

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Attorney Services
 RULE NO.: 2-37.010

PURPOSE AND EFFECT: The Department is incorporating by reference in the rule regarding private attorney services, an addendum which shall be attached to all contracts for said services.

SUBJECT AREA TO BE ADDRESSED: "Attachment A for Private Attorney Services," to be incorporated by reference in the rule.

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-37.010 Attorney Services.

(1) The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services," effective 5-18-00, is hereby incorporated by reference.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 2/2001), which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Compensatory Benefit Plan Exemption
 RULE NO.: 3E-500.017

PURPOSE AND EFFECT: The proposed rule will provide an exemption from the registration requirements of Section 517.07, F.S., for certain written employer-sponsored

compensatory benefit plans that meet the requirements of Securities and Exchange Commission Rule 701 (17 CFR 230.701).

SUBJECT AREA TO BE ADDRESSED: Exemption from securities registration requirements of Section 517.07, F.S., for certain written employer-sponsored compensatory benefit plans.

SPECIFIC AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.061(19) FS.

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

TIME AND DATE: 10:00 a.m., April 10, 2001

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 664, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-500.017 Compensatory Benefit Plan Exemption.

(1) Transactions involving the offer or sale of a security under a written compensatory benefit plan established by the issuer for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members, and which meet all of the requirements of SEC Rule 701 (17 CFR 230.701) as it existed on November 1, 2000, are exempt from the registration provisions of Section 517.07, F.S.

(2) For the purposes of this rule, the terms "compensatory benefit plan," "employee," and "family member," shall have the same meanings as defined in SEC Rule 701 as it existed on November 1, 2000.

(3) The purpose of this rule is to provide an exemption from the registration requirements of Section 517.07, F.S., for securities issued in compensatory circumstances. This exemption is not available for plans or schemes to circumvent this purpose, such as to raise capital or to evade the registration provisions of Section 517.07, F.S.

(4) Issuers offering and selling securities that are exempt pursuant to this rule are exempt from the registration requirements of Section 517.12, F.S., provided that:

(a) All sales of securities are made by bonafide employees of the issuer as defined by Rule 3E-200.001(8), F.A.C.; and

(b) No person is paid a commission or compensation for the sale of the issuer's securities unless such person is registered as a dealer in this state.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Registration of Issuer/Dealers, Principals and Branch Offices	3E-600.004
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	3E-600.008
Registration Renewals	3E-600.009

PURPOSE AND EFFECT: The purpose of the proposed change to Rule 3E-600.004, F.A.C., is to allow a dealer or investment adviser registered with the Department to amend the branch office registration information electronically or by submitting a written request in lieu of filing Form DA-1-91. The purpose of the proposed changes to Rule 3E-600.008, F.A.C., is to allow electronic filing for withdrawals, cancellations, or terminations of registrations for branch offices and to authorize a registrant to terminate a branch office registration by submitting the request in writing in lieu of filing Form DA-1-91. The purpose of the proposed change to Rule 3E-600.009, F.A.C., is to allow non-NASD member firms, associated persons of non-NASD members firms and branch offices to electronically pay registration renewal fees through the Department’s website.

SUBJECT AREA TO BE ADDRESSED: Branch office registration information; terminating branch office registration; and electronic payment of registration renewal fees.

SPECIFIC AUTHORITY: 517.03(1), 517.12(15) FS.

LAW IMPLEMENTED: 517.12, 517.161(5) FS.

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

TIME AND DATE: 10:00 a.m., April 9, 2001

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick White, Financial Administrator, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) An issuer required to be registered or who elects to be registered pursuant to Sections 517.12(1), 517.051(9), or 517.061(11), ~~F.S. Florida Statutes~~, selling its own securities

exclusively through its principals or agents (as those terms are defined in ~~in under~~ Section 517.021, ~~F.S. Florida Statutes~~, and Rule 3E-200.001, ~~F.A.C.~~, respectively) may obtain registration as issuer/dealer by filing as required under Rules 3E-600.001(1), 3E-400.002 or 3E-500.011, ~~F.A.C.~~, as appropriate, provided that:

(a) The associated persons of said issuer/dealer comply with the registration requirements of Section 517.12, F.S., and Rules 3E-600.005 and 3E-600.006, ~~F.A.C.~~, ~~thereunder~~, provided that such person primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities;

(b) Said issuer/dealer may register up to five (5) associated persons, which persons will be exempted from the examination requirements of Rule 3E-600.005(2), ~~F.A.C.~~ provided such issuer/dealer shall register no more than five (5) associated persons, and at the time of application for registration advises the Department of his intention to register no more than five (5) associated persons. Failure to so advise the Department will require all associated person applicants to fulfill the examination requirements of Rule 3E-600.005(2), ~~F.A.C.~~ Registration of more than five (5) such associated persons, at any one time, will void this exemption, and all such associated persons will be required to meet the examination requirements of Rule 3E-600.005(2), ~~F.A.C.~~

(2) No change.

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

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form DA-1-91 (Revised 11-91) with the Department within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. In lieu of filing Form DA-1-91, a registrant may amend the branch registration information electronically at the time of renewal by following the applicable instructions on the Department’s website (www.dbf.state.fl.us) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Department in lieu of filing Form DA-1-91. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), ~~F.S. Florida Statutes~~.

(d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.12(5),(10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, _____.

3E-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) through (2) No change.

(3) Any withdrawals, cancellations, or terminations of registrations for branch offices shall be filed directly with the Department as prescribed in Rule 3E-600.004(3)(c), F.A.C. on the forms prescribed by the Department.

(4) The Department may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S. Florida Statutes.

(5) through (6) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00.

3E-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Department as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer and investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Department or may be paid electronically by following the applicable instructions on the Department's website www.dbf.state.fl.us on the Internet. The Department shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Banking and Finance or the date the renewal process has been completed on the Department's website. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be received by the Department or the CRD by the last business day prior to January 1 of the year following the year the registration expires.

(3) Failure to submit the requisite amount of fees to the Department or to the NASD as appropriate and as provided for in subsection (2) of this Rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are filed with the Department on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or

reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S. Florida Statutes, and shall not be returnable.

Specific Authority 517.03(1), 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Liquefied Petroleum Gas RULE CHAPTER NO.: 5F-11

RULE TITLES: Qualifier Continuing Education RULE NOS.: 5F-11.014

Documentation of Training 5F-11.015

PURPOSE AND EFFECT: Applicable laws, Section 527.02(2)(4)(c), Florida Statutes, requires the Department to identify, by rule, approved courses of continuing education. Section 527.066, Florida Statutes, and Section 527.06, Florida Statutes, allows the Department to identify, by rule, reasonable standards of competency and qualification for persons engaged in the liquefied petroleum gas business. The purpose and the effect of this rule is to define continuing education programs which will be recognized as acceptable to the department for the qualification of Category I LP Gas Dealer and LP Gas Installer qualifiers and master qualifiers.

SUBJECT AREA TO BE ADDRESSED: Proposed rules 5F-11.014 and 5F-11.015 are proposed to define acceptable educational programs and methodologies for documentation of said training as required by law.

SPECIFIC AUTHORITY: 527.02(2,(4)(c), 527.066, 627.06 FS.

LAW IMPLEMENTED: 527.02(2),(4)(c), 527.066, 527.06 FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m., Wednesday, April 18, 2001

PLACE: Steinbrenner's Ramada Inn and Conference Center, 3810 N. W. Blitchton Road, Ocala, Florida 34482, Telephone (352)732-3131

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)921-8001, Fax (850)921-8079

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

**DEPARTMENT OF LABOR AND EMPLOYMENT
SECURITY**

Division of Workers' Compensation

RULE CHAPTER TITLE: Reemployment Services
 RULE CHAPTER NO.: 38F-55

PURPOSE AND EFFECT: The purpose and effect of the proposed revisions to this rule chapter is to (a) make various technical changes reflecting changes in the professional field of vocational rehabilitation, (b) to change the Reemployment Services Reporting Form (DWC-21) and the Reemployment Services Case and Annual Status Review Form (DWC-22) to simplify reporting of carrier reemployment services, (c) to eliminate the Individualized Written Rehabilitation Plan (DWC-20) as a separate form, (d) to enable the reemployment services program to provide additional remedial training and education to injured employees, and (e) to make various other improvements in the reemployment services program.

SUBJECT AREA TO BE ADDRESSED: Reemployment services from the Bureau of Rehabilitation and Medical Services.

SPECIFIC AUTHORITY: 440.15(1),(3), 440.491(3),(5),(6), (7),(8), 440.591 FS.

LAW IMPLEMENTED: 440.15, 440.15(1), 440.491, 440.491(7) FS.

A RULE DEVELOPMENT WORKSHOP IS NOT DEEMED NECESSARY BY THE AGENCY HEAD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Reginald Watkins, (850)488-3431, email: WatkinR@post.fdles.state.fl.us, web site availability www2.myflorida.com/les/wc/.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO.: 40E-63

RULE TITLES: Purpose and Policy
 RULE NOS.: 40E-63.400

Scope of Program 40E-63.401

Definitions 40E-63.402

Incorporation of Forms, Instructions and References 40E-63.404

Delegation 40E-63.406

Waivers 40E-63.410

BMP Plan Pre-approvals 40E-63.420

No-Notice General Permits 40E-63.422

Permit Applications 40E-63.430

Permit Modifications, Transfers and Renewals 40E-63.432

Permit Duration 40E-63.434

Permit Application Processing Fees 40E-63.436

General Permit Application Requirements in the C-139 Basin 40E-63.440

Basis for Issuance of General Permits in the C-139 Basin 40E-63.442

Limiting Conditions for General Permits in the C-139 Basin 40E-63.444

Individual Permit Application Requirements in the C-139 Basin 40E-63.450

Basis for Issuance of Individual Permits in the C-139 Basin 40E-63.452

Limiting Conditions for Individual Permits in the C-139 Basin 40E-63.454

Optional Discharge Monitoring Program 40E-63.456

Limiting Conditions for the Optional Discharge Monitoring Program 40E-63.458

C-139 Basin Compliance 40E-63.460

C-139 Basin Works of the District Permit Compliance 40E-63.470

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: Rule development to establish a compliance methodology for phosphorus load limitations for the C-139 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 9, 2001

PLACE: Conference Room, Clewiston Field Station of the South Florida Water Management District, S.R. 832, Rt. 1, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Pamela Sievers, P.E., Senior Supervising Engineer, Everglades Regulation Department, Environmental Resource Regulation Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6901 or (561)682-6901 (e-mail psievers@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail: jjenniss@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-63.400 Purpose and Policy.

(1) This Program is intended to implement the requirements of the Everglades Forever Act, sec. 373.4592(4)(f), for the C-139 Basin. The goals of this Program are as follows:

(a) To provide economically feasible best management practices for controlling phosphorus discharges from the C-139 Basin;

(b) To ensure that the annual total phosphorus load discharged by surface water from the C-139 Basin does not exceed the historic average annual total phosphorus load recorded during the baseline period of October 1, 1978 to September 30, 1988, adjusted proportionately for rainfall;

(c) To establish the responsibility of C-139 Basin landowners to achieve their proportional share of compliance with the phosphorus load limitations of this Program; and

(d) To discourage conversion of current and low intensity land uses to different and more phosphorus intensive land uses.

(2) This Program provides a reasonable method for the landowners to help reduce phosphorus discharges from the C-139 Basin, and, in conjunction with the Stormwater Treatment Areas (STAs), provides a sound basis for the state of Florida's long-term cleanup and restoration objectives for the Everglades.

(3) Provided that landowners within the C-139 Basin continue to maintain compliance with the phosphorus load limitation provided in this Part IV of Chapter 40E-63, comply with conditions of their associated permits, and pay their required taxes pursuant to the Everglades Forever Act, Sec. 373.4592, they shall not be required to implement any additional water quality improvement measures prior to December 31, 2006.

(4) Unless otherwise provided by this Part IV of Chapter 40E-63, nothing herein shall be construed to modify any existing state water quality standards, nor to otherwise restrict the authority granted to the District pursuant to Chapter 373.

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

40E-63.401 Scope of Program.

(1) For the purposes of this rule, the Works of the District for the C-139 Basin include water control structures, right-of-ways, canals, and other water resources which the South Florida Water Management District owns, operates and controls, and that have been specifically named as Works of the District pursuant to Section 373.086, F.S. Works of the District for the C-139 Basin include G-136, G-150, G-151, G-152, G-406, G-342A, G-342B, G-342C, G-342D, L-1 Canal, L-2 Canal, L-3 Canal and their open channel connections.

(2) Unless otherwise exempted, all lands within the C-139 Basin are deemed to be users of the Works of the District within the C-139 Basin, and as such must obtain a General or Individual Permit pursuant to the provisions of Rules 40E-63.440 and 40E-63.450 respectively. The rules shall apply to existing and new releases of water to Works of the District within the C-139 Basin.

(3) Landowners in the C-139 basin share responsibility for achieving phosphorus load limitations, and that the system for implementing best management practices, as established in this Part, ensures that landowners are responsible for their proportional share of phosphorus loads. Landowners that choose to participate in the optional discharge monitoring program, however, will be assigned a proportional share of responsibility for phosphorus load based upon their total acreage, as described in Appendix B3.

(4) Permits issued under this Part do not eliminate or alter other applicable permit requirements for discharges that impact other water bodies, nor do they affect permits which may be required by other District regulatory programs.

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

40E-63.402 Definitions.

(1) "Agricultural Land Use" means those lands that meet the classification described in the EFA, section 373.4592(7)(a), Florida Statutes (F.S.).

(2) "C-139 Basin" means those lands described in the EFA, section 373.4592(16), F.S.

(3) "Comprehensive Nutrient Management Plan (CNMP)" is a plan to manage plant and animal nutrients for optimum yields while minimizing the movement of nutrients to surface and ground water which ultimately discharge off-site. A phosphorus budget shall be developed that considers all nutrient sources (including but not limited to soil residual, crop residual, animal residual, organic and chemical fertilizer, soil amendments and supplements, irrigation water quantity and timing, animal nutrient supplements) versus the required amounts of nutrients. The plan shall utilize testing, analysis, and agricultural industry standards to determine nutrient needs. At a minimum, the plan shall address a nutrient budget; timing, placement and method of nutrient application; optimizing nutrient uptake; preventing nutrient movement off-site;

applicable site descriptions such as aerial site photographs or maps, crop maps and or soil maps; and implementation plan and schedule.

(4) “Discharge” means any surface water runoff from a property generated by rainfall, irrigation, or seepage; runoff from property may occur through a structure or be overland uncontrolled discharge.

(5) “Improved Pasture” means grazing lands that are not in crop rotation and are planted primarily to introduced domesticated native forage species that receive periodic renovation and/or cultural treatments such as tillage, fertilization, mowing, and weed control.

(6) “Land Practice Change” means any change in the use of a parcel which is likely to result in significant changes to the scope or type of Best Management Practice specified in the permitted BMP Plan for the parcel or in the effectiveness of the Best Management Practice specified in the permitted BMP Plan.

(7) “Parcel” means a contiguous land area under single ownership within the C-139 Basin usually represented by a single county property tax identification number.

(8) “Range/Native Range Pasture” is raw, unimproved, native pasture suitable for grazing and browsing of domestic livestock at least part of the year. Rangeland includes any natural grasslands, savannas, shrublands, woodlands and wetlands that support a vegetative cover of native grasses, grasslike plants, forbs, shrubs or other natural species. It does not include improvements such as seeding or application of fertilizer and lime.

(9) “Semi-improved Pasture” means range pasture having some improvements such as webbing, chopping, or mowing which increases the grazing capacity of the land but does not include improvements such as seeding or application of fertilizer and lime.

(10) “Structure” means a structural device or hydrologic feature (e.g. culvert, pump, open connection, surface grading, ditch) through which water is ultimately discharged/directed from one or more parcels in a hydrologic drainage area to a receiving water.

(11) “Water Management System” means the collection of devices, improvements or natural systems whereby surface waters are conveyed, controlled, impounded or obstructed.

(12) “Water Year” means any 12-month period beginning on May 1 and ending on the following April 30.

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

40E-63.404 Incorporation of Forms, Instructions and References.

(1) South Florida Water Management District Form 1045, dated _____, entitled, “Application For A C-139 Basin Works Of The District Permit”.

(2) “Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit”, dated _____.

(3) “Appendix B1 – BMP Points Table”, dated _____.

(4) “Appendix B2 – C-139 Basin Compliance”, dated _____.

(5) “Appendix B2.1 – FORTRAN Program for Calculating C-139 Basin Flows and Phosphorus Loads”, dated _____.

(6) “Appendix B2.2 – Flow computation methods used to Calculate C-139 Basin Flows”, dated _____.

(7) “Appendix B3 – Permittee Phosphorus Load Determination”, dated _____.

(8) The documents listed in subsections (1) through (7) are hereby incorporated by reference, are published by the District and are available on the District’s website (www.sfwmd.gov) or from the District at 3301 Gun Club Road, West Palm Beach, FL 33406.

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

40E-63.406 Delegation.

(1) The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Division Directors, Department Directors, and Service Center Directors, as its agents to review and take final action on BMP Plan pre-approvals, applications to modify or transfer existing Individual Permits and all applications for General Permits issued under Chapter 40E-63, F.A.C., except when the staff recommendation is for denial of such applications.

(2) All recommendations for denial and all other applications regarding Individual Permits (new or renewals) shall be considered by the Governing Board.

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

40E-63.410 Waivers.

Any landowner in the C-139 Basin, as described in EFA, section 373.4592(16), F.S., may submit evidence to the District demonstrating that the water discharged from such property does not use the Works of the District within the C-139 Basin and request a written waiver from the requirements of this Chapter pursuant to Chapter 28-104.

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

40E-63.420 BMP Plan Pre-approvals.

(1) In order to begin implementation as soon as possible, the proposed plan for the initial BMPs shall be submitted by the permittee for written pre-approval from the District. This will allow the permittee to initiate implementation of the approved BMP plan prior to the completion of the administrative review and processing of the permit application.

(2) A Level I BMP Plan shall be submitted to the District for approval within 30 days of the effective date of Part IV of this Chapter. Failure to provide a complete Level I plan within the 30 days shall not justify a corresponding delay for full implementation of the plan.

(3) The District shall make a final determination on the Level I BMP Plan within 10 days of receipt of a complete plan.

(4) Implementation of Level I BMPs shall be initiated within 45 days, and shall be fully implemented within 90 days, of the effective date of Part IV of this Chapter.

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

40E-63.422 No-Notice General Permits.

All lands located within the C-139 basin that are not classified as agricultural pursuant to the EFA, section 373.4592(6)(a), F.S., and that have an existing surface water management, environmental resource, or other permit pursuant to Ch. 373, F.S. are hereby granted a No-Notice General Permit. In the event that the C-139 basin is found in non-compliance two or more times pursuant to Rule 40E-63.460, F.A.C. then the District will initiate rule-making to develop additional Best Management Practices, appropriate to the land uses, for these non-agricultural lands.

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

40E-63.430 Permit Applications.

(1) Applications for Works of the District Permits, including General Permits pursuant to section 40E-63.440 and Individual Permits pursuant to section 40E-63.450 shall be submitted to the District within 45 days of the effective date of this Part IV of Chapter 40E-63 and shall be made using Form 1045.

(2) Landowners, lessees or operators of a parcel or parcels may submit applications for Works of the District Permits. A lessee or operator may submit an application provided the lease (or equivalent contract) is in writing and reasonable assurance is provided that the lessee/operator has the legal and financial capability of implementing the BMP Plan and other permit conditions.

(3) All permit applications, whether General or Individual, shall also include the following:

(a) A clear delineation of the area and acreage contained in the permit application, including a map which is correlated with a list of all parcel owners, operators, and lessees with tributary discharge water and county tax identification numbers.

(b) Copies of any existing contracts, agreements, or equivalent regarding use or operation of the property or control structure between the entity responsible for operation and the parcel owners included in the application, where applicable.

(c) A list of all existing and pending District permits for the application area and their status.

(d) A completed copy of Form 1045, entitled "Application for a C-139 Basin Works of the District Permit".

(e) All of the information necessary to satisfy the Basis for Issuance, including information as specified in the application guidebook entitled "Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit".

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

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

40E-63.432 Permit Modifications, Transfers and Renewals.

(1) A permittee may apply for a modification to an existing Works of the District Permit issued under this Part IV of Chapter 40E-63, unless the permit has expired or has been otherwise revoked or suspended. An application for modification will not be processed as a complete application as long as the permit is not in compliance with applicable permit conditions, unless the permit modification is required to bring the permit into compliance. Modifications will be evaluated based on the criteria in effect at the time the application to modify is submitted. Permit modifications shall be subject to the following requirements and limitations:

(a) Applications to modify an existing Works of the District Permit shall contain the same information required in a new application, as applicable, and shall identify the portion of the existing authorization for which the modification is requested.

(b) Modifications to existing permits are acknowledged and approved by letter with an accompanying Permit Review Summary (Staff Report) from the District through correspondence to the permittee.

(2) A permittee shall notify the District within 30 days of any transfer, sale or conveyance of land or works permitted under this Rule Chapter to allow time for processing the application for permit transfer. The permittee remains responsible for the requirements of the permit until the permit is transferred. A permittee or transferee may apply for a permit transfer, conveying responsibility for permit compliance. If the permit is not transferred within 90 days of the sale or conveyance of the property, the permit will become nontransferrable and the transferee will be required to apply for a new permit. Permit transfers shall be subject to the following requirements and limitations:

(a) Applicants for permit transfers must use the appropriate sections of Form 1045 and include the appropriate transfer fees.

(b) The District will transfer the permit only if the land practice remains the same and the permittee is in compliance with all conditions of the permit.

(c) All conditions of the existing permit will remain applicable to the new permittee.

(d) Any other changes or additions will require a permit modification in accordance with Rule 40E-63.432(1).

(3) A permittee shall apply for a permit renewal prior to the expiration of an existing permit, subject to the following requirements and limitations:

(a) Applications for renewals must contain all information required for new applications, and will be evaluated based on the criteria in effect at the time the application is filed.

(b) Permit renewals will be effective for 5 years from the date of issuance.

(c) When timely application is made for a modification or renewal, the previously existing permit shall not expire until final agency action on the application. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order.

(d) If the permittee allows the permit to expire prior to applying for a permit renewal, an application for a new permit shall be required.

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

40E-63.434 Permit Duration.

Permits issued pursuant to this Part remain effective for five years from the date of issuance; unless:

(1) The permit is automatically terminated due to the expiration of the permittee's lease or contract that authorized operations on the permitted land;

(2) The permit is otherwise modified by enforcement actions pursuant to Rule 40E-63.470(1); or

(3) The permit is otherwise renewed pursuant to Rule 40E-63.432(3).

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

40E-63.436 Permit Application Processing Fees.

(1) The following permit application processing fees shall be paid to the District at the time the following actions on permits are filed.

Permit Type	New	Renewal	Modification	Transfer
General Permit	\$250	\$250	\$100	\$100
Individual Permit	\$1880	\$1880	\$500	\$100

(2) Without the proper fee, the application shall be considered incomplete and will result in denial of the application if the fee is not paid.

(3) Notwithstanding the table above, no fees shall be charged for minor or clerical modifications that do not alter the best management practices plan or monitoring requirements of the underlying permit.

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

40E-63.440 General Permit Application Requirements in the C-139 Basin.

(1) General Permit applications shall be submitted by a single operating entity (a single owner, operator, or lessee of all parcels identified in the permit) that is responsible for implementing the BMP Plan for all lands specified within the permit.

(2) Applications for General Permits shall contain all of the following:

(a) Date, signature and title of an individual landowner, lessee or other single operating entity submitting the application;

(b) Information which demonstrates that the applicant possesses the legal and financial authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

1. A description of the legally responsible entity, and copies of recorded deeds, contracts, leases, property tax record of ownership, or other evidence of ownership or authority; and

2. Written contracts or agreements with landowners, lessees or other entities indicating their consent and intent to comply with the permit and specifying the terms of participation, where applicable.

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

40E-63.442 Basis for Issuance of General Permits in the C-139 Basin.

In order to obtain a General Permit, applicants must submit and implement a BMP Plan which includes a multi-level approach to implementation and operation including the following:

(1) A Best Management Practice Plan based on selection of BMPs specifically listed in Appendix B1 for each crop or land use within each hydrologic drainage area described within the permit. The BMP Plan shall propose:

(a) Level I with a total of 15 points for initial implementation;

(b) Level II with continued implementation of Level I BMPs;

(c) Level III with the initial Level I BMPs and an additional 10 BMP points (for a total of 25 points); and

(d) Level IV with the previous level BMPs and an additional 10 BMP points (for a total of 35 points).

(2) A description of Best Management Practice rationale for those selected, where appropriate;

(3) An education and training program, for management and operation staff responsible for implementing and monitoring the approved BMP Plan, arranged by the permittee or other educational resources;

(4) A schedule for implementing the BMP Plan that includes at minimum the initial BMPs being fully implemented within 90 days of the effective date of this Part IV of Chapter 40E-63; and

(5) A description of records and documentation to be maintained on-site to verify BMP implementation, as described in the application guidebook entitled " Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit ".

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

40E-63.444 Limiting Conditions for General Permits in the C-139 Basin.

(1) All of the following standard limiting conditions (a)-(j) shall be attached to all General Permits:

(a) The permittee shall successfully implement all elements and requirements of the approved BMP Plan according to schedule, including documentation of implementation, operation, and rationale where applicable.

(b) The permittee shall submit to the District an annual report certifying BMP Implementation in accordance with the permit. The first report is due February 1, 2002, and annually thereafter. Failure to submit the report by February 1, will result in District staff performing an onsite verification of BMP implementation or the requirement for the permittee to submit a detailed report documenting implementation of the approved BMP Plan for the previous calendar year. Failure to submit the required annual report or provide documentation of BMP implementation by April 30 of each year will result in revocation of the General Permit. If the permit is revoked, the permittee shall be required to apply for a new Individual Permit and shall be subject to enforcement under Rule 40E-63.470(1).

(c) The permittee shall allow District staff or designated agents reasonable access to the permitted property at any time for the purpose of verifying compliance with the rule and the permit. Since it is not possible to predict precisely when discharges will occur or problems will arise resulting in the need for a site visit, the District may not be able to provide a lengthy period of notice to the designated person in advance of a visit. However, at a minimum, the District will provide notice at least 24 hours prior to a site visit for verifying Best Management Practice installation or operation.

(d) The permittee shall notify the District in writing within 30 days of any:

1. significant change in land practice, as described in Rule 40E-63.402(6), F.A.C.; or

2. change in the approved BMP Plan for the permitted parcel; or

3. transfer, sale or conveyance of land or works described in the permit.

(e) This permit does 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.

(f) This permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit.

(g) This permit does not relieve the permittee from liability from harm or injury to: human health or welfare; animal, plant or aquatic life; or property.

(h) The surface water management and monitoring system must be effectively operated and maintained in accordance with the Environmental Resource/Surface Water Management Permit, and any changes in drainage, land use or operations that could affect the BMP Plan or water quality of the discharge must be reported in writing to the District.

(i) The permitted discharge shall not otherwise be harmful, or adversely affect proper use and operation of the Works of the District.

(j) The C-139 Basin is required to achieve compliance with the phosphorus load limitation requirement as specified in Appendix B2 (C-139 Basin Compliance) of Chapter 40E-63, F.A.C.

(2) In the event that the District determines that any participant in a General Permit is not complying with the specific terms and conditions of the General Permit, the District may institute enforcement proceedings against either the Permit holder, the landowner, or both as applicable. If necessary, the District shall also require the Permit holder to apply for an Individual Permit.

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

40E-63.450 Individual Permit Application Requirements in the C-139 Basin.

(1) An applicant shall apply for an Individual Permit if the applicant is proposing a:

(a) discharge monitoring program;

(b) BMP not described in Appendix B1; or

(c) BMP implementation schedule that exceeds 90 days.

(2) An Individual Permit is issued to any operating entity or entities, owners, or lessees, of all parcels identified in the permit, that are singly or collectively responsible for implementing the BMP Plan for all lands specified within the permit, as applicable.

(3) Applications for Individual Permits shall contain all of the following:

(a) Date, signature, title and authority of the applicant entity submitting the application;

(b) For each participant, information which demonstrates that they possess the legal, financial, and institutional (as applicable) authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

1. A description of the legally responsible entity or cooperating group of landowners, and copies of enabling legislation, articles of incorporation, interlocal agreements, landowner agreements, recorded deeds, contracts, leases, property tax record of ownership or other evidence of ownership or authority;

2. Completed and signed Certificates of Participation indicating their consent and intent to participate in the Permit; and

3. Written contracts or agreements with participants indicating their consent and intent to participate and specifying the terms of participation;

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

40E-63.452 Basis for Issuance of Individual Permits in the C-139 Basin.

(1) In order to obtain an Individual Permit, applicants must submit and implement a BMP Plan which includes a multi-level approach to implementation and operation including the following:

(a) A description of a Best Management Practice Plan, including implementation and operation, with consideration of BMPs described in Appendix B1. The BMP Plan shall propose a total of 35 points at Levels as described in Rule 40E-63.442(1)(a) through (d);

(b) A description of Best Management Practice rationale for those selected, where appropriate. If BMPs not listed in Appendix B1 are proposed, provide an explanation for why the BMPs in the Appendix are not suitable for implementation. For the proposed BMPs not listed in Appendix B1, include a description for each of the following:

1. The proposed BMP;

2. Implementation of the BMP;

3. Documentation of the BMP implementation; and

4. The basis for the effectiveness of the proposed BMP (This may be verified through a proposed monitoring program or by reference to applicable research data).

(2) Applicants for an Individual Permit must also submit all of the information required by subsections 40E-63.442(3) through (5). If the proposed implementation schedule is anticipated to take longer than 90 days, justification must be provided and accepted by the District.

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

40E-63.454 Limiting Conditions for Individual Permits in the C-139 Basin.

(1) The Board shall impose on any Individual Permit granted under this Part IV of Chapter 40E-63 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 of the following standard limiting conditions (a)-(c) shall be attached to all Individual permits:

(a) All conditions required by subsections 40E-63.444(1)(a) through (j), F.A.C. (Limiting Conditions for General Permits in the C-139 Basin).

(b) Legal entities or groups of cooperating owners or operators responsible for implementing an Individual Permit shall remain legally and financially capable of performing their responsibilities required by the permits issued pursuant to this section.

(c) In the event that the District determines that any participant in an Individual Permit is not complying with the specific terms and conditions of the Individual Permit, the District will institute enforcement proceedings against either the Individual Permit holder, the participant, or both.

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

40E-63.456 Optional Discharge Monitoring Program.

(1) This Part IV of Chapter 40E-63 provides an optional farm-level discharge monitoring program. For those permittees that choose to monitor their discharges, the compliance methodology is described in Appendix B3.

(2) For those applicants proposing to implement the optional discharge monitoring program, all of the following information is required:

(a) An acceptable discharge (quantity and quality) monitoring program that provides reasonable assurance that annual water discharge and total phosphorus load are accurately documented. A plan that includes the items specified in the application guidebook entitled "Guidebook for Preparing an Application for a C-139 Basin Works of the District Permit" generally provides reasonable assurance, but other alternatives may be proposed by the applicant and authorized by the District; and

(b) A schedule for installing equipment and implementing the monitoring plan no later than 30 days after issuance of the permit.

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

40E-63.458 Limiting Conditions for the Optional Discharge Monitoring Program.

(1) For those applicants proposing to implement the optional discharge monitoring program, all of the following conditions shall be attached to the Individual Permit:

(a) Those conditions listed under Rule 40E-63.454; and

(b) The following additional conditions:

1. The approved discharge monitoring plan shall be incorporated by reference and made part of the permit.

2. Within 30 days of the permit issuance date, the permittee shall contact the District to verify that installation of the monitoring equipment is complete and to schedule an inspection.

3. The permittee shall implement the discharge monitoring plan in accordance with the permit and shall submit to the District any proposed modification to the plan by submitting an application to modify the permit for review and approval prior to implementation.

4. The location of sample collection shall be such that water sampled is representative of all water that discharges off site through the structure being monitored.

5. All field water quality sample collection, preservation, handling, transport and chain-of-custody documentation shall be conducted in accordance with an approved Comprehensive Quality Assurance Plan as specified in the approved discharge monitoring plan. All laboratory analyses shall be conducted by a laboratory with proper certification for the specified parameter (e.g. phosphorus).

6. In the event that water quality automatic sampling equipment becomes inoperable for any reason, grab samples shall be temporarily taken on a daily basis during flow events and composited for a maximum of 14 days for total phosphorus analysis. Reasonable effort must be made to render the automatic sampling equipment operable within 14 days.

7. Monitoring conditions may be reduced or adjusted upon submission of data and/or studies that provide the basis for such, reasonably demonstrating that equivalent data will be obtained with the reduction or adjustment in monitoring.

8. The District will provide at least one week notice to the permittee of the intent to conduct a quality assurance field audit of the sampling collection procedures.

9. The water quantity and quality data shall be submitted to the District in a timely manner and in a consistent electronic format.

10. All flow quantity discharged from the property shall be calculated using a method proposed by a Florida-registered Professional Engineer in a Calibration Report approved by the District. A Calibration Report shall be required for each pump, culvert or other discharge structure. Each calibration report shall contain at a minimum: data collection, methodology, instrumentation and procedures; the actual field data collected; the basis for the full operating range represented by the data; the methodology for development of the calibration equation;

operational information needed to calculate flow with a temporary backup methodology to be used if the primary equipment becomes inoperable; the final calibration equation and primary method for calculating the flow. Any modifications to the approved calibration shall be through an application to modify the existing permit application.

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

40E-63.460 C-139 Basin Compliance.

(1) Landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus computed in accordance with the EFA, section 393.4592(4)(f)5., F.S., and based proportionately on the historical rainfall for the basin.

(2) "C-139 Basin" compliance will be determined by the District as specified in Appendix B2 (C-139 Basin Compliance). The District will make the compliance determination and publish the results annually.

(3) The District shall continue collecting monitoring data from the C-139 Basin for the purpose of determining compliance with the phosphorus load limitation requirement. When the District periodically evaluates the monitoring data collected to assess the general trend in phosphorus load, the evaluation shall be included in an annual report.

(4) If the C-139 Basin is determined to be in compliance with the phosphorus load limitation requirement, permittees in the C-139 Basin shall not be subject to compliance and enforcement action by the District in regard to achievement of the phosphorus load limitation requirement so long as the C-139 Basin remains in compliance.

(5) If the C-139 Basin is determined to be out of compliance with the phosphorus load limitation requirement calculated in accordance with Appendix B2, the District shall provide written notice to the C-139 Basin landowners. The District shall attempt to transmit the written notices by July 1 of any year the C-139 Basin is determined to be out of compliance. The notices shall describe the permittee's required actions as follows:

(a) First Time Out of Compliance – Continued implementation of the initial 15 points in the permitted BMP Plan and preparation for the District's on-site verification of BMP implementation;

(b) Second Time Out of Compliance – Implementation of a total of 25 points in the permitted BMP Plan (the initial 15 and 10 additional points) and continued on-site verification of implementation by District staff;

(c) Third Time Out of Compliance – Implementation of a total of 35 points in the permitted BMP Plan (the initial 15, the second 10 and 10 additional) and continued on-site verification of implementation by District staff.

(d) Fourth Time Out of Compliance – Initiation of rulemaking by the District, pursuant to Chapter 120, F.S., to revise this Chapter to ensure that the objectives of the EFA, section 373.4592(4)(f)5., F.S., are met.

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

40E-63.470 C-139 Basin Works of the District Permit Compliance.

(1) The District is authorized to seek any enforcement or corrective action available under Florida law for permittees out of compliance with the provisions of this Chapter, pursuant to Chapter 373, F.S., and rules adopted thereunder, as follows:

(a) The District shall begin reviewing “permit compliance” with Best Management Practice implementation, documentation, operation, and rationale by permittees in the C-139 Basin no later than February 1, 2002 (the deadline for submitting the first C-139 Basin Annual Report – Certification of BMP Implementation”).

(b) All landowners who are not in compliance with their permit are subject to notification by the District.

(c) All permittees who receive notice from the District must submit to the District, within 10 business days of receipt of the notice, a plan and schedule for achieving permit compliance within 60 days after transmittal of the District notice.

(2) If the C-139 Basin is determined to be out of compliance, permittees shall implement additional BMPs as follows:

(a) Permittees that do not propose to change their permitted BMP Plan, shall submit to the District within 15 days of transmittal of the written notification of out-of-compliance, confirmation that the next level of the approved BMP plan will be initiated within 45 days of receipt of the notification of out-of-compliance.

(b) Permittees that propose to revise the permitted BMP Plan shall:

1. Submit to the District within 15 days of transmittal of the written notification of out-of-compliance, the page entitled “C-139 Basin BMP Plan” from the application guidebook with

proposed changes in BMPs and/or implementation schedules. The District shall provide pre-approval of the BMP Plan within 10 days of receipt of a complete plan, as applicable. Failure to provide a complete revised BMP Plan within 15 days shall not justify a corresponding delay of the date on which a permittee is required to implement the revised BMP Plan.

2. The implementation of the BMP Plan shall be initiated by the permittee within 45 days of the transmittal of the notification of out-of-compliance by the District.

3. The permittees notice to the District to change the previously permitted BMP Plan shall be followed by submittal of the application for a modification to the existing Permit within 45 days of transmittal of the notice that the C-139 Basin is out of compliance. The application shall include all elements specified in Rule 40E-63.440 or 40E-63.450, F.A.C., as applicable; or explain why an omitted element is not relevant to evaluation of the revised plan. The modification shall propose a BMP implementation schedule that calls for complete implementation of the specified Level within 90 days of the District’s transmittal of the notice that the C-139 Basin is out of compliance. Upon justification by the permittee, the implementation schedule may be increased as a condition of the permit for Individual Permits only. Permittees shall make good faith efforts to provide complete revised BMP Plans.

4. Permittees who fail to complete the implementation of BMPs according to the approved implementation schedule, as verified by site visits and records review, shall be subject to enforcement action pursuant to Rule 40E-63.470(1).

(3) If the C-139 Basin does not achieve the phosphorus load limitation requirement, by the water year following the determination that the basin was out of compliance, the District shall repeat the procedures specified in Subsections (4) and (5) above, and seek corrective action as appropriate, including those set forth in Appendix B2, against all landowners and permittees within the C-139 Basin.

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

APPENDIX B-1

<u>BMP</u>	<u>PTS</u>	<u>DESCRIPTION</u>
<u>WATER MANAGEMENT PRACTICES</u>		<u>MINIMIZES THE QUANTITY OF OFF-SITE DISCHARGES WHICH CARRY NUTRIENTS DOWNSTREAM</u>
<u>1/2 Inch Detained</u>	<u>5</u>	<u>Delayed discharge (based on measuring daily rain events using a rain gage).</u>
<u>1 Inch Detained</u>	<u>10</u>	
<u>Improvements to Water Management System Infrastructure to Further Increase Water Quality Treatment</u>	<u>5</u>	<u>Recirculation of water internal to the drainage of the farm to improve WQ prior to off-site discharge (particularly discharge from rice and vegetables), includes: fallow field flood water with no direct discharge (instead allow to "drain" via evapotranspiration, seepage, use as irrigation water; increasing water detention using properly constructed canal berms.</u>
<u>Reduced Flow through Water Table Management</u>	<u>5</u>	<u>Decreasing discharge by optimizing drainage and irrigation schedules and/or by using low volume irrigation methods, e.g. drip irrigation</u>
<u>Approved and Operational Surface Water Reservoir</u>		<u>Properly permitted, constructed and maintained storage system meeting specified ERP Basis of Review criteria (version in effect at the time of permitting or in effect at the time of permit modification for modified systems):</u>
	<u>10</u>	<u>System meets Section 5.2.1 Water Quality Criteria-Volumetric Requirements</u>
	<u>10</u>	<u>System meets Section 6.2 Water Quantity Criteria-Discharge Rate System meets Section 6.3 Water Quantity Criteria-Design Storm</u>
	<u>15</u>	
<u>Temporary Holding Pond</u>	<u>15</u>	<u>Temporary agricultural activities (as described in Chapter 40E-400, FAC.) with a properly constructed and permitted temporary holding pond.</u>
<u>No Direct Discharge</u>	<u>15</u>	<u>Overland Sheet Flow over entire property, no direct discharge.</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

<u>BMP</u>	<u>PTS</u>	<u>DESCRIPTION</u>
<u>NUTRIENT CONTROL PRACTICES</u>		<u>MINIMIZES THE MOVEMENT OF NUTRIENTS OFF-SITE BY EFFICIENT AND CONTROLLED APPLICATION</u>
<u>Nutrient Application Control*</u>	<u>2 1/2</u>	<u>Uniform and controlled boundary application of nutrient (e.g. banding at the root zone or side-dressing; pneumatic controlled-edge application such as AIRMAX; minimum 4' setback from canals with no overlapping application; fertilization through low volume irrigation system applied at root zone (fertigation); controlled placement by fertilization under plastic.</u>
<u>Nutrient Spill Prevention*</u>	<u>2 1/2</u>	<u>Formal spill prevention protocols (handling, transfer, education/instruction).</u>
<u>Recommended Nutrient Application based on Plant Tissue Analysis</u>	<u>2 1/2</u> <u>5</u>	<u>Avoid excess application of P by determining requirements of plant and following standard recommendations for application rates (crop specific).</u> <u>Citrus only – Additional points allowed for citrus because it provides information on current crop needs.</u>
<u>Manage Successive Vegetable Planting to Minimize P</u>	<u>2 1/2</u>	<u>Avoid successive planting of vegetables or other crops having high P needs to avoid P build up in soils. Includes successive planting with no successive P application.</u>
<u>Recommended Nutrient Application based on Soil Testing*</u>	<u>5</u>	<u>Avoid excess nutrient application by determining P requirements of soil and follow standard recommendations for application rates (crop specific).</u>
<u>Split Nutrient Application</u>	<u>5</u>	<u>More efficient plant uptake of P by applying small portions of total recommended P at various times during the growing season. Not to exceed total recommendation based on soil test.</u>
<u>Slow Release P Fertilizer</u>	<u>5</u>	<u>Avoid flushing excess P from soil by using specially treated fertilizer that releases P to the plant over time.</u>
<u>Reduce P Fertilization</u>	<u>5</u>	<u>Reduce the P application rate by at least 30% below the recommendation based on soil tests. Provide basis for reduction credit.</u>
<u>No Nutrients Imported Via Direct Land Application</u>	<u>15</u>	<u>No Application of P, in any form, to the soil for amendments or plant nutrients. (Guidebook to explain that Native and Semi-improved Range can claim this BMP and still apply fertilizer as a grass supplement every 6-8 years.)</u>
<u>NMP</u>	<u>15</u>	<u>Nutrient Management Plan that includes, at minimum, a P budget for permitted area showing no net export of P.</u>
<u>No Nutrients Imported Indirectly Through Cattle Feed</u>	<u>15</u>	<u>No P import to the basin through cattle feed (note: native range is not excluded by use of mineral supplements or molasses)</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

<u>BMP</u>	<u>PTS</u>	<u>DESCRIPTION</u>
<u>PARTICULATE MATTER AND SEDIMENT CONTROLS</u>		<u>MINIMIZES THE MOVEMENT OF P, IN PARTICULATE MATTER AND SEDIMENTS, OFF-SITE BY CONTROLLING THE AMOUNT OF ERODED SOIL AND PLANT MATTER IN DISCHARGE</u>
<u>Any 2</u>	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>erosion control by leveling fields</u> • <u>minimize sediment transport with slow velocity in main canal near discharge structure</u>
<u>Any 4</u>	<u>5</u>	<ul style="list-style-type: none"> • <u>reduce soil erosion using grassed swales and field ditch connections to laterals</u>
<u>Any 6</u>	<u>10</u>	<ul style="list-style-type: none"> • <u>ditch bank berms to minimize sediment transport</u> • <u>canal cleaning program to minimize sediment build-up</u>
<u>Any 8</u>	<u>15</u>	<ul style="list-style-type: none"> • <u>aquatic weed control (P source) at main discharge locations</u> • <u>trap sediments with field ditch drainage sumps</u> • <u>debris (P source) barriers at discharge locations</u> • <u>reduce soil erosion with constructed ditch bank stabilization</u> • <u>minimize sediment transport with slow field ditch drainage near pumps/structure</u> • <u>trap sediments with sump/trap upstream of drainage structure</u> • <u>maintain sustainable forage growth on pasture to reduce soil erosion/range seedings</u> • <u>soil stabilization through infrastructure improvements at canal/ditch intersections (e.g. flexible plastic pipe, polymer treatment)</u> • <u>reduce soil erosion with cover crops</u> • <u>raised culvert bottoms above all ditch bottoms to minimize sediment transport</u> • <u>reduce soil erosion with vegetation on ditch banks</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

BMP	PTS	DESCRIPTION
<u>PASTURE MANAGEMENT</u>		<u>MINIMIZES NUTRIENTS IN DISCHARGES THROUGH ON SITE OPERATION AND MANAGEMENT PRACTICES</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>restricted placement of feeders to reduce "hot spots" near drainage ditches</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>restricted placement of cowpens to reduce "hot spots" near drainage ditches</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>restricted placement of feed and water to reduce "hot spots" near drainage ditches</u>
	<u>2 1/2</u>	<ul style="list-style-type: none"> • <u>provide shade structures to prevent cattle in waterways</u>
	<u>5</u>	<ul style="list-style-type: none"> • <u>low cattle density (1 head/2 acres, nonirrigated pasture)</u>
	<u>5</u>	<ul style="list-style-type: none"> • <u>reduced P in feed (by a minimum of 20%)</u>
	<u>10</u>	<ul style="list-style-type: none"> • <u>restrict cattle from waterways through fencing of canals in a manner that protects the discharge water quality</u>

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

*See notes at end of Appendix.

NOTES

A BMP Plan is required for each land use or crop. BMP Plans shall be implemented across the entire farm acreage (drainage area) with individual BMPs consistently implemented across each land use (crop) area.

Minimum required points for each BMP Plan:

Level I: Initial 15 points for each BMP Plan.

Level II: First out of compliance, no additional BMPs; however, onsite verification of BMPs begin. Frequency of visits based on compliance record.

Level III: Second out of compliance, 10 additional BMP points for each BMP Plan. Onsite verification of BMPs continue.

Level IV: Third out of compliance, 10 additional BMP points for each BMP Plan. Onsite verification of BMPs continue.

" * " Indicates a BMP that is required when directly applying P via land application.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services

RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, January 2001. The handbook contains the 2001 outpatient hospital laboratory and pathology codes and fee schedule. The effect will be to incorporate in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

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

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medicaid Program Development, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook, ~~January 2001~~ ~~May 2000~~, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: PUBLIC FOOD SERVICE ESTABLISHMENTS RULE CHAPTER NO.: 61C-4

RULE TITLE: FOOD PROTECTION MANAGER CERTIFICATION AND PUBLIC FOOD SERVICE EMPLOYEE TRAINING RULE NO.: 61C-4.023

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Section 509.049, Florida Statutes, as amended by CS for HB 2281 during the 2000 Legislature. This rule provides the specifications for the submittal, review, and approval of food service employee training programs; the required components of the training programs; and, the mandatory timelines for submittal of the training programs.

SUBJECT AREA TO BE ADDRESSED: The requirement for all food service employees to receive training on minimum food safety protection standards. Copies of the rule may be obtained from Lee Cornman at the Division of Hotels and Restaurants Tallahassee office, (850)488-9263.

SPECIFIC AUTHORITY: 509.049, 509.032(6) FS.

LAW IMPLEMENTED: 509.049 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, telephone (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(1) through (3) No change.

(4) Public Food Service Employee Training.

(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention through a food safety training certificate program administered by the division's contracted training provider or another food safety training program approved by the division. Any food safety training program established and administered to food handler employees utilized at a public food service establishment prior to July 1, 2000 may provide food handler employee training and certification if the programs are reviewed and approved by the division. For purposes of division approval, the program provider shall submit its training program to the division for review by providing a completed application, which is DBPR Form HR 5026-011, incorporated herein by reference and effective 11-08-00, identifying the training components covered by the program, as well as an executed copy of the division's applicant affidavit attesting to the accuracy of the application. The division will approve programs that the division determines to be in substantial compliance with the divisions adopted minimum food safety standards, with that approval subject to the program providers continued compliance with the divisions minimum food safety standards, as determined by random audit of the program. The division may revoke its approval of any program which, upon examination, fails to meet the minimum food safety standards established by the division, as amended from time to time. Approved program providers must maintain a record of each food service employee certified, including the following: the name of the certified food service employee, the employing food service establishment, the name of the training administrator, the training date, and the certification expiration date. These records shall be transmitted to the division on a monthly basis, either in hard copy or in an electronic format approved by the division. Professional

hygiene includes personal cleanliness and hygienic practices in accordance with the Food Code and techniques to prevent cross contamination. Foodborne disease prevention training must include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service establishment.

(b) Public food service employees must receive training which includes specific program components in personal hygiene, excludable and restrictive illnesses, foodborne illness prevention, safe food preparation, premises sanitation, and vermin control, as addressed by the Food Code ~~relates to their assigned duties. The personal hygiene components shall include instruction in personal cleanliness, hygienic practices, and techniques to prevent cross contamination. The foodborne illness prevention components shall include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service environment. The safe food preparation components shall include instruction in safe methods of thawing, cooking, cooling, handling, holding, serving, and storing foods. The premise sanitation components shall include instruction in cleaning equipment and facilities, sanitization methods, premise maintenance, and vermin control. Additional training emphasis shall be placed on those components that relate to a public food service employee's assigned duties. A copy of the food safety standards and training criteria that must be included in an approved food safety certification program may be obtained from the division upon request. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding and storing foods. Service personnel must be knowledgeable about safe methods of serving food. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper vermin control methods as specified in the Food Code.~~

(c) It is the duty of the licensee to ensure that the food safety employee training certificate program is provided by January 1, 2001 or within 60 days of employment to all employees under the licensee's control who are responsible for food storage, preparation, display, or food service to the public. The training program must be administered by the program provider, the licensee, or by a certified food protection manager designated by the licensee. Employees who receive the training must be provided certification of having received training in the form of a wallet-sized certification card, which displays the name of the approved provider, the name of the employee, the name of the person who administers the training, the date training is completed, and the date certification expires. The employee certification card constitutes proof that the employee has received the required training, and the licensee is responsible for ensuring that the certification card is available from the certified employee at all times the employee

is on duty. The division may request production of the card as proof of compliance with the certification requirement. Failure to provide proof of certification upon request is a violation chargeable against the public food service establishment. Licensees who provide in-house employee training shall make available on the premises of the establishment, or in a theme park or entertainment complex in a central location, upon the division's request, the curriculum and materials used to conduct training. If training is obtained from an outside provider, the licensee must provide, upon the division's request, information about the selected training program and methods used to evaluate training outcomes. Training outcomes are subject to verification and inspection by the division, and include employees correctly applying procedures and answering questions relative to assigned duties. Employees must perform their work duties safely in a manner consistent with the requirements of the Food Code.

Specific Authority 509.032(6), 509.039, 509.049 FS. Law Implemented 509.039, 509.049 FS. History--New 2-21-91, Amended 5-12-92, Formerly 10D-13.037, 7C-4.023, Amended 3-31-94, 10-9-95, 1-18-98, 2-7-01,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES:	RULE NOS.:
Generally Accepted Accounting Principles	61H1-20.007
Generally Accepted Auditing Standards	61H1-20.008
Standards for Accounting and Review Services	61H1-20.009
Governmental Accounting Standards	61H1-20.0091
Governmental Auditing Standards	61H1-20.0092
Standards for Local Governmental Entity Audits	61H1-20.0093
Standards for Prospective Financial Statements	61H1-20.0094
Standards for Management Advisory Services	61H1-20.0095
Standards for Tax Practice	61H1-20.0096
Standards for Personal Financial Planning	61H1-20.0097
Standards for Business Valuations	61H1-20.0098
Standards for Attestation Engagements	61H1-20.0099

PURPOSE AND EFFECT: The Board proposes to amend the above referenced rules to update the effective dates of the American Standards as published by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board.

SUBJECT AREA TO BE ADDRESSED: Generally accepted accounting principles, generally accepted auditing standards, standards for accounting and review, governmental accounting standards, governmental auditing standards, standards for local governmental entity audits, standards for prospective financial statements, standards for management advisory services,

standards for tax practice, standards for personal financial planning, standards for business valuations, standards for attestation engagements.

SPECIFIC AUTHORITY: 473.302, 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.303, 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite 1, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Fees and License Renewal Application RULE NO.: 64B16-26.101

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees and License Renewal Application.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 456.036, 456.064, 465.008 FS.

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

TIME AND DATE: 8:00 a.m., April 19, 2001

PLACE: The Embassy Suites, 1000 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES: Definitions RULE NOS.: 68B-13.0015

Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer 68B-13.008

Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marketing Requirements, Trap Pulling 68B-13.009
Stone Crab Trap Limitation Program 68B-13.010
Prohibitions 68B-13.011
Commission Policy Regarding the Assessment of Administrative Penalties 68B-13.012

PURPOSE AND EFFECT: In July, 2000, amendments to Rule Chapter 68B-13, F.A.C., became effective to incorporate fishery regulations previously codified in statute and to establish the basics of a trap certificate and limitation program. The 2000 Legislature established fees and administrative penalties applicable to stone crab licensing requirements and the trap certificate program and conviction of specified violations of stone crab regulations, respectively. The purpose of this proposed rule development is to amend Rule Chapter 68B-13, F.A.C., to further clarify and define Commission policy and procedure to be followed in implementation of the stone crab trap limitation program. The effect will be the effective implementation of the program, which will benefit stone crab commercial harvesters and the marine environment of Florida.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Fishery Regulation.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A SERIES OF RULE DEVELOPMENT WORKSHOPS AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 7:00 p.m. – 10:00 p.m., April 10, 2001

PLACE: Marathon Government Center, 2798 Overseas Highway, Marathon, Florida

TIME AND DATE: 7:00 p.m. – 10:00 p.m., April 11, 2001

PLACE: Ft. Myers State of Florida Regional Service Center, 2295 Victoria Avenue, Room 165, Ft. Myers, Florida

TIME AND DATE: 7:00 p.m. – 10:00 p.m., April 26, 2001

PLACE: Crystal River City Hall, 123 N. W. Highway 19, Crystal River, Florida

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

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

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

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

Table with 2 columns: RULE CHAPTER TITLE, RULE CHAPTER NO.; RULE TITLES, RULE NOS.
Rows include: Fire Prevention - General Provisions (4A-3), Application of Rules (4A-3.002), Definitions (4A-3.009), Inspections of State-Owned Buildings and State-Leased Spaces (4A-3.011), Standards of the National Fire Protection Association Adopted (4A-3.012)

PURPOSE AND EFFECT: The purposes of this rule chapter are to adopt or revise National Fire Protection Association (NFPA) standards as they apply to state-owned buildings and state-leased buildings and spaces, and to certain other kinds of structures as set forth in Section 633.022, Florida Statutes, provide or clarify definitions, and to provide for inspections of state-owned and state-leased buildings consistent with the 1998 changes to Section 633.085, Florida Statutes. The effect of this rule chapter will be to have in place new or revised NFPA standards for the structures listed above.

SUMMARY: Adopts new or revised NFPA standards for state-owned buildings and state-leased buildings and spaces, and for certain other kinds of structures as set forth in Section 633.022, Florida Statutes, provides for or clarifies definitions, and provides for inspections of state-owned and state-leased buildings consistent with the 1998 changes to Section 633.085, Florida Statutes.

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: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

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

TIME AND DATE: 8:30 a.m., April 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-3.002 Application of Rules.

(1) In the application of these rules, the terms "Rules of the State Fire Marshal" or "these rules" shall be construed to include Title 4A, Florida Administrative Code, and all standards which are referenced and adopted therein. Title 4A shall be known as the "State Uniform Firesafety Standards" "State Fire Prevention Code."

(2) Fire safety standards shall be applied as uniform standards as set forth herein and as defined in Section 633.021(26), Florida Statutes.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01(1), 633.022 FS. History--New 9-16-65, Formerly 4A-3.02, Amended 5-14-86, 2-12-87, 4-8-90.

4A-3.009 Definitions.

Unless otherwise provided for by statute or the NFPA, the following terms shall, for the purpose of these rules, have the meanings indicated in this Rule:

(1) through (6) No change.

(7) "State Uniform Firesafety Standards" "State Fire Prevention Code" means the Rules of the State Fire Marshal as set out in Title 4A, Florida Administrative Code, and includes all standards referenced and adopted therein.

(8) "U. L., Inc." means Underwriter's Laboratories, Incorporated Inc.

(9) through (10) No change.

(11) "Division" means the Division of State Fire Marshal of the Department of Insurance.

(12)(a) "State-owned building," as used in Chapter 633, Florida Statutes, and any rule adopted by the State Fire Marshal, except as provided in paragraph (b) of this subsection, means any structure used or intended for supporting or sheltering any use or occupancy of which the state, any state agency or department, or the Trustees of the Internal Improvement Trust Fund is the record owner of the legal title to such structure.

(b) "State-owned building" does not mean or include a pole barn, a picnic shelter, a lift station, an animal pen, an animal feeder, a pump house, a one-family private residence, a two-family private residence, a forestry fire tower or other fire tower, a radio tower, a building no longer in use, an empty building, or a greenhouse.

(c) Notwithstanding paragraph (b) of this subsection, the State Fire Marshal may inspect any state-owned structure excluded from the definition of state-owned building by paragraph (b) of this subsection if the State Fire Marshal has