-00,_____.

64E-2.035 Emergency Treatment of Insect Stings.

(1) through (2) No change.

(3) The individual shall apply on DH Form 1882, October 2000, March 2000, Application for Insect Sting Emergency Treatment Certification, which is incorporated by reference and available from the department, and submit documentation of successful completion of the training requirements as outlined in section 64E-2.036(1), F.A.C., with the required certification fee of \$25 to the department.

(4) No change.

Specific Authority 381.88(3) FS. Law Implemented 381.88 FS. History—New 9-3-00, Amended _____.

64E-2.036 Training Programs.

(1) through (3) No change.

(4) Commencing with the effective date of this rule and expiring December 1 of even numbered years thereafter, Entities not licensed as an emergency medical services provider or a department approved Florida training program may be approved to conduct EMT or paramedic recertification training providing they meet the requirements contained in section 401.2715, F.S., and this section. To be approved as an EMS Recertification Training Program, each applicant must:

(a) through (5) No change.

(6) EMS Recertification Training Programs that submit documentation of course approval by the Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS) shall be deemed to be approved and shall be required to submit only the nonrefundable fee of \$300, a copy of the outline of each course and its title, and a cover letter that identifies the faculty, medical director, agenda and number of contact hours.

(7) Recertification Training Programs, which maintain current approval from the department, and have an assigned approval code, may submit additional courses for approval during the current recertification cycle without paying an additional fee. The training program shall comply with the other requirements contained in section 64E-2.036(4), F.A.C.

(8)(6) The department may ~~shall~~ periodically conduct monitoring site visits to entities conducting recertification training to verify that the training is being documented through record keeping that verifies compliance with the recertification requirements of sections 64E-2.008 and 64E-2.009, F.A.C., for all training conducted. These training records shall be retained for a minimum of 4 years, which shall include the 2 year period within each certification cycle and the immediate 2 year period following that certification cycle.

(9) A medical director's affirmation of completion of recertification training as provided in section 401.2715(3), F.S., is the physician's confirmation that the certificate holder has completed recertification training consisting of at least 30 hours, including the performance parameters for adult and pediatric emergency medical clinical care, and is based on the requirements of section 64E-2.008(2)(a), F.A.C., or section 64E-2.009(2)(a), F.A.C.

Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History—New 9-3-00, Amended _____.

64E-2.038 Members and Spouses of Members of the Armed Forces of the United States.

(1) A Florida certified EMT or paramedic, who maintains good standing under section 401.271, FS., as a member of the Armed Forces of the United States, must meet the recertification requirements specified in section 401.27, F.S., and section 64E-2.008 or section 64E-2.009, F.A.C., respectively, to be entitled to practice as an EMT or paramedic in the state. Documentation of the period of active duty or discharge date must be submitted to the department to establish eligibility for renewal under this provision.

(2) A certificate holder is exempt from certification renewal requirements while he or she is absent from the state because of his or her spouse's active duty with the Armed Forces. This provision is applicable during and for a period up to 6 months after the spouse's out-of-state active duty assignment. Documentation of marriage and the period of out-of-state active duty must be submitted to the department to establish eligibility for renewal under this provision.

Specific Authority 401.271, 401.35 FS. Law Implemented 401.271 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Lesley, Senior Management Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Art Clawson, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000, September 22, 2000

P.O. F00396

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Temporary Cash Assistance

RULE CHAPTER NO.: 65A-4

RULE TITLE: Up-Front Diversion

RULE NO.: 65A-4.212

PURPOSE AND EFFECT: This proposed rule amendment implements the requirements for s. 445.017, F.S. The 2000 Legislature enacted Chapter 2000-165, Laws of Florida, to create the Workforce Innovation Act 2000 and to transfer, renumber and revise provisions of the Work and Gain Economic Self-Sufficiency (WAGES) Act. Section 414.015, F.S., Diversion, was transferred and renumbered as s. 445.017, F.S., and amended. The amendments require regional workforce boards (RWB) to determine if an applicant family is likely to meet eligibility requirements for diversion services and to identify barriers, that if removed may allow the applicant to obtain/retain employment and prevent the family

likely to meet eligibility requirements for diversion services and to identify barriers, that if removed may allow the applicant to obtain/retain employment and prevent the family

from needing ongoing temporary cash assistance (TCA). The department is given rulemaking authority governing the administration of this section.

SUMMARY: This rule amendment provides the screening process to determine potential up-front diversion eligibility; impact on food stamps/Medicaid eligibility and time limits; for a one-time payment of up to \$1,000 per family; final RWB designee approval and authorization for receipt of a diversion payment; and, timeframe for the department to process payment. It also restricts application for TCA for three months unless the RWB designee determines the family has an emergency and increases the prorated repayment period from two months to eight. Additionally, forms are incorporated by reference to address policy changes.

SUMMARY OF STATEMENT OF REGULATORY COSTS: 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: 445.017(6) FS.

LAW IMPLEMENTED: 445.017 FS.

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

TIME AND DATE: 9:00 a.m., February 9, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Policy Bureau, Program Support, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.212 Up-Front Diversion.

(1) Screening. Individuals applying for temporary cash assistance (TCA) or up-front diversion will be screened to determine if they are employed or have lost their jobs within the last 60 days and if they meet the criteria for a an emergency situation that could be addressed through up-front diversion in accordance with s. 445.017, F.S. Those who meet this criteria then will be ~~Screeninged for~~ or up-front diversion may be done by the department or the regional workforce board (RWB) designee to determine if the family is interested and likely to meet eligibility criteria for TCA and up-front diversion using the: ~~Should any other applicants express an interest in up-front diversion, they will also screened.~~

~~(a) CF-ES 2073B, Diversion Services Worksheet, Sep 00, incorporated by reference, and CF-ES 2066, Request for Assistance (RFA), Jun 98, incorporated by reference in Administrative Rule 65A-1.400, FAC, to determine potential TCA and up-front diversion eligibility.~~

~~(b) CF-ES 2073A, Up-front Diversion Screening Form, Sep 00, incorporated by reference, to determine potential up-front diversion eligibility that includes:~~

~~1. The applicant has a child(ren) under age 19 residing in the home or a pregnant woman in the family;~~

~~2. The family has an emergency situation that can be resolved by up-front diversion assistance; and~~

~~3. Whether or not the up-front intervention will eliminate barriers to employment and the need for applying for TCA.~~

~~(2) Referral to the RWB. The RWB designee is responsible for final up-front diversion eligibility determination and approval for receipt of up-front diversion services, payment, or both. Applicants, who are screened by the department as potentially TCA eligible and want to apply for up-front diversion, are to be referred to the RWB designee using the completed CF-ES 2073A, CF-ES 2073B, and CF-ES 2066 for final eligibility determination and approval. Community Resources and Up-Front Diversion. Individuals who are screened for up-front diversion will be referred to existing community resources for immediate assistance with their emergencies to the maximum extent possible. When community resources are not available or are insufficient to meet the emergency need, the department will determine if an up-front diversion payment will be adequate to assist in meeting the emergency need. An up-front diversion payment will be provided only if the amount of the up-front diversion payment that can be authorized or that payment in combination with community resources is be sufficient to resolve the emergency situation.~~

~~(3) Restrictions From Up-Front Diversion. Those applicants who have received an up-front diversion payment within the past five years will not be eligible for an up-front diversion payment.~~

~~(3)(4) Emergency Situations. Emergency situations that would be barriers to obtaining or continuing employment are determined on a case-by-case basis by the RWB designee. Some examples of situations that may be considered emergency situations in this regard are: automobile repairs; catching up on shelter payments to prevent eviction; catching up on utility bills, except for cable television and long distance telephone charges, to prevent interruption of service; medical services; replacement of income lost due to medical leave without pay; emergency child care while seeking permanent child care; and, clothing, shoes, tools or equipment necessary for employment.~~

~~(4)(5) Verification.~~

~~(a) No change.~~

~~(b) Social Security Numbers. Social Security numbers will not be verified at the time of application for an up-front diversion payment. The number or cooperation in making application for a number, however, must be provided at that time. Social Security numbers provided will be verified by computer matching to the Social Security Administration's Numident files.~~

~~(c) Emergency Situation. The family's emergency situation will be verified by methods such as securing written estimates of the cost of repairs, equipment or services. If the situation is questioned, face-to-face collateral contacts may be used as final verification. A subsequent emergency situation causing the family to apply for temporary cash assistance within the up-front diversion period must meet the definition of emergency in sub-section (4) of this rule.~~

~~(b)(4) The applicant's statement is acceptable for all other information unless questioned.~~

(5) Restriction on Application for TCA. The RWB designee will use the CF-ES 2075, Agreement for Up-Front Diversion Payment/Service, Oct 00, incorporated by reference, to notify applicants that receipt of up-front diversion will restrict application for TCA for three months unless an emergency is demonstrated to the RWB designee. Both the applicant and the RWB designee must sign the CF-ES 2075 noting the restriction.

(6) Approval for Payment. The RWB designee is responsible for the approval or denial of a family for receipt of up-front diversion services, the determination of the level of financial need for a one-time only payment of up to, and not to exceed \$1,000, or both. One-time services such as child care or transportation cannot exceed four months in accordance with 45 CFR Part 260, s. 260.31(b). The RWB designee must stipulate the amount of the authorized payment, sign the CF-ES 2075, and forward the completed form to the department.

(7) Denial or Opts Not to Receive. Applicants who are denied approval for or who opt not to receive up-front diversion or who want to apply for TCA are to be referred, if appropriate, to the department for TCA eligibility determination using the CF-ES 2066, RFA, and regular TCA eligibility application procedures.

(8)(6) Violation of Agreement. If the family that received an up-front diversion payment applies for TCA temporary cash assistance within three months, the family must be referred to the RWB designee for Work Registration and a determination that a demonstrated emergency exists. Upon receipt of the determination the family meets emergency criteria, the department will complete the TCA eligibility determination and calculate the repayment value of the up-front diversion payment. The up-front diversion repayment amount will be withheld from any TCA temporary cash assistance benefit for which the family is otherwise eligible in the three-month period. The amount to be withheld will be based on proration

of the up-front diversion payment over eight ~~two~~ months. The prorated up-front diversion payment will be deducted from the temporary cash assistance for which the family is eligible in the second and third months of the up-front diversion period.

(9)(7) Processing Time Frame. The up-front diversion payment must be expedited and processed by the department within five work days of receipt of the completed CF-ES 2075 from the RWB designee will be made available within seven days of the application date for individuals meeting up-front diversion screening criteria.

(10) Medicaid, Food Stamps, and Time Limits Impact. Up-front diversion assistance does not count toward the TCA time limits. The application for up-front diversion will not impact on the application for food stamps and/or Medicaid as long as the eligibility requirements of those programs are met.

(11)(8) Transitional Child Care and Transitional Services Medicaid. Individuals who receive up-front diversion may be ~~are not~~ eligible for transitional child care or transitional services Medicaid.

(12)(9) The following forms are incorporated by reference: ~~Up-Front Diversion Pre-Screening Form, CF-ES 2073A, Oct 97, CF-ES 2073B, and Agreement for Up-Front Diversion Payment, CF-ES 2075, Oct 97~~ and may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 423, Tallahassee, Florida 32399-0700.

Specific Authority 445.017(6) FS. Law Implemented 445.017 FS. History--New 1-27-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Operations and Management Consultant II
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Policy Bureau, Program Support Unit
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 29, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Child Care
 RULE NO.: 65A-4.218
 PURPOSE AND EFFECT: The 2000 Florida Legislature amended s. 414.095(1), F.S., to remove reference to WAGES and to designate the regional workforce board (RWB) as the entity responsible for temporary cash assistance (TCA) work activities and work-related support services, such as child care. Section 402.3015, F.S., was amended to expand eligibility for the receipt of child care to needy families whose income does not exceed 200 percent of the federal poverty level and who are

in diversion or welfare-transition programs. Additionally, ss. 445.028 and 445.032, F.S., were created to expand allowable qualifying reasons to assist families who have lost eligibility for or have been redirected from TCA by up-front diversion to receive transitional child care (TCC) related to employment.

SUMMARY: This rule amendment removes reference to WAGES and designates the RWB designee as the entity responsible for TCA work activities and related support services, such as child care. It also expands allowable qualifying reasons for families whose income does not exceed 200 percent of the federal poverty level and who have lost TCA eligibility due to earnings, time limits, or who have been redirected from TCA by up-front diversion to receive TCC in order to accept, maintain or actively seek employment.

Additionally, TCC eligibility criteria requiring the receipt of TCA for three out of the preceding six months is removed.

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: 414.45 FS.

LAW IMPLEMENTED: 414.095(1), 402.3015, 445.028, 411.01, 445.032 FS.

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

TIME AND DATE: 9:00 a.m., February 16, 2001

PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.218 Child Care.

(1) Access to Child Care.

Temporary cash assistance (TCA) WAGES participants, including former recipients and families redirected from receipt of TCA through up-front diversion who are applying for transitional child care, may access subsidized child care assistance through referral to the community child care coordinating agency. The Economic Self-Sufficiency (ESS) public assistance specialist or the regional workforce board (RWB) designee WAGES employment and training case manager will inform participants of the availability of child care assistance and will make the necessary referrals. Child

care assistance is provided to TCA WAGES participants solely for assistance in complying with TCA WAGES work activities and for transitional child care.

(2) Conditions of Eligibility.

(a) Temporary cash assistance WAGES recipients may receive child care assistance when it is necessary for them to participate in TCA WAGES work or training activities allowed by federal regulation and approved by the RWB designees WAGES coalitions or their contracted providers. Child care to maintain employment will be provided for the hours of employment and reasonable time for travel to and from the child care facility and place of employment and return. The need for child care and condition of need will be verified by the assistance specialist or RWB designee WAGES employment specialist staff.

(b) No change.

(c) The child for whom care is provided must be within the specified degree of relationship for receipt of WAGES temporary cash assistance and included in the TCA WAGES assistance group. This, however, includes a child who would be in the TCA WAGES assistance group except for the receipt of Supplemental Security Income.

~~(d) The recipient must be an eligible WAGES family member. This requirement does not include individuals sanctioned for refusal to cooperate with Child Support Enforcement.~~

~~(d)(e)~~ Child care disregards will not be allowed in the determination of eligibility for temporary WAGES cash assistance.

(3) Transitional Child Care.

(a) Transitional child care is defined as child care for families whose income does not exceed 200 percent of the federal poverty level and:

1. Whose TCA WAGES cash assistance has ceased due to an increase in employment hours or earnings or due to increased child support or who opt not to receive TCA, or

2. Who have been redirected from receipt of TCA through up-front diversion.

~~(b) Child when care must be is needed to accept, maintain, or actively seek employment and to upgrade skills in accordance with s. 445.030(2), F.S. or who opts not to receive temporary cash assistance. The individual must have received cash assistance for three of the preceding six months to be eligible for up to 24 months of transitional child care. Individuals who receive temporary cash assistance for less than three out of the preceding six months, who have earnings or child support income and are either ineligible for temporary cash assistance due to the earnings or child support or opt not to receive temporary cash assistance are eligible to receive up to three months of transitional child care. Once the three month period has expired, they may continue to receive transitional child care for up to 24 months subject to available funding.~~

~~Assistance received as an up-front diversion recipient is not included in the time frame for determining eligibility for transitional child care.~~

~~(c)(b) No change.~~

(4) No change.

(5) Recipient Notification.

~~(a) The recipient will be informed as to availability of and qualifications for child care services by the eligibility specialist, RWBs WAGES coalitions or their contracted providers, or the community child care coordinating agency.~~

~~(b) The eligibility specialist will notify the recipient of potential eligibility by letter.~~

Specific Authority 414.45 FS. Law Implemented 414.095(1), 402.3015, 445.028, 411.01, 445.032 FS. History—New 3-5-95, Formerly 10C-1.519, 65A-1.519, Amended 8-18-97, 3-12-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Operations and Management Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency, Policy Bureau, Program Support Unit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.072
RULE TITLE: Advertising Agencies
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-1.072, F.A.C., as published in Vol. 26, No. 47, pp. 5469-5473, November 22, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the public regarding a reference to an “exemption certificate” that should instead refer to an “annual resale certificate.”

Subparagraph 2. of paragraph (b) of subsection (7) of Rule 12A-1.072, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(7)(b)2. Example: If an advertising agency uses a printer to produce or reproduce a promotional good, such as a brochure, the advertising agency would extend an annual resale certificate (form DR-13) to the printer, who would not charge sales tax on the invoice to the advertising agency. However, the advertising agency would be required to charge sales tax to

a client for the production or reproduction costs of the promotional good, including the advertising agency’s mark-up for printing. The advertising agency would remit the tax to the Department of Revenue.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 336, CASINO ACTION
RULE NO.: 53ER00-56
SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 336, "CASINO ACTION" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-56 Instant Game Number 336, CASINO ACTION.

(1) Name of Game. Instant Game Number 336, "CASINO ACTION."

(2) Price. CASINO ACTION tickets sell for \$5.00 per ticket.

(3) CASINO ACTION lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning CASINO ACTION lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any CASINO ACTION lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 4 different games on each CASINO ACTION lottery ticket: BLACK JACK, HOT SLOTS, ROULETTE, and 7-11.

(5) The “YOUR HAND” play symbols and play symbol captions in BLACK JACK are as follows:

INSERT SYMBOLS

(6) The “DEALER’S HAND” play symbols and play symbol captions in BLACK JACK are as follows:

INSERT SYMBOLS