

(5) Facility Admission. Each child admitted for substance abuse services shall provide a blood and urine sample for laboratory testing pursuant to Rule 65D-30.004, F.A.C. The medical director shall develop medical protocols including the circumstances under which a blood and urine test and drug screening shall not be performed.

(6) Provider Discharge Requirements.

(a) Development of a discharge and aftercare plan shall commence upon admission. The plan shall include information on the need for continuation of prescribed psychotropic medications, aftercare appointments for medication and case management, and shall be based upon the individualized needs of the child or adolescent. If the discharge is delayed, the CSU/ARF will notify the aftercare provider. The CSU/ARF shall coordinate with the aftercare service provider and shall document the aftercare planning.

(b) Prescriptions for psychotropic medication shall be provided to a discharged child's foster parent or legal guardian to cover the intervening days until the first scheduled aftercare appointment. Discharge planning shall address the availability of and access to psychotropic prescription medication in the community.

(7) Provider Universal Infection Control.

(a) A written Universal Infection Control plan shall be developed which shall apply to all staff, volunteers, and children receiving services and shall be reviewed and approved by the medical director and medical staff.

(b) The CSU/ARF shall conduct a risk assessment and screening for each child admitted for services who is determined to be substance abuse impaired as required by Rule 65D-30.004, F.A.C.

(c) All infection control activities shall be documented.

Specific Authority 394.499 FS. Law Implemented 394.499 FS. History--New _____.

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-1
RULE TITLES: Initiative Constitutional Amendment Petition Reporting Requirements for Candidates, Committees, and Political Parties; State Matching Funds
RULE NOS.: 1S-2.009 1S-2.017

PURPOSE AND EFFECT: Forms that are incorporated by reference have been updated in light of legislative changes. These rules are being amended to reflect the correct form effective date.

SUMMARY: These rules amend and update existing forms for initiative petitions and reporting requirements due to legislative changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 100.371(3), 101.161(2), 106.35(1),(5) FS.

LAW IMPLEMENTED: 100.371, 101.161, 106.04, 106.07, 106.29, 106.30-.36 FS.

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

TIME AND DATE: 9:00 a.m., April 29, 2002

PLACE: The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting Amy K. Tuck at (850)245-6200.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.009 Initiative Constitutional Amendment Petition.

(1) through (6) No change.

(7) Form DS-DE-19 (1/01 42/95), as adopted by the Division of Elections, may be utilized as a sample format for petition forms. Form DS-DE 19, "Constitutional Amendment Petition Form" is hereby incorporated by reference and is available from the Division of Elections, Room L-66 4802, 107 West Gaines Street The Capitol, Tallahassee, Florida 32399-0250.

Specific Authority 100.371(3), 101.161(2) FS. Law Implemented 100.371, 101.161 FS. History--New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, _____.

1S-2.017 Reporting Requirements for Candidates, Committees, and Political Parties; State Matching Funds.

(1) General Reporting Requirements.

(a) No change.

(b) All candidates, political parties, political committees, and committees of continuous existence shall submit campaign treasurer's reports on Form DS-DE 12 (Eff. 9/01 7/98). "Campaign Treasurer's Report Summary," and a magnetic diskette of the information required by Chapter 106, F.S., necessary to complete a campaign treasurer's report.

(2) State Matching Funds Program.

(a) Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98 (Eff. 1/02 7/98), "Candidate for Governor or Cabinet Officer Request for Contributions."

(3) No change.

(4) Filing on Magnetic Diskettes. Electronic reports filed with the Division on magnetic diskette shall conform to Division specifications.

Any candidate, political committee, political party, or committee of continuous existence who is unable to file a campaign treasurer's report on magnetic diskette, as provided above, must file a statement to this effect with the Division of Elections. Thereafter, such reports may be filed in hard copy. When filing by hard copy, one must use Forms DS-DE 12, Campaign Treasurer's Report-Summary (Eff. 9/01 7/98); 13, Campaign Treasurer's Report - Itemized Contributions (Eff. 7/98); 14, Campaign Treasurer's Report - Itemized Expenditures, (Eff. 9/01 7/98); 14A, Campaign Treasurer's Report - Itemized Distributions (Eff. 7/98); and 94, Campaign Treasurer's Report-Fund Transfers (Eff. 7/98).

(5) No change.

Specific Authority 106.35(1),(5) FS. Law Implemented 106.04, 106.07, 106.29, 106.30-106.36 FS. History-New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy K. Tuck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Construction Materials Mining Activities

RULE NO.: 4A-2.024

PURPOSE AND EFFECT: The amendment is to address a concern raised by the Joint Administrative Procedures Committee that the existing rule was not explicit that the permit fees collected would be exclusively for use to fund monitoring and enforcement activities as required by Section 552.30, F.S.

SUMMARY: The amendment specifies that the permit fees collected will be exclusively for use to fund monitoring and enforcement activities as required by Section 552.30, F.S. The amendment also revises Form DI4-1498 to add spaces for the name and location of the mine, and to provide instructions for organization of attachments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 552.30 FS.

LAW IMPLEMENTED: 552.161, 552.211, 552.30 FS.

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

TIME AND DATE: 9:30 a.m., April 30, 2002

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3624

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-2.024 Construction Materials Mining Activities.

(1) through (2) No change.

(3) Mining Permit.

(a) No change.

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

1. No change.

2.a. Approval of an application, signed by the applicant showing the applicant's name and address, on Form DI4-1498 Rev. 3/02, 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. through d. No change.

(c) through (i) No change.

(4) through (9) No change.

(10) Fees. The fees established pursuant to Section 552.30 ~~552.26~~, Florida Statutes, shall be used exclusively to fund the monitoring and enforcement activities pursuant to Section 552.30, Florida Statutes, unless otherwise approved by the Florida Legislature, and shall be as follows:

(a) through (e) No change.

(11) through (14) No change.

Specific Authority 552.30 FS. Law Implemented 552.161, 552.211, 522.30 FS. History-New 11-21-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry Hawkins, Safety Program Manger, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James Goodloe, Bureau Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Plant Pest Control
RULE CHAPTER NO.: 5B-59
RULE TITLE: Standards for Determining When to Cease Use of a Pesticide During an Emergency Response to a Plant Pest Infestation Which Involves the Aerial Application of a Pesticide to an Urbanized Area
RULE NO.: 5B-59.002

PURPOSE AND EFFECT: This rule is required under section 593.21, F.S. It establishes standards and criteria to be identified when the use of a pesticide during an emergency response to a plant pest infestation which involves the aerial application of a pesticide to an urbanized area will be discontinued.

SUMMARY: Establishing standards and the criteria to be used in order to cease aerial spraying in an urban area in response to a plant pest infestation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was 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: 593.20, 593.21, 593.24 FS.

LAW IMPLEMENTED: 593.21 FS.

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

TIME AND DATE: 2:00 p.m., April 26, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-59.002 Standards for Determining when to Cease Use of a Pesticide During an Emergency Response to a Plant Pest Infestation Which Involves the Aerial Application of a Pesticide to an Urbanized Area.

(1) When the Department conducts an emergency response to a plant infestation which involves the aerial application of a pesticide to an urbanized area (hereafter referred to as the "Emergency Response") under s. 593.20, it will coordinate with the Department of Health to obtain and share all available human health effects information related to the Emergency Response, including, but not limited to:

(a) Aggregate information collected from physicians and hotline calls.

(b) Data generated by county health departments, poison control centers and related public health organizations relative to the monitoring of human health effects.

(c) Data generated by public health information or surveillance plans implemented to monitor, detect and investigate any health impacts under the Emergency Response.

(d) Physicians reports of patients treated for illnesses which may be exposure related.

(e) Documentation of exposures not addressed by any pesticide risk assessments that may have been prepared in connection with the Emergency Response.

(f) Data which provide for the comparison of health information from individuals or groups before and after treatments.

(2) The Department will request the Health Advisory Committee established under s. 593.24 review the data obtained under subsection (1) dealing with potential human health effects in the Emergency Response area and provide its opinion regarding the existence or potential existence of adverse human health effects caused by the Emergency Response. If actual or potential adverse human health effects are identified, the Department will ask the Health Advisory Committee to evaluate the data in relation to the significance of the health effects identified by examining the data and providing its opinions, findings and recommendations on the following issues, where applicable:

(a) Whether the reported symptoms are consistent with the known toxicology of one or more of the materials in the pesticide mixture used.

(b) Whether the symptoms are consistent among the reported and documented cases.

(c) Whether the onset of symptoms is consistent with the timing of the exposure.

(d) If there is a relationship between the magnitude of the known, documented, or calculated exposure(s) and the severity of the reported symptoms.

(e) Whether other causes for the reported symptoms have been ruled out.

(f) Whether the expression of toxicity is biologically plausible.

(g) The severity of the reported symptoms.

(h) The number of cases reported and the number that are believed to be related to or caused by the Emergency Response.

(i) Whether or not the findings in relation to the review of data in (a)-(h) support the conclusion that the combination of pesticide active ingredient, method of application and dosages used are causing or are likely to cause unreasonable adverse health effects to people in the Emergency Response area.

(j) If the answer in (i) is yes, whether or not the method of application or dosages or pesticide active ingredient used can be changed so that significant adverse health effects to people in the Emergency Response area are unlikely.

(3) The Department will discontinue use of a pesticide under an emergency response when the following standards are met:

(a) The Health Advisory Committee established under s. 593.24, F.S., based on its review of data under subsection (2), provides its written conclusion that the pesticide active ingredient, method of application or dosages used are causing or are likely to cause unreasonable adverse health effects to people in the Emergency Response area; and

(b) The method of application or dosages or pesticide active ingredient used for Emergency response can not be modified to such a degree to change the Health Advisory Committee's conclusion that the combination of pesticide active ingredient, method of application or dosages used are causing or are likely to cause significant adverse health effects to people in the Emergency Response area; or

(c) The Department does not immediately implement modifications, if any, deemed necessary by the Health Advisory Committee to conclude that the combination of pesticide active ingredient, method of application or dosages used are not likely to cause unreasonable adverse health effects to people in the Emergency Response area.

Specific Authority 593.20, 593.21, 593.24 FS. Law Implemented 593.20, 593.21, 593.24 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Martha Roberts, Deputy Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Fertilizer

RULE CHAPTER NO.: 5E-1

RULE TITLE: Fertilizer Aircraft Registration, Inspection,

RULE NO.: 5E-1.025

Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish requirements governing aircraft used for the aerial application of fertilizer, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUMMARY: Registration of aircraft and security of aircraft and fertilizers. Reporting of transfer of ownership of aircraft.

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 regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 576.181 FS.

LAW IMPLEMENTED: 576.181 FS.

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

TIME AND DATE: 10:00 a.m., April 29, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.025 Fertilizer Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each aircraft used for aerial application of any fertilizer, must be annually registered with the department. Application for registration shall be on form DACS- 13354, New 01/02, provided by the department. The completed registration form shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L29), Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department as to equipment relating to aerial fertilizer application under this rule during normal working hours without prior notification or as determined necessary when an emergency has been declared as contained in paragraph (7) herein.

(3) Security. Each aircraft used for aerial application of any fertilizer shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(4) Storage. All fertilizers on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store fertilizers must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of fertilizers, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(5) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to paragraph (1) above shall be transmitted to the department on (1) Florida Department of Revenue form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355, New 01/02 within 24 hours of the transaction.

(6) Recordkeeping. Aerial applicators shall maintain records relating to each application of fertilizer during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request.

(a) Name and FAA license number of the licensee responsible for the fertilizer application;

(b) Date and time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite(GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airport/airstrip.

(7) Area-of-Application Information. The information listed in (6)(a) through (6)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.

(8) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACs-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev. 06/99.

(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).

(d) Report of Aircraft Transaction (DACs-13355), New 01/02.

Specific Authority 576.181, 570.07(23) FS. Law Implemented 576.181 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Dubberly, Chief, Bureau of Compliance Monitoring,
Division of Agricultural Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven J. Rutz, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Seed
RULE CHAPTER NO.: 5E-4

RULE TITLE: Seed Aircraft Registration, Inspection,
Security, Transactions, Recordkeeping,

Area-of-Application Information and Forms 5E-4.013

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish requirements governing aircraft used for the aerial application of seed, including requirements for recordkeeping,

annual aircraft registration, secure storage when not in use, area-of-application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUMMARY: Seed Aircraft Registration requirements.

SPECIFIC AUTHORITY: 570.07(23), 578.11 FS.

LAW IMPLEMENTED: 578.11 FS.

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

TIME AND DATE: 10:00 a.m., April 29, 2002

PLACE: Agricultural Environmental Services Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-4.013 Seed Aircraft Registration, Inspection, Security, Transactions, Recordkeeping, Area-of-Application Information and Forms.

(1) Registration. Each aircraft used for aerial application of any seed, must be annually registered with the department. Application for registration shall be on form DACS-13354 New 1/02 provided by the department. The completed registration form, shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L-29), Tallahassee, Florida 32399-1650. The registration shall be submitted to the Department on or before June 30 of each year.

(2) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department under this rule during normal working hours without prior notification or as determined necessary in an emergency situation.

(3) Security. Each aircraft used for aerial application of any seed shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(4) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to paragraph (1) above shall be transmitted to the department on (1) Florida Department of Revenue Form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (9/92) or (3) Report of Aircraft Transaction Form DACS-13355 New 1/02 within 24 hours of the transaction.

(5) Recordkeeping. Aerial applicators shall maintain records relating to each application of seed. Such records shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible upon request by the Department.

(a) Name and FAA license number of the licensee responsible for the seed application;

(b) Date and time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(d) Name of the person requesting or authorizing the application;

(e) Aircraft manufacturer, make and model;

(f) FAA aircraft registration number;

(g) Originating airport/airstrip.

(6) Area-of-Application Information. The information listed in (5)(a) through (5)(g) is required only when contained within a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined within the declaration.

(7) Forms. The following forms are being hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L-29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACs-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev. 06/99.

(c) Report of Aircraft Transaction (DACs-13355), New 3/02.

(d) Report of Aircraft Transaction (DACs-13355), New 3/02.

Specific Authority 578.11(2), 570.07(23) FS. Law Implemented 578.11 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dale Dubberly, Chief, Bureau of Compliance Monitoring,
 Division of Agricultural Environmental Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Steven J. Rutz, Director, Division of
 Agricultural Environmental Services
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 12, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 22, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Pesticides
 RULE CHAPTER NO.: 5E-9
 RULE TITLE: Pesticide Aircraft Registration, Liability
 Insurance/Surety Bond, Security,
 Inspection, Storage, Recordkeeping,
 Area-of-Application Information,
 Transactions, and Forms
 RULE NO.: 5E-9.036

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish requirements governing aircraft used for the aerial application of pesticides, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting of any sale, lease, purchase, rental, or transfer of ownership.

SUMMARY: Requirements for aerial application of pesticides.

SPECIFIC AUTHORITY: 570.07(23), 487.051 FS.

LAW IMPLEMENTED: 487.051 FS.

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

TIME AND DATE: 10:00 a.m., April 29, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-9.036 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms Financial Responsibility.

(1) Registration. Each aircraft used for aerial application of any pesticide must be annually registered with the department with proof of insurance or surety bond. Application

for registration shall be on form DACS-13354, New 1/02, provided by the department. The completed registration form and proof of insurance shall be submitted to the Pesticide Certification Office, 3125 Conner Blvd., Bldg. 8 (L29), Tallahassee, Florida 32399-1650. The registration period shall be submitted to the Department on or before June 30 of each year and shall not exceed the time period covered by proof of insurance or surety bond. Each applicant for licensure as an aerial applicator shall submit proof of financial responsibility to the department, and upon obtaining such licensure, shall maintain proof of financial responsibility during the entire time such license is in effect and aerial applications are made. Proof of financial responsibility may consist of:

(2) Proof of Insurance or Surety Bond. Proof of insurance or surety bond shall consist of:

(a) The deposit with the department of a surety bond in favor of any person or persons who may suffer damage or injury as the result of the aerial application of any pesticide made from the registered aircraft. by the licensee Said surety bond shall be a minimum of \$100,000 and shall be executed by a corporate surety company authorized to conduct business in Florida. The department shall evaluate and determine the adequacy of all such bonds before acceptance. When the aircraft is removed from aerial application licensee ceases operation, a said bond shall be returned after a period of six months following date of notice of withdrawal, provided such withdrawal shall not release said surety from liability existing hereunder during the time of aerial application at the time of the effective date of such withdrawal; or

(b) The filing of a certificate of insurance, verifying insurance in an amount of not less than \$100,000 property damage and \$300,000 bodily injury coverage per occurrence, insuring the registered aircraft flown by the licensee against liability for any damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the aerial application of any pesticide made from the registered aircraft by the licensee. A deductible clause of \$1,000 shall be acceptable. A current certificate of insurance must be filed with each initial and subsequent renewal registration. After the initial license is issued, it is the aerial applicator's responsibility to maintain the required aerial insurance for all periods of time aerial applications are made. Current certificates of insurance or copies thereof shall be maintained in the aircraft registrant's aerial applicator's possession from the date the aircraft is registered or until the registration is withdrawn for a minimum of two years after the certificate expires.

(3) Inspection. Authorized department representatives may inspect aircraft required to be registered with the department as to equipment relating to aerial pesticide application under this rule during normal working hours

without prior notification or as determined necessary when an emergency has been declared as contained in paragraph (8) herein.

(4) Security. Each aircraft used for aerial application of any pesticide shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which would prevent or deter theft or unauthorized use.

(5) Storage. All pesticides on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use. Buildings used to store pesticides must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(6) Transactions. Any purchase, sale, rental, leasing, or transfer of ownership of an aircraft required to be registered with the department pursuant to paragraph (1) above shall be transmitted to the department on (1) Florida Department of Revenue form DR-42 Rev-06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050-2 (09/92) or (3) Report of Aircraft Transaction Form DACS-13355 New 1/02 within 24 hours of the transaction.

(7) Recordkeeping. Aerial applicators shall maintain records relating to the application of each pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request.

(a) Name and FAA license number of the licensee responsible for the pesticide application;

(b) Date and time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area.

(d) Name of the person requesting or authorizing the application.

(e) Aircraft manufacturer, make and model.

(f) FAA aircraft registration number.

(g) Originating airports/airstrip.

(8) Area-of-Application Information. The information listed in (7)(a) through (7)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture declaring an emergency in the State of Florida. Such information shall be provided and filed with the Department in a manner determined by the department.

(9) Forms. The following forms are hereby incorporated by reference. These forms may be obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACs-13354), New 01/02.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42), Rev. 06/99.

(c) Aircraft Bill of Sale AC Form 8050-2 (09/92).

(d) Report of Aircraft Transaction (DACs-13355), New 1/02.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.031(1), 487.031(11), 487.031(12) FS. History—New 1-1-70, Amended 7-1-70, 10-22-70, 2-26-71, 7-1-71, 10-29-71, 2-26-72, 10-26-72, 3-1-73, 11-6-73, 6-28-74, 5-11-75, 12-11-75, 12-2-76, 7-20-78, 3-25-79, 7-22-79, 11-25-79, 10-27-80, 10-18-81, 4-27-83, Formerly 5E-2.22, Amended 2-9-93, 7-18-95.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Dubberly, Chief, Bureau of Compliance Monitoring,
Division of Agricultural Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Steven J. Rutz, Director, Division of
Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 22, 2002

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE CHAPTER TITLE: Strategic Regional Policy Plan
RULE CHAPTER NO.: 29I-6

RULE TITLE: Strategic Regional Policy Plan
RULE NO.: 29I-6.002

PURPOSE AND EFFECT: The purpose and effect is to adopt the Strategic Regional Policy Plan.

SUMMARY: The strategic issues that are addressed include the Economy, Emergency Preparedness, Affordable Housing, Natural resources and Transportation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 186.508(1), 186.505 FS.

LAW IMPLEMENTED: 186.508(1), 186.505 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD (AS PART OF THE REGULAR MEETING OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL) AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., April 18, 2002

PLACE: Southwest Florida Regional Planning Council Offices, 4th Floor, 4980 Bayline Drive, North Fort Myers, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Y. Burr, Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, FL 33917, (941)656-7720

THE FULL TEXT OF THE PROPOSED RULE IS:

29I-6.002 Strategic Regional Policy Plan.

There is hereby adopted, for the Southwest Florida Region, the Strategic Regional Policy Plan for the Southwest Florida Regional Planning Council, August 1995, which is incorporated herein by reference and copies of which are kept at the Council office at: 4th Floor, 4980 Bayline Drive, North Fort Myers, Florida 33917. Copies are also available at our website: www.swfrpc.org/publctns.htm.

~~Volume One: Description of the Region~~

Volume Two: ~~Regional~~ Goals, ~~Strategies~~ ~~Issues~~ and ~~Actions~~ ~~Policies~~.

Specific Authority 186.508(1) FS. Law Implemented 120.53(1) FS. History—New 8-17-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Y. Burr, Interim Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 5, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-44R

RULE CHAPTER TITLE: Stationary Sources – General

RULE CHAPTER NO.:

Requirements 62-210

RULE TITLE: Administrative Permit Corrections

RULE NO.:

62-210.360

PURPOSE AND EFFECT: The Department is proposing to delete Rule 62-210.360(5), F.A.C., in conjunction with a concurrent proposal to amend Chapter 62-213, F.A.C., to clarify concurrent permit processing.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-45R

RULE CHAPTER TITLE: Operation Permits for Major Sources

RULE CHAPTER NO.:

of Air Pollution 62-213

RULE TITLES: Responsible Official

RULE NOS.:

62-213.202

Annual Emissions Fee 62-213.205

Permits and Permit Revisions Required 62-213.400

Operation Permit 62-213.405

Changes Without Permit Revision 62-213.410

Immediate Implementation Pending

Revision Process 62-213.412

Fast-Track Revisions of Acid Rain Parts 62-213.413

Permit Applications 62-213.420

Permit Issuance, Renewal, and Revision 62-213.430

Permit Content 62-213.440

Forms and Instructions 62-213.900

PURPOSE AND EFFECT: The Department is proposing to add procedures for designating more than one responsible official at a Title V source, remove the erroneous option of implementing air construction permit conditions through a Title V air operation permit without permit revision, add the option of concurrently processing an application for air construction permit and Title V air operation permit, remove industrial-utility unit exemption related language, clarify that the duration of both the Acid Rain Part and Title V permit part shall not exceed 5 years, and add the requirement to list ammonia emissions on an air operation permit application.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-46R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Requirements for Sources Subject to 62-214
 the Federal Acid Rain Program

RULE TITLES: RULE NOS.:

Applications 62-214.320
 Exemptions 62-214.340
 Department Action on Applications 62-214.360

PURPOSE AND EFFECT: The Department is proposing to amend Florida Administrative Code Chapter 62-214 to remove the industrial-utility unit exemption in accordance with EPA's recent removal of the federal industrial-utility exemption language, 40 CFR 72.14, in 66 FR 12973 - 12978.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

4-149.107
 4-149.108
 4-149.109
 4-149.110
 4-149.1105
 4-149.111
 4-149.112
 4-149.120
 4-149.121
 4-149.122
 4-149.123
 4-149.190

Credibility of Data
 Reasonableness of Benefits in
 Relation to Premiums
 Grounds for Disapproval
 Actuarial Memorandum
 Additional Standards for Point of
 Service Products (POS)
 Annual Rate Filing Procedures
 Loss Ratio Guarantee Filings
 Purpose and Scope
 Form Filing Procedures
 Review
 Prohibited Policies
 Forms Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s) as noticed in published in Vol. 23 No. 45, November 7, 1997 and Vol. 24 No. 46, November 13, 1997, of the Florida Administrative Weekly, with notices of change published in Vol. 24 No. 20, May 15, 1998; Vol. 24 No. 31, July 31, 1998; Vol. 26 No. 12, March 24, 2000; Vol. 26 No. 22, June 2, 2000; and Vol. 26 No. 26, June 30, 2000 have been withdrawn.

**Section III
 Notices of Changes, Corrections and
 Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.: RULE TITLES:

PART I FILING OF RATES FOR HEALTH INSURANCE

4-149.001 Purpose
 4-149.002 Scope and Applicability
 4-149.003 Contents of Rate Filings
 4-149.004 Experience Records
 4-149.005 Reasonableness of Benefits in
 Relation to Premiums
 4-149.006 Actuarial Memorandum and
 Definitions
 4-149.007 Annual Rate Filing Procedures
 4-149.008 Loss Ratio Guarantee Filings
 4-149.009 Small Group Health Rating
 Requirements
 4-149.010 Refusal to Insure Based on
 Geographical Location
 4-149.020 Purpose and Scope
 4-149.021 Form Filing Procedures
 4-149.022 Forms Adopted
 4-149.023 Review
 4-149.024 Prohibited Policies
 4-149.035 Restrictive Riders
 4-149.101 Purpose
 4-149.102 Scope & Applicability
 4-149.103 Definitions
 4-149.104 Rate Filing Procedures
 4-149.105 Rate Filing Standards
 4-149.106 Pooling of Similar Contracts

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 5M-2 Best Management Practices for
 Citrus, Cow/Calf (including
 Cow/Calf on buyout dairy
 property), Dairies and the Land
 Application of Animal Manures

RULE NOS.: RULE TITLES:
 5M-2.001 Purpose
 5M-2.002 Definitions
 5M-2.003 Land Application of Animal
 Manure
 5M-2.004 Approved BMPs
 5M-2.005 Notice of Intent to Implement
 5M-2.006 Presumption of Compliance
 5M-2.007 Record Keeping

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3), Florida Statutes, notice is hereby given that the above proposed rules, as noticed in Vol. 28, No. 11, March 15, 2002, issue of the Florida Administrative Weekly, have been withdrawn in response to comments received from the Joint Administrative Procedures Committee.