

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF AGRICULTURE AND CONSUMER  
SERVICES****Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Fertilizer  
 RULE CHAPTER NO.: 5E-1  
 RULE TITLES: Methods of Analysis  
 RULE NOS.: 5E-1.014  
 Adulteration of Levels for Metals in

Fertilizers; Certificate of Analysis 5E-1.026

**PURPOSE AND EFFECT:** The purpose of the rule amendments are to incorporate by reference all methods of analyses for commercial fertilizers. The effect is the establishment of parameters for metals in fertilizers offered for sale in the State of Florida.

**SUBJECT AREA TO BE ADDRESSED:** Methods of analysis and standards for fertilizers adulterated with metals.

**SPECIFIC AUTHORITY:** 570.07(23), 576.181, 576.051(7) FS.

**LAW IMPLEMENTED:** 576.181, 576.051(7) 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 5, 2002

PLACE: AES Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 5E-1.014 Methods of Analyses.

All methods of analyses for ~~plant nutrients in~~ commercial fertilizers shall be those in the State of Florida, Department of Agriculture and Consumer Services, Fertilizer Manual, (Eff. 3/18/96), which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

Specific Authority 576.181(2), 570.07(23), 576.051(7) FS. Law Implemented 576.051(2),(3),(7) FS. History—New 1-23-67, Amended 1-1-77, 7-22-79, 4-23-80, 10-27-80, 4-20-81, 10-18-81, 4-4-83, 11-16-83, 1-23-85, 6-19-85, Formerly 5E-1.14, Amended 11-16-86, 10-12-87, 9-26-88, 11-19-89, 3-28-91, 8-3-93, 7-9-95, 10-25-98,\_\_\_\_\_.

5E-1.026 Adulteration Levels for Metals in Fertilizers;  
Certificate of Analysis.

(1) ADULTERATION LEVELS FOR METALS IN  
FERTILIZERS.

Fertilizers that contain guaranteed amounts of phosphates and/or micro nutrients are adulterated when they contain metals in amounts greater than the levels of metals established by the following table<sup>1</sup>:

<u>Metals</u>	<u>ppm per 1% P<sub>2</sub>O<sub>5</sub></u>	<u>ppm per 1% Micro nutrients<sup>2</sup></u>
<u>1. Arsenic</u>	<u>13</u>	<u>112</u>
<u>2. Cadmium</u>	<u>10</u>	<u>83</u>
<u>3. Cobalt</u>	<u>3,100</u>	<u>23,000<sup>3</sup></u>
<u>4. Lead</u>	<u>61</u>	<u>463</u>
<u>5. Mercury</u>	<u>1</u>	<u>6</u>
<u>6. Molybdenum</u>	<u>42</u>	<u>300<sup>3</sup></u>
<u>7. Nickel</u>	<u>250</u>	<u>1,900</u>
<u>8. Selenium</u>	<u>26</u>	<u>180<sup>3</sup></u>
<u>9. Zinc</u>	<u>420</u>	<u>2,900<sup>3</sup></u>

To use the Table:

Multiply the percent guaranteed P<sub>2</sub>O<sub>5</sub> or sum of the guaranteed percentages of all micro nutrients (Iron, Manganese, Zinc, etc...) in each product by the value in the appropriate column in the Table to obtain the maximum allowable concentration (ppm) of these metals. The minimum value for P<sub>2</sub>O<sub>5</sub> utilized as a multiplier shall be 6.0. The minimum value for micro nutrients utilized as a multiplier shall be 1. If a product contains both P<sub>2</sub>O<sub>5</sub> and micro nutrients multiply the guaranteed percent P<sub>2</sub>O<sub>5</sub> by the value in the appropriate column and multiply the sum of the guaranteed percentages of the micro nutrients by the value in the appropriate column. Utilize the sum of the two resulting values as the maximum allowable concentrations.

Biosolids, and all compost products<sup>4</sup>, shall be adulterated when they exceed the levels of metals permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Part 503. Dried biosolids and manure, as well as manipulated manure products not supplemented with chemical fertilizers shall also be deemed adulterated when they exceed the levels of metal permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Part 503. Hazardous waste derived fertilizers (as defined by EPA) shall be adulterated when they

exceed the levels of metals permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Parts 261, 266 and 268.

Footnotes:

<sup>1</sup> These guidelines are not intended, to be used, to evaluate horticultural growing media claiming nutrients but may be applied to the sources of the nutrients added to the growing media.

<sup>2</sup> Micro nutrients (also called minor elements) are essential for both plant growth and development and are added to certain fertilizers to improve crop production and/or quality. These micro nutrients are iron, manganese, zinc, copper, molybdenum and boron. In addition, cobalt and selenium can also be considered micro nutrients.

<sup>3</sup> Only applies when not guaranteed.

<sup>4</sup> Includes all compost products that are not supplemented with chemical fertilizers, even those registered as fertilizers (making nutrient claims).

(2) CERTIFICATE OF ANALYSIS.

Suppliers of micro nutrient and/or phosphate materials distributed to registered fertilizer licensees for blending purposes upon request shall furnish to the licensee and the Department a Certificate of Analysis of the nine metals denoted in section (1)(a).

Specific Authority 576.181 FS. Law implemented 576.181 FS. History--New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

**RULE TITLES:**

**RULE NOS.:**

Adoption of Uniform Packaging and

Labeling Regulation

5F-3.001

Package Testing Procedures

5F-3.016

**PURPOSE AND EFFECT:** The purpose of Rule 5F-3.001, F.A.C., is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2002 edition of National Institute of Standards and Technology Handbook 130. The purpose of Rule 5F-3.016, F.A.C., is to amend it to adopt the most recent national standards for package testing procedures as adopted by the National Conference on Weights and Measures and published in fourth edition of National Institute of Standards and Technology Handbook 133. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

**SUBJECT AREA TO BE ADDRESSED:** Requirements for package and labeling of commodities sold in package form in Florida and the procedures for testing of such packages.

**SPECIFIC AUTHORITY:** 531.41(3) FS.

**LAWS IMPLEMENTED:** 531.41(4),(13), 531.47, 531.49 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:** 2:00 p.m., Monday, April 1, 2002

**PLACE:** Division of Standards, Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2002 2004 Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2002 2004 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01,\_\_\_\_\_.

5F-3.016 Package Testing Procedures.

The Department of Agriculture and Consumer Services hereby adopts the National Institute of Standards and Technology (NIST) Handbook 133, "Checking the Net Contents of Packaged Goods," Fourth Third Edition, including Supplements 1, 2, 3 and 4 as the Rule for the procedures for testing packaged goods and commodities for net contents and incorporates said Handbook herein by this reference. A copy of NIST Handbook 133, Fourth Third Edition, including Supplements 1, 2, 3 and 4 may be obtained from the National Conference on Weights and Measures, 15245 Shady Grove Road, Suite 130, Rockville, Maryland 20850 Post Office Box 4025, Gaithersburg, Maryland 20888, Phone: (240)632-9454 (301)975-4012 or <http://ts.nist.gov/ts/htdocs/230/235/h1334.htm>.

Specific Authority 531.41(3) FS. Law Implemented 531.41(13) FS. History—New 4-9-98, Amended.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Standards

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Specifications, Tolerances and Other

Technical Requirements for

Commercial Weighing and

Measuring Devices

5F-5

RULE TITLE:

RULE NO.:

Specifications, Tolerances, and Other Technical

Requirements for Commercial Weighing

and Measuring Devices

5F-5.001

**PURPOSE AND EFFECT:** The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2002 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

**SUBJECT AREA TO BE ADDRESSED:** The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

**SPECIFIC AUTHORITY:** 531.40, 531.41(3) FS.

**LAWS IMPLEMENTED:** 531.40 FS.

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

**TIME AND DATE:** 2:00 p.m., Monday, April 1, 2002

**PLACE:** Division of Standards, Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2002 ~~2004~~ Edition, are

hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2002 ~~2004~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at http://ts.nist.gov/ts/htdocs/230/235/h442001.htm.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, \_\_\_\_\_.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Standards

RULE TITLE:

RULE NO.:

Adoption of Uniform Methods of Sale

5F-7.005

**PURPOSE AND EFFECT:** The purpose of this rule is to adopt the most recent national standards for the methods of sales of commodities developed by the National Conference on Weights and Measures and published in the 2001 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

**SUBJECT AREA TO BE ADDRESSED:** The methods of sale allowable for commodities being sold by weight, measure or count.

**SPECIFIC AUTHORITY:** 531.41(3) FS.

**LAWS IMPLEMENTED:** 531.41(4), 531.45 FS.

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

**TIME AND DATE:** 2:00 p.m., Monday, April 1, 2002

**PLACE:** Division of Standards, Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2002 2004 Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2002 2004 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

DOCKET NO.: 01-43R

RULE CHAPTER TITLE: State Buffer Preserves  
RULE CHAPTER NO.: 18-23

PURPOSE AND EFFECT: To clarify language, remove obsolete language, add a section specifying fines for violations on buffer preserves, and add buffer preserves not covered under existing rule. Adding and specifying fines for violations will implement Section 253.86, Florida Statutes, enacted in 2001.

SUBJECT AREA TO BE ADDRESSED: Activities in buffer preserves and fines for violations in buffer preserves will be addressed. Any area in any of these rules may be addressed in furtherance of the purpose of this rulemaking.

SPECIFIC AUTHORITY: 253.86(1) FS.

LAW IMPLEMENTED: 253.86(1),(2) 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: Alex M. Cordero, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd., M.S. 235, Tallahassee, Florida 32399-3000, (850)488-3456 or SC 278-3456, Fax (850)488-3896 or SC 278-3896, E-mail: alex.cordero@dep.state.fl.us

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

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 020166-EQ

RULE TITLE: Firm Capacity and Energy Contracts  
RULE NO.: 25-17.0832

PURPOSE AND EFFECT: To consider amendments to the rule asserted by petitioner to balance amendments already being considered in Docket No. 001574 in a consolidated proceeding.

SUBJECT AREA TO BE ADDRESSED: Contracts between investor-owned utilities and qualifying facilities.

SPECIFIC AUTHORITY: 350.127, 366.04(1), 366.051, 366.05(1),(8) FS.

LAW IMPLEMENTED: 366.051, 403.503 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 workshop request must be submitted in writing within 14 days of the date of this notice to: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Judy Harlow, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-17.0832 Firm Capacity and Energy Contracts.

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

(b) The rates, terms, and other conditions contained in each utility's standard offer contract or contracts shall be based on the need for and equal to the avoided cost of deferring or avoiding the construction or purchase of additional generation capacity or parts thereof by the purchasing utility. Each standard offer contract shall provide the option for the qualifying facility to be paid rates equal to the costs that would be borne by the utility's general body of ratepayers if the utility were to build its avoided unit or purchase capacity and energy from another source. Without limitation, this shall include payments calculated on the same basis as the utility's revenue requirements where the qualifying facility signs a standard offer contract with a term equal to the projected life of the

avoided unit, payments calculated on the same basis as payments to be made pursuant to a power purchase arrangement where such power purchase is the generation resource avoided by the purchase from the qualifying facility, and payments calculated on the same basis as the utility's proposed revenue requirements for a proposed plant where the utility plans to limit cost recovery for the proposed plant to a fixed period of time. This requirement shall not preclude the use of the value of deferral payment methodology to calculate capacity payments where the qualifying facility proposes to sign a contract with a term less than the projected life of the avoided unit. Rates for payment of capacity sold by a qualifying facility shall be specified in the contract for the duration of the contract. In reviewing a utility's standard offer contract or contracts, the Commission shall consider the criteria specified in paragraphs (3)(a) through (3)(d) of this rule, as well as any other information relating to the determination of the utility's full avoided costs.

(c) through (e)6. No change.

7. The period of time over which firm capacity and energy shall be delivered from the qualifying facility to the utility. Firm capacity and energy shall be delivered, at a minimum, for a period of ten years, commencing with the anticipated in-service date of the avoided unit specified in the contract. At a maximum, firm capacity and energy shall be delivered for a period of time equal to the anticipated plant life of the avoided unit, commencing with the anticipated in-service date of the avoided unit. Consistent with the utility's obligation to purchase the firm capacity and energy that a qualifying facility has available to sell to a utility, the qualifying facility shall have the option to specify the duration of its obligation to deliver firm capacity and energy within the above parameters;

8. through (5)(c) No change.

(d) As a risk management and fuel-cost hedging measure, each public utility subject to this rule shall provide for a minimum of twenty (20) percent of the energy purchased pursuant to standard offer contracts entered into following the effective date of this subsection to be purchased at the projected energy costs reflected in the utility's analyses and plans as of the date that the standard offer contract is executed by the utility and the qualifying facility. Such projected energy costs shall reflect not only the projected fuel costs associated with the avoided unit, but also the avoided operation and maintenance costs of the avoided unit, and shall also be based on the projected operations of the avoided unit as of the time the standard offer contract is executed. Further, all such costs shall be calculated on a directly comparable basis to that upon which the utility would calculate the costs associated with its avoided unit for the purpose of seeking recovery of such costs from its customers if it were to build and operate the avoided unit.

(6) Calculation of standard offer contract firm capacity payment options.

(a) Calculation of year-by-year value of deferral. The year-by-year value of deferral of an avoided unit shall be the difference in revenue requirements associated with deferring the avoided unit one year. All analyses to identify the type and timing of a utility's avoided unit, and all calculations of the value of deferral of an avoided unit, shall be conducted on a basis that treats supply-side and demand-side options equally and comparably. Specifically, all such analyses and calculations shall include only the impacts of existing and contractually committed demand-side management measures and shall not include the effects of any projected demand-side management measures that are not already in place or contractually committed to the utility. The value of deferral ~~and~~ shall be calculated as follows:

$$VAC_m = 1/12[KI_n(1-R)/(1-R^L) + O_n]$$

Where, for a one year deferral:

$VAC_m$  = utility's monthly value of avoided capacity, in dollars per kilowatt per month, for each month of year n;

$K$  = present value of carrying charges for one dollar of investment over  $L$  years with carrying charges computed using average annual rate base and assumed to be paid at the middle of each year and present value to the middle of the first year;

$R = (1+ip)/(1+r)$ ;

$I_n$  = total direct and indirect cost, in mid-year dollars per kilowatt including AFUDC but excluding CWIP, of the avoided unit with an in-service date of year n, including all identifiable and quantifiable costs relating to the construction of the avoided unit that would have been paid had the avoided unit been constructed;

$O_n$  = total fixed operation and maintenance expense for the year n, in mid-year dollars per kilowatt per year, of the avoided unit;

$i_p$  = annual escalation rate associated with the plant cost of the avoided unit(s);

$i_o$  = annual escalation rate associated with the operation and maintenance expense of the avoided unit(s);

$r$  = annual discount rate, defined as the utility's incremental after tax cost of capital;

$L$  = expected life of the avoided unit; and

$n$  = year for which the avoided unit is deferred starting with its original anticipated in-service date and ending with the termination of the contract for the purchase of firm energy and capacity.

(b) through (8)(c) No change.

Specific Authority 350.127, 366.05(1),(8), 366.051 FS. Law Implemented 366.051, 403.503 FS. History—New 10-25-90, Amended 1-7-97, \_\_\_\_\_.

## DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

### Division of Workers' Compensation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Obligation to Rehire Rules	38F-57
RULE TITLES:	RULE NOS.:
Definitions	38F-57.001
Employer's Good Faith Effort in	
Making Available Work	38F-57.002
Non-penalty for Employer's Failure to	
Make Appropriate Work Available	38F-57.003
Non-Application of Obligation to	
Rehire Rule Provisions	38F-57.004
Maximum Medical Improvement Notification	38F-57.005

**PURPOSE AND EFFECT:** This rule will establish the procedure to be followed by the Division of Workers' Compensation in assessing fines under s. 440.15(6), F.S., for certain employers' failure to make in good faith work available after maximum medical improvement to their injured employees.

**SUBJECT AREA TO BE ADDRESSED:** The promulgation of administrative rules to implement section 440.15(6), Florida Statutes, the obligation to rehire rule in workers' compensation.

**SPECIFIC AUTHORITY:** 440.591, 440.15(6) FS.

**LAW IMPLEMENTED:** 440.15(6) FS.

A RULE DEVELOPMENT WORKSHOP IS DEEMED TO BE UNNECESSARY 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 L. Watkins, Chief, Bureau of Rehabilitation and Medical Services, telephone number (850)488-3431, Ext. 320, e-mail: watkinr@wcpost.fdles.state.fl.us; 2728 Centerview Drive, Suite 100, Forrest Building, Tallahassee, FL 32399

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

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Forms and Instructions	40D-1.659

**PURPOSE AND EFFECT:** Forms which the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. The purpose of the amendment is to adopt an environmental resource permitting form used in the District's dealing with the public. This rulemaking will incorporate the form by reference in Rule 40D-1.659, Florida Administrative Code, in compliance with the above-referenced statutory provision.

**SUBJECT AREA TO BE ADDRESSED:** The amendment will incorporate the environmental resource permitting form entitled Statement of Inspection for Proper Operation and Maintenance into the District's rules. The form is used to certify the periodic inspections of surface water management systems in accordance with District rules and permit conditions.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

### GROUND WATER

(1) through (19) No change.

### SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (13) No change.

(14) STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE FORM NO. 04.10 R-023 ( /02)

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented: 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-29-01, \_\_\_\_\_.

## WATER MANAGEMENT DISTRICTS

### South Florida Water Management District

RULE TITLE:	RULE NO.:
Suspension of Vendors and Contractors from	
Doing Business with the South Florida	
Water Management District ("District")	40E-7.214

**PURPOSE AND EFFECT:** The District has legislative authority to temporarily or permanently suspend vendors and contractors who materially breach their contracts with the District from doing future business with the District.

**SUBJECT AREA TO BE ADDRESSED:** The rule will define material breach, as well as the process vendors and contractors must follow in order to be removed from the suspension list. Vendors and contractors who are notified that they will be placed on the suspension list will be entitled to an Administrative Hearing pursuant to Chapter 120, Fla. Stat.

**SPECIFIC AUTHORITY:** 373.610 FS.

**LAW IMPLEMENTED:** 373.610 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 1:00 p.m. – 5:00 p.m., April 3, 2002

**PLACE:** Stuart City Hall, 121 S. W. Flagler Avenue, Stuart, Florida 34994

**TIME AND DATE:** 8:00 a.m. – 12:00 Noon, April 4, 2002

**PLACE:** South Florida Water Management District Orlando Service Center, 7335 Lake Ellenor Drive, Orlando, Florida 32809

**TIME AND DATE:** 8:00 a.m. – 12:00 Noon, April 17, 2002

**PLACE:** South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406-3001

**TIME AND DATE:** 8:00 a.m. – 12:00 Noon, April 23, 2002

**PLACE:** South Florida Water Management District Ft. Lauderdale Field Station, 2535 Davie Road, Ft. Lauderdale, Florida 33317

**TIME AND DATE:** 5:00 p.m. – 8:00 p.m., May 1, 2002

**PLACE:** South Florida Water Management District Miami Field Station, 9001 N. W. 58th Street, Miami, Florida 33178

**TIME AND DATE:** 9:00 a.m. – 12:00 Noon, May 14, 2002

**PLACE:** South Florida Water Management District Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida 33901

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Linda Engelbrecht, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6378 or (561)682- 6378 (internet: lengelb@sfwmd.gov).

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

## **WATER MANAGEMENT DISTRICTS**

### **South Florida Water Management District**

<b>RULE CHAPTER TITLE</b>	<b>RULE CHAPTER NO.:</b>
Minimum Flows and Levels	40E-8

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to establish minimum flows and levels for the St. Lucie River & Estuary, in accordance with Chapter 373, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Minimum flows and levels.

**SPECIFIC AUTHORITY:** 373.042, 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421 FS.

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

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, April 3, 2002

**PLACE:** Stuart Recreation Center, 201 S.W. Flagler, Stuart, Florida 34994, (561)288-5338

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 Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** For technical issues contact, Winnie Said, internet: wsaid@sfwmd.gov, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. The Technical Documentation to Support Development of Minimum Flows and Levels for the St. Lucie River and Estuary is available on the District's website at [www.sfwmd.gov/org/wsd/mfl/index.html](http://www.sfwmd.gov/org/wsd/mfl/index.html). For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

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

## **DEPARTMENT OF ELDER AFFAIRS**

### **Aging and Assisted Living Programs**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Hospice	58A-2





Contact Fred Noble, P.E., (850)921-9904

The full text of this notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

## DEPARTMENT OF HEALTH

### Board of Clinical Laboratory Personnel

RULE TITLE: Supervisor  
RULE NO.: 64B3-5.002

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

SUBJECT AREA TO BE ADDRESSED: Supervisor.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

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

(c) A baccalaureate degree, with eight semester hours each of academic biological and chemical science included in ~~for~~ a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in the categories for which licensure is sought, two years of which shall be post baccalaureate, including a minimum of one year in each category for which licensure is sought.

(d) through (g) No change.

(i) Be licensed in a specialty as a technologist, meet the education and experience requirement under paragraph 64B3-5.002(1)(a), (b) or (c), F.A.C., and completes 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s), accumulated over no longer than five years prior to application for licensure. Course content must include the guidelines set forth in subsection 64B3-3.003(7), F.A.C. This continuing education may not be used to satisfy biennial renewal requirements.

~~(2) Examinations Required for Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.~~

~~(a) To add a new category in which the supervisor has not been licensed by examination at the technologist level to an active supervisor's license, an examination in the category must be passed.~~

~~(b) If the applicant was licensed by examination at the technologist level in a category and currently qualifies for supervisor licensure by education and experience, a supervisor application is required but an examination in the category is not required. If licensed as a technologist in more than one category, new categories will be added to an active supervisor's license only in the categories for which pertinent clinical laboratory experience has been verified. Categories for which pertinent clinical laboratory experience has not been verified will not be added to an active supervisor's license.~~

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE TITLE: Certification for Approval  
RULE NO.: 64B9-2.002

PURPOSE AND EFFECT: The Board proposes to review the language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Certification for approval.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 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: Dan Coble, Executive Director, Board of Nursing /MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252

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

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE TITLE: Fees  
RULE NO.: 64B9-7.001

PURPOSE AND EFFECT: The Board proposes to review the language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 19.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252

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

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE CHAPTER TITLE: Certified Nursing Assistants

RULE NO.: 64B9-15

PURPOSE AND EFFECT: The Board proposes the development of a rule chapter and hold a public workshop to address guidelines for certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: Certified nursing assistants.

SPECIFIC AUTHORITY: 464.204 FS.

LAW IMPLEMENTED: 456.072, 464.204 FS.

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

TIME AND DATE: 4:00 p.m., April 9, 2002

PLACE: Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing /MQA, 4052 Bald Cypress Way, Tallahassee, FL 32399

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

## DEPARTMENT OF HEALTH

### Board of Psychology

RULE TITLE: Licensure by Examination: Additional Educational Requirements for Initial Licensure

RULE NO.: 64B19-11.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to add the requirement for instruction on the prevention of medical errors to the existing rule.

SUBJECT AREA TO BE ADDRESSED: Requirement for instruction on the prevention of medical errors.

SPECIFIC AUTHORITY: 490.004(4), 456.031, 456.013(7) FS.

LAW IMPLEMENTED: 456.031, 456.013(7) 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

## DEPARTMENT OF HEALTH

### Board of Athletic Training

RULE TITLE: Licensure Requirements

RULE NO.: 64B33-2.001

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

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements.

SPECIFIC AUTHORITY: 456.013(7),(9), 468.705, 468.707 FS.

LAW IMPLEMENTED: 456.013(7), 468.707 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled "STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER" incorporated herein by reference and effective 1/19/96, to the

Department. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) through (2) No change.

(3) Effective July 1, 2001 all applicants for initial or renewal of initial license shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Athletic Training is 4052 Bald cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

Specific Authority 456.013(7),(9), 468.705, 468.707 FS. Law Implemented 456.013(7), 468.707 FS. History--New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended 8-22-00, \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Athletic Training

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B33-5.001

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Disciplinary Guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 468.719 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 FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

## DEPARTMENT OF HEALTH

### Board of Athletic Training

RULE TITLE: Mitigating and Aggravating Circumstances RULE NO.: 64B33-5.002

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Mitigating and Aggravating Circumstances.

SUBJECT AREA TO BE ADDRESSED: Mitigating and Aggravating Circumstances.

SPECIFIC AUTHORITY: 456.072, 456.079, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 64B33-5.002 Mitigating and Aggravating Circumstances.

Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties recommended in subsections (3) through (5) of Rule 64B33-5.001, F.A.C. If mitigating factors are present, the administrative fine may be reduced and a less severe action, such as a reprimand or probation, taken against the licensee from the range of actions given in the disciplinary guidelines. If aggravating factors are present, the maximum administrative fine may be imposed and more severe action, such as suspension or revocation, taken against the licensee from the range of actions given in the disciplinary guidelines. The Board shall consider as aggravating or mitigating factors the following:

- (1) The danger to the public;
- (2) The length of time since the violation;
- (3) The number of times the licensee has been previously disciplined by the Board;
- (4) The length of time licensee has practiced;
- (5) The actual damage, physical or otherwise, caused by the violation;
- (6) The deterrent effect of the penalty imposed;
- (7) The effect of the penalty upon the licensee's livelihood;
- (8) Any effort of rehabilitation by the licensee;
- (9) The actual knowledge of the licensee pertaining to the violation;
- (10) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (11) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (12) Actual negligence of the licensee pertaining to any violation;
- (13) Penalties imposed for related offenses under subsections (3) through (5) of Rule 64B33-5.001, F.A.C.;

(14) Any other relevant mitigating or aggravating factor under the circumstances.

Specific Authority 456.072, 456.079, 468.705, 468.719 FS. Law Implemented 456.072, 456.079, 468.719 FS. History—New

## DEPARTMENT OF HEALTH

### Board of Athletic Training

RULE TITLE: RULE NO.:

Citations 64B33-5.003

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Citations.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.077, 468.705, 468.719 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 64B33-5.003 Citations.

##### (1) Definition. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in s. 456.077, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;

(b) "Subject" means the licensee alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in s. 456.073, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) Citations shall be issued for first offense violations only.

(4) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) Failing to complete the continuing education requirements prescribed in s. 468.711(2), F.S., and the rules promulgated thereto: \$25.00 per continuing education hour plus proof of completing the continuing education within three months;

(b) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training pursuant to s. 468.719(1)(b), F.S.; \$50.00;

(c) Failure to notify the Department of a change in the licensee's current mailing address as required by Section 456.035, F.S.; \$50.00.

(d) Practice on an inactive license for less than four months; \$100.00 for each month or fraction thereof;

(5) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Athletic Training. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. All fines and costs are to be made payable to "Board of Athletic Training – Citation."

(6) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(7) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S.

Specific Authority 456.077, 468.705, 468.719 FS. Law Implemented 456.077, 468.705, 468.719 FS. History—New

## DEPARTMENT OF HEALTH

### Board of Athletic Training

RULE TITLE: RULE NO.:

Reasonable Time to Pay Fines, Costs and Assessments 64B33-5.004

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to Reasonable Time to Pay Fines, Costs and Assessments.

SUBJECT AREA TO BE ADDRESSED: Reasonable Time to Pay Fines, Costs and Assessments.

SPECIFIC AUTHORITY: 456.072(4), 468.705 FS.

LAW IMPLEMENTED: 456.072(4), 468.705 FS.

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

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

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:****64B33-5.004 Reasonable Time to Pay Fines, Costs and Assessments.**

Pursuant to Section 456.072(4), F.S., a reasonable time within which to pay any fines, costs and assessments imposed by the Board shall be thirty (30) days unless a longer time period is set forth in the disciplinary order imposing the fines, costs or assessments.

Specific Authority 456.072(4), 468.705 FS. Law Implemented 468.705, 456.072(4) FS. History—New

**DEPARTMENT OF HEALTH****Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Emergency Medical Services 64E-2

**PURPOSE AND EFFECT:** Emergency Medical Technician/Paramedic Recertification Application: To comply with Section 401.273, F.S., by including a question on the application to determine if certificateholders are available to help staff special needs shelters and Disaster Medical Assistance Teams (DMATs) during disasters. To clarify the documentation requirements for refresher and continuing education courses. To conform the application requirements with Section 401.27(4)(e), F.S., which allows the department to accept American Red Cross and American Heart Association Cardiopulmonary Resuscitation and American Heart Association Advanced Cardiac Life Support equivalents. Emergency Medical Technicians and Paramedics Certification Application – To conform the Emergency Medical Technicians and Paramedics Certification Application requirements with Section 401.27(4)(e), F.S., which allows the Department to accept American Red Cross and American Heart Association Cardiopulmonary Resuscitation and American Heart Association Advanced Cardiac Life Support equivalents. To create a separate form for requesting scheduling of the certification examination.

Felons Applying for Certification or Recertification – To conform the rule language and the Recertification Application form to the statutory requirement for an applicant for emergency medical technician or paramedic certification or recertification to report felony convictions.

Examination Review – To establish procedure(s) by which an applicant, and (or) the applicant's attorney, may review examination questions and answers in accordance with Section 119.07(3)(a), Florida Statutes.

Confidentiality of Aggregated Data – To amend the current rule to clarify what aggregate prehospital data the department will release in order to protect the confidentiality of individual patients.

Aggregate Data – To amend DH Form 1304 to clarify data collection requirements, add a report year to the form and organize the quarterly time periods to reflect a calendar year for data reporting. This will help eliminate confusion on data reporting.

Training Programs – To revise and clarify standards which must be met to be approved to conduct EMT or paramedic training for the purpose of initial certification or recertification. **SUBJECT AREA TO BE ADDRESSED:** Emergency Medical Technician and Paramedic Recertification Application, Emergency Medical Technician and Paramedic Certification Application, Felons Applying for Certification or Recertification, Examination Review, Confidentiality of Aggregated Data, Aggregate Data Form 1304, DH Form 1698E, Application for Approval of an EMT Training Program, DH Form 1698P, Application for Approval of a Paramedic Training Program, DH Form 1698C, Application for Review of Continuing Education Offering.

**SPECIFIC AUTHORITY:** 119.07, 401.27, 401.2701, 401.30, 401.35, 401.411, 408.061 FS.

**LAW IMPLEMENTED:** 119.07, 401.27, 401.2701, 401.2715, 401.273, 401.30, 401.34, 401.35, 408.061 FS.

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

**TIME AND DATE:** 10:00 a.m., April 2, 2002

**PLACE:** Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

**TIME AND DATE:** 9:00 a.m., April 4, 2002

**PLACE:** Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733

**THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.**

P.O. G10454

**DEPARTMENT OF HEALTH****Division of Family Health Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Sudden Infant Death Syndrome

Recognition and Response 64F-5

RULE TITLES: RULE NOS.:

Definitions 64F-5.001

State Health Office Responsibilities 64F-5.003

PURPOSE AND EFFECT: To repeal definitions deemed unnecessary and repeal provisions regarding internal management.

SUBJECT AREA TO BE ADDRESSED: Chapter 64F-5, F.A.C., adopts, by rule, curriculum that includes training in the nature of SIDS, standard procedures to be followed by law enforcement agencies in investigating cases involving sudden deaths of infants, and training in responding appropriately to the parents or caretakers who have requested assistance. Certain definitions in Rule 64F-5.001, F.A.C., have been deemed unnecessary. Rule 64F-5.003, F.A.C., has also been deemed unnecessary, as it outlined department responsibilities that can be addressed by departmental policies and guidelines.

SPECIFIC AUTHORITY: 383.3362 FS.

LAW IMPLEMENTED: 383.3362 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE 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 8, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64F-5.001 follows. See Florida Administrative Code for present text.)

64F-5.001 Definitions.

For the purpose of this rule chapter, "Emergency responder" means the law enforcement officers, paramedics, firefighters, emergency medical technicians, or other medical personnel who respond to the initial report of an unresponsive infant.

Specific Authority 383.3362 FS. Law Implemented 383.3362 FS. History—New 2-10-94, Amended 4-25-96, Formerly 10D-126.002, Amended

64F-5.003 State Health Office Responsibilities.

Specific Authority 383.3362 FS. Law Implemented 383.3362 FS. History—New 2-10-94, Amended 4-25-96, Formerly 10D-126.005, Repealed

## Section II Proposed Rules

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES****Division of Agricultural Water Policy**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Best Management Practices (BMPs)

for Citrus, Cow/Calf (including

Cow/Calf on buyout dairy

property), Dairies and the Land

Application of Animal Manures

5M-2

RULE TITLES: RULE NOS.:

Purpose 5M-2.001

Definitions 5M-2.002

Land Application of Animal Manures 5M-2.003

Approved BMPS 5M-2.004

Notice of Intent to Implement 5M-2.005

Presumption of Compliance 5M-2.006

Record Keeping 5M-2.007

PURPOSE AND EFFECT: The purpose of this rule is to implement non-regulatory and incentive based programs to effect pollution reduction through the implementation of practices that have positive impacts on water quality.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards, addressed by the BMP's implemented, and release from the provisions of s. 376.307(5), F.S. Once filed with FDACS, the Notice of Intent to Implement renders the applicant eligible for assistance with implementation as identified in s. 373.4595, F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

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

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

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 373.4595 FS.

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