

~~(11)(10)~~ The following notices, hereby incorporated by reference, ~~are can~~ be used by the department in the process of establishing and recovering overpayment: ~~CF-ES 3042, Dec 96, Notice of Overpayment (cash) (automated notice); Notice of Overpayment (food stamps) (automated notice); Notice of Overpayment (Medicaid) (automated notice); Post-Fair Hearing Demand Letter (cash) (automated notice); Post-Fair Hearing Demand Letter (food stamps) (automated notice); Post-Fair Hearing Demand Letter (Medicaid) (automated notice); EBT Voluntary Repayment Agreement (automated notice); Notice of Hardship Decision (automated notice); Confirmation of Repayment Agreement (automated notice); Overissuance CF-ES 3057, Aug 2001 Mar 98, Information Concerning Administrative Disqualification Hearings; Notice of Cash Disqualification – temporary and permanent (Waiver) (automated notice); Notice of Cash Disqualification (ADH) (automated notice); Notice of Cash Disqualification – temporary and permanent (DCA) (automated notice); Notice of Cash Disqualification (court) (automated notice); Notice of Food Stamp Disqualification (ADH) (automated notice); Notice of Food Stamp Disqualification – temporary and permanent (DCA) (automated notice); Notice of Food Stamp Disqualification – temporary and permanent (Waiver) (automated notice); Notice of Food Stamp Disqualification (court) (automated notice); CF-ES Form 3400, Aug. 83, Request for Additional Information; CF-ES 3402, Oct 98, Overpayment, Overissuance, Fraud and Recoupment AFDC Repayment Agreement; CF-ES Form 3410, Aug. 2001 Mar. 98, Waiver of Administrative Disqualification Hearing; CF-ES Form 3410A, Aug. 2001 Mar. 98, Waiver of Administrative Disqualification Hearing; and, CF-ES Form 3414, Aug. 99, Disqualification Consent Agreement; and two demand letters used in food stamp collection due to inadvertent household error and intentional program violation.~~ Each of these forms listed as incorporated by reference may be obtained without cost from any Benefit Recovery office or by written request to the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.41, 414.45 FS. Law Implemented 24.115(4), 414.31, 414.41 FS. History–New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-3-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynda Bergstrom, Government Operations Consultant II, and
Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: John Bowman, Acting Coordinator
for Special Programs
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 25, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 15, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
4A-2.024	Construction Materials Mining Activities

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. 23, June 8, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed

The rule has been changed to read as follows:

4A-2.024 Construction Materials Mining Activities.

(1) Scope.

(a) This section implements Section 552.30, Florida Statutes, which gives the State Fire Marshal sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with the extraction of limestone and sand by any person or company primarily engaged in commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials and Section 552.211, Florida Statutes, which allows the State Fire Marshal to restrict the quantity and use of explosives at any location within the state where such explosive is likely to cause injury to life or property.

(b) Any person or company not primarily engaged in commercial mining of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials remains subject to the provisions of Section 552.25, Florida Statutes.

(c) Nothing in this section is intended to supersede the requirements of Chapter 552, Florida Statutes, or other sections in this rule chapter.

(2) Definitions. As used in this rule:

(a) “Blasting site” is a location within a mining area at which explosive charges are set.

(b) “Independent seismologist” is an individual whose function includes vibration and air overpressure measurement and the analysis and evaluation of their effects upon structures.

1. A seismologist under this subsection will not be considered “independent” if the seismologist is an employee of:

a. The mining permit holder, blaster, or user; or

b. Any entity subject to regulation under Section 552.30, Florida Statutes.

2. A seismologist shall be ineligible to serve as an "independent seismologist" if the seismologist:

a. Has within 2 years from the written notice referenced below been retained by or otherwise served as an expert witness, investigator, or consultant for the mining permit holder, blaster, or user or for an aggrieved party in connection with any anticipated or threatened claim, legal action, or other proceedings in which the mining permit holder, blaster, or user is alleged in a written notice to have caused damages or adversely affected personal property allegedly due to the operation or performance of the activities regulated under this rule chapter; or.

b. Does not meet the criteria of (4)(c) of this rule.

3. The Fire Marshal's office shall provide a list of qualified independent seismologists approved for use pursuant to this paragraph. The requirement to use an independent seismologist shall not be effective until the list is compiled.

(c) "Limestone" as used in Section 552.30(1), Florida Statutes, means any extracted material composed principally of calcium or magnesium carbonate. Coquina is a form of limestone composed of shell fragments.

(d) "Mining area" as used in this rule section is the area of land in which construction materials mining activity is to occur.

(e) "Urban development" is defined as a residential subdivision containing 25 or more occupied residences within the local urban development boundary.

(3) Mining Permit.

(a) Applicability.

1. Any construction materials mining activity which is in operation upon the effective date of this rule shall be allowed to continue such mining operations, including blasting, provided that the applicant submits an application in accordance with this rule within 90 days of the effective date of this rule.

2. All construction materials mines which are not in active operation on the effective date of this rule must have a blasting permit issued pursuant to these rules prior to commencing blasting activities.

(b) A mining permit shall be issued only after:

1. Payment of a fee established in subsection (10) below or by the county or municipality to cover costs.

2.a. Approval of an application, signed by the applicant showing the applicant's name and address, on Form DI4-1498, Construction Mining Activity Application, which is hereby adopted and incorporated by reference and is available from Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

b. Within 30 days of receipt of the application, the State Fire Marshal shall request additional information if necessary to evaluate the application.

c. The State Fire Marshal shall inform the permittee by fax or otherwise in writing when the application is complete.

d. Within 90 days of the completion of the application, the application shall be approved or denied.

(c) The permit holder shall report all complaints to the authority issuing the permit.

(d) Standards for Mining Permit Approval. A mining permit shall be approved unless any item listed on Form DI4-1498 in paragraph (b) above is not provided.

(e) License period. Each mining permit shall be issued for a period of 10 years.

(f) Annual Report and Annual Permit Fee Procedure.

1. The mining activity covered by the mining permit will be reviewed on an annual basis for compliance with Chapter 552, Florida Statutes, including but not limited to compliance with the record keeping requirements.

2. The mining permit holder shall annually pay a permitting fee specified in (10) below.

(g) Transfer of permits.

1. Within 60 days after the sale or legal transfer of a mining operation, the permittee shall inform the State Fire Marshal or delegatee in writing of the sale or legal transfer, identify the proposed new permittee, and request transfer of the permit.

2. At the option of the permittee request for transfer may be made prior to the sale or transfer of the mining operation, with approval being effective upon closing of the sale or transfer of the operation.

3. Requests for transfer shall be accompanied by the fee specified in (10)(e).

4. The State Fire Marshal or delegatee shall approve the transfer of the permit unless it determines that the proposed new permittee does not meet the requirements of this rule. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of the permit conditions.

5. Within 30 days of receipt of the request for a transfer, the State Fire Marshal or delegatee shall request additional information if necessary to evaluate the request. The State Fire Marshal or delegatee shall inform the permittee by fax or otherwise in writing when the request is complete.

6. Within 90 days of the completion of the request, the request shall be approved or denied subject to Section 120.60, Florida Statutes.

7. The transferee is allowed to continue to operate under the existing permit until the request for transfer has been approved or denied.

(h) Renewal of Permits.

1. At least 60 days prior to the expiration of a mining permit issued pursuant to this rule, the permittee, wishing to continue activities subject to this rule shall apply for renewal of the permit using Form DI4-1498, Construction Mining Activity Application.

2. If the request is submitted at least 60 days prior to the expiration of the mining permit, the existing permit shall remain in effect until final agency action, or later as required by Section 120.60, Florida Statutes.

(i) Modification of Permits.

1. A permittee may request a modification of the permit by applying to the State Fire Marshal or delegatee. The request shall identify the proposed modification.

2. Requests for modification shall be accompanied by the fee specified in (10)(d).

3. Within 30 days of receipt of the request, the State Fire Marshal or delegatee shall request additional information if necessary to evaluate the request.

4. The State Fire Marshal or delegatee shall inform the permittee by fax or otherwise in writing when the request is complete.

5. Within 30 days of the completion of the request, the request shall be approved or denied subject to Section 120.60, Florida Statutes.

(4) Ground Vibration Limits. Ground vibration shall not exceed the limits of particle velocity and frequencies established by the U.S. Bureau of Mines Report of Investigations, No. 8507 Ground Vibration, Frequency Limits.

(a)1. The maximum, Appendix B-Alternative Blasting Level Criteria (Figure B-1). A blasting operation shall use a seismograph, as identified in (c) below, to monitor each blast to ensure compliance with the ground vibration limits established in Section 552.30, Florida Statutes.

2. The U.S. Bureau of Mines Report of Investigations No. 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1) and Table 8-1.3, established in Section 8-1 of the National Fire Protection Association Standard 495, 1996 Edition are hereby adopted and incorporated by reference. Copies may be obtained from the Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

(b)1. Ground vibration shall be measured for every blast at the location of the nearest building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations, up to a maximum of one mile.

2. If there are no such buildings within one mile, measurement shall be made at one mile in the direction of the nearest such building.

3. If there is a building that is not owned, leased, or contracted by the blasting or mining operation, or on property for which the owner has not provided a written waiver to the blasting operations in a direction 90 to 270 degrees from the direction of the nearest building specified in (b)1., above, and

that building is no more than 500 feet farther than the nearest building, measurement shall also be made at the nearest of those buildings.

4. If a measurement location determined pursuant to (b)1.-3., above is not practicable, such as in a wet swamp, measurement shall be made at a point nearer to but in the same direction from the blast site.

(c)1. All measurements shall be made by a seismologist meeting the following criteria:

a. Five years continuous experience measuring and evaluating levels of ground vibration and air overpressure produced by blasting;

b. Demonstrable expertise in the use, location, and operation of seismographic equipment and analysis of seismographic data; and

c. Prior experience in monitoring side effects produced by blasting used in construction materials mining activity.

d. The State Fire Marshal has not found that the seismologist has engaged in dishonest practices relating to the collection or analysis of data or information regarding the use of explosives in construction materials mining. Such a finding will be subject to Section 120.57, Florida Statutes.

e. The seismologist is not an employee of the mining permit holder, blaster, or user.

2. Measurements shall be taken and equipment shall meet specifications of and be installed in accordance with the International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998.

3. The International Society of Explosives Engineers Blaster's Handbook, 17th Edition, Copyright 1998, is hereby adopted and incorporated by reference and may be obtained from the International Society of Explosives Engineers, 29100 AVRA Road, Cleveland, Ohio 44131.

4. When the use of explosives occurs within 2 miles of an urban development, measurements shall be collected and reported by an independent seismologist.

(d)1. All seismographic equipment used within the boundaries of the State of Florida shall be calibrated according to the manufacturer's specifications and shall be certified as accurate by the manufacturer on an annual basis or as needed.

2. If the manufacturer is unavailable for such certification, the certification shall be performed by a person approved by the State Fire Marshal. Such approval shall be granted if the certifying person is known to be independent and reliable. "Independent" means not an employee or affiliate of a company engaged in construction materials mining activity, and "reliable" means never having been found to have willfully or negligently miscalibrated seismographic equipment.

3. Units not meeting current calibration guidelines shall be removed from service until calibration has been completed.

4. Calibration records shall be made available to the Division upon request.

(5) Airblast.

(a) Airblast limits shall conform with the limits established in Section 8-2 of National Fire Protection Association Standard Number 495, 1996 Edition, which is hereby adopted and incorporated by reference.

1. The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

2. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(b)1. Measurements made by a seismologist and any measurements made by an independent seismologist shall be made using seismographic equipment meeting the specifications of the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

2. Measurements shall be taken and equipment shall be installed in accordance with the International Society of Explosives Engineers Blasters' Handbook, 17th Edition, Copyright 1998.

(6) Time and Date of Explosives Use.

(a) The use of explosives shall be conducted during daylight hours between 8:00 a.m. and 5:00 p.m. local time, Monday through Friday.

(b) No explosive blasting shall occur on Saturdays, Sundays, official holidays recognized by the State of Florida pursuant to Section 110.117, Florida Statutes, or hours other than specified in the prior sentence unless consent is granted by the State Fire Marshal. Such consent shall be granted if the consent is in the interest of public safety.

(7) Blasting Activities Reporting. Each person engaged in construction materials mining activity shall submit to the Division or its delegatee, upon request, the results of ground vibration and airblast measurements. This report shall be maintained in accordance with Section 552.112, Florida Statutes. The report shall contain, at a minimum, for each blast:

(a) Date and time of blast;

(b) Number of holes;

(c) Depth;

(d) Number of wet holes, water depth;

(e) Hole diameter;

(f) Spacing;

(g) Amount of explosives;

(h) Number of primers;

(i) Type of caps (i.e. electric or nonelectric);

(j) Number of caps;

(k) Stemming feet;

(l) Maximum pounds delay;

(m) Maximum hole delay;

(n) Weather;

(o) Wind direction;

(p) Type and make of blasting machine;

(q) Global positioning system direction and distance in feet to the nearest building;

(r) Decking feet;

(s) Location of each seismograph;

(t) Peak particle velocity inches per second;

(u) Sound decibels;

(v) Name, address, and license number of user of explosives; and

(w) Name, address, and permit number of blaster.

(8) Local Government Notice.

(a) Each person engaged in construction materials mining activity shall submit written notification to the county and or municipality in which construction materials mining activity is to be conducted at least 20 days prior to the initial blast for any blasting.

(b) As soon as practical, but no later than one hour prior to the time when a blast is scheduled to take place, the person or firm engaged in construction materials mining activity shall, if requested, notify the county or municipality of any revisions to the notice.

(9) Delegation of Authority.

(a) The delegation by the State Fire Marshal described in Section 552.30(2), Florida Statutes, shall be accomplished by written agreement.

(b) Fees charged by the delegatee for activities specified in the agreement shall not exceed an amount calculated to cover the reasonable costs of the activities performed under the agreement.

(10) Fees. The fees established pursuant to Section 552.26, Florida Statutes, shall be as follows:

(a) Initial permit: \$4000;

(b) Renewal: \$4000 after 10 years;

(c) Annual mining permit fee: \$1500.

(d) Permit transfer fee: \$100.

(e) Permit modification fee:

1. \$1500 for a modification including a change in the boundaries of the blasting site or mining area;

2. \$500 for any other modification.

(11) Disciplinary Action; Mining Permit; Grounds For Denial; Nonrenewal, Suspension, or Revocation of a Mining Permit.

(a) The State Fire Marshal shall investigate any alleged violation of Chapter 552, Florida Statutes, or this rule.

(b) The following acts constitute cause for disciplinary action:

1. Violation of any provision of Chapter 552, Florida Statutes, or any rule adopted pursuant thereto.

2. Violation of the ground vibration, frequency limits set forth in Section 552.30, Florida Statutes.

3. Failing to obtain, retain or maintain one or more of the qualifications for a mining permit as specified in this chapter.

4. Making a material misstatement, misrepresentation, or committing fraud in obtaining or attempting to obtain a mining permit.

5. Failing to maintain any record required pursuant to Chapter 552, Florida Statutes, and any rule or code adopted pursuant thereto.

6. Falsifying any record required to be maintained by Chapter 552, Florida Statutes, or rules adopted pursuant thereto.

(c) The lapse or suspension of a mining permit by operation of law or by order of the State Fire Marshal or a court or its voluntary surrender by a mining permit holder does not deprive the State Fire Marshal of jurisdiction to investigate or act in disciplinary proceedings against the mining permit holder.

(d) In addition, the State Fire Marshal shall not issue a new mining permit if it finds that the circumstance or circumstances for which the mining permit was previously revoked or suspended still exist or are likely to recur.

(12) Nothing in this rule shall impact a county's or municipality's authority to exercise whatever powers are not prohibited by Section 552.30, Florida Statutes.

(13)(a) Notwithstanding the standards in this rule, the Division shall, pursuant to Section 552.211(3), Florida Statutes, restrict the quantity and use of explosives at any location within the state when the Division determines, subject to protections provided by Chapter 120, Florida Statutes, the use of such explosives is likely to cause injury to life or property.

(b) Such restrictions shall be to the extent necessary to render the use of such explosives unlikely to cause injury to life or property.

(c) In determining that the use of explosives is likely to cause injury to life or property in a given location, the Division shall consider the following factors:

1. Distance of blasting activity to structures;
2. Use and occupancy of structures near blasting activity;
3. Geology of area near blasting activity; and
4. Type of construction use in structures near blasting activity.

5. Any credible evidence relevant to the risk of injury to life or property, not excluding evidence that existing damage resulted from causes other than the use of explosives.

(14)(a) Based upon the safe level of blasting vibrations for houses as shown in Figure B-1, United States Bureau of Mines, Report of Investigations 8507, notwithstanding the limits in (4) above, the use of explosives within two miles of an urban

development, as defined in (2)(e) above, shall not exceed a peak particle velocity of more than 0.5 inches per second due to the potential existence of plaster on lath construction.

(b) Measurement of such ground vibration levels shall be made consistent with (4)(c)2. above at the nearest occupied residential structure within the urban development, which structure is not owned, leased, or contracted with the blasting or mining operation.

Specific Authority 552.30 FS. Law Implemented 552.161, 552.211, 522.30 FS. History--New _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-21	Fire Extinguishers and Pre-Engineered Systems
RULE NOS.:	RULE TITLES:
4A-21.102	Dealer License
4A-21.104	Prescribed Certification Training Course for Portable Fire Extinguisher Licenses and Permits
4A-21.242	Hydrostatic Tests
4A-21.245	Hydrostatic Tests; Record Tag
4A-21.302	Standards of National Fire Protection Association to Be Complied With

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 14, April 6, 2001, edition of the Florida Administrative Weekly, and to the proposed rules published in the Notice of Change in Vol. 27, No. 26, June 29, 2001, edition of the Florida Administrative Weekly.

4A-21.102 Dealer License.

(1) through (7) No change.

(8) When the applicant has completed the requirements in subsections (1) through (7), above, a pre-license inspection will be conducted at the facility of the applicant to determine that the equipment is functional and meets the requirements of subsection ~~(12)(4)~~, below. The Regulatory Licensing Section shall inspect vehicles, equipment, buildings, devices, premises or any area to be used in performing the activities allowed by the license. Vehicles will be inspected annually or as deemed necessary to insure minimum equipment requirements are met based on the services performed from each vehicle. At the time of inspection, the dealer shall provide to the Regulatory Licensing Section a list identifying the vehicle, by tag number, and the services performed from such vehicle. After issuance of a license, such facilities shall be inspected annually thereafter or as frequently as deemed necessary to ensure that the equipment requirements continue to be met.

(9) through (11) No change.

(12) Equipment requirements.

(a) Each licensed business location shall be required to possess, at a minimum, the required equipment listed below, the equipment shall be demonstrated at the time of any inspection, to be functional to perform service as indicated by the license. All facilities must be in possession of a retester's identification number and certification in compliance with the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed

Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, as adopted in Rule Chapter 4A-3, Florida Administrative Code Code of Federal Regulation Pamphlet 49, Part 173.

(b) Minimum Equipment and Facilities Requirements.

MINIMUM EQUIPMENT AND FACILITIES REQUIRED PER CLASS OF LICENSE

<p>10. All record tags, service, hydrotest, 6 year maintenance, as required by Rule 4A-21, as adopted in Rule Chapter 4A-3, Florida Administrative Code and <u>the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, as adopted in Rule Chapter 4A-3, Florida Administrative Code CFR-49.</u></p>	A	B	C	D
<p>26. NFPA 10 and NFPA 96, as adopted in Rule Chapter 4A-3, Florida Administrative Code, <u>Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, CGA C-1, C-6, C-6.1, C-6.3, the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, CFR 49, parts 100-177, and the portions of 29 Code of Federal Regulations 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition CFR 29 parts 1900-1910, all as adopted in Rule Chapter 4A-3, Florida Administrative Code.</u></p>	A	B	C	

<p>27. NFPA 12, 12A, 34, 17, 17A, 96, 2001, CGA C-1, C-6, C-6.1, C-6.3, and the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, and the portions of 29 Code of Federal Regulations 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, all as adopted in Rule Chapter 4A-3, Florida Administrative Code.</p>				<p><u>D</u></p>
<p>28. Closed recovery system for removal and recharge of halon as required in NFPA 10, as adopted in Rule Chapter 4A-3, Florida Administrative Code, or an exemption from the State Fire Marshal, as provided in Section 633.061(1)(3), Florida Statutes.</p>	<p>A</p>	<p>B</p>	<p>C</p>	<p>D</p>

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 2-7-89, Amended 10-20-93, 10-2-96, 6-8-98, _____.

4A-21.104 Prescribed Certification Training Course for Portable Fire Extinguisher Licenses and Permits.

No change.

Specific Authority 633.01 FS. Law Implemented 633.061, 633.46 FS. History—New 2-7-89, Amended 10-20-93.

4A-21.242 Hydrostatic Tests.

(1) Hydrostatic tests shall be conducted in accordance with the procedures in NFPA 10, as adopted in Rule Chapter 4A-3, Florida Administrative Code, and the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, and CFR 49 and CGA C-1, C-6, C-6.1 and C-6.3, all as adopted in Rule Chapter 4A-3, Florida Administrative Code.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History—New 10-18-67, Amended 8-15-85, Formerly 4A-21.42, 4A-21.042, Amended 2-7-89, 10-20-93, _____.

4A-21.245 Hydrostatic Tests; Record Tag.

The hydrostatic test record tag shall comply with the requirements of NFPA 10 as adopted in Rule Chapter 4A-3, Florida Administrative Code, and the portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders, and CFR 49 and CGA C-1, C-6, C-6.1 and C-6.3, all as adopted in Rule Chapter 4A-3, Florida Administrative Code. It shall remain adhered to the extinguisher for the required period of time. It shall not corrode. It shall remain legible for the duration of the performed hydrotest interval.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History—New 10-18-67, Formerly 4A-21.45, 4A-21.045, Amended 2-7-89, 10-20-93, _____.

4A-21.302 Standards of National Fire Protection Association to be Complied With.

The following standards of the National Fire Protection Association as adopted in Rule Chapter 4A-3, Florida Administrative Code are applicable to Part III of this rule chapter and shall be complied with and are hereby adopted and incorporated by reference:

(1) through (4) No change.

(5) NFPA 96 – 1998 edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, as adopted in Rule Chapter 4A-3, Florida Administrative Code. Section 7.2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.

(6) through (7) No change.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.081 FS. History—New 10-18-67, Amended 8-15-85, Formerly 4A-21.57, 4A-21.057, Amended 2-7-89, 10-20-93, 10-2-96, 6-8-98, _____.

In addition, the following forms have been revised: DI4A-25, Revised 10/99; DI4A-28, Revised 10/99; DI4-32, Revised 11/99; DI4-393, Revised, 03/00; DI4-394, Revised 03/00; DI4-1239, Revised 03/00; and DI4-1240, Revised 03/00.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-46	Fire Protection System Contractors and Systems
RULE NO.:	RULE TITLE:
4A-46.016	Insurance Requirements

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 14, April 6, 2001, edition of the Florida Administrative Weekly.

4A-46.016 Insurance Requirements.

(2) The licensed Fire Protection System Contractor I, II, III, IV, or V shall be responsible to ensure that current and subsisting insurance coverage meets meeting the requirements of Section 633.521, Florida Statutes, and is on file with the Regulatory Licensing Section.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.521(4) FS. History—New 10-20-93, Amended _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-62	Firefighter Employment Standards

RULE NO.: 4A-62.003
 RULE TITLE: Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), including Notes One and Two

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 47, November 22, 2000, edition of the Florida Administrative Weekly.

4A-62.003 Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), including Notes One and Two.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in Paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(c) If the extension granted in Paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division and the Firefighters Standards and Training Council as provided in Subsection (4), is still unable to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any

county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1) FS. Law Implemented 633.45(1)(a) FS. History--New _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12BER01-6
 RULE TITLE: Exemptions from the Communications Services Tax

NOTICE OF WITHDRAWAL/CANCELLATION

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 28, July 13, 2001, Florida Administrative Weekly, has been withdrawn/cancelled.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-12.001	Definitions
19-12.002	Purpose
19-12.003	Limitation on Contributions
19-12.004	Annual Addition in Excess of Limitation
19-12.005	The Exclusive Benefit Rule of the Code and Forfeitures
19-12.006	Distribution of Benefits

NOTICE OF PUBLIC HEARING

The Florida State Board of Administration announces a public hearing to which all persons are invited.

TIME AND DATE: 9:00 a.m. – conclusion, Tuesday, October 16, 2001

PLACE: Room 212, Knott Building, 111 W. St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on October 16, 2001, will consider six proposed new rules in Rule Chapter 19-12, F.A.C. (published in FAW, Vol. 27, No. 36, dated September 7, 2001) and will be asked for permission to file these six rules for adoption:

These proposed new rules implement regulations of the Internal Revenue Code to enable the Public Employee Optional Retirement Program to qualify for tax-qualified status. Proposed new Rule 19-12.001, F.A.C., provides definitions. Proposed new Rule 19-12.002, F.A.C., sets out the purpose of the rules. Proposed new Rule 19-12.003, F.A.C., establishes limitations on contributions on conformance with IRS regulations. Proposed new Rule 19-12.004, F.A.C., provides methods for dealing with any excess contributions

which exceed Section 415(c) of the Internal Revenue Code. Proposed new Rule 19-12.005, F.A.C., provides procedures to ensure that the assets of the plan be used only for the exclusive benefit of the plan's participants. Proposed new Rule 19-12.006, F.A.C., provides methods for distributing benefits. A rule development workshop was offered on August 20, 2001, but no one requested the workshop and the workshop was not held. The rule hearing is scheduled for October 1, 2001. The Joint Administrative Procedures Committee made suggestions which were incorporated into these rules. If approved, the State Board expects to file for adoption on November 1, 2001.

A copy of the State Board of Administration's agenda for the October 16, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-9	Payment of Excise Taxes
RULE NOS.:	RULE TITLES:
20-9.004	Fruit Handled by Express and Gift Package Shippers
20-9.005	Requirements to Guarantee Payment of Excise Tax
20-9.006	Late Filing of Returns and Inadequacy of Bond
20-9.008	Utilization of Certificate of Deposit in Lieu of Bond

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly:

20-9.004 Fruit Handled by Express and Gift Package Shippers.

(1) Filing excise tax returns:

~~(d) Any shipper who qualifies with the Department of Citrus under Section 20-9.005 may file returns as therein provided.~~

(d)(e) The advertising excise taxes shall be due and payable at the time of offering such fruit for shipment.

20-9.005 Requirements to Guarantee Payment of Excise Tax.

To qualify to guarantee to the Department of Citrus payment of any excise tax imposed by law:

(2) The total amount of such cash bond, surety bond or certificate of deposit shall be in an amount based upon the following formula:

(b) Divide the total estimated tax (A) by the number of weeks for which tax returns were required to be filed during the previous season (B) to determine the estimated weekly tax due (C) $[A \div B = C]$. Department has the discretion to reduce the number of weeks used in this calculation due to late payments received during the prior season. If returns were filed late four (4) times or more during the previous season, the Department will recalculate the estimated weekly tax due (C). The number of times payments were received the prior season will be substituted for (B).

20-9.006 Late Filing of Returns and Inadequacy of Bond.

All excise taxes levied and imposed on citrus fruit or product shall be paid or the amount thereof guaranteed at the time the fruit is first handled in the primary channel of trade. Payments not made the week following entry into the primary channel of trade become delinquent. Payment shall be made in accordance with Sections 20-9.001, 20-9.002, 20-9.003 and 20-9.004, Florida Administrative Code.

(1)(b) If the taxes are not paid within 28 days of delinquency by the citrus fruit handler and there is no request for hearing under Chapter 120, Florida Statutes, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension will remain in force until returns have been filed and excise taxes plus any penalties are paid to the Department of Citrus. The Department of Citrus shall notify the Department of Agriculture when such payment has been made and inspection services may resume. If payment is not made after suspension of inspection services, the Department of Citrus shall shall may impose a 5% late penalty pursuant to Section 601.15(9)(a), Florida Statutes, demand immediate payment from the surety of such taxes and penalty, and provide the handler with a copy of such demand. Where the handler has deposited with the Department of Citrus a cash bond or certificate of deposit, the Department shall immediately proceed against such bond or certificate of deposit for the amount of indebtedness.

20-9.008 Utilization of Certificate of Deposit in Lieu of Bond.

(5) A handler may reassign existing certificates of deposit to the Department of Citrus for subsequent years, provided all tax liabilities for the current season have been satisfied. A separate certificate of deposit for the required amount of the bond otherwise called for must be assigned to the Department of Citrus for each citrus shipping season for which the handler desires to utilize this alternate procedure.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-7.001	Seals Acceptable to the Board

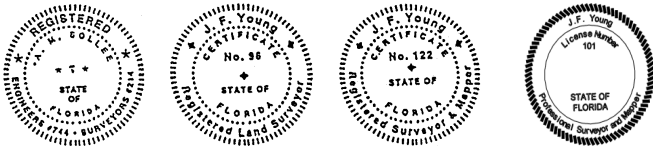
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 27, July 6, 2001, issue of the Florida Administrative Weekly. The change in response to comments received by the Board from interested parties, and from the duly-noticed Board meeting held September 6, 2001.

The rule shall now read:

61G17-7.001 Seals Acceptable to the Board.

(1) The Board hereby establishes the acceptable forms of metal-type impression seals:



I II II IV

(2) Seal I may be used only by registrants who are registrants in good standing under both Chapter 471 and Chapter 472, F.S., as of June 30, 1995.

(3) Seal II may be used only by registrants who are licensed as of June 30, 1995.

(4) Registrants who are initially licensed on or after July 1, 1995, shall use only seal III.

(5) Registrants who are initially licensed on or after June 30, 2002 shall use only seal IV.

(6) Surveyors and mappers who wish to sign and seal electronically transmitted plans, reports, or other documents shall follow the procedures set forth in Rule 61G17-7.0025, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

RULE NO.: 64-2.001
 RULE TITLE: Registration Requirements, Fees
 NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, in accordance with subparagraph 120.54(3)(d)1., F.S., announces changes to proposed new Rule 64-2.001, F.A.C., originally noticed in the September 7, 2001, issue of the Florida Administrative Weekly, Vol. 27, No. 36. The changes are in response to comments provided by the Joint Administrative Procedures Committee, and to issues raised at the public hearing on the rule. The changed rule will read as follows:

64-2.001 Registration Requirements, Fees.

(1) Registration Requirements.

(a) Effective October 1, 2001, every clinic as defined in s. 456.0375(1), FS, must, within 60 days, or prior to the inception of the clinic's operation, register and maintain a valid registration with the Department of Health. Such registration shall be accomplished by filing Form DH-4130, with the department. Form DH-4130, effective 8/01, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Medical Quality Assurance/Communications, at: 4042 Bald Cypress Way, Bin C01, Tallahassee, Florida 32399-3251.

(b) Each clinic location shall be registered separately even though operated under the same business name or management.

(c) A clinic's registration expires automatically two (2) years after the date of its issuance and must be renewed biennially.

(d) A clinic's registration certificate must be displayed in a conspicuous location within the clinic so as to be readily visible to all patients.

(2) Fees.

(a) The cost of registration and registration renewal shall be \$150.00.

(b) An additional five (5) dollar fee shall be added to the cost of registration and registration renewal to cover unlicensed activity, as required by Section 456.065(3), Florida Statutes.

Specific Authority 456.0375 FS. Law Implemented 456.0375, 456.065(3) FS. History--New.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Forms Used by Public
 RULE NO.: 12BER01-30
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapters 2000-260 and 2001-140, L.O.F.) requires that local governments provide certain information on local tax rate and jurisdiction changes to the Department of Revenue on forms provided by the Department. The Communications Services Tax Simplification Law also requires that communications services dealers remit communications services tax on forms provided by the Department. These forms must be available to all local taxing jurisdictions and to