

63E-2.010 Correspondence.

Specific Authority 39.012 FS. Law Implemented 39.001, 39.002, 39.054, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.010, Amended 12-4-97, Repealed.

63E-2.012 Personal Hygiene.

Specific Authority 39.12, 39.021 FS. Law Implemented 39.002, 39.021, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.012, Amended 12-4-97, Repealed.

63E-2.015 Mechanical Restraints.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.021, 39.001, 39.002, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.015, Amended 12-4-97, Repealed.

63E-2.016 Staff Conduct and Security.

Specific Authority 39.012 FS. Law Implemented 415.103, 39.012, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.016, Amended 12-4-97, Repealed.

63E-2.017 Release and Transfer Procedures.

Specific Authority 39.012 FS. Law Implemented 39.11(3), 39.054(4), 39.057, 39.511 FS. History--New 1-31-94, Formerly 10Q-5.017, Amended 12-4-97, Repealed.

63E-2.018 Case Records.

Specific Authority 39.012 FS. Law Implemented 39.01, 39.045, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.018, Amended 12-4-97, Repealed.

63E-2.019 Employee Training.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.021, 39.024, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.019, Amended 12-4-97, Repealed.

63E-2.020 Facility Structural and Operational Standards.

Specific Authority 39.012, 39.021 FS. Law Implemented 39.002, 39.021, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.020, Amended 12-4-97, Repealed.

63E-2.021 Disaster Plans.

Specific Authority 39.012 FS. Law Implemented 39.01, 39.001, 39.002, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.021, Amended 12-4-97, Repealed.

63E-2.022 Client Information System.

Specific Authority 39.012 FS. Law Implemented 39.01, 39.045, 39.057 FS. History--New 1-31-94, Formerly 10Q-5.022, Amended 12-4-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Milla, Asst. General Counsel, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Chervanik, Assistant Secretary for Residential and Correctional Facilities, Department of Juvenile Justice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-1	Manufactured Buildings
RULE NOS.:	RULE TITLES:
9B-1.004	Adoption of Model Codes
9B-1.006	Certification of Third Party Agencies
9B-1.007	Manufacturer Certification
9B-1.0085	Inspections
9B-1.011	Alterations
9B-1.022	Manufacturer Obligations Upon Sale of Building
9B-1.026	Factory-built Schools, Certifications
9B-1.027	Factory-built Schools, Plan Review
9B-1.028	Factory-built Schools, Inspections and Work Progress Reports
9B-1.030	Factory-built Schools, Insignia and Data Plate

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.543(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, issue of the Florida Administrative Weekly.

9B-1.004 Adoption of Model Codes.

(1) through (5) No change.

(6) Mechanical Code – The design, fabrication and installation of mechanical systems and equipment, in or on manufactured buildings shall comply with the requirements of the Standard Mechanical Code, referenced in Rule 9B-3.047, F.A.C., except as follows: Chapter 1 shall be deleted.

(7) through (15) No change.

(16) Notwithstanding the foregoing provisions of this section, factory-built schools shall be subject to the following:

(a) Existing Buildings. Factory-built schools utilized as educational facilities prior to July 1, 2001 ~~October 4, 2000~~, are hereby designated as existing buildings and shall comply with the requirements of Chapter 5, State Requirements for Educational Facilities (SREF), 1999 edition, adopted herein by reference, subject to the amendment to s. 235.212(1)(a) passed in s. 2, Chapter 2001-186, Laws of Florida. A copy of SREF can be obtained from Department of Education, Division of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400.

(16)(b) through (17) No change.

9B-1.006 Certification of Third Party Agencies.

(1) No change.

(2) Application – The applicant shall submit a completed application (Form FMBP 2-00) with application fee amount stated in the Schedule of Fees. The application shall contain the following information.

(a) and (b) No change.

(c) A statement of independence which shall be signed by the individual, each of the partners of a partnership, or the chief operating officer of a corporation to be certified. The statement shall be notarized and dated within the twelve months immediately preceding its submission. The statement shall affirm that the agency, any independent contractors utilized by the agency and its employees ~~are have no financial interest in any manufacturer other than providing professional plans review and inspection services and that the third party agency~~ is not owned, operated, or controlled by any manufacturer or dealer.

(d) through (4) No change.

(5) The agency shall maintain its independence as certified until the expiration or resignation of its certification. An agency shall not perform plans review or inspect buildings that are designed by the agency, its employees or those of its contractors working on such review or inspection.

(6) No change.

9B-1.007 Manufacturer Certification.

(1) No change.

(2) Initial Certification Requirements – A manufacturer must submit to the department the following for certification:

(a) Application Package – a completed application; application fee; certificate of product liability insurance with coverage not less than \$1,000,000; and a copy of ~~a the~~ contract with a certified third-party agency for plan review and inspection services.

(b) through (3) No change.

(4) Renewal – The manufacturer shall renew its certification once every three years and update the information provided in its initial application using Form FMBP 3-00. Renewal must be requested no fewer than 60 days and no more than 90 days prior to the expiration date of the manufacturer's ~~third party agency's~~ certification. If application is made for renewal fewer than 60 days prior to the expiration date, but not after the expiration date, a late fee of \$25.00 shall be charged. The manufacturer must meet the qualifications in effect upon the date of renewal to have its certification renewed.

9B-1.0085 Inspections.

(1) Inspections shall be conducted at the manufacturing facility by an appropriately licensed representative of ~~a the~~ Third Party Agency selected by the manufacturer. The inspections shall be to ensure that the buildings are being manufactured in compliance with the applicable codes and the approved plans. Once a Third Party Agency has inspected a

manufactured building, the manufacturer shall not seek to have the building inspected by another agency, nor shall any agency inspect a building that has already been inspected by another unless the subsequent inspection is at the direction of the Department or unless the building or modification thereto is being inspected for recertification by the Department.

(2) At a minimum, a certified Third Party Agency shall:

(a) With regard to manufactured buildings, observe the manufacture of the first building built subsequent to the plan approval or the selection of the agency, whichever occurs last, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the third party agency determines that the implementation of the manufacturer's quality control program in conjunction with application of the approved plans and specifications and the manufacturer's capabilities result in a building that meets or exceeds the standards adopted herein. Thereafter, the agency shall inspect each module produced ~~during that production run~~ during at least one point during the manufacturing process and shall inspect the entire production line during each plant inspection, so that a minimum of seventy-five percent (75%) of the modules inspected will have a minimum of one of the subsystems (electrical, plumbing, structural, mechanical or thermal) exposed for inspection.

(b) With regard to components, observe the manufacture of the first unit assembled subsequent to the plan approval or the selection of the agency, whichever occurs last, from start to finish, inspecting all subsystems thereof. Continual observation and inspection shall continue until the third party agency determines that the implementation of the manufacturer's quality control program in conjunction with application of the approved plans and specifications and the manufacturer's capabilities result in a component that meets or exceeds the codes and standards adopted herein. Thereafter, the Third Party Agency shall inspect not less than fifty percent (50%) of the components manufactured pursuant to the approved plan in that production run.

(c) through (d) No change.

(3) When a Third Party Agency discovers a deviation from the Code or the approved plans which creates or threatens an imminent life safety hazard, all buildings or components which have progressed through that stage of production since the agency's ~~agency's~~ previous inspection shall be inspected to ensure the absence of that deviation, and the agency shall immediately notify the manufacturer and the Department in writing. Any building or component exhibiting the deviation shall be brought into conformance with the applicable code or the approved plans by the manufacturer within thirty days of notification of the deviation by the third party agency. The corrective action must be left available for reinspection by the Third Party Agency.

(4) through (5) No change.

9B-1.011 Alterations.

(1) through (3) No change.

(4) In order to recertify a used manufactured building that is being relocated and not otherwise altered, the owner must provide the approved inspection agency with a set of the original approved plans for the building and any modification of the building. As built plans shall be acceptable as an alternative to approved plans for factory-built schools manufactured prior to July 1, 2001. Once the agency has evaluated the continued compliance of the building with those plans and certifies to the Department that the building is in compliance with the applicable codes, the approved inspection agency shall affix a recertification insignia to the building. If a building complied with the code in effect on the date of the original plan approval, the applicable code as set forth above shall be that which was in effect on the date of the original plan approval. The relocation of a manufactured building does not constitute an alteration.

9B-1.022 Manufacturer Obligations Upon Sale of Building.

The manufacturer shall provide a TRANSPORTATION AND INSTALLATION BOOKLET with each building and component package. This requirement shall not apply to manufactured buildings which are being modified and not otherwise manufactured. It shall include:

- (1) Precautions and instructions for transportation of modules; and
- (2) Installation instructions.

9B-1.026 Factory-built Schools, Certifications.

(1) No change.

(2) Third Party Plan Review. The Department shall contract with an individual or entity to perform plan review pertaining to newly constructed factory-built schools. Such individual or entity shall be subject to certification as a Third Party Agency as provided in Rule 9B-1.0067, F.A.C. Maximum fees that the third party entity may charge those seeking plan approval shall be established by contract between the Department and the Plan Review entity. Plans for modification of factory-built schools shall be reviewed by an approved Third Party Agency selected by the manufacturer as set forth in Rule 9B-1.009, F.A.C.

(3) Inspectors and Third Party Inspection Entities. All entities that perform inspections of factory-built schools shall be agencies certified by the Department as provided in Rule 9B-1.006, F.A.C.; Individual inspectors shall be licensed pursuant to Part XII, Chapter 468, F.S. or, until January 1, 2002, certified by Department of Education as Uniform Building Code Inspectors and shall be subject to the continuing requirements thereof to maintain certification. Inspectors permanently employed by local school boards and community colleges shall be granted an exemption from certification by the Department pursuant to Rule 9B-1.006, F.A.C., upon

written request of the Local School Board or Community College. All entities that perform inspections, whether exempt from certification or not, shall submit a quality assurance manual to the Department with the application, which shall at a minimum contain the following sections:

(a) through (e) No change.

9B-1.027 Factory-built Schools, Plan Review.

Plan review of plans for newly constructed factory-built schools shall be performed by the Third Party Agency selected by the Department. An applicant for plan approval shall submit complete plans to an agency in the manner and format agreed to by the agency and the applicant. Plan submittals shall include a schedule of inspections which shall be performed periodically as necessary to assure that the building complies with applicable standards. Upon determination by the agency that the plans submitted comply with all applicable standards, the agency shall certify such determination by affixing an approval stamp on each page of the plans, and shall return one copy to the applicant, maintain an original set, and submit one copy electronically to the Department. The agency shall be compensated for the actual cost of the plan review by the applicant. No manufacturing activity shall commence until plan approval has been obtained from the Third Party Agency. Plan review at a minimum shall include those items identified in Rule 9B-1.009(5)(a), F.A.C. Plans for modification of factory-built schools shall be reviewed by an approved Third Party Agency selected by the manufacturer as set forth in Rule 9B-1.009, F.A.C.

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.

(1) No change.

(2) Existing Buildings. Factory-built schools designated as existing buildings shall be inspected prior to July 1, 2001, to determine compliance with the applicable standards adopted by Rule 9B-1.004(16)(a), F.A.C. All deficiencies shall be noted in an inspection report provided to the educational entity upon completion of the inspection. Activities performed to rehabilitate a non-compliant building shall be subject to plan review and reinspection. Upon an inspector's determination that the building complies with the applicable standards, the inspector shall provide to the Department the information as required on the data plate for the building and identify the building as satisfactory for use as an educational facility on the Building Code Information System when that system becomes available on the Internet.

(3) through (5) No change.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

(1) Generally. Each factory-built school building utilized for educational purposes shall bear the insignia of the Department and a data plate. Application for insignia shall be made by the educational entity utilizing the factory-built school or another in privity with the education entity acting on

behalf of and in the name of the educational entity on the form designated in Rule 9B-1.003, F.A.C. Insignia shall be issued to the educational entity in whose name application for the insignia is made ~~inspector who completes the inspection of the building as installed~~. The data plate shall be fabricated by the manufacturer of new buildings and the owner of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently mounted on or about the electrical panel. Insignia shall be mounted on the building for which the insignia has been issued by the inspector having completed the inspection of the building as installed. Insignia and data plates are non-transferable. The data plate shall provide the following information:

- (a) through (4) No change.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rules 12A-1.043, F.A.C. (Manufacturing), 12A-1.051, F.A.C. (Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property), 12A-1.053, F.A.C. (Electric Power or Energy), 12A-1.059, F.A.C. (Fuels), and 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations). A Notice of Rule Development Workshop was published in the January 19, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 3, pp. 147-154), and the workshop was held on February 14, 2001. Comments to Rules 12A-1.053 and 12A-1.059, F.A.C., were received at the workshop, and written comments were also submitted. In response to these comments received by the Department, changes were made to the proposed amendments to Rules 12A-1.053 and 12A-1.059, F.A.C., to clarify the exemption provided for the sale of electric power or energy or fuels for use in residential households. A Notice of Proposed Rulemaking incorporating these changes was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2125-2132), and a public hearing was conducted on May 22, 2001. Comments regarding Rules 12A-1.053 and 12A-1.059, F.A.C., were received at the public hearing, in addition to written comments that were submitted after the hearing by the public and by the Joint Administrative Procedures Committee. In response to these comments the Department made changes to Rules 12A-1.053 and 12A-1.059, F.A.C., which will be published in the next available issue of the Florida Administrative Weekly.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.053	Electric Power or Energy
12A-1.059	Fuels

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12A-1.053 and 12A-1.059, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly (Vol. 27, No. 17, pp. 2125-2132). These changes are in response to comments received at the public hearing conducted on May 22, 2001, written comments received as a result of the hearing, and written comments received from the Joint Administrative Procedures Committee.

In response to the comments received by the Department regarding the proposed amendments to Rule 12A-1.053, F.A.C., subsection (1), has been changed, so that, when adopted, that subsection will read as follows:

(1)(a) ~~The sale of electric power or energy by an private or public utilities and rural electric utility cooperative associations is taxable. The sale of electric Electric power or energy is exempt when it is separately metered and sold for use in residential households, to owners of residential models, or to licensed family day care homes (including trailer lots) direct to the actual consumer by utilities who are required to pay the gross receipts tax imposed by Chapter 203, F.S., is exempt Section 203.01, Florida Statutes. Also exempt is electric power or energy sold by such utilities and used in the common areas of apartment houses, cooperatives, and condominiums, in residential facilities enumerated in Chapter 400, F.S., and in other residential facilities. Such electric power or energy is exempt, even though metered and billed direct to the landlord (master metered). However, if any part of the electric power or energy utility or fuel is used for a non-exempt purpose, the entire sale is subject to tax taxable. Landlords shall provide separate meters for non-exempt consumption of electric power and energy. This exemption shall also apply to electric power or energy sold to residents when separately metered and billed direct to them. Electric power or energy used in residential model homes or common areas of apartments, cooperatives and condominiums is exempt provided that none of the electric power or energy is used in residential model homes which are used as sales offices or for other non-exempt purposes. Hotels and motels cater primarily to transient guests and are not considered to be residential households. Therefore, this exemption shall not apply to electric power or energy sold for use in hotels and motels.~~

(b) ~~An electric utility is not obligated to collect and remit tax on any sale of electric power or energy when: Effective May 1, 1982, the sale or use of electric power or energy that is subject to tax shall be taxed at the rate of 5 percent in lieu of the former rate of 4 percent. If a customer is billed for electric power or energy for a cycle ending on or after May 1, 1982, the 5 percent tax rate is applicable on the entire taxable transaction even though the billing may have been for electrical services~~

received prior to May 1, 1982. Where no cycle date appears on the billing, the billing date will control the rate of tax applicable.

1. The electric power or energy is sold at a rate based on the utility's "residential schedule," under tariffs filed by the utility with the Public Service Commission; or

2. The utility has on file a writing or document evidencing a representation of the utility's customer that the electric power or energy is being purchased for residential household use, including licensed family day care homes and other facilities identified in paragraph (a). The writing or document may be a customer application or a certificate that identifies the customer as purchasing the electric power or energy for residential purposes. A "customer application" includes a record of information obtained electronically or orally from the customer in the ordinary course of business. The electric utility must have acted in good faith in accepting the representation of the customer.

(c) Tax is due on electric power or energy purchased by a customer tax exempt for the claimed purpose of residential household use that does not qualify for such exemption. In such instances, if the electric utility complies with the requirements of paragraph (b), the Department will look to the customer for any applicable tax, penalty, or interest due. The Department will look to the utility for any applicable tax, penalty, or interest due when the electric utility's books and records indicate a failure to comply with the requirements of paragraph (b).

The Department has changed the proposed amendments to subsection (1) of Rule 12A-1.059, F.A.C., so that, when adopted, that subsection will read as follows:

(1)(a) No change.

(b) The charge Where the amount of the sale exceeds two dollars, and except for the filling of liquefied petroleum (L.P.) twenty-two pound gas tanks, including tanks used in recreational vehicles, is exempt when the L.P. gas will be used by the purchaser for the purposes of residential heating, cooking, lighting, or refrigeration twenty pound tanks, the dealer must support his claim for exemption from the tax with a copy of an invoice which contains the date of sale, quantity and description of the fuel, license number, and state of issue of the travel trailer. Twenty-two pound L.P. gas tanks are used exclusively for residential household purposes and the filling of them with L.P. gas is exempt under the law. The dealer must document on the customer's invoice or other written evidence of sale that the charge is for filling a twenty-two pound tank, or that the gas is sold for the purposes of residential household cooking, heating, lighting, or refrigeration.

In response to comments received from the Joint Administrative Procedures Committee, the Department has changed the suggested exemption certificate provided in the

proposed amendments to paragraph ~~(2)(a)(10)~~ of Rule 12A-1.059, F.A.C., so that, when adopted, that paragraph will read as follows:

~~(2)(a)(10) "Boiler" fuels. When purchased as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material as defined in s. 403.703(13), F.S., coal, sulfur, wood, wood residues, or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state is shall be exempt from the taxes imposed by this chapter; provided, however, that this exemption shall not apply to such fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation. For the purpose of this exemption, the term "residual oil" means shall mean ASTM Grades No. 5 and No. 6, heavy diesel, and bunker C. Purchase invoices must indicate the type of residual oil purchased. This exemption does not shall NOT apply to any type of liquefied petroleum gases, naphtha, kerosene, or distillate fuel oil, such as including but not limited to diesel fuels, No. 1 and No. 2 heating oils, and No. 4 fuel oil. The term "fixed location" means shall mean being permanently affixed to one location or plant site, or any portable plant which may be set up for a period of not less than six months in a stationary manner so as to perform the same industrial manufacturing, processing, compounding, or production process that could be performed at a permanent location or plant site. To be entitled to this This exemption at the time of purchase, shall not be allowed, however, unless the purchaser must issue furnishes the seller a certificate stating that the combustible fuel is used in an industrial manufacturing, processing, compounding, or production process. The following is a suggested format of a certificate to be used for this purpose:~~

EXEMPTION CERTIFICATE
BOILER FUELS USED TO PRODUCE TANGIBLE
PERSONAL PROPERTY FOR SALE

_____ , incorporated in the State of _____ , its undersigned officer who is duly authorized, hereby certifies to _____ that purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material as defined in s. 403.703(13), F.S., coal, sulfur, wood, wood residues, or wood bark under account number _____ will be exclusively used as a combustible fuel in the manufacturing, processing, compounding, or production of tangible personal property for sale. This industrial process is located at _____ in _____ , Florida, County of _____ . Further, it is certified that _____ is not subject to regulation by the Division of Hotels and Restaurants of the Department of

Business and Professional Regulation. The purchase of the combustible fuel pursuant to this certification is exempt from tax, pursuant to s. 212.08(7)(b), F.S.

Dated at _____, Florida, this _____ day of _____.

AUTHORIZED OFFICER OF COMPANY

BY: _____

TITLE: _____

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 28, 2001

The Governor and Cabinet, on August 28, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.060, F.A.C. (Registration). A Notice of Rule Development Workshop was published in the February 9, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 6, pp. 536-539), and the workshop was held on February 26, 2001. No comments were received regarding these proposed rule amendments. The Department announced at the workshop that it would replace the word "may" with the word "will" in the rule text discussing the conditions under which multiple registrations would be considered for activities at a single contiguous location. That change has been made. A Notice of Proposed Rulemaking incorporating these changes was published in the Florida Administrative Weekly on April 27, 2001 (Vol. 27, No. 17, pp. 2132-2136), and a public hearing was conducted on May 22, 2001. No comments were received at the hearing, and no written comments were submitted.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-41	Surface Water Management Basin and Related Criteria
RULE NOS.:	RULE TITLES:
40E-41.011	Policy and Purpose
40E-41.320	Scope, Policy, and Implementation of Part IV
40E-41.321	Definitions
40E-41.323	Water Preserve Area & Water Preserve Area Basin Boundaries
40E-41.333	Implementation
40E-41.343	Application of Part IV
40E-41.360	Permit Thresholds
40E-41.363	Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

NOTICE OF CORRECTION

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) FOR THE WATER PRESERVE AREA RULE: RULE 40E-41, F.A.C.

The proposed Water Preserve Area (WPA) rules are the result of direction to the South Florida Water Management District (SFWMD) from the Florida Land and Water Adjudicatory Commission in the case of *Florida Audubon Society v. SFWMD and LSC Associates, Inc.*, FLWAC Case No. WMD RFR 98-001 to initiate rulemaking. The proposed rules place a number of additional requirements on permit applicants seeking an Environmental Resource Permit (ERP) in the WPA, the WPA Basin and adjacent protective levees, as identified in Figures 1 through 6 of the Rule. Specific provisions of the rule which are expected to increase costs to the Agency are the costs associated with an increased number of individual ERPs. The proposed rule contains a number of provisions regarding the conditions for issuance of ERP and permits in the WPA, the WPAB, and adjacent to the protective levees. Specific areas of potential added cost to permit applicants relate to limitation on excavation depths, additional retention/detention water quality treatment, prohibition of dredging or filling of wetlands in the WPA, except in certain specified conditions and limitations on the use of lower mitigation ratios under the SFWMD's Melaleuca rule. The cost impacts to permit applicants of these additional permit conditions will be highly site-specific and will be highly dependent upon the particular circumstances faced by each applicant and the strategy selected by the applicant to comply with the proposed rule.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE NOS.:	RULE TITLES:
59E-5.101	Definitions
59E-5.102	Florida Hospital Uniform Reporting System
59E-5.103	Reporting Requirements
59E-5.201	Prior Year Report Requirements
59E-5.205	Notice of Violation and Response
59E-5.605	Public Medical Assistance Trust Fund Assessments

NOTICE OF WITHDRAWAL

Notice is hereby given that the amendments to the above rules, as noticed in Vol. 27, No. 4, January 26, 2001, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-59R

RULE CHAPTER NO.: 62-522
 RULE CHAPTER TITLE: Ground Water Permitting and Monitoring Requirements

RULE NO.: 62-522.300
 RULE TITLE: General Provisions for Ground Water Permitting and Monitoring

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 22, June 1, 2001, issue of the Florida Administrative Weekly:

62-522.300 General Provisions for Ground Water Permitting and Monitoring.

(2) Zones of discharge shall be allowed for projects or facilities that allow direct contact with ground water ~~or facilities~~ listed in (a) through (c) below, which provide beneficial discharges through wells to ground water as described in the cited rules.

(a) through (c) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-60R

RULE CHAPTER NO.: 62-528
 RULE CHAPTER TITLE: Underground Injection Control

RULE NO.: 62-528.605
 RULE TITLE: Well Construction Standards for Class V Wells

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 22, June 1, 2001, issue of the Florida Administrative Weekly:

62-528.605 Well Construction Standards for Class V Wells.

(3) Class V wells shall be constructed so that their intended use does not violate the water quality standards of Chapter 62-520, F.A.C., at the point of discharge, except where specifically allowed in Rule 62-522.300(2), F.A.C., provided that the drinking water standards of 40 C.F.R. pt. 142 (1994) are met at the point of discharge for projects and facilities described in Rule 62-522.300(2)(a) and (b), F.A.C. Migration or mixing of fluids from aquifers of substantively different water quality (through the construction or use of a Class V

well) shall be prevented by preserving the integrity of confining beds between these aquifers through cementing or other equally protective method acceptable to the Department.

**Section IV
 Emergency Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose and Scope	4ER01-1
Definitions	4ER01-2
Initial Privacy Notice to Consumers Required	4ER01-3
Annual Privacy Notice to Customers Required	4ER01-4
Information to be Included in Privacy Notices	4ER01-5
Form of Opt Out Notice to Consumers and Opt Out Methods	4ER01-6
Revised Privacy Notice	4ER01-7
Delivery	4ER01-8
Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties	4ER01-9
Limits on Redislosure and Reuse of Nonpublic Personal Financial Information	4ER01-10
Limits on Sharing Account Number Information for Marketing Purposes	4ER01-11
Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing	4ER01-12
Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions	4ER01-13
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare:

Personal privacy is a fundamental freedom imbedded in the framework of American jurisprudence, long recognized by the United States Constitution and specifically identified and