

~~(g)(+)~~ Application fee Registration for a Certificate of Authorization (firm) – \$125.00 non-refundable.

~~(h)~~ Initial fee for Certificate of Authorization – \$125.00.

~~(i)(+)~~ Biennial Renewal fee for ~~of~~ Certificate of Authorization (firm) – \$125.00

~~(j)(+)~~ Inactive Status Fee – \$1275.00.

~~(k)(+)~~ Reactivation fee – \$150.00.

~~(l)(+)~~ Duplicate Certificate – \$25.00.

~~(m)(+)~~ Verification of Licensure – \$25.00.

~~(n)(+)~~ Special Inspector Certification Fee – \$100.00.

~~(o)~~ Application fee for Special Inspector Certification – \$125.00.

~~(3)~~ Engineer Intern application Fees: \$30.00.

~~(a)~~ Application Fee – \$30.00.

~~(b)~~ Examination – \$50.00.

~~(c)~~ Re-examination – \$100.00.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, \_\_\_\_\_.

61G15-24.002 Unlicensed Activity Fee.

In addition to ~~From~~ each fee for initial licensure or licensure renewal, \$5.00 shall be earmarked for the purpose of combating unlicensed activity.

Specific Authority 455.2281 FS. Law Implemented 455.2281 FS. History—New 8-29-93, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE TITLE: Access to Holder Report Information

RULE NO.: 69I-20.0011

PURPOSE AND EFFECT: The purpose of the rule development is to implement Section 717.117(3), F.S., to see if the time frame can be shortened to less than 90 days and other matters relating to the expedient transfer of information to the public.

SUBJECT AREA TO BE ADDRESSED: The recent amendments to Section 717.117(3), F.S., and the expedient transfer of holder information to the public.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 17.04, 717.117 FS.

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

TIMES AND DATES: 10:00 a.m., Monday, November 22, 2004; 10:00 a.m., Wednesday, December 1, 2004

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, Division of Legal Services, Fletcher Building, Suite 464, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)410-9461

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish a procedure by which the review committee for the Quarterly Assistance Program and the Underserved Arts Communities Assistance Program is appointed.

SUMMARY: The proposed rule describes the procedure for appointing the review committee for the Quarterly Assistance Program and the Underserved Arts Communities Assistance Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no regulatory costs associated with this proposed rule.

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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b),(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., Monday, November 29, 2004

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meeting. Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 22nd of November 2004 if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: [ddemartino@dos.state.fl.us](mailto:ddemartino@dos.state.fl.us)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Gaylen Phillips, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (8) No change.

(9) Quarterly Assistance Program. The purpose of this program is to provide funding to promote professional development for arts organizations. There are five funding categories in this program. In addition to the basic eligibility requirements detailed in paragraph (5), the applicant must meet the category-specific eligibility criteria as stated below. For the purpose of this program, an arts organization is defined as a non-profit organization whose primary mission, or more than 50% of its operating budget, is dedicated to activity in the arts.

(a) through 5. No change.

(b) Review panel, scoring, and funding recommendations.

A committee appointed by the Chair of the Florida Arts Council will serve as the review panel for this program. The total maximum points that can be earned for any of the application categories is 20. Applicants must achieve a minimum of 100 to be considered for funding. Funding recommendations will be made by the panel in consideration of the funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum score.

(10) Underserved Arts Communities Assistance Program.

The purpose of this program is to foster the development of underserved arts organizations. In addition to the basic eligibility requirements detailed in paragraph (5), the applicant must also meet the following program-specific conditions. Funding is open only to arts organizations which are located within counties whose population is 100,000 or less or whose population density is less than 250 people per square mile, or are REDI qualified, or are a minority organization, or are otherwise able to demonstrate a lack of resources. REDI qualified means counties or communities designated pursuant to Sections 288.0656 and 288.06561, Florida Statutes.

(a) through 4. No change.

(b) Review panel, scoring, and funding recommendations.

A committee appointed by the chair of the Florida Arts Council will serve as the review panel for this program. The total maximum points than can be earned for any of the funding categories is 100 points. Applicants must achieve a minimum of 750 to be considered for funding. Funding recommendations will be made by the panel in consideration of the anticipated funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum average score.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03. \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gaylen Phillips, Division of Cultural Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Downey, Director, Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 3004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application  
 RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form by reference, to update the Master Covenant for the Florida Prepaid College Plan by reference and to indicate how the forms can be obtained.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account application, to update the Master Covenant for the Florida Prepaid College Plan and to indicate how the forms can be obtained.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., November 29, 2004

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2004-1 ~~2003-1~~, is hereby incorporated by reference and may be obtained from the Board by calling 1-800-552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2004-2 ~~2003-2~~, is hereby incorporated by reference and may be obtained from the Board by calling 1-800-552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1- 3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2004

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Contract Prices RULE NO.: 19B-4.002

PURPOSE AND EFFECT: To revise the actuarial assumptions used for pricing of contracts for the Florida Prepaid College Plan.

SUMMARY: This rule changes revises the actuarial assumptions used for pricing prepaid contracts for university tuition.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98(2) 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., November 29, 2004

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of ~~7.5~~ ~~8.5~~ percent per annum for ~~two~~ ~~three~~ years, then 6.8 percent per annum, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 percent per annum.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2004

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application for Participation in the Program

RULE NO.: 19B-16.002

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form by reference and to indicate how the form can be obtained.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and to indicate how the form can be obtained.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., November 29, 2004

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2004-1 ~~2003-1~~, is hereby incorporated by reference. The form may be obtained from the Board by calling by calling 1(800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2004

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Participation Agreement

RULE NO.: 19B-16.003

PURPOSE AND EFFECT: To update the Participation Agreement for the Florida College Investment Plan by reference and to indicate how the form can be obtained.

SUMMARY: This rule change is being made to update the Participation Agreement for the Florida College Investment Plan and to indicate how the form can be obtained.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., November 29, 2004

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2004-4 ~~2002-4~~, is hereby incorporated by reference. ~~The effective date of the form is November 12, 2002.~~ The form may be obtained from the Board by calling 1-800-552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(2) FS. History—New 11-27-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2004

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-3.011
Definitions	40E-3.021
Implementation	40E-3.031
Delegation	40E-3.032
Agreements	40E-3.035
Rules and Publications Incorporated by Reference	40E-3.036
Water Well Contractor Licensing	40E-3.037
Violations of Contractor Licensing and Well Construction Requirements	40E-3.038
Penalties	40E-3.039
Enforcement	40E-3.0391
Permits Required	40E-3.041
Exemptions	40E-3.051
Content of Application	40E-3.101
Conditions for Issuance of Permits	40E-3.301
Duration of Permits	40E-3.321
Suspension and Revocation	40E-3.341
Well Completion Reports	40E-3.411
Emergency Authorization	40E-3.451
Inspection	40E-3.461
Construction Methods	40E-3.502
Location	40E-3.504
Casing and Liner Pipe Standards	40E-3.507
Well Construction Requirements	40E-3.512
Grouting and Sealing	40E-3.517
Well Seals	40E-3.521
Explosives	40E-3.525
Flowing Wells	40E-3.529
Abandoned Well Plugging	40E-3.531

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to: 1) update the District’s Well Construction Rules to reflect current industry practices; 2) clarify and improve the rules based on public comments and past experience; 3) incorporate delegation of the Florida Department of Environmental Protection’s authority concerning the well construction permitting program in areas of known groundwater contamination; and 4) update the list of delegations to local governments and county health departments.

**SUMMARY:** In addition to clarifications and improvements being made to the rules, the rule amendments will allow the South Florida Water Management District to permit wells in delineated areas.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 120.54(5), 120.60, 373.044, 373.113, 373.119, 373.171, 373.309, 373.333 FS.

**LAW IMPLEMENTED:** 373.019, 373.103, 373.106, 373.113, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.324, 373.326, 373.329, 373.333, 373.336, 373.339, 373.342 FS.

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

**TIME AND DATE:** 9:00 a.m., December 8, 2004

**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** For technical issues contact: Scott Burns, internet: sburns@sfwmd.gov; Peter Cocotos, internet: pcocotos@sfwmd.gov, 1(800)432-2045, Ext. 6817, or Ext. 6274; For procedural issues contact: Joyce Rader, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, internet: jrader@sfwmd.gov, 1(800)432-2045, Ext. 6259 or (561)682-6259

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 testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact, Garrett Wallace, Acting District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40E-3.011 Policy and Purpose.

(1) The purpose of Chapter 40E-3, F.A.C. Florida Administrative Code, is to implement the duties and responsibilities of the South Florida Water Management District (District) under Part III, Chapter 373, Fla. Stat. Florida Statutes, and those responsibilities and duties delegated to the District by the Department of Environmental Protection (Department) ~~Regulation relative to regulate regulating the location~~, construction, repair, or abandonment of water wells and the licensing of water well contractors. It is the policy of the Governing Board that these rules are reasonably necessary ~~a reasonable necessity~~ to insure the protection and management of water resources and the health, safety, and general welfare of the people of this District.

~~(2) The rules in this chapter implement the regulation of wells and well driller water well contractors and include the following parts:~~

~~(a) Part I of this chapter establishes a permitting system for the construction, repair or abandonment of wells.~~

~~(b) Part II of this chapter establishes the minimum standards for the construction, repair or abandonment of wells.~~

~~(2)(3) Additional District rules relating to water wells construction are found in Chapters 40E-5, F.A.C. Florida Administrative Code (Artificial Recharge), 40E-2, F.A.C. (Consumptive Use), and 40E-30, F.A.C. (General Permits for Wells).~~

~~(4) Rules relating to Water Well Contractor Licensing are found in Chapter 62-524, Florida Administrative Code, adopted by reference in Rule 40E-3.037, (Governing Water Well Contractors in Florida).~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History—New 1-1-85, Amended 12-19-89, \_\_\_\_\_.

#### 40E-3.021 Definitions.

When used in this chapter:

(1) “Abandoned Well” means a well the use of which has been permanently discontinued. Any well which is in such a state of disrepair that its continued use for the purpose of obtaining groundwater, or disposing of water or liquid wastes, or for observation, is impractical shall be deemed to be abandoned.

(2)(1) “Annulus or Annular Space” means any artificially created void existing between a well casing or liner pipe and a borehole wall, or the space between two casings, or between tubing and the casing for liner pipes.

(3)(2) “Aquifer” means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells, and springs, or surface water.

(4) “Bentonite Grout” means a pumpable grouting material, consisting of high solid sodium montmorillonite, used for plugging or sealing water wells.

(5)(3) “Casing Diameter” or “Diameter of Casing” means the largest nominal permanent water bearing inside diameter of the final casing. For the purpose of this chapter, the diameter of the casing at the upper terminus will be presumed to be the diameter for the entire length, unless the well owner or contractor can demonstrate that the well has a smaller diameter permanent water bearing casing below the upper terminus.

(6) “Consolidated” means a geologic stratum, which is cemented with a binding substance commonly derived from within the deposit containing that stratum.

~~(4) “Contractor” means any person licensed by the Department, or a water management district, in accordance with Chapter 62-524, Florida Administrative Code, and engaged in the business of construction, repair, or abandonment of wells.~~

(7) “Consumptive Use Permit” means a Water Use Permit issued under Chapter 40E-2 or 40E-20, F.A.C.

(8) “Department” means the Florida Department of Environmental Protection (FDEP).

(9)(5) “Dewatering” means the use of wells or other such equipment to temporarily lower a water level as may be necessary during construction activities.

(10) “Driller” means a person licensed by the water management district or a person working under the direct supervision of a licensed water well contractor who actually constructs the well.

(11) “Driven Casing” means well casing installed by the percussion drilling method, in which the well casing is advanced into a borehole that is less than the nominal outside diameter of the casing.

(12)(6) “Drive Shoe” means any device specifically designed, fabricated, and installed to protect the bottom end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place in a water well.

(13) “Field Log” means a log with accurate, written documentation of all construction activities needed to fill out well completion reports.

(14) “Filter Pack” means sand or gravel that is uniform, clean, and siliceous. It is placed in the annulus of the well between the borehole wall and the well screen.

(7) “Gang Well” means a system where two (2) or more water wells are coupled together with a common header or manifold.

(15)(8) “Grout” or “Neat Cement Grout” means a mixture consisting of water and Portland cement (American Concrete Institute Types I, American Concrete Institute type II, Class H, American Concrete Institute or type III, or any other types of cement and acceptable amounts of those additives approved for use in cement grouts by the District), also Bentonite grout as defined by subsection 62-532.200(4), F.A.C. and sand (not more than two parts of sand to one part of cement by weight), and other additives listed under subsection 40E-3.021(12), Florida Administrative Code, or other additives approved by the District. Grout composition shall not exceed six (6) gallons of water per cubic foot of cement.

(16)(9) “Inspection Port” means any opening not less than three-quarters (3/4) inch in diameter through which unobstructed access to the inside of the casing can be obtained for measuring water levels. Inspection ports shall be threaded openings temporarily sealed with a removable watertight plug.

(17) “Jetted Well” or “Sand Point Well” means a pipe with an attached well point or open-ended screen. The well is installed in unconsolidated formations by the washing action of a water jet.

(18)(10) “Liner” means a metallic or nonmetallic pipe, which is installed either within the permanent water bearing outer casing to improve, repair, or protect the outer casing or is installed below and separate from the outer casing to seal off caving material which may be encountered in the open hole of the well.

~~(19)(11)~~ “Monitoring Well” or “Observation Well” means a well used primarily to monitor hydrologic parameters such as water levels or water quality.

~~(12)~~ “Neat Cement Grout” means grout without addition of sand but may include bentonite (not to exceed 5 lbs per 94 lb sack of cement), calcium chloride (not to exceed 3 lbs per 94 lb sack of cement) or retarder (not to exceed 1 lb per 94 lb sack of cement), or other admixtures approved by the District to reduce permeability or shrinkage, increase fluidity, adjust slurry weight and/or control set time. Neat cement ground composition shall not exceed six (6) gallons of water per cubic foot of cement.

~~(20)~~ “Nominal” means the standard size of the well casing and may be less than or greater than the number indicated. Nominal, when referring to the grouting annulus, means either the available void thickness between the telescoped casings or the average available void thickness between the borehole and the outside wall of the casing at any point.

~~(13)~~ “Observation Well” means a well used primarily to observe the elevation of the water table or potentiometric surface or to determine water quality in the aquifer.

~~(21)~~ “Packer” means a device placed within a well casing that seals the annulus between two pieces of casing, between the casing and the screen, between one formation or water bearing strata and another, or between the formation and the casing.

~~(14)~~ “Production Well” means a water well but specifically excludes a test hole, an observation well or a monitoring well.

~~(22)(15)~~ “Public Water Supply Well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, 62-524, and 64E-8, F.A.C.

~~(23)(16)~~ “Public Water System” means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if such a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

~~(17)~~ “Sand-point Well” means any device which is driven into place in unconsolidated earth materials, and which consists of a pipe with an attached perforated metal tube or screen designed to permit the passage of water.

~~(24)~~ “Telescoped casing” means an interior well casing extending below an exterior casing.

~~(25)(18)~~ “Test Hole” means any temporarily cased or uncased an artificial hole in the ground drilled, bored, cored, washed, or jetted, for the intended use of which includes obtaining data for engineering, and/or for geophysical or geological exploration, and/or prospecting for minerals or products of mining or quarrying, and not for the purposes of either producing, disposing of, or searching for water.

~~(26)~~ “Upper Terminus” means that portion of a well casing ending at land surface or within an approved depth below land surface. Land surface is considered to be the ground elevation of the finished grade at the well.

~~(27)~~ “Water Test Well” means a temporary water well for the purpose of obtaining data to determine aquifer properties or water quality. Water test wells are typically drilled prior to applying for a water use permit. Water test wells must either be abandoned or converted to a water well or monitoring well within 30 days of completion of testing.

~~(28)(19)~~ “Water Use Permit” means a permit issued under Chapter 40E-2 or 40E-20, F.A.C. Florida Administrative Code.

~~(29)(20)~~ “Water Well” means a well as defined in subsection Section 373.303(7), Fla. Stat., Florida Statutes, which includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water. This term does not include any well constructed for the purpose of obtaining or prospecting for oil, natural gas, or products of mining or quarrying, for disposing of oil brine or re-pressuring oil bearing or natural gas-bearing formations, for storing petroleum, natural gas or other products, or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes.

~~(30)~~ “Water Well Contractor” means an individual who is responsible for the location, construction, repair, or abandonment of a water well and who is licensed under Chapter 62-531, F.A.C., to engage in the business of construction, repair, or abandonment of water wells.

~~(31)(21)~~ “Well Casing” means a metallic or non-metallic pipe installed in a borehole or driven to prevent caving, provide structural strength, seal off zones of poor water quality, or prevent the interchange of waters between aquifers.

~~(22)~~ “Well Completion” means termination of all well construction, repair or abandonment activities in accordance with Part II.

~~(32)(23)~~ “Well Completion Report” means the a form, “0124” supplied or approved by the District, that is completed and signed by the licensed water well contractor person constructing the well in accordance with this chapter.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History—New 1-1-85, Amended 12-19-89,

#### 40E-3.031 Implementation.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History—New 10-1-84, Repealed \_\_\_\_\_.

#### 40E-3.032 Delegation.

The authority for general administration of Part I of Chapter 40E-3, F.A.C. Florida Administrative Code, is delegated to the Executive Director of the District. It is the policy of the

Governing Board that in making this delegation the Executive Director is authorized to may designate specific staff members to carry out various tasks but that overall supervision and responsibility shall rest with the Executive Director. The Executive Director is expressly authorized to issue permits under this chapter as provided in subsection 373.342(1), Fla.Stat. Florida Statutes.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309(2), 373.339, 373.342 FS. History–New 1-1-85, Amended \_\_\_\_\_.

40E-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

- (1) “Agreement between Lee County and South Florida Water Management District,” dated January 9, 1985.
- (2) “Agreement between Dade County and South Florida Water Management District,” dated January 31, 1985.
- (3) “Agreement between Collier County and South Florida Water Management District,” dated February 5, 1985.
- (4) “Agreement between the City of Cape Coral and South Florida Water Management District,” dated October 10, 1986.
- (5) “Agreement between the Martin County Health Department and South Florida Water Management District,” dated June 12, 1998.
- (6) “Agreement between the Osceola County Health Department and South Florida Water Management District,” dated February 11, 1999.
- (7) “Agreement between the St. Lucie County Health Department and South Florida Water Management District,” dated April 13, 2000.
- (8) “Agreement between the Hendry County Health Department and South Florida Water Management District,” dated September 14, 2000.
- (9) “Agreement between the Okeechobee County Health Department and South Florida Water Management District,” dated April 11, 2002.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History–New \_\_\_\_\_.

40E-3.036 Rules and Publications Incorporated by Reference.

The following Department rules and publications are incorporated by reference into this rule and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District.

- (1) Chapter 62-531, F.A.C., Well Contractor Licensing Requirements (12-25-02).
- (2) The Department’s Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department’s Florida Unified Citation Dictionary for Well Construction (October 2002).

(3) Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (3-28-03).

(4) Chapter 62-555, F.A.C., Construction of Public Supply Water Wells (4-10-03).

(5) Chapter 62-524, F.A.C., Construction of Water Wells in Delineated Areas (6-27-00).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History–New \_\_\_\_\_.

40E-3.037 Water Well Contractor Licensing.

Specific Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History–New 10-1-84, Amended 12-19-89, Repealed \_\_\_\_\_.

40E-3.038 Violations of Contractor Licensing and Well Construction Requirements.

(1) Violations of the contractor licensing requirements and well construction requirements are provided by Chapter 373, Fla. Stat., and Chapter 62-531, F.A.C. of this chapter are specifically listed at Rules 62-531.380, 62-531.450, and 62-531.500, Florida Administrative Code.

(2) The licensed contractor must submit any change of address to the District within 30 days. Actions which may be taken by the District upon determination that a violation has occurred are outlined in Chapter 62-531 and Rule 40E-1.612, Florida Administrative Code.

Specific Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History–New 12-19-89, Amended \_\_\_\_\_.

40E-3.039 Penalties.

Specific Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.129, 373.308, 373.309, 373.333, 373.336 FS. History–New 1-1-85, Amended 12-19-89, Repealed \_\_\_\_\_.

40E-3.0391 Enforcement.

Specific Authority 373.044, 373.333, 373.119, 373.136, 373.171 FS. Law Implemented 373.119, 373.129, 373.306, 373.333, 373.336 FS. History–New 12-19-89, Repealed \_\_\_\_\_.

40E-3.041 Permits Required.

(1) Unless expressly exempted by statute law or District rule, a well construction permit must be obtained from the District or delegated agency prior to the construction, repair or abandonment of any water well within the District’s jurisdiction.

(2) A well construction permit must be obtained prior to the construction of any gang well, regardless of the size or depth of the individual wells comprising such gang well, for the purpose of procuring or obtaining water other than for dewatering.

(2)(3) No test hole or water test well shall be converted to a water well until a well construction permit or modification is obtained. No monitoring well shall be converted to a production well until a well construction permit or modification thereof is obtained for each production well.



(3) If a potable well is proposed to be constructed in an area of known groundwater contamination, the well shall be permitted pursuant to Chapter 62-524, F.A.C.

(4) ~~Permits for construction, repair, modification or abandonment of wells for which a water use permit is required under Chapters 40E-2 and 40E-20, F.A.C., shall not be issued prior to issuance of the water use permit authorizing water use withdrawals. No monitoring or observation well shall be converted to a production well until a well construction permit or modification thereof is obtained for each production well.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History—New 1-1-85, Amended \_\_\_\_\_.

(Substantial rewording of Rule 40E-3.051 follows. See Florida Administrative Code for present text.)

#### 40E-3.051 Exemptions.

(1) The following wells are exempt from Rule 40E-3.041, F.A.C.:

(a) Existing wells exempted under section 373.316, Fla. Stat.

(b) A well exempted under subsection 373.303(7), Fla. Stat.

(c) A test hole, as defined in subsection 40E-3.021(27), F.A.C.

(d) A well intended for use as an injection well, which has received a permit under Chapter 62-28, F.A.C. Such wells are exempt from the construction standards in this chapter, provided the applicable standards of Chapter 62-28, F.A.C., are met.

(e) In addition, a well which satisfies the requirements of Chapter 40E-30, F.A.C., is exempt from the provisions of Rules 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.501, 40E-3.512, and 40E-3.351, F.A.C.

(2) These exemptions do not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Environmental Resource Permits), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (Environmental Resource Standard General Permits).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended \_\_\_\_\_.

#### 40E-3.101 Content of Application.

(1) All applications shall be submitted to the permitting authority by the owner or by the water well contractor on behalf of the owner. All applications shall be submitted on the form entitled "State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well". ~~Permits will only be issued to the owner or his agent on whose property the well is located.~~

(2) All applications shall be submitted with the required non-refundable fee pursuant to Rule 40E-1.607, F.A.C. or the fee schedule established by the agency to which permitting authority has been delegated shall be submitted with the permit application.

(3)~~(2)~~ Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated. The application for the construction, repair or abandonment of water wells shall contain:

(a) ~~Form "0123" Application to the South Florida Water Management District for the construction, repair or abandonment of water wells;~~

(a)~~(b)~~ The name, address, telephone number, & license number and signature of the licensed contractor who will be constructing the wells, except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: "Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well, will be submitted to the District."

(b)~~(e)~~ The name, address, ~~and~~ telephone number and signature of the property owner or and his agent, if applicable, on whose property the well is ~~being to be~~ drilled,

(c) Written authorization from the owner designating the authorized agent, if any.

(d) The location of the well (to the nearest one-quarter-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates ~~coordinate system (state planar coordinates)~~ to the nearest one hundred feet), and property site map of the well location, depicting land marks and providing a scale,

(e) The expected cased depth and total depth of the well,

(f) The proposed use of the well,

(g) The proposed grouting interval estimated daily volume of the proposed use,

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair or abandonment methods, specifications including casing types, casing diameters and depths; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of the well, or the method of plugging and abandoning of the well,

~~(j)~~ The proposed pump capacity;

~~(j)(4)~~ The anticipated starting date to begin drilling;

~~(k)(4)~~ The District water use permit number, the water use application number, and the well number from the water use permit Table A, if applicable;

~~(l)(4)~~ A well completion report and/or lithologic or cuttings log for any test hole or water test well and testing results, which is being requested to be converted to becomes a water well.

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and three copies of a scaled map showing the well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination within a 500 foot radius of the proposed well location.

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum shall include:

1. Purpose of the test, a brief description of the testing method, and a summary of the results to be provided to the District within 30 days of completion of the testing.

2. Name, address, and telephone number of the person or consulting firm performing the test.

3. A site map showing the location of the water test well and any observation wells. The application must be signed by the owner and his authorized agent, if applicable. The application must also be signed by a licensed contractor, if applicable under subsection 40E-3.051(3), Florida Administrative Code.

(4) In addition to the information required to be submitted on the District form, the District staff may specifically request such reasonable additional information as may be necessary to evaluate the hydrologic impacts of the withdrawal to ensure that the impacts will not be harmful to the water resource of the District as set forth in Chapter 40E-2, F.A.C., and that the withdrawals are in compliance with statutory and rule requirements. Pursuant to Section 373.232, Fla. Stat., the District will cite a specific rule when requesting such additional information. Such requests for additional information will be made in compliance with Section 120.60, Fla. Stat. and Chapter 40E-1, F.A.C. The required fee pursuant to subsection 40E-1.607(2), Florida Administrative Code, shall be submitted with the permit application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 11-8-99, \_\_\_\_\_.

(Substantial rewording of Rule 40E-3.301 follows. See Florida Administrative Code for present text.)

40E-3.301 Conditions for Issuance of Permits.

(1) The applicant shall comply with the applicable provisions of Chapter 373, Fla. Stat. and this chapter.

(2) A water use permit, if applicable, under Chapters 40E-2 or 40E-20, F.A.C., must have already been obtained. If a water use permit has not been obtained, an application for a consumptive use permit must be submitted concurrently with the well construction application and must also be approved by the District prior to issuance of the well construction permit.

(3) The proposed well must not harm the water resources of the District or interfere with existing legal users.

(4) The application must be complete and must meet the requirements of Chapter 373, Fla. Stat., and this chapter.

(5) The District or delegated agency shall impose on any permit issued under this chapter such reasonable conditions as are necessary to protect the water resource and to assure that the permitted activity will be consistent with the overall objectives of the District. The District or delegated agency shall attach such conditions to the well construction, repair, or abandonment permit and the conditions shall be performed accordingly.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.321 Duration of Permits.

(1) Each permit shall be valid for a period of six (6) months, unless the time limit is extended by the District or delegated agency. In the event construction, repair or abandonment is not completed within that time, the District may extend the time limit upon written request by the permittee, provided that the conditions of the original permit application have not changed.

(2) Construction, repair or abandonment of a well shall not commence or continue after the expiration of a permit.

(3) Extensions of an existing permit shall be granted by the District or delegated agency upon written request if:

(a) Submitted by the permittee prior to the expiration date of the permit, and

(b) The permittee shows circumstances and conditions have not changed substantially since the permit issuance so that the proposed well will not harm the water resource.

(4) Modifications of an existing permit may be granted by the District or delegated agency upon written application, if submitted by the permittee prior to the expiration date of the permit.

(5) A well construction permit may be transferred from one licensed water well contractor to another if the owner or his agent agree to the transfer prior to permit expiration.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended \_\_\_\_\_.

## 40E-3.341 Suspension and Revocation.

(1) The District or delegated agency may suspend or revoke a permit to construct, repair or abandon a well by written notice to the permittee under any of the following circumstances:

~~(a)(1)~~ Material misstatement or misrepresentation in the application for a permit;

~~(b)(2)~~ Failure to comply with the provisions set forth in the permit;

~~(c)(3)~~ Disregard or violation of any provisions of this chapter these rules and regulations or Part III of Chapter 373, Fla. Stat. Florida Statutes; or

~~(d)(4)~~ Unforeseen circumstances which may create a danger to the water resources or the public health, safety or welfare if the well is constructed as permitted; or

~~(e)~~ Material change of circumstances or conditions from those existing at the time such permit was issued.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History—New 1-1-85, Amended \_\_\_\_\_.

## 40E-3.411 Well Completion Reports.

(1) The water well contractor shall submit a fully completed well completion reports (Form 0124) to the District and delegated agency ~~are required~~ for the construction, repair or abandonment of all wells, regardless of whether a permit application is required under Rule 40E-3.101, F.A.C. Florida Administrative Code. Well completion reports shall be filed with the District and delegated agency within 30 days of the completion of the work.

(a) Well completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(b) Computer generated completion reports developed by the contractor may be used in place of District supplied forms if these reports have been approved by the District prior to use.

(2) The water well contractor shall keep or cause to be kept by a person registered driller in his employ an accurate field log of all well construction, repair or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

(3) If no work is performed or if the well is not completed, a report shall be filed within thirty days of the expiration of the permit stating that no well construction was performed under the permit or outlining the status of the incomplete well.

(4) The District may also require that samples be taken during construction and furnished along to it with the completion report. ~~If samples are required, the District shall provide containers and instructions.~~

(5) For water test wells, a report on the test results shall be submitted to the District within 30 days of completion of the testing. The report shall also include a request and a proposed schedule to either abandon the water test well or convert the water test well to a production well or monitoring well.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended \_\_\_\_\_.

## 40E-3.451 Emergency Authorization.

(1) Emergency water well construction permits may be issued by the Executive Director or their his designee when one of the following conditions exist which justifies that justify the issuance:

(a) An existing well supplying a particular use has failed and must be immediately replaced;

(b) The health, safety, or general welfare of the people affected by said emergency of this District would be jeopardized without such authorization;

(c) Emergency authorization is needed to immediately mitigate or resolve potentially hazardous degradation of water resources; or

(d) A serious set of unforeseen ~~and unforeseeable~~ circumstances occurs exists which creates the emergency.

(2) Emergency permits may be applied for and issued orally. Mere carelessness or lack of planning on the part of the applicant, contractor or driller will not constitute sufficient cause for the issuance of an emergency permit. If Chapters 40E-2 or 40E-20, F.A.C., also applies to the well, an emergency permit may be issued only if, in addition to qualifying under subsection (1) above, an application for a consumptive use permit has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the consumptive use permit. Emergency authorizations shall be administered pursuant to Rule 40E-1.6115, Florida Administrative Code.

(3) The applicant for an emergency permit shall submit the application and fee in accordance with Rule 40E-3.101, F.A.C., along with any other requested information within twenty-four hours after making oral application.

Specific Authority 373.044, ~~373.119~~ 373.149, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 7-2-98, \_\_\_\_\_.

## 40E-3.461 Inspection.

(1) ~~The Department or the District~~ or delegated agency is authorized to inspect any well or abandoned well within its jurisdiction, including those wells permitted under Rule 40E-3.041, F.A.C. Inspections shall be done Part II within its jurisdiction as ~~it deems~~ necessary to insure conformity with applicable standards. ~~Such inspection may include but not be limited to geophysical logging, water level measurements, or other methods.~~ Duly authorized representatives of the ~~Department or the District~~ or delegated agency may, upon presenting proper identification and at reasonable times, may

enter upon ~~and shall be given access to~~ any premises for the purpose of such inspection. Such inspection may include but need not be limited to geophysical logging, water level measurements, or other methods.

(2) If, ~~based on upon the basis of~~ such inspection, the District ~~or delegated agency~~ finds the standards of this chapter Part II have not been met, the District ~~or delegated agency~~ shall proceed with enforcement actions as prescribed by Chapter 62-531, F.A.C. ~~may give the owner and contractor, if applicable a written notice stating which rules have been violated and may order that necessary corrective action be taken within a reasonable length of time to be prescribed in such order.~~

(3) A site inspection may be conducted by an authorized representative of the District or delegated agency ~~the Department~~ prior to issuing a permit for construction of a public water supply well.

(4) The District ~~or delegated agency~~ shall be notified at least 24 hours in advance of placement of grout in the annular space of any public water supply well. A ~~District or delegated agency~~ representative may be on site to observe the grouting. If the District ~~or delegated agency~~ is properly notified and a representative is not at the site at the appointed time, the grouting may begin be accomplished in the his absence of a representative.

(5) If, ~~based on upon basis of~~ an inspection, the District ~~or delegated agency~~ finds any well is an abandoned or incomplete well, the well shall be plugged in accordance with Rule 40E-3.531, F.A.C. Part II.

(6) If, based on an inspection, the District or delegated agency determines that applicable laws or rules have not been complied with, it shall disapprove the well. A disapproved well shall not be used until brought into compliance. If compliance cannot be achieved in a reasonable time, the well shall be properly abandoned.

(7) If, based on an inspection, the District determines that any well is a potential hazard to the water resource, the well shall be abandoned in accordance with subsection 62-532.500(4) and Rule 40E-3.531, F.A.C.

(8) In all circumstances, a copy of all applicable well construction permits will be available at the construction site during well construction.

Specific Authority 373.044, ~~373.149~~, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.502 Construction Methods.

(1) ~~Water w~~Wells must be located, so constructed, cased, grouted, plugged, capped, or sealed as to prevent uncontrolled surface flow, uncontrolled movement of water from one aquifer or water bearing zone of differing water quality to another, contamination of groundwater or surface water resources, or other adverse impacts. The construction methods

and standards in this chapter following shall apply to all construction, repair, or abandonment of wells in the District except:

(a)~~(1)~~ In those areas exempted by the District with the concurrence of the Department; or

(b)~~(2)~~ For public water supply wells or limited use public supply wells, which wells shall be constructed, repaired or abandoned in accordance with Chapter 62-555, Chapter 62-532, or Chapter 64E-8, F.A.C. Florida Administrative Code, respectively, or

(c) For monitor wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-761, F.A.C., covering underground storage tank systems, or

(d) For water wells permitted under Chapter 62-524, F.A.C., delineated areas, which shall be constructed, repaired or abandoned in accordance with Chapter 62-534, F.A.C., or special criteria developed for specific designated areas, or

(e) When special well construction conditions have been specified on a water use permit, these conditions shall be attached to applicable well construction permits.

(2) The District may designate special well construction standards areas by Emergency Rule to prevent transport of surface contaminants to groundwater or movement of introduced or natural contaminants from one aquifer or zone to another. Such standards will be the minimum necessary to prevent the movement of contaminants and will be in cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, Fla. Stat., provisions for emergency rule making.

Specific Authority 373.044, 373.309, 373.171 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 12-19-89, \_\_\_\_\_.

40E-3.504 Location.

(1) ~~Water w~~Wells shall be located so as ~~to not to~~ pose a threat of contamination to the water resource and to provide for the protection of the health, safety and welfare of the user.

(2) Water wells shall be located to comply with the setback distances in subsection 62-532.400(7), F.A.C. This subsection does not relieve the applicant from the responsibility of complying with the requirements of any other regulatory agency with jurisdiction over the applicant's activities.

(3) The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.507 Casing and Liner Pipe Standards.

(1)~~(a)~~ Well casing, ~~and~~ liner pipe, and well screen shall be new or shall be pipe or casing in like new condition. Such well casing, liner or pipe, and well screen shall not be used unless free of breaks leaks, corrosion, and dents, is straight and true, and is not out of round. Welded or seamless black or

galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe. Well casing installed by driving, shall not have less than the dimensions and weights specified in Table 1 unless otherwise approved by the District and shall conform to the American Society for Testing and Materials (ASTM) A53-77A Type S, Grade A except as noted below.

(b) All well casing shall conform to the standards identified in subsection 62-532.500(1), F.A.C.

(2) Wells constructed using telescoping casings shall be considered as a continuous casing provided the following conditions are met: Black or galvanized steel casing or liner pipe set into place without driving shall not have less than the dimensions and weights specified in Table 2 and shall conform to the American Petroleum Institute (API) Standard 5L, Grade A.

(a) Any annular space including the overlapped section shall be grouted in accordance with subparagraph 62-532.500(2)(f)4., F.A.C. The grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers is prohibited.

(b) The bottom end of the casing shall extend to or below the water level of the aquifer intended to supply water to the well.

(c) All casing zones below the uppermost consolidated unit shall be cased.

(d) A minimum of 10 feet overlap is required for non-public supply wells. One casing centralizer shall be used within the overlapped section.

(e) A minimum of 20 feet overlap is required for public supply wells. Two casing centralizers shall be used within the overlapped section.

Table 1

**MINIMUM DIMENSIONS AND WEIGHTS FOR BLACK OR GALVANIZED STEEL CASING OR LINER PIPE INSTALLED BY DRIVING**

nominal size (in.)	outside diameter (in.)	wall thickness (in.)	plain end weight (lbs/ft)
3	3.500	0.216	7.58
3.5	4.000	0.226	9.11
4	4.500	0.237 or .188	10.79 or 8.62
5	5.563	0.258	14.62
6	6.625	0.280	18.97
8	8.625	0.277	24.70
10	10.750	0.307	31.20
12	12.750	0.330	43.77

(3) ~~Black or galvanized steel casing installed by driving with a nominal size between 12 and 30 inches shall have a minimum wall thickness of 0.375 inches and shall be of weights as specified by American National Standards for Wrought Steel and Wrought Iron Pipe ANSI B36.10-1970, for~~

~~standard pipe. Pipe larger than 30 inches shall have a minimum wall thickness of 0.500 inches and shall be of weights as specified by American National Standards for Wrought Steel and Wrought Iron Pipe ANSI B36.10-1970, for standard pipe. Four inch nominal size pipe with a wall thickness of 0.188 shall be certified by the manufacturer to be in accordance with American Petroleum Institute (API) Standard 5L or ASTM A589-73, A120-77, A53-77A, A252-77A Grade 2.~~

Table 2

**MINIMUM DIMENSIONS AND WEIGHTS FOR BLACK OR GALVANIZED STEEL CASING OR LINER PIPE SET INTO PLACE WITHOUT DRIVING**

nominal size (in.)	outside diameter (in.)	wall thickness (in.)	plain end weight (lbs/ft)
3	3.500	0.125	4.51
3.5	4.000	0.134	5.53
4	4.500	0.142	6.61
5	5.500	0.154	8.79
5.5	6.000	0.164	10.22
6	6.625	0.185	12.72
8	8.625	0.188	16.90

(4) ~~Black or galvanized steel casing or liner pipe set into place without driving, with an outside diameter less than 3.500 inches shall have a wall thickness of not less than 0.125 inches. Black or galvanized steel casing or liner pipe with a nominal size between 8 and 16 inches shall have a wall thickness of not less than 0.250 inches. Steel casing or liner pipe with a nominal size of 16 inches or more shall have a wall thickness of not less than 0.375 inches.~~

(5) ~~Stainless steel pipe used for casing or liner pipe shall be Schedule 10S of the American National Standards Institute (ANSI B 36.19-1976), or stronger classification.~~

(6) ~~Polyvinyl Chloride (PVC) pipe may be used for well casing or liner pipe. Any PVC pipe used to construct a water well shall have been marked by the manufacturer, under a method specified by the National Sanitation Foundation, Ann Arbor, Michigan, as suitable for use in potable water systems. Any PVC pipe larger than 4.5 inches outside diameter used for well construction or repair shall have a working pressure rating of not less than 200 p.s.i. at 73 degrees F or shall be ASA Schedule 40. Other nonmetallic pipe may be approved by the District.~~

(3)(7) ~~Steel well casing and liner pipe shall may be joined in a watertight manner by threaded couplings, or electrical welding methods, or other methods approved by the District which provide equivalent protection. PVC pipe shall be joined by solvent bonded couplings, or threaded couplings, heat welding, or other methods approved by the District which provide equivalent protection method which shall meet the strength requirements of casing as specified in (6) above.~~

~~(4)(8)(a)~~ Nonmetallic and stainless steel well casing or liner pipe shall not be installed ~~or seated~~ by driving unless prior approval is obtained from the District based on a demonstration that the integrity of the well casing or liner pipe will be maintained.

~~(a)(b)~~ For well casing or liner pipe installed by driving, the casing or pipe shall not butt together inside threaded couplings unless the joint is electrically welded so as to be completely watertight.

~~(b)~~ A drive shoe is required for use on casing or pipe installed by driving unless prior approval is obtained from exempted by the District based on a demonstration that a drive shoe is not necessary to maintain the integrity of the casing or pipe.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.512 Well Construction Requirements.

(1) In the construction of a well, reasonable caution shall be taken to maintain ~~the work site so as the premises in sanitary condition and~~ to minimize the entrance of contaminants into the water resource.

~~(a)~~ Water and Materials used in construction shall be reasonably free of contamination.

~~(b)~~ Water used during construction shall be supplied from a potable well or potable water supply. If the well or water supply is a known source of contamination or is within a known area of contamination, it shall not be used to provide water for well construction.

~~(2)~~ All water For wells which penetrate multiple aquifers or water bearing zones ~~the well shall be properly designed and constructed to prevent an interchange of water between water bearing zones which may result in deterioration of the quality of water in one or more water bearing zones, or will result in a loss of artesian pressure completed so as to prevent cross contamination of different aquifers or zones if significantly different water quality exists between these aquifers or zones and to prevent leakage of water from one aquifer or zone to another aquifer or zone.~~

~~(a)~~ If a well cannot be properly completed to prevent an unauthorized interchange of water between water bearing zones or to prevent a loss of artesian pressure, the well shall be abandoned and plugged in accordance with subsection 40E-3.531(3), F.A.C., or other instructions from the District, which are appropriate for the geological conditions encountered.

(3) For wells obtaining water from finished into unconsolidated earth materials aquifers, casing shall extend from the upper terminus of the well above top of grade to the well screen.

~~(a)~~ The well screen shall be attached to the casing with a watertight seal; ~~or~~

~~(a)~~ The well shall be constructed to prevent caving or pumping of sand. A filter pack shall be installed around the screened portion of the well and the well shall be adequately developed until clear of any drilling fluids, particulate material and turbidity.

~~(b)~~ Sealed against the casing with a packer; ~~or~~

~~(e)~~ The screen assembly shall overlap the casing by at least ten ~~(10)~~ feet.

(4) For wells obtaining water from finished into consolidated earth materials aquifers, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit above top of grade into the top of the aquifer.

(5) For artesian wells, the casing shall penetrate the entire thickness of the overlying formations above the aquifer ~~or producing zone within the aquifer.~~

~~(5)~~ Notwithstanding the provisions of ~~(4)~~ above The District may grant waivers for seating of casing within the confining zone above an artesian aquifer provided that: on a case by case basis when, in the opinion of the District, extending casing to the top of the aquifer would present undue hardship;

(a) The casing extends a sufficient distance into the confining zone so as to prevent movement of water from the artesian aquifer to overlying aquifers;

(b) The District determines that such construction will not harm adversely affect the water resources.

~~(6)~~ In all cases casing shall extend from land surface to a minimum of three (3) feet below land surface.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

(Substantial rewording of Rule 40E-3.517 follows. See Florida Administrative Code for present text.)

40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed in accordance with paragraph 62-532.500(2)(f), F.A.C., and this section, to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in paragraph 62-532.500(2)(f), F.A.C., and this section.

(2) For any part of a well casing with an outside diameter of four inches or larger intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal two inch thickness of neat cement grout.

(3) For any part of a well casing with an outside diameter of less than four inches intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal one inch thickness of neat cement grout minimum.

(4) Wells obtaining water from unconsolidated formations, using a method other than jetting or driving a casing, and creating an annular space, shall be grouted from no more than ten (10) feet above the top of the screen to the upper terminus. Borehole cuttings shall not be reintroduced into the annular space.

(5) For jetted wells or sand point wells obtaining water from an unconsolidated formation of a naturally caving nature in which the annular space is completely filled with formation material, only the upper three (3) feet shall be grouted to provide protection from possible contaminated surface water.

(6) For jetted wells or sand point wells circulating drilling fluids to the surface, and obtaining water from a consolidated formation, shall be grouted bottom to top prior to being seated into water bearing formation.

(7) For wells constructed by driven casing, dry bentonite, with an average mesh size of between 4 and 20 U.S. standard sieve size or grain size between 5mm and .85mm, must be added to the continuous casing string at land surface at the beginning and during construction of the well.

(8) All other wells shall be grouted from the bottom of the casing to land surface.

(9) Unless a variance has been granted by the District, grouting and sealing of water wells shall be accomplished in the following manner:

(a) The grout mixture shall consist of either Portland Cement or a natural bentonite slurry for wells and boreholes meeting the requirements in subsection 40E-3.512(7), F.A.C. The mixture shall consist of 5.2 to 5.5 gallons of water per sack of Portland Cement or a mixture of 6.0 gallons of water per sack of Portland Cement with 3 to 7.5 pounds of Bentonite, not to exceed 8% by weight.

(b) The minimum set time for grouting of casing using either Portland Cement or Bentonite before drilling operations may continue is 12 hours.

(c) The casing shall be centered in the borehole prior to grouting and sealing.

(d) Grouting of the annular space shall be completed using the tremie pipe, forced pressure, or other equivalent method approved by the District. In all cases, grout will be introduced into the annular space from bottom to top.

(e) In those cases where, during grouting operation, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation. The annulus shall be bridged at that point by sand or other approved

material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the tremie pipe or other approved methods.

(10) Water wells constructed using Bentonite grouts shall meet all the following requirements:

(a) The slurry grout mixture shall be introduced into the annular space from bottom to top. The casing seat must be clean, allowing the casing to set at the total depth bored in a hole reasonably free of drill cuttings:

(b) A formation packer or a 5-foot neat cement plug must be installed at the casing seat;

(c) Neat cement must be placed in the upper ten (10) feet of the annular space to prevent deterioration of, or damage to, the bentonite seal; and

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids.

(e) Bentonite grout may be used for abandonment purposes for any well. However, it cannot be used to abandon a dry well, or a well which flow to surface and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement.

(f) Bentonite chips or pellets used for abandonment purposes may not be placed in any well casing or hole less than three inches in diameter or for sealing the annular space of any well.

(g) In all circumstances, the manufacturer's mixing instructions shall be followed.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History--New 1-1-85, Amended \_\_\_\_\_.

#### 40E-3.521 Well Seals.

##### (1) Temporary Well Seals.

(a) Whenever there is a temporary interruption in work on the well during construction, repair or abandonment, the well opening shall be sealed with a tamper resistant cover.

(b) Except in areas designated by the Department with the concurrence of the District, any well in which pumping equipment is installed seasonally or periodically shall, whenever pumping equipment is not installed, be capped with steel or reinforced concrete cover, or valve.

##### (2) Permanent Well Seals.

(a) Wells shall be properly sealed to prevent the movement of contaminants and surface water into the well.

(b) The top of the well casing shall at a minimum extend 12 inches above land surface and if practical, 12 inches above the 100-year flood elevation.

(c) Any cased well equipped with permanently installed pumping equipment shall have that pumping equipment and any necessary piping installed through a well seal.

(d) Any unused well shall be capped in a watertight manner with a threaded, welded, or bolted cover or valve. The top of the well casing shall at a minimum extend 12 inches above land surface.

(e) An unobstructed inspection port equipped with a temporary removable watertight plug may be required for wells six (6) inches or greater in diameter.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New \_\_\_\_\_.

40E-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved ~~by the Department pursuant to Chapter 62-532, and section 40E-3.0511, Florida Administrative Code.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 12-19-89, \_\_\_\_\_.

40E-3.529 Flowing Wells.

If the well flows at land surface, ~~each well shall be provided with a valve shall be provided and maintained to control the discharge from the well pursuant to section 373.206, F.S.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.531 Abandoned Well Plugging.

(1) Any well which was not constructed in accordance with the standards of this chapter Part II and fails to be corrected upon written notice in accordance with subsection 40E-3.461(2), F.A.C. Florida Administrative Code, shall be deemed an abandoned well.

(a) Any well, which has been permanently disconnected from pumping equipment and has not been converted to a monitoring well, shall be deemed to be abandoned.

(b) The owner of the property, on which an abandoned well is located, shall be responsible for ensuring that all abandoned wells on the property are properly plugged by a licensed water well contractor.

(2) Any well, which is an abandoned artesian well under ~~subsection Section~~ 373.203(1), Fla. Stat. Florida Statutes, shall be plugged in accordance with this section subsection (3).

(3) All abandoned wells shall be plugged by filling them from bottom to top with ~~neat cement~~ grout within a time specified by the District ~~unless otherwise provided in writing by the District. The plugging shall be to restore or improve the~~

~~hydrologic conditions which existed before the well was constructed.~~ The work shall be performed accomplished by a licensed water well contractor.

(a) Use of clean aggregate to bridge cavernous or lost circulation zones shall be allowed if measurements indicate loss of grout and the borehole or screened portion does not connect two (2) or more aquifers of significantly differing water quality. Prior approval to use aggregate or other material must be obtained from the District.

(b) Obstructions shall be cleared from all wells prior to plugging.

(4) Requests to abandon a well shall be submitted on the application form provided by the District.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Division of Health Quality Assurance**

RULE CHAPTER TITLE: Drug-Free Workplace Standards  
RULE TITLE: Review of Test Results  
RULE CHAPTER NO.: 59A-24  
RULE NO.: 59A-24.008

PURPOSE AND EFFECT: Chapter 59A-24, Florida Administrative Code, is being amended to update the list of organizations that certify Medical Review Officers.

SUMMARY: Certification requirements for Medical Review Officers who review drug-free workplace toxicology laboratory results.

SUMMARY OF ESTIMATED REGULATORY COSTS: 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 112.0455(13)(a) FS.  
LAW IMPLEMENTED: 112.0455 FS.

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

TIME AND DATE: 1:00 p.m., December 8, 2004  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room, Tallahassee, FL



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet M. Emmett, Health Services and Facilities Consultant, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-24.008 Review of Test Results.

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

(c) ~~Beginning January 1, 1998, M~~medical review officers shall be certified as medical review officers by the American Association of Medical Review Officers, American Society of Addiction Medicine or the Medical Review Officer Certification Council American College of Occupational and Environmental Medicine.

(d) through (e) No change.

(2) through (10) No change.

Specific Authority 112.0455(13)(a) FS. Law Implemented 112.0455 FS. History--New 6-28-91, Formerly 10E-18.008, Amended 5-1-96, 3-11-98, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia James

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey Gregg

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Continuing Education Renewal Requirements RULE NO.: 61-20.508

PURPOSE AND EFFECT: The proposed rule amendment is intended to modify language for clarification purposes regarding the type of completed continuing education hours required for licensure renewal eligibility.

SUMMARY: The rule sets forth the specifics regarding continuing education renewal requirements.

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

SPECIFIC AUTHORITY: 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.2124, 468.4336, 468.4337 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.508 Continuing Education Renewal Requirements.

(1) All community association manager licensees must satisfactorily complete a minimum of 20 ~~classroom~~ hours of continuing education. Each hour shall consist ~~instruction~~ of 50 minutes of student involvement in an approved course ~~each~~ during each license renewal period, which courses shall include the required hours at an approved update seminar. ~~Effective October 1, 2004, a maximum of 8 hours may be completed by correspondence, interactive, distance education and/or internet courses. The remaining 12 hours must be completed by classroom instruction.~~ No license shall be renewed unless the licensee has completed the required continuing education ~~contact~~ hours during the preceding licensing period.

(2) through (4) No change.

(5) Course instructors may receive continuing education credit hours in the amount of ~~contact~~ hours approved by the Council for licensees ~~course participants~~ only once every renewal period for each approved course taught by the instructor.

(6) through (8) No change.

Specific Authority 468.4315(2), 468.4336, 468.4337 FS. Law Implemented 455.2124, 468.4336, 468.4337 FS. History--New 5-5-88, Amended 3-22-89, 2-5-91, 12-28-92, Formerly 7D-55.008, 61B-55.008, Amended 10-18-99, 3-13-00, 2-21-01, 7-21-03, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Use of Whips RULE NO.: 61D-13.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule prohibit the use of a whip on the flanks of a thoroughbred racehorse during a race. The rule is promulgated pursuant to the Division's authority to promulgate rules

providing for the conduct of horse races and implements the Division's authority to supervise and regulate the welfare of racing animals.

SUMMARY: This rule is being promulgated to correct an error in a previously filed rule regarding the use of whips. The previous rule allowed the use of a whip on a horse's flanks, which is against the rules of thoroughbred racing in all major jurisdictions and is not in the interest of the welfare of the racing animal.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 550.0251(3),(11), 550.1155 FS.

LAW IMPLEMENTED: 550.0251, 550.1155 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: 10:00 a.m. – 12:00 Noon, November 30, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-13.006 Use of Whips.

(1) through (2) No change.

(3) Prohibited uses of the whip include use of the whip:

(a) On any part of the horse's body other than the ~~flanks~~, shoulders or hindquarters,

(b) through (f) No change.

Specific Authority 550.0251(3),(11), 550.1155 FS. Law Implemented 550.0251, 550.1155 FS. History–New 8-15-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Examination and Reexamination

RULE NO.: 61G4-16.009

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the criteria for examination and scheduling.

SUMMARY: The proposed rule amendments clarify the requirements for examination scheduling.

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 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: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.009 Examination and Reexamination.

(1) No change.

(2) Manner of Application for Examination and Scheduling. An original application for examination must be received by the examination vendor at least thirty (30) days prior to the administration of the examination the applicant wishes to take. All applicants must present a valid picture identification issued by a governmental agency at the examination site prior to taking the examination.

~~(a) In order to schedule an examination date, candidates shall be required to contact the Department's Bureau of Testing within thirty (30) days of the date in their "original date of confirmation letter."~~

~~(b) Failure of any candidate to contact the Department's Bureau of Testing within thirty (30) days of the date in his/her "original date of confirmation letter" shall result in forfeiture of all fees and shall count as one of the three attempts candidates are allowed per year. The candidate shall be required to file a new application and pay all necessary fees.~~

~~(c) Candidates shall have six (6) months from the date in their "original date of confirmation letter" during which they must sit for the examination.~~

~~(d) Failure of any candidate to sit for the examination within six (6) months from the date in his/her "original date of confirmation letter" shall result in forfeiture of all fees and the candidate shall be required to make an original application and pay all necessary fees.~~

(3) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History--New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE:  
Application for Certification by Examination;  
Reexamination

RULE NO.:  
61G6-5.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the process for submission of an application for certification by examination or by endorsement and the requirements for taking or retaking of said examination.

SUMMARY: The rule states the requirements for the submission of an application for certification or endorsement, including the process for undergoing the examination or re-examination.

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

SPECIFIC AUTHORITY: 489.507(2) FS.

LAW IMPLEMENTED: 489.511 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.002 Application for Certification by Examination; Reexamination.

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination. Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed.

(2) All retake exam reexamination applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the Technical/Safety examination for which the individual is applying.

(3) The applicant has one year from the date that the application was approved by the Board to complete both parts of a two-part examination: Technical/Safety and Business Computer-Based. The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination. For re-examination on the Technical/Safety examination, a retake exam application must also be submitted to the Department. For re-examination on the Computer-Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, 5-13-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE TITLE: Public Liability and Workers’ Compensation Insurance

RULE NO.:

61G6-5.008

PURPOSE AND EFFECT: The proposed rule amendment deletes the wording “by certified mail,” as the Board no longer makes service by this method regarding its written request for submission of proof of insurance.

SUMMARY: The rule sets forth the requirements for an applicant to meet regarding the procedures for submission of proof of active insurance policies for workers’ compensation and public liability and property damage, in the specified amounts of coverage as noted in the rule.

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

SPECIFIC AUTHORITY: 489.507(2), 489.510, 489.511(4), 489.515 FS.

LAW IMPLEMENTED: 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.008 Public Liability and Workers’ Compensation Insurance.

(1) through (3) No change.

(4) By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage. To verify each certificateholder or registrant has continually maintained the required amounts of public liability and property damage, as well as workers’ compensation coverage or appropriate exemption pursuant to Chapter 440, F.S., the Board will conduct random sample audits of at least 10% of the total number of certificates and registrants. Upon written request by the Board, ~~by certified mail~~, each selected licensee must within thirty days submit proof of coverage, in the form of an original Certificate of Insurance, showing the licensee has obtained and continually maintained the proper amount of public liability and property damage insurance, as well as workers’ compensation coverage or appropriate exemption pursuant to Chapter 440, F.S., within the specified time period set forth in the Board’s request.

(5) No change.

Specific Authority 489.507(2), 489.510, 489.511(4), 489.515 FS. Law Implemented 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS. History—New 1-2-80, Formerly 21GG-5.08, Amended 5-20-92, Formerly 21GG-5.008, Amended 9-22-97, 3-29-99, 3-19-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Certification Examination Requirements RULE NO.: 61G6-6.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to include language to clarify the calculus of the average passing score on the certification examination.

SUMMARY: The rule sets forth the requirements and subject contents of the certification examination.

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

SPECIFIC AUTHORITY: 455.217(1)(b), 489.505(19), 489.507(3) FS.

LAW IMPLEMENTED: 455.217(1)(b), 489.505(19) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-6.001 Certification Examination Requirements.

(1) through (3) No change.

(4) An applicant shall be required to achieve a score of a general average of not less than seventy-five percent (75%) on each of the two parts in order to pass the examination and be certified for licensure. When a cut off score contains a fraction of a percentage point of one-half (.5) or higher that score will be raised to the next highest whole number. When a cut off score contains a fraction of a percentage point of less than one-half (.5) that score will be lowered to the next lowest whole number. There shall not be a practical or clinical examination.

Specific Authority 455.217(1)(b), 489.505(19), 489.507(3) FS. Law Implemented 455.217(1)(b), 489.505(19) FS. History—New 1-2-80, Amended 4-26-81, 1-19-84, Formerly 21GG-6.01, 21GG-6.001, Amended 3-20-95, 5-2-96, 5-7-97, 10-6-97, 9-7-98, 10-7-99, 2-17-00, 4-26-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Reexamination RULE NO.: 61G6-6.005

PURPOSE AND EFFECT: The proposed rule amendment adds language regarding the Technical/Safety certification examination and the Business Computer-Based Test.

SUMMARY: The rule sets forth the criteria for certification reexamination.

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

SPECIFIC AUTHORITY: 455.217(2), 489.507(3) FS.

LAW IMPLEMENTED: 455.217(2), 489.511(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-6.005 Reexamination.

(1) An applicant who fails the Technical/Safety certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable. The Business Computer-Based Test may be taken up to three (3) times within the year starting with the date the candidate was initially approved to sit for the examination for this application period. The Technical/Safety examination portion may be taken up to three (3) times within the year starting with the date the candidate was initially approved to sit for the examination for this application period. A retake exam application must be submitted to the Department for each attempt of the Technical/Safety portion of the examination. However, a retake application shall not be required to be submitted for each retake of the Computer-Based Test and there shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

(2) Prior to reexamination, an applicant who has taken and failed the certification examination portions 3 or more times, must complete a minimum of 7 hours of remedial training continuing/education courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam portions. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

Specific Authority 455.217(2), 489.507(3) FS. Law Implemented 455.217(2), 489.511(3) FS. History—New 4-17-80, Formerly 21GG-6.05, Amended 7-3-91, Formerly 21GG-6.005, Amended 12-24-97, 9-21-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Fees RULE NO.: 61G6-8.001

PURPOSE AND EFFECT: The proposed rule amendment is to update fee requirements.

SUMMARY: The rule sets forth the application fee for the certification examination for an electrical or alarm systems contractor, including fees applicable to the Technical/Safety examination and the Business Computer-Based Test.

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

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-8.001 Fees.

The following fees are prescribed by the Board:

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be one hundred and fifty dollars (\$150.00). The initial examination fee for the Technical/Safety examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) one hundred and fifty dollars (\$150.00) payable to the Department. The initial examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) business portion of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(2) through (3) No change.

(4) The re-examination fee for the Technical/Safety certification examination shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The re-examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) business portion of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department one hundred fifty dollars (\$150.00).

(5) through (10) No change.

(11) The fee for the review of an examination pursuant to the provisions of Chapter 455 and 489, Florida Statutes, shall be seventy five dollars (\$75.00). The fee to the professional testing service for review of the Business Computer-Based Test (at the site where the original exam was taken) shall be thirty-five dollars (\$35.00).

(12) through (15) No change.

Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS. Law Implemented 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS. History—New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Citations RULE NO.: 61G6-11.001

PURPOSE AND EFFECT: The proposed rule amendment intends to add language regarding disciplinary fines that may be imposed via citation for failing to timely respond to a Board's audit, as required the applicable statutes.

SUMMARY: The rule sets forth disciplinary dispositions via the issuance of citations.

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

SPECIFIC AUTHORITY: 489.507(2), 455.224 FS.

LAW IMPLEMENTED: 455.224, 455.225 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-11.001 Citations.

The following violations of Section 489.533, F.S., may be resolved by the issuance of a citation pursuant to Section 455.224, F.S., and Chapter 21, F.A.C.

(1) through (10) No change.

<u>(11) Sec. 489.533(1)(o)/Rule</u>	<u>First offense:</u>
<u>61G6-5.008(4):</u>	<u>\$400.00 fine.</u>
<u>Failure to timely respond</u>	<u>Second offense:</u>
<u>to Board audit.</u>	<u>\$500.00 fine.</u>

Specific Authority 489.507(2), 455.224 FS. Law Implemented 455.224, 455.225 FS. History--New 1-19-92, Formerly 21GG-11.001, Amended 4-14-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 HEALTH**

**Board of Pharmacy**

RULE TITLES: Training Qualifications RULE NOS.: 64B16-28.903

Nuclear Pharmacist – Continuing Education 64B16-28.904

PURPOSE AND EFFECT: The rules are proposed for repeal as they have been transferred and renumbered as Rules 64B16-26.303 and 64B16-26.304, F.A.C.

SUMMARY: The rules are being repealed.

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

SPECIFIC AUTHORITY: 465.005, 465.0126, 465.022 FS.

LAW IMPLEMENTED: 465.003(14), 465.009(5), 465.0126 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32354

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.903 Training Qualifications.

Specific Authority 465.005 FS. Law Implemented 465.003(14), 465.0126 FS. History--New 4-17-76, Amended 4-8-80, 6-23-83, Formerly 21S-3.05, Amended 8-11-86, 4-4-88, Formerly 21S-3.005, Amended 7-31-91, Formerly 21S-28.903, 61F10-28.903, Amended 6-12-96, Formerly 59X-28.903, Repealed\_\_\_\_\_.

64B16-28.904 Nuclear Pharmacist – Continuing Education.

Specific Authority 465.0126, 465.022 FS. Law Implemented 465.009(5), 465.0126 FS. History--New 10-28-91, Formerly 21S-28.904, 61F10-28.904, 59X-28.904, Amended 1-12-03, 10-19-03, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 28, 2004

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.  
LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
THIS NOTICE, A HEARING WILL BE SCHEDULED AND  
ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Kaye Howerton, Executive Director,  
Board of Psychology/MQA, 4052 Bald Cypress Way, Bin  
#C05, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B19-17.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to make language changes and updates regarding disciplinary guidelines for the range of penalties for the commission of violations as listed in the rule.

SUMMARY: The rule sets forth the disciplinary guidelines as a range of penalties that may be imposed from a minimum to maximum for each referenced violation.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. The verbal identification of violations is description only; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The guidelines are presented as a range of penalties that may be imposed from minimum to maximum. For each violation, the maximum penalty would also include that identified as the minimum penalty.



<u>VIOLATION</u>	<u>PENALTY RANGE</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
(a) Attempting to obtain, or renewing a license by bribery or fraudulent misrepresentation (490.009(1)(a), and 456.072(1)(h), F.S.)	<u>Revocation or permanent denial of license</u>	<u>\$10,000 fine</u>
Attempting to obtain, obtaining, or renewing a license under Chapter 490, F.S., by bribery or fraudulent misrepresentation or through an error of the Board or the Department. The penalty shall be revocation or permanent denial of license, and an administrative fine not to exceed \$10,000.		
(b) License disciplined by another jurisdiction (490.009(1)(b), and 456.072(1)(f), F.S.)	<u>Same penalty as imposed in other jurisdiction or as close as possible with appropriate safeguards determined by Board</u>	<u>\$10,000 fine</u>
Case of applicant	<u>Probation and \$10,000 fine</u>	<u>Permanent denial of license</u>
Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country. The penalty against a licensee shall be a penalty generally concurrent with that of the other jurisdiction with the addition of appropriate safeguards as determined by the Board, and an administrative fine not to exceed \$10,000. In the case of an applicant, the penalty shall range from probation to permanent denial of license, and an administrative fine not to exceed \$10,000. If the violation included sexual misconduct, the penalty shall be permanent denial of license		
(c) Criminal conviction relating to psychology (490.009(1)(c), and 456.072(1)(c), F.S.)	<u>Suspension and \$10,000 fine</u>	<u>Revocation</u>
Case of applicant	<u>Probation and \$10,000 fine</u>	<u>Permanent denial of license</u>
Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession. The penalty shall be suspension of license until such time as the licensee can, to the Board's satisfaction, demonstrate rehabilitation, and an administrative fine not to exceed \$10,000. In the case of an applicant, the penalty shall be from probation to permanent denial of license, and an administrative fine not to exceed \$10,000.		
(d) False, deceptive or misleading advertising (490.009(1)(d), and 456.072(1)(m), F.S.)		
First Offense	<u>Reprimand and \$1,000 fine</u>	<u>\$5,000 fine and Probation</u>
Second Offense	<u>Reprimand, Probation and \$5,000 fine</u>	<u>\$10,000 fine and Suspension</u>

<p>or obtaining a fee or other thing of value upon the licensee's representation that beneficial results from any treatment will be guaranteed. The penalty shall be a public reprimand, an administrative fine of \$1,000 to \$10,000, and probation with terms and conditions set by the Board.</p>		
<p>(e) Advertising, practicing, or attempting to practice under another name <u>(490.009(1)(e), F.S.)</u></p>	<p><u>Reprimand and \$1,000 fine</u></p>	<p><u>\$10,000 fine and Probation</u></p>
<p><del>other than one's own. The penalty shall be a public reprimand, an administrative fine of \$1,000 to \$10,000, and probation with terms and conditions set by the Board.</del></p>		
<p>(f) <u>Maintaining a wrongful professional association</u> <u>(490.009(1)(f), F.S.)</u></p>	<p><u>Reprimand and \$1,000 fine</u></p>	<p><u>\$10,000 fine and Probation or Revocation</u></p>
<p><del>Advertising, practicing, or attempting to practice under a name other than one's own. The penalty shall be a public reprimand, an administrative fine of \$1,000 to \$10,000, and probation with terms and conditions set by the Board.</del></p>		
<p>(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person <u>(490.009(1)(g), and 456.072(1)(j), F.S.)</u></p>	<p><u>Reprimand, Probation and \$1,000 fine</u></p>	<p><u>\$10,000 fine and Suspension or Revocation</u></p>
<p><del>to practice psychology or hold himself or herself out as a psychologist. The penalty shall be an administrative fine of \$1,000 to \$10,000 and suspension followed by probation with terms and conditions set by the Board.</del></p>		
<p>(h) Failing to perform an statutory or legal obligation <u>(490.009(1)(h), and 456.072(1)(k), F.S.)</u></p>	<p><u>Reprimand and \$1,000 fine</u></p>	<p><u>\$10,000 fine and Probation, Suspension or Revocation</u></p>
<p><del>placed upon the licensee under Chapter 490 or 456, F.S., or any rules promulgated pursuant to those chapters. The penalty shall be a public reprimand, an administrative fine of \$1,000 to \$10,000, and probation with terms and conditions set by the Board.</del></p>		
<p>(i) Willingly making or filing a false report, etc. <u>(409.009(1)(i), and 456.072(1)(l), F.S.)</u></p>	<p><u>Reprimand and \$1,000 fine</u></p>	<p><u>\$10,000 fine and Probation, Suspension or Revocation</u></p>
<p><del>or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. The penalty shall be a public reprimand, six months suspension, and an administrative fine of \$1,000 to \$10,000.</del></p>		
<p>(j) Paying or receiving a kickback, etc. <u>(490.009(1)(j), F.S.)</u></p>	<p><u>Reprimand and \$1,000 fine</u></p>	<p><u>\$10,000 fine and Probation, Suspension or Revocation</u></p>

rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement. The penalty shall be a public reprimand and an administrative fine of \$1,000 to \$10,000.		
(k) Sexual misconduct or battery on a patient (490.009(1)(k), F.S.)	Suspension, followed by Probation, and \$5,000 fine	\$10,000 fine and Revocation
Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in Section 490.0111, F.S. The penalty shall be an administrative fine of \$1,000 to \$10,000 and revocation.		
(l) Making misleading, deceptive, untrue, or fraudulent representations, etc. (409.009(1)(l), and 456.072(1)(m), F.S.)	Reprimand and \$1,000 fine	\$10,000 fine
in the practice of psychology. The penalty shall be a public reprimand and an administrative fine of \$1,000 to \$10,000.		
(m) Soliciting through fraud, intimidation, undue influence, etc. (490.009(1)(m), F.S.)	Reprimand and \$1,000 fine	\$10,000 fine and Probation, Suspension or Revocation
patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or any form of overreaching or vexatious conduct. The penalty shall be a public reprimand and an administrative fine of \$1,000 to \$10,000.		
(n) Failure to provide records, etc. (490.009(1)(n), F.S.)	\$1,000 fine	\$10,000 fine and Probation, Suspension
make available a report of examination or treatment upon written request from the service user and upon the service user's payment of the costs set out in Chapter 64B19-19, F.A.C. The penalty shall be an administrative fine of \$1,000 to \$10,000.		
(o) Failing to respond to Department within 30 days, etc. (490.009(1)(o), F.S.)	Suspension until compliance and \$1,000 fine	\$10,000 fine

respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to the investigation about the licensee's conduct or background. The penalty shall be an administrative fine of \$1,000 to \$10,000 and a suspension until such time as the licensee demonstrates, to the Board's satisfaction, that an appropriate response has been made by the licensee.		
(p) <u>Incompetence (mental or physical impairment), etc.</u> (490.009(1)(p), and	<u>Suspension, followed by Probation, mental and physical evaluations</u>	<u>\$10,000 fine and Revocation</u>
<del>Being unable to practice psychology or school psychology with reasonable skill or competence as a result of any physical or mental condition, including sexual misconduct, or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. The penalty shall be suspension until such time as the licensee demonstrates rehabilitation that is satisfactory to the Board, then probation with terms and conditions set by the Board, mental or physical evaluations by Board approved professionals, and an administrative fine not to exceed \$10,000.</del>		
(q) <u>Violating provisions of Chapter 490 or 456, F.S.</u> (490.009(1)(w), and 456.072(1)(b), F.S.)	<u>Reprimand and \$1,000 fine</u>	<u>\$10,000 fine and Suspension, Probation or Revocation</u>
<del>, or any rule adopted pursuant thereto. The penalty shall be a public reprimand and an administrative fine of \$1,000 to \$10,000.</del>		
(r) <u>Experimentation without informed consent</u> (490.009(1)(q), F.S.)	<u>Reprimand and \$1,000 fine</u>	<u>\$10,000 fine and Suspension, followed by Probation or Revocation</u>
<del>Performing any treatment or prescribing any therapy which, by prevailing standards of the profession of psychology, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent. The penalty shall be a public reprimand and an administrative fine of \$1,000 to \$10,000.</del>		
(s) <u>Negligence</u> (490.009(1)(r), F.S.)	<u>Reprimand and \$1,000 fine</u>	<u>\$10,000 fine and Suspension, followed by Probation or Revocation</u>

Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in the profession of psychology, including the undertaking of activities for which the licensee is not qualified by training or experience. The penalty shall be an administrative fine of \$1,000 to \$10,000 and suspension until such time as licensee demonstrates to the Board's satisfaction competence in the performance of the licensee's profession, then a probation from one to four years with terms and conditions set by the Board.		
(t) Delegating professional responsibilities (490.009(1)(s), and 456.072(1)(p), F.S.) to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities. The penalty shall be a six month suspension immediately followed by a six month probation with terms and conditions as set by the Board, and an administrative fine of \$1000 to \$10,000.	Reprimand and \$1,000 fine	\$10,000 fine and Suspension, followed by Probation or Revocation
(u) Violating any lawful order (490.009(1)(t), and 456.072(1)(q), F.S.) provision of Chapter 456 or 490, F.S., a rule relating to the regulation of the profession or a lawful order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department. The penalty shall be an administrative fine of \$1,000 to \$10,000 and revocation	Suspension until compliance and \$1,000 fine	\$10,000 fine and Revocation
(v) Failing to maintain confidence (490.009(1)(u), F.S.) First Offense	Reprimand and \$1,000 fine	\$5,000 fine
Second Offense	Reprimand, Probation and \$2,500 fine	\$10,000 fine and Suspension, followed by Probation or Revocation
any communication made by a patient or client in the context of services, except as provided by Section 490.0147, F.S. The penalty shall be: 1. First offense — public reprimand and an administrative fine of \$1000 to \$5,000. 2. Second offense — public reprimand and an administrative fine of \$ 2500 to \$10,000. 3. Third offense — revocation.		
(w) Identifying or damaging research clients (490.009(1)(v), F.S.) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients. The penalty shall be a public reprimand and an administrative fine of \$1,000 to \$10,000.	Reprimand and \$1,000 fine	\$10,000 fine and Suspension, followed by Probation or Revocation

(x) Failure to comply with continuing education for domestic violence <u>(456.072(1)(s), F.S.)</u>	<u>\$250 fine</u>	<u>\$1,000 fine and Suspension until compliance</u>
<del>requirement for domestic violence. The penalty shall be \$250, and suspension until compliance.</del>		
(y) Exercising influence on the patient or client for financial gain <u>(456.072(1)(n), F.S.)</u>	<u>Reprimand and \$1,000 fine</u>	<u>\$10,000 fine and Suspension, followed by Probation or Revocation</u>
<del>for the purpose of financial gain of the licensee or a third party. The penalty shall be suspension or revocation and a fine of \$5,000 to \$10,000.</del>		
(z) Improperly interfering with an investigation <u>(456.072(1)(r), F.S.)</u>	<u>Reprimand and \$2,500 fine</u>	<u>\$10,000 fine and Suspension, followed by Probation or Revocation</u>
<u>In case of applicant</u>	<u>Denial of license with leave to reapply and \$2,500 fine</u>	<u>\$10,000 fine and Permanent Denial of license</u>
<del>or inspection authorized by statute, or with any disciplinary proceeding. The penalty shall be a reprimand and a fine of \$2,500 to \$10,000.</del>		
(aa) Performing or attempting to perform wrong health care services <u>(456.072(1)(aa), F.S.)</u>	<u>Reprimand and \$1,000 fine</u>	<u>\$10,000 fine and Suspension, followed by Probation or Revocation</u>
<del>health care services on the wrong patient, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. The recommended penalty shall be an administrative fine from \$1,000 to \$10,000, and from reprimand to probation, continuing education, suspension, or revocation.</del>		

(2) through (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History—New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Mediation  
PURPOSE AND EFFECT: The proposed rule amendment is intended to update language regarding offenses subjected to the mediation process.

RULE NO.: 64B19-17.007

SUMMARY: The rule enumerates offenses that may be mediated if such offenses meet the criteria of Section 456.078, Florida Statutes.

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

SPECIFIC AUTHORITY: 456.078, 490.004(4),(5) FS.

LAW IMPLEMENTED: 456.078, 490.009(2)(h),(v),(w) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.007 Mediation.

The following offenses may be mediated if the offense meets the criteria of Section 456.078, F.S. upon approval of a designee of the board:

(1) Violation of Sections 490.009(1)(d) and 456.072(1)(a), F.S. (for misleading advertisement). Violation of Section 490.009(1)(t), F.S. (a licensee's failure to pay an administrative fine on time, and within 30 days of the due date: payment of fine and cost of mediation).

(2) Violation of Sections 490.009(1)(h) and 456.072(1)(k), F.S. (for failing to explain to patient, or patient's legal representative, the nature of evaluation and the confidentiality provisions in the practice setting; e.g., compulsory psychological examinations in forensic settings).

(3) Violation of Sections 490.009(1)(l) and 456.072(1)(m), F.S. (for misrepresenting credentials).

(4) Violation of Section 490.009(1)(n), F.S. (for failing to provide copies, which have been paid for, of a report of examination or treatment upon written request from the service user).

(5) ~~(3)~~ Violation of Section 490.009(1)(r), F.S., for the following (regarding allegations arising from a psychological court-appointed evaluation):

(a) Failing to write a report consistent with referral questions.

(b) Failing to use appropriate diagnosis and procedure codes. Violation of Section 490.009(1)(n), F.S. (failing to make available a report of examination or treatment upon written request from the service user first offense): cost of mediation.

(c) Failing to perform a clinical examination, if indicated, independent of the testing process.

(d) Failing to terminate inpatient treatment upon request of patient or patient's legal representative.

(6) Violation of Section 490.009(1)(u), F.S. (for failing to maintain in confidence a communication made by patient or client).

(7) Violation of Section 490.009(1)(v), F.S. (for making public statements that identify or damage research subjects or clients).

Specific Authority 456.078, 490.004(4),(5) FS. Law Implemented 456.078, 490.009(2)(h),(v),(w) FS. History--New 3-20-95, Formerly 59AA-18.009, 59AA-17.007, Amended 10-15-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2004

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER TITLE: Adult Services  
RULE CHAPTER NO.: 65C-1

RULE TITLES: Purpose of the Home Care Program  
Definitions  
Screening and Application  
Eligibility  
Financial Determination  
Provider Requirements  
Home Study Standards  
Petition Proceedings  
RULE NOS.: 65C-1.001  
65C-1.002  
65C-1.003  
65C-1.004  
65C-1.005  
65C-1.006  
65C-1.007  
65C-1.009

PURPOSE AND EFFECT: To amend the current rule to reflect revisions to the Florida Statutes, to reflect revised state and national standards, and to implement programmatic revisions tied to funding limitations. The current rule is also amended to reflect grammatical revisions and revisions in Florida Administrative Code requirements.

SUMMARY: The proposed rule provides language to ensure that the Home Care for Disabled Adults' programmatic criteria, as stated in Chapter 410, Florida Statutes, are applied consistently to programs in existence in the Department of Children and Families, as defined on January 1, 1997. Terms used throughout the proposed rule are more specifically defined. Because of funding limitations, screening for the statewide programmatic waiting list is addressed. The home care provider requirements are revised to comply with revision to Chapter 39 and Chapter 415, Florida Statutes. The home study standards are revised to concur with updated statewide and national injury prevention and fire safety standards. Revisions are made to reflect grammatical changes and revisions in Florida Administrative Code requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 410.033 FS.

LAW IMPLEMENTED: 410.031, 410.033, 410.036, 410.035, 410.034 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., November 29, 2004

PLACE: Department of Children and Family Services, Adult Services, Room 355, Building 6, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patsy Paschal, Operations and Management Consultant Manager, Adult Services, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)488-2881, e-mail: patsy\_paschal@dcf.state.fl.us, Fax (850)922-4193

THE FULL TEXT OF THE PROPOSED RULES IS:

HOME CARE FOR DISABLED ADULTS AND THE ELDERLY

65C-1.001 Purpose of the Home Care Program.

The Home Care for Disabled Adults Act and Rules encourage the provision of care for disabled adults in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. These rules establish the minimum standards and procedures for the provision of home care, for the approval of persons wishing to provide home care, and for subsidy payments authorized for such care. Priority shall be given to disabled adults who are not eligible for comparable services and programs of and funded by the department or other departments and agencies which were included in the Department of Children and Families when the revisions to Section 410.032, F.S. became effective on January 1, 1997.

Specific Authority 410.033 FS. Law Implemented 410.031, 410.033 FS. History-New 5-3-81, Amended 10-17-84, Formerly 10A-9.01, Amended 6-11-91, Formerly 10A-9.001, Amended 8-13-00,\_\_\_\_\_.

65C-1.002 Definitions.

In addition to the definitions used in Section 410.031-.036, F.S., the following definitions shall apply to this rule:

(1) "Activities of Daily Living (ADL)" means functions and tasks for self care, which shall include ambulation, mobility, bathing, dressing, eating, grooming, and other personal hygiene activities.

(2) "Basic Subsidy" means a specific amount of subsidy payment, determined by the financial status of the home care client, which is provided monthly to assist with support and maintenance of the home care client, and which element, to include costs of housing, food, clothing, and incidentals, in an amount determined by the financial status of the home care client.

(3) "Case Management" means the planning, arrangement for, and coordination of appropriate community-based services for ~~an eligible~~ home care client. Case management includes assessment of needs, ~~the~~ development of a service plan, arrangement for services, and on-going monitoring of the home care client's situation to ensure that needed services are received.

(4) "Department" means Department of Children and Families.

~~(5)~~(4) "Disabled Adult" means any person at least 18 years of age, but under 60 years of age, who lacks the ability who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without provision of community-based services, and is impaired due to one or more permanent physical or mental limitations. Disabled adult also means a person who is currently domiciled in a resident of this state and who intends has an intent to remain in this state.

(6) "Domicile" means the place where the home care client legally resides, that is, his or her permanent home.

~~(7)~~(5) "Home Care Client" means an individual who meets all eligibility requirements for this program; and who, without home care supportive services, could require placement in an institution or nursing home.

~~(8)~~(6) "Medical Subsidy" means a specific amount of subsidy payment provided monthly to assist in defraying the costs of an individually determined amount of subsidy payment for medical, pharmaceutical, and dental services which is not covered by Medicare, Medicaid, or any form of insurance and which maintain is regarded as essential to the maintenance of the health of the home care client.

~~(9)~~(7) "Provider" means an adult person(s) who applies and is approved to provide home care to a home care disabled adult client(s) on a non-profit basis.

~~(10)~~(8) "Special Supplement" means a reimbursement for any specialized medical or health care services, supplies, or equipment, which are pre-authorized by the department, and which are required to maintain the health and well-being of the home care client disabled adult. This supplement is separate from and may be utilized in addition to the basic and medical subsidies, is provided if a documented need exists, and shall be provided based on the availability of allocated funds. Reimbursement may be authorized for regularly purchased recurring or non-recurring services, equipment, and supplies or special, non-recurring services or equipment.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History-New 5-3-81, Amended 2-11-82, Formerly 10A-9.02, Amended 6-11-91, Formerly 10A-9.002, Amended 8-13-00,\_\_\_\_\_.

65C-1.003 Screening and Application.

(1) Requests to make application for the Home Care for Disabled Adults Program may be initiated by the potential home care client or others, on behalf of the potential home care client, through dDistrict, regional, or zone Adult Services offices Units.

(2) If funding is not available to move an individual into the Home Care for Disabled Adults Program, the individual is screened by departmental staff using the Adult Services Screening for Consideration for Community-Based Programs, CF-AA 1022, August 2004, and placed on the Home Care for Disabled Adults Waiting List or other Adult Services programmatic waiting list for the appropriate service that



meets the need of the individual. The focus of the Adult Services Screening for Consideration for Community-Based Programs shall be on individuals who are at risk of nursing home placement and at risk of abuse, neglect, and exploitation. The Adult Services Screening for Consideration for Community-Based Programs is incorporated by reference and is available, without cost, from the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. ~~The Department shall not arrange for recruitment and matching of potential providers and recipients to facilitate application between two unrelated or unfamiliar parties.~~

(3) The application process shall include:

(a) ~~Applicant Client~~ assessment and determination of program and financial eligibility;

(b) Provider assessment and determination of provider eligibility;

(c) Home assessment and approval; and,

(d) Applicant and provider notification of eligibility status.

(4) The application process must be completed before subsidy approval is granted.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Formerly 10A-9.03, Amended 6-11-91, Formerly 10A-9.003, Amended 8-13-00, \_\_\_\_\_.

#### 65C-1.004 Eligibility.

To be eligible for the Home Care for Disabled Adults Program, an applicant must:

(1) Be a disabled adult, as defined in Rule 65C-1.002, F.A.C.;

(2) Complete, or have completed on his or her behalf, ~~the an application for Home Care for Disabled Adults Program Application, CF-AA 1020, August 2004, which is incorporated by reference and available, without cost, from the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700~~ services;

(3) Meet the same criteria used to determine eligibility assistance under Title XVI of the Social Security Act; or meet the same financial criteria used to determine eligibility for nursing home care as defined in Chapter 65A-1, F.A.C., Florida Medicaid Eligibility;

(4) Have an approved provider who ~~shall will~~ provide the Home Care for Disabled Adults services;

(5) Have a statement from a physician or licensed registered nurse which states that the Home Care for Disabled Adult applicant could require institutional or nursing home placement should home care services not be provided, and that the assistance provided by the Home Care for Disabled Adults Program is considered to be appropriate for the well-being of the applicant/ ~~client~~, and,

(6) Have a priority need for home care services as determined through the administration and evaluation of the Adult Services Screening for Consideration for Community-Based Programs, CF-AA 1022, August 2004, and

~~a departmentally specified comprehensive client assessment. A copy of the Adult Services Client Assessment, CF-AA 3019, April 1999, is incorporated by reference and~~ client assessment form shall be available, without cost, upon request from the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. The comprehensive client assessment shall be administered by departmental staff, ~~unless otherwise authorized by the department,~~ and shall address the following areas:

(a) Functional Status – a level of functional impairment as measured by individual ability to independently perform the tasks and activities of daily living;

(b) ~~Provider Caregiver~~ Status – an appraisal of the provider's ability to provide supervision and care to the home care client ~~caregiver issues~~;

(c) Client Support – a measure of the availability of service and social support relative to the needs of the individual;

(d) Health Status – a measure of the presence and degree of chronic disease and physical disability experienced relative to need for medical, health, and nutritional related services; and.

(e) Environmental Status – an evaluation of the safety and accessibility of the home care client's physical environment ~~for safety and accessibility~~.

Specific Authority 410.033 FS. Law Implemented 410.036 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.04, Amended 6-11-91, Formerly 10A-9.004, Amended 8-13-00, \_\_\_\_\_.

#### 65C-1.005 Financial Determination.

(1) An application as specified in Chapter ~~65C-1~~ 65A-1, F.A.C., for determination of financial eligibility for the Home Care for Disabled Adults Program shall be completed in its entirety and shall be submitted to the Department of Children and Families.;

(2) Financial eligibility shall be determined as meeting Institutional Care Program (ICP) standards or MEDS-AD standards by designated ~~d~~ Departmental staff or verified to meet Supplemental Social Security Income (SSI) standards by the Social Security Administration Office.; Applicants of the Home Care for Disabled Adult's Program and home care client's whose income and asset levels appear to be close to SSI eligibility standards and who do not receive SSI benefits shall be referred to the Social Security Administration for SSI eligibility determination. Such applicants and clients shall pursue SSI through the Social Security Administration through final appeal.;

(3) Upon satisfaction of all criteria for program and financial eligibility, the provider and Home Care for Disabled Adults' applicant shall ~~client will~~ be advised of ~~client~~ acceptance into the Home Care for Disabled Adults Program. If program criteria are not met, the applicant shall be informed of non-acceptance into the Home Care for Disabled Adults Program. Payment, as established by a schedule of subsidy

payments, shall be based on the financial status of the home care client person receiving care. A Provider Agreement shall be presented to the provider for signature and shall specify the amount of monthly basic maintenance subsidy, maximum allowable medical subsidy, and instructions on obtaining reimbursement of the maximum allowable special supplemental subsidy for which the home care client has been determined eligible. The provider and home care client shall ~~will~~ be advised of the need to obtain prior approval from the Home Care Counselor for any expenditures which fall into the categories of ~~medical or~~ special supplemental subsidy, for which the provider is seeking reimbursement. Paid receipts must be submitted to the Home Care Counselor, by the provider, in accordance with Home Care for Disabled Adults standards set forth in rule, manual, and policy directive.

(4) The Provider Agreement shall be regarded as a binding agreement between the provider and the ~~d~~Department. The Home Care for Disabled Adults Counselor ~~shall will~~ advise the provider of policy guidelines relating to the approval and receipt of all subsidy payments and ~~shall will~~ process all requests received from the provider in keeping with ~~d~~Departmental guidelines established by the state office and implemented by ~~at~~ the district, regional, or zone office.

(5) Applicants of the Home Care for Disabled Adults Program and / home care clients shall be advised in writing upon completion of application review of the right to and the process of obtaining a hearing. Under the provisions of Chapter 120, F.S., applicant and / home care client challenges may be initiated and presented to the ~~d~~Department, ~~provider agency,~~ or Department of Administrative Hearings giving written or oral evidence in opposition to the action the ~~d~~Department has chosen to justify its action or inaction.

Specific Authority 410.033 FS. Law Implemented 410.035 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.05, Amended 6-11-91, Formerly 10A-9.005, Amended 8-13-00, \_\_\_\_\_.

#### 65C-1.006 Provider Requirements.

A provider in the Home Care for Disabled Adults Program shall meet, at a minimum, the eligibility criteria outlined herein. Each provider shall be:

(1) ~~Be a A~~ mature, responsible adult willing to and capable of accepting responsibility for the social, physical, and emotional needs of the home care client in a family-type living arrangement;

(2) ~~Be a~~ An individual, relative or non-relative, who has a positive personal relationship with the home care client and who, if not family, is accepted by the home care client as surrogate family; or be a responsible adult who maintains a positive personal relationship with the home care client and is an individual with whom the home care client has made a financial arrangement for the provision of home care services;

(3) Reside in and be ~~p~~Physically present in the home to provide services, supervision, and assistance with the arrangement of services for the home care client, and ~~shall~~ be

responsible; ~~when temporarily absent from the home,~~ for making alternative arrangements for care to be assumed by another responsible adult, when the provider is temporarily absent from the home, in keeping with the standards set forth for the Home Care for Disabled Adults Program;

(4) ~~Be r~~Responsible for maintaining the residential dwelling free of conditions that pose an ~~immediate~~ threat to the life, safety, health, or well-being of the home care client;

(5) Grant written authorization for a background check, at least annually, through the department's central abuse hotline information system for abuse, neglect, or exploitation of a vulnerable adult, as defined in Section 415.102, F.S., or child, as defined in Section 39.01, F.S., and shall:

(a) ~~Be w~~Without record of criminal conviction of abuse, neglect, or exploitation of a vulnerable adult an older person, adult or child;

(b) ~~shall N~~ot have been the perpetrator in a confirmed report of abuse, neglect, or exploitation of a vulnerable adult, investigated or completed prior to September 1, 2000 by the Department of Children and Families and maintained in the department's central abuse hotline information system Florida Abuse Hotline Information System;

(c) Not have been the perpetrator in a confirmed report of abuse, neglect, or exploitation of a child, investigated or completed prior to October 1, 1995 by the Department of Children and Families and maintained in the department's central abuse hotline information system;

(d) Not have been a possible responsible person in a report with verified findings of abuse, neglect, or exploitation of a vulnerable adult, investigated or completed on or after September 1, 2000 by the Department of Children and Families and maintained in the department's central abuse hotline information system;

(e) Not have been a possible responsible person in a report with verified findings of abuse, neglect, or exploitation of a child, investigated or completed on or after October 1, 1995 by the Department of Children and Families and maintained in the department's central abuse hotline information system;

(f) ~~shall P~~rovide ~~grant~~ written information on felony or first degree misdemeanor charges, as requested authorization for a background check through Florida Abuse Hotline System of the Department of Children and Families.

(g) The ~~d~~Department shall grant an exemption from any this disqualifying/citation offense if the ~~d~~Department has clear and convincing evidence to support a reasonable belief that the individual is of good moral character as to justify the exemption; and

(6) ~~Be w~~Without evidence of representing holding themselves ~~out~~ to the public as a home or home-type facility, group living home, half-way house, assisted adult living facility, adult family care home, or other similar facility offering room, board, and personal services for pay or profit but not including adult family care homes.

Specific Authority 410.033 FS. Law Implemented 410.033, 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.06, Amended 6-11-91, Formerly 10A-9.006, Amended 8-13-00, \_\_\_\_\_.

#### 65C-1.007 Home Study Standards.

(1) The Home Care Counselor shall conduct a home study, an assessment of the home environment and physical surroundings in which the Home Care for Disabled Adults applicant or home care client currently resides or intends to reside with the provider, to determine the fitness of the private residential home ~~and of the home care service provider~~, in keeping with the assessed needs of the applicant or home care client and the standards as established for this Program. The Home Care Counselor shall note any condition that he or she believes may pose a physical danger to the home care client, shall formulate a written recommendation as to case approval or denial, and shall submit this recommendation, with accompanying documentation, to the designated District, regional, or zone authority for final review and decision. The home study is completed at least annually.

(2) Home study standards shall include:

##### (a) General.

1. The home shall be a family-type dwelling occupied as the primary residence of the home care provider and shall serve as or the primary domicile residence of the home care client.

2. Floors and furnishings shall be free of unsanitary conditions that would attract rodents, vermin, and insects.

3. The yard and area surrounding the residence shall be free of litter and refuse that could serve as breeding areas for insects, vermin, and rodents.

4. Windows shall be covered or screened to secure the residence from flies and insects.

5. There shall be at least one telephone with 9-1-1 capability that is operational and that is hard-wired into the home; or at least one cellular telephone with 9-1-1 capability that is operational, audible, and functions inside the home; or a written emergency plan describing how an emergency will be handled without immediate telephone access, shall be developed by the provider. This emergency plan shall be approved by district or regional Adult Services Program Office or zone staff.

##### (b) Bedroom.

1. Bedding and linens shall be provided and shall be clean and changed as dictated by the physical condition of the home care client.

2. There shall be two means of egress from the bedroom occupied by the home care client. This may include a window which may be used by the home care client for exiting the bedroom in case of an emergency.

##### (c) Bathroom.

1. The primary bathroom that is used by the home care client shall have a toilet, lavatory, and bathtub or shower, all in working order. Bathrooms shall include a commode and lavatory. For areas without city sewage service, the individual

~~sewage disposal system shall comply with Chapter 64E-6, F.A.C., Individual Sewage Disposal. Where septic tanks are not in use, privies shall be located 75 feet or more from a private water supply and a minimum of 30 feet from the residence.~~

2. Portable toilets may be utilized provided waste is disposed of by a sanitary method.

3. There shall be arrangements for bathing the home care client, based on the home care client's physical condition and functional ability, including bathing facilities with hot and cold running water available for the home care client.

4. Soap, clean towels, and washcloths shall be provided.

##### (d) Food Preparation and Dining Areas.

1. Food preparation and food storage areas shall be clean, dry, free of odors, free of rodents, and free of infestation of insects and vermin and dampness.

2. Homes shall have kitchen ~~the~~ facilities necessary for perishable food storage and meal preparation.

##### (e) Fire Protection.

1. An operating smoke detector shall be present in each dwelling.

2. Flammable materials such as gasoline, paint, lacquer and paint thinner, alcohol, oxygen, turpentine, contact cement, charcoal lighter fluid, and cleaning fluids shall be stored away from sources of heat and shall be stored outside or and away from the kitchen and other inside living areas of the main residence. They shall not be stored in a garage if a fuel-burning appliance is located in the garage.

3. Combustible materials such as newspapers and rags shall not be stored near a furnace, hot water heater, space heater, or other sources of heat.

~~4.3.~~ Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced. Extension cords shall not extend from one room to another. No more than two extension cords shall be used at one time in multi-outlet adapters.

~~5.4.~~ Electric space heating units shall bear the Underwriters Laboratories (UL) label. Kerosene heaters, unvented gas, and unvented oil heaters are prohibited. Only vented heaters, which shall be properly vented to the outside. Fuel burning space units shall be hooded or vented in accordance with Rule 4A-38.023, F.A.C. or shall be so constructed as to not require venting this, are permitted used. The use of a propane heater (liquefied petroleum – LP) which has a gas cylinder stored in the body of the heater or other types of self-contained fuel supplies are prohibited. Only heaters which are stable and constructed so as not to tip over are permitted.

##### (f) Firearms.

Firearms and ammunition shall be stored separately from each other in locked storage areas.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended 8-13-00, \_\_\_\_\_.

65C-1.009 Petition Proceedings.

(1) The Home Care Counselor shall conduct an assessment of the home environment, physical structure and surroundings, to determine the fitness of the residential dwelling in keeping with the assessed needs of the Home Care for Disabled Adults applicant/ or home care client and the established standards for the Home Care Program as found in Chapter 410, F.S., and Chapter 65C-1, F.A.C. A copy of Chapter 410, F.S., and Chapter 65C-1, F.A.C, shall be provided without cost upon request to the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(2) When a home is determined not to be fit by the standards set forth ~~in from~~ the Home Care Program:

(a) The Home Care for Disabled Adults applicant or the home care / client ~~and/or provider~~ shall be notified in writing of determination of unfitness and shall be informed of the basis for such determination.

(b) The Home Care for Disabled Adults applicant or the home care / client ~~and/or provider~~ is provided due process under Chapter 120, F.S. judicial review under Section 410.034, F.S., and may petition the Circuit Court for resolution of the question of fitness of home.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.09, Amended 6-11-91, Formerly 10A-9.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patsy Paschal, Operations and Management Consultant Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chris C. Shoemaker, Acting Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004

Section III  
Notices of Changes, Corrections and  
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094222      RULE TITLE: Standards for Mid-Year Promotion of Retained Third Graders

NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 34, of the August 20, 2004, issue of the Florida Administrative Weekly. The rule was amended as follows:

This is a new rule.

6A-1.094222 Standards for Mid-Year Promotion of Retained Third Graders.

Effective with the 2004-2005 school year, district school boards are required to adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading deficiency as required by Section 1008.25(5)(b), Florida Statutes. Such mid-year promotions of retained third grade students should occur during the first semester of the academic year.

(1) To be eligible for mid-year promotion, a student must demonstrate that he or she:

(a) Is a successful and independent reader as demonstrated by reading at or above grade level;

(b) Has progressed sufficiently to master appropriate fourth grade reading skills; and

(c) Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(2) Standards that provide a reasonable expectation that the student has met the requirements of subparagraphs (1)(a)-(b) of this rule include the mastery of reading skills, consistent with the month of promotion to fourth grade, as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery is are as follows:

(a) Successful completion of portfolio elements that meet state criteria in subsection (3) of this rule; or

(b) Satisfactory performance on a locally selected standardized assessment as specified in subsection (4) of this rule.

(3) To promote a student mid-year using a student portfolio, as provided for in paragraph (2)(a) of this rule, there must be evidence of the student's mastery of third grade Sunshine State Standard Benchmarks for Language Arts and beginning mastery of the Benchmarks for fourth grade as specified in subsection (2) of this rule. The student portfolio must meet the following requirements:

(a) Be selected by the student's teacher;

(b) Be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;

(c) Include evidence of mastery of the benchmarks assessed by the grade 3 Reading FCAT, as required by Rule 6A-1.094221, F.A.C.; and