

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Safety and Security Oversight Program
Standards Manual for Fixed
Guideway Transportation Systems
RULE NO.: 14-15.016

PURPOSE AND EFFECT: This new rule incorporates by
reference a new manual, entitled, Safety and Security
Oversight Program Standards Manual for Fixed Guideway
Transportation Systems. Upon adoption of this new rule, Rule
Chapter 14-55, Fixed Guideway Transportation Systems
Safety Criteria, will be repealed in its entirety.

SUBJECT AREA TO BE ADDRESSED: The Safety and
Security Oversight Program Standards Manual for Fixed
Guideway Transportation Systems, \_\_\_\_\_ edition, is being
incorporated by reference within this rule. Upon adoption as a
rule, Rule Chapter 14-55, Fixed Guideway Transportation
Systems Safety Criteria, will be repealed.

SPECIFIC AUTHORITY: 341.061 FS.

LAW IMPLEMENTED: 341.041, 341.061 FS.

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

TIME AND DATE: 9:30 a.m. – 4:00 p.m., July 19, 2005

PLACE: Department of Transportation, District 7, Executive
Conference Room, 11203 N. Mckinley Drive, Tampa, Florida
33612, (813)975-6077

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT IS: James C. Myers,
Clerk of Agency Proceedings, Florida Department of
Transportation, Office of the General Counsel, 605 Suwannee
Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS:

14-15.016 Safety and Security Oversight Program
Standards Manual for Fixed Guideway Transportation
Systems.

The Safety and Security Oversight Program Standards Manual
for Fixed Guideway Transportation Systems, \_\_\_\_\_
edition, is hereby incorporated by this rule and made a part of
the rules of the Department of Transportation. Copies of this
Department manual and any amendments thereto are available
from the Department of Transportation, Public Transit Office,
605 Suwannee Street, Mail Station 12, Tallahassee, Florida
32399-0450, or on line at www.\_\_\_\_\_.

Specific Authority 341.061 FS. Law Implemented 341.041, 341.061 FS.
History—New \_\_\_\_\_.

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.”

PUBLIC SERVICE COMMISSION

UNDOCKETED

Table with 2 columns: RULE TITLES and RULE NOS.
Application for Certificate 25-24.511
Application for Approval of Sale, Assignment
or Transfer of Certificate 25-24.512
Application for Certificate 25-24.567
Application for Approval of Sale, Assignment
or Transfer of Certificate 25-24.569
Application for Certificate 25-24.720
Application for Approval of Sale, Assignment
or Transfer of Certificate 25-24.730
Application for Certificate 25-24.810
Application for Approval of Sale, Assignment
or Transfer of Certificate 25-24.815

PURPOSE AND EFFECT: To increase the fees charged for
processing applications for new and transferred certificates to
provide pay telephone service, shared tenant service,
alternative access vendor service, and competitive local
exchange service; and to allow the transfer of a certificate from
one pay telephone service company to another.

SUBJECT AREA TO BE ADDRESSED: Certificate
application fees and transfer.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.123, 364.32, 364.33, 364.335,
364.337, 364.3375, 364.339, 364.345 FS.

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

TIME AND DATE: 9:30 a.m., Wednesday, July 20, 2005

PLACE: Betty Easley Conference Center, Room 148, 4075
Esplanade Way, Tallahassee, Florida

THE WORKSHOP REQUEST MUST BE SUBMITTED IN
WRITING TO: Christiana T. Moore, Office of the General
Counsel, Florida Public Service Commission, 2540 Shumard
Oak Blvd., Tallahassee, FL 32399-0850.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584, e-mail: rkennedy@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.511 Application for Certificate.

(1) No change.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(3) through (4) No change.

~~(5) Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled.~~

Specific Authority 350.127(2) FS. Law Implemented 350.123, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, \_\_\_\_\_.

25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate ~~Improper Use of a Certificate~~.

(1) Certificates ~~No certificate~~ of public convenience and necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 32 (xx/xx), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida". The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(3) An original and two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(4) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History--New 1-5-87, Amended 5-15-89, \_\_\_\_\_.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMP 37 (~~xx/xx 7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 7/97~~), entitled "Application Form For Authority To Provide Shared Tenant Service Within the State of Florida," may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(2) An original and two six copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History--New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, \_\_\_\_\_.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 37 (~~xx/xx 7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 7/97~~) is entitled "Application Form for Authority to Provide Shared Tenant Service Within the State of Florida." The application form may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two six copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History--New 1-28-91, Amended 11-20-91, 7-29-97, \_\_\_\_\_.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx 1/95~~), entitled "Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida," which is incorporated into this rule by reference. The form may be obtained from the Division of

Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and two ~~12~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 43 (~~xx/xx 1/95~~) (entitled “Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida”). The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two ~~12~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx 11/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx 11/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 ~~\$250.00~~ must accompany the filing of each application.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History–New 12-27-95, Amended.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8 (~~xx/xx 11/95~~), which is incorporated into this rule by reference. Form

PSC/CMP 8 (~~xx/xx 11/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 ~~\$250.00~~ must accompany the filing of each application.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, ~~an~~ assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

(5) In the case of sale, ~~an~~ assignment or transfer where the assignor and assignee or transferor or transferee are all currently certificated by the Commission and there are no pending actions against them, a sale, ~~an~~ assignment or transfer shall be considered effective upon filing. Any party protesting the sale, assignment or transfer shall be required to prove why the sale, assignment or transfer is not in the public interest.

Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History–New 12-27-95, Amended.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Definitions	40E-41.421
Southwest Florida Basin	40E-41.423
Implementation	40E-41.433
Application of Part V	40E-41.443
Conditions for Issuance of Environmental Resource Permits in the Southwest Florida Basin	40E-41.463

PURPOSE AND EFFECT: To establish supplemental water quality criteria for Environmental Resource Permits in the Southwest Florida Basin by providing a menu approach for selecting source controls and Best Management Practices to enhance water quality.

SUBJECT AREA TO BE ADDRESSED: Supplemental water quality criteria for Environmental Resource Permits in the Southwest Florida Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., July 27, 2005

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901

TIME AND DATE: 2:00 p.m. – 4:00 p.m., July 27, 2005

PLACE: South Florida Water Management District, Big Cypress Basin Administration Office, Mary Ellen Hawkins Building, 6089 Janes Lane, Naples, FL 34109

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Damon Meiers, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876 (internet: dmeiers@sfwmd.gov). For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 40E-41.421 Definitions.

When used in this Part:

(1) “Best Management Practices (BMPs)” means structural and non-structural facilities or practices intended to reduce pollution either through source control or treatment of stormwater.

(2) “Primary Detention/Retention Treatment System or Component” means that portion or component of the surface water management system providing the volumetric requirements of Section 5.2.1(a) of the Basis of Review For Environmental Resource Permit Applications Within The South Florida Water Management District.

(3) “Post Construction Pollution Prevention Plan” means a document that provides details of controls and practices to be implemented after construction is completed to reduce or eliminate the generation and accumulation of potential stormwater runoff contaminants at or near their source. The Post Construction Pollution Prevention Plan shall include plans for surface water management system operation and maintenance, nutrient and pesticide management, solid waste management, and/or animal/livestock waste storage and disposal if applicable. The Plan shall require maintenance, operation and annual inspection of the surface water management system.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New \_\_\_\_\_.

#### 40E-41.423 Southwest Florida Basin.

The Southwest Florida Basin boundary is shown in Figure V-1.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New \_\_\_\_\_.

#### 40E-41.433 Implementation.

(1) The rules contained in this part will be applied to all projects within the Southwest Florida Basin which do not have complete applications, as evidenced by a letter of completeness under paragraph 40E-1.603(1)(a), F.A.C., on the effective date of the rule. An application which is submitted and complete prior to the effective date of this rule shall be reviewed under the rules in existence prior to the effective date of this rule unless the applicant elects to have such activities reviewed under this rule.

(2) Activities approved in a conceptual, general, or individual permit which were permitted prior to the effective date of this rule, or exempt from regulation, shall be exempt from this rule. This exemption shall be for the plans, terms, and conditions approved in the permit and shall be valid for the term of such permit. This exemption shall also apply to any modification of the plans, terms and conditions of the permit, including new activities which are consistent with a conceptual approval. However, this exemption shall not apply to a modification that would extend the permitted time limit for construction beyond 2 additional years or to any modification which is reasonably expected to lead to substantially different water resource impacts, unless that modification would lessen the impact to water resources.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New \_\_\_\_\_.

#### 40E-41.443 Application of Part V.

All projects located within the Southwest Florida Basin which require permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, 40E-4.302, and 40E-40.302, F.A.C., as applicable, (Environmental Resource Permits Conditions for Issuance) and Rule 40E-41.463, F.A.C. (Conditions for Issuance of Environmental Resource Permits in the Southwest Florida Basin).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New \_\_\_\_\_.

40E-41.463 Conditions for Issuance of Environmental Resource Permits in the Southwest Florida Basin.

(1) A Post Construction Pollution Prevention Plan shall be submitted as part of the permit application. If a property owners' association or other entity will be formed that is responsible for operating and maintaining the surface water management system, the Post Construction Pollution Prevention Plan shall be incorporated into the entities' Articles of Incorporation, Declaration of Protective Covenants or Deed Restrictions.

(2) Records of maintenance, operation and inspection required pursuant to the Post Construction Pollution Prevention Plan shall be kept by the permittee and shall be made available for inspection and copying to the District staff upon request to determine compliance with the Post Construction Pollution Prevention Plan and District rules.

(3) The criteria below shall apply to all projects within the Southwest Florida Basin that are forty (40) acres or more in size or propose impacts to five (5) acres or more of wetlands; except that the criteria below shall not apply to agricultural, public roadway or airport projects.

(a) An additional fifty (50) percent retention/detention water quality treatment is required over that required in Section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.

(b) Dry detention water quality treatment systems shall not be used as the primary detention/retention component of the water management system. Dry detention water quality treatment components shall only be incorporated as pretreatment components upstream of the primary detention/retention components of a surface water management system.

(c) Wet detention areas shall provide an average hydraulic residence time of at least fourteen (14) days during the wet season (June – October). The maximum detention area depth allowed in calculations to demonstrate compliance with the average hydraulic residence time is twelve (12) feet from the control elevation. The actual depth may be greater than twelve (12) feet to a maximum of twenty (20) feet if it can be demonstrated that the additional depth will not cause water quality degradation of the water discharging from the wet detention area.

(d) Wet detention areas shall include planted littoral zones covering a minimum of XXXX (XX) percent of the wet detention areas measured at the control elevation. The depth of the littoral zone must be from one (1) foot above to three (3) feet below the control water elevation and have a slope no steeper than 4:1 (horizontal:vertical). The littoral zone must be planted at a minimum density of two (2) feet on-centers. Location of the plantings, species to be planted and a maintenance plan shall be submitted as part of the application.

(e) The site and the surface water management system design shall include: a minimum of two (2) BMPs from Group A of Table V-1; and a minimum of two (2) BMPs from Group B of Table V-1; and a minimum of one (1) BMP from Group C of Table V-1. The District will consider alternative BMPs which are not listed in Table V-1, provided that the application includes: descriptions and construction plans for the proposed BMPs; information demonstrating the effectiveness of the proposed BMPs; calculations that demonstrate that no impacts to flood protection will occur; and operation and maintenance plans for the proposed BMPs.

(f) If the activities proposed will produce livestock or equestrian waste, the Post Construction Pollution Prevention Plan must provide for the management, storage and disposal of such wastes primarily through the use of waste containment which retains solids and liquids and transports excess waste off-site. Restrictions on the type and number of animals allowed may also be included in the Post Construction Pollution Prevention Plan.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New \_\_\_\_\_.

TABLE V-1  
Southwest Florida Basin Best Management Practices (BMPs)

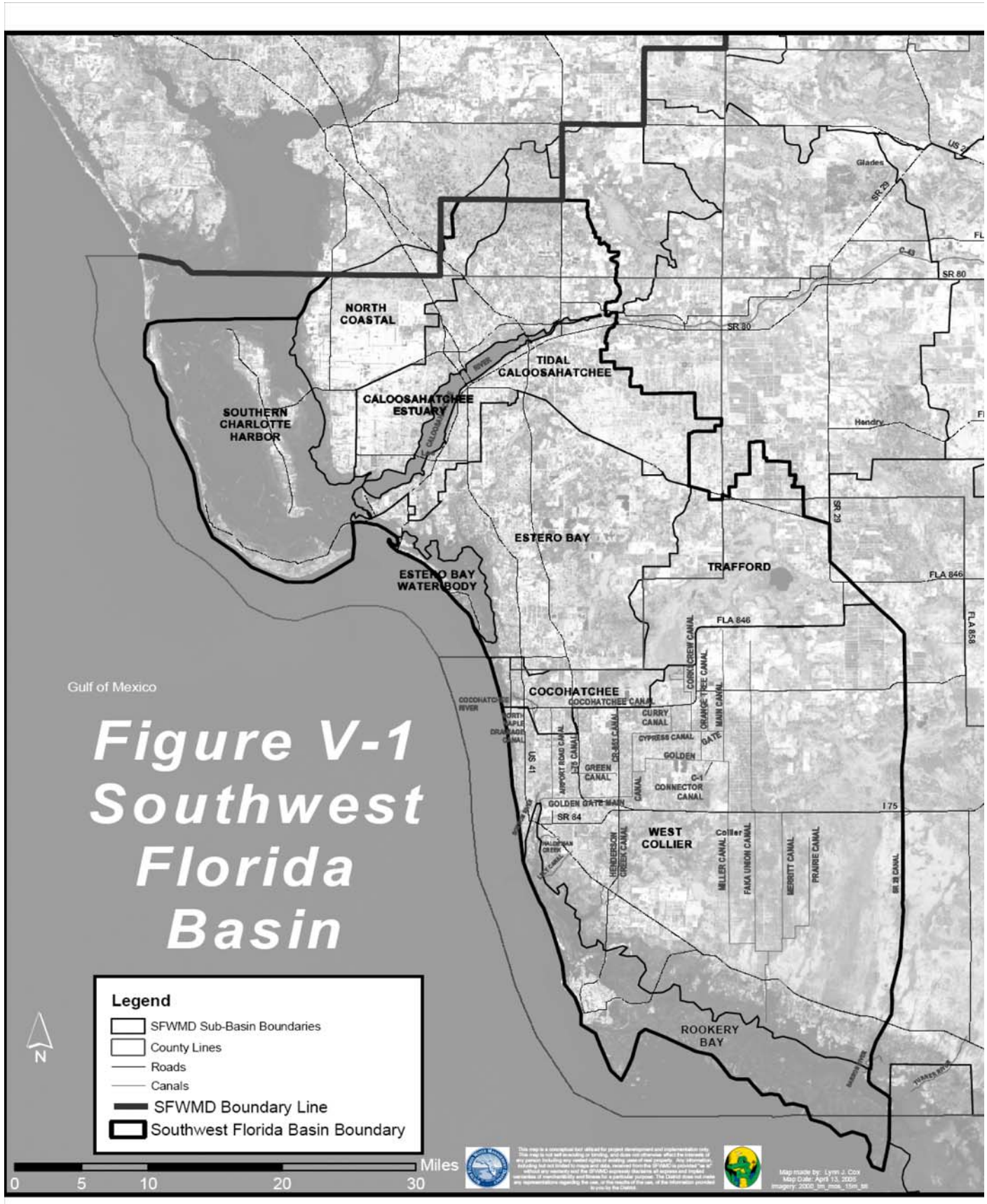
<u>BMP</u>	<u>Description</u>
<u>Group A – Site Design Source Controls and BMPs</u>	
<u>1. Reduced Turf Coverage</u>	<p>For projects with less than seventy-five percent (75%) impervious area within the project area, less wet detention areas or wetland and upland conservation areas established in a conservation easement, the following BMPs may be utilized:</p> <p>a. Projects with turf coverage of less than or equal to fifty percent (50%) of the pervious area of the developed portion of the project (excluding wetland and upland conservation areas) shall receive credit for one (1) BMP.</p> <p>b. Projects with turf coverage of less than or equal to a total of thirty percent (30%) of the pervious area of the developed portion of the project (excluding wetland and upland conservation areas) shall receive credit for two (2) BMPs.</p>
<u>2. Native Landscape plantings</u>	<p>a. Projects with non-turf plantings consisting of at least fifty percent (50%) native species, of which fifty percent (50%) must be drought tolerant, shall receive credit for one (1) BMP. Native species are defined in Nelson, Gil. <i>Florida’s Best Native Landscape Plants: 200 Readily Available Species for Homeowners and Professionals</i>, University Press of Florida, 2003</p> <p>b. Projects with non-turf plantings consisting of at least seventy-five percent (75%) native species, of which seventy-five percent (75%) must be drought tolerant, shall receive credit for two (2) BMPs.</p>
<u>3. Stormwater Recycling</u>	<p>Projects which incorporate systems for storing stormwater runoff to be used for irrigation or other reuse shall receive credit for one (1) BMP. Reuse systems must be designed with surface water management systems that ensure no impacts to flood protection or water quality treatment. An operating entity meeting the requirements of Section 9.1, Basis of Review for Environmental Resource Permits within the South Florida Water Management District dated _____, must be designated.</p>
<u>4. Rooftop Runoff</u>	<p>Building rooftop runoff which will be managed using one or more of the following shall receive credit for one (1) BMP:</p> <p>a. Bioretention: building and home rooftop runoff must be discharged onto shallow landscaped depressions designed to capture the first 0.5 inches of roof runoff, which are planted with native vegetation, and backfilled with soil-rock aggregate (bioretention cell). An analysis is required of the pervious area’s ability to infiltrate roof runoff and accept roof runoff from the design storm event without erosive impacts.</p> <p>b. Vegetated Roof Cover (for non-residential buildings): for engineered roofing systems that allow for the propagation of rooftop vegetation while protecting the integrity of the underlying roof, the minimum coverage of the roof area must be sixty percent (60%). A maintenance and monitoring plan shall also be submitted.</p>
<u>5. Cisterns</u>	<p>Building and home rooftops which direct fifty percent (50%) of their runoff into cisterns for storage and reuse shall receive credit for one (1) BMP.</p>
<u>6. Pervious Pavement</u>	<p>Projects which incorporate and maintain pervious or porous material on parking lots, driveways, or other applicable areas shall receive credit for one (1) BMP. The projects must include a minimum of thirty percent (30%) of non-roadway vehicle impervious area. Details of pervious pavement area foundation design, construction methods and a post construction maintenance plan shall be submitted with the permit application.</p>

<p>7. Detention/Retention Pond Side Slope Buffers</p>	<p>Projects which incorporate planted non-turf side slopes leading to stormwater detention/retention ponds located above normal water control elevation designed to prevent direct runoff from turf landscapes into ponds shall receive credit for one (1) BMP. A minimum coverage of fifty percent (50%) of the pond perimeter is required. Plans must demonstrate the area will not cause erosion impacts, will be properly maintained, and will maintain access for maintenance. Average five (5) foot wide strips planted on a minimum of two (2) foot centers with wetland and/or transitional plant species are required.</p>
<p>Group B – Stormwater Conveyance and Pretreatment BMPs</p>	
<p>1. Filter Strips / Vegetated Stormwater Inlets, or Vegetated Swales</p>	<p>a. Projects which contain vegetated buffers with less than five percent (5%) slope located between impervious areas and stormwater inlets shall receive credit for one (1) BMP. There must be a minimum of twenty (20) feet between impervious areas and inlets. The buffer area must be designed to minimize concentrating flows by spreading the flow over an area of at least five (5) feet wide. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through the vegetated buffers. Areas that do not discharge through vegetated buffers must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP. For the purposes of this table, areas of high potential pollutant discharges are defined as areas where potential pollutants are stored or transferred and include maintenance areas, trash bin areas, fueling areas, and loading docks.</p> <p>b. Projects where a total of seventy percent (70%) of the proposed project drainage area is designed to discharge through the vegetated buffers described above shall receive credit for two (2) BMPs.</p>
<p>2. Vegetated (Grassed) Swales</p>	<p>Projects which utilize vegetated or grassed swales to receive stormwater runoff from roadways and parking lots, as opposed to curbs, gutters, or culverts, to convey stormwater shall receive credit for one (1) BMP. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through these swales. Areas that do not discharge through these vegetated buffers must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p>
<p>3. Sediment Trap Structures</p>	<p>a. Projects which incorporate the installation of baffle boxes, or equivalent proprietary designs, upstream of the primary detention/retention system, shall receive credit for one (1) BMP. Long-term operation plans must include mandatory manual or vacuum cleanout of accumulated sediments. An operating entity meeting the requirements of Section 9.1, Basis of Review for Environmental Resource Permits within the South Florida Water Management District dated _____, must be designated and a maintenance schedule must be established. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through these facilities. Areas that do not discharge through these facilities must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p> <p>b. Projects where a total of seventy percent (70%) of the proposed project drainage area is designed to discharge through the above described baffle boxes or equivalent proprietary designs shall receive two (2) BMP credits.</p>

<p>4. Dry Detention / Retention Pre-Treatment</p>	<p>a. Projects with dry detention/retention pre-treatment areas constructed upstream of primary detention/retention systems shall receive credit for one (1) BMP. A minimum additional one-half (1/2) inch detention/retention volume is required in addition to the detention/retention volume required in the primary detention/retention system. These areas are not subject to the twenty-five percent (25%) and fifty percent (50%) volume credits provided in Section 5.2.1 of the Basis of Review for Environmental Resource Applications within the South Florida Water Management District.</p> <p>A minimum of thirty-five (35%) of the proposed project drainage area must be designed to discharge through the dry detention/retention pretreatment areas. Portions of the project that do not discharge through dry detention/retention pretreatment areas must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p> <p>b. Projects where seventy percent (70%) of the proposed project drainage area is designed to discharge through the dry detention/retention pretreatment areas described above shall receive two (2) BMPs.</p>
<p>Group C – Stormwater Management System Design Enhancement BMPs</p>	
<p>1. Extended Hydraulic Residence Time</p>	<p>Surface water management systems which provide for an extended average Hydraulic Residence Time of at least 21 days during the wet season (June – October) shall receive credit for one (1) BMP. The maximum detention area depth allowed in calculations to demonstrate compliance with the average hydraulic residence time is twelve (12) feet from the control elevation. The actual depth may be greater than twelve (12) feet to a maximum of twenty (20) feet if it can be demonstrated that the additional depth will not cause water quality degradation of the water discharging from the wet detention area.</p>
<p>2. Wetlands</p>	<p>Projects which utilize on-site created wetlands in a treatment train as a polishing cell after primary treatment shall receive credit for one (1) BMP. Created wetland mitigation areas are acceptable if primary treatment is provided prior to discharge into the mitigation area. Discharges into wetlands must not adversely impact the wetlands. Potential impacts include, but are not limited to, alteration of hydroperiod, erosion, recruitment of exotic species, or other water quality impacts.</p>
<p>3. Littoral Berms / Settling Basins / Phyto-Zones within Detention Areas</p>	<p>Projects with constructed basins within detention areas (lakes) below the control elevation that provide an area for discharges into the lake to disperse, allowing pollutants to settle out of the water column prior to overflowing an earthen or rock berm, into the remainder of the detention area shall receive credit for one (1) BMP. The earthen or rock berm must be located at or below the control elevation.</p> <p>A minimum of seventy percent (70%) of the proposed project drainage area must be designed to discharge through these facilities. Areas that do not discharge through these facilities must not be areas of high potential pollutant discharges, unless there is an alternate pretreatment BMP.</p>



<p><u>4. Planted Filter Marsh</u></p>	<p>Projects designed with a planted wetland marsh just upstream of project outfall structure shall receive credit for one (1) BMP. These areas shall be designed as shallow areas with a minimum size of ten percent (10%) of the total lake area measured at the control elevation constructed within the lake and planted with wetland vegetation such that all stormwater must flow through the marsh area prior to discharging through the project outfall structure. A sump area between the marsh area and outfall structure is also required. Detailed plans of the marsh area are required that include marsh area location, dimensions, elevations, species to be planted and a maintenance plan.</p>
<p><u>5. Increased Flow Path</u></p>	<p>Projects which incorporate internal levees and/or berms within the stormwater detention ponds or locate inflow and outflow structures to maximize effective treatment time by increasing the flow path distance shall receive credit for one (1) BMP. The minimum flow path distance between inflows and outflows for each pond must be twice the average width of the pond.</p>
<p><u>6. Chemical Treatment</u></p>	<p>Addition of chemicals, such as Alum, to the stormwater management system shall result in credit for one (1) BMP. Detailed plans are required on chemical injection methods, rates, mixing of chemicals and stormwater, calculations for sizing settling basin, and location of each component. Operation and maintenance plans and monitoring of the system effectiveness is also required. The operating entity shall be a government entity with resources to operate and maintain the system.</p>



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE TITLE: Approval of Continuing Education Courses  
 RULE NO.: 61G6-9.006  
 PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.  
 SPECIFIC AUTHORITY: 489.507(3), 489.517(3) FS.  
 LAW IMPLEMENTED: 489.517(3) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**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 Medicine**

RULE TITLE: Standards of Practice  
 RULE NO.: 64B8-9.007  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete an inconsistency in the rule.  
 SUBJECT AREA TO BE ADDRESSED: The deletion of subsection (5), which is inconsistent with the remainder of the rule.  
 SPECIFIC AUTHORITY: 458.309 FS.  
 LAW IMPLEMENTED: 458.331(1)(t),(v),(w) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) through (4) No change.

~~(5) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.~~

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t),(v),(w) FS. History—New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dental Laboratories**

RULE TITLE: Dental Laboratory Biennial Registration  
 RULE NO.: 64B27-1.002  
 PURPOSE AND EFFECT: To update the rule regarding laboratory closures.  
 SUBJECT AREA TO BE ADDRESSED: Dental Laboratory Biennial Registration.  
 SPECIFIC AUTHORITY: 466.038 FS.  
 LAW IMPLEMENTED: 466.032(1), 466.033 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Division of Medical Quality Assurance, Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B27-1.002 Dental Laboratory Biennial Registration.

The Department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of two years, after the Department has received from the registering person, firm, or corporation:

(1) No change.

(2) No change.

(3) The operator of a dental laboratory shall notify the Department and shall return the certificate of registration to the Department within 30 days of its closing. Timely notification of the closure of a laboratory shall not in and of itself constitute grounds to deny the operator the ability to register other laboratories. Failure to timely notify the Department of the closure of a laboratory is grounds to deny an application for registration of a laboratory.

Specific Authority 466.038 FS. Law Implemented 466.032(1), 466.033 FS. History—New 2-10-93, Formerly 21-29.002, 61E4-1.002, Amended 10-29-95, Formerly 59CC-1.002, Amended 1-9-02, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE TITLE: Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation RULE NO.: 69L-6.030

PURPOSE AND EFFECT: To interpret Section 440.107(7), Florida Statutes, to impose penalties against employers currently in compliance with Chapter 440, Florida Statutes, where the employer previously failed to secure the payment of compensation for employees in violation of Chapter 440, Florida Statutes, without requiring service of a stop work order on the employer.

SUBJECT AREA TO BE ADDRESSED: Assessment of penalties against employers currently in compliance with Chapter 440, Florida Statutes, for previous violations of Chapter 440, Florida Statutes, and service of stop work orders against such employers.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(2), 440.107(7) FS.

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

TIME AND DATE: 9:30 a.m., July 26, 2005  
 PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.030 Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation.  
When an investigation commenced by the department pursuant to Section 440.107, Florida Statutes, reflects that the employer has failed to secure the payment of workers’ compensation, has materially understated or concealed payroll, has materially understated or concealed employee duties so as to avoid proper

classification for premium calculations, or has materially misrepresented or concealed information pertinent to the computation and application of an experience rating modification factor, but the employer comes into compliance with the workers’ compensation coverage requirements prior to the issuance of a stop work order, such employer shall be assessed a penalty pursuant to Section 440.107(7)(d)1., Florida Statutes, and a stop work order will not be issued for such violations. For purposes of this rule, an investigation commences on the date the department’s compliance investigator conducts an on-site inspection of the employer’s worksite or business location, or on the date the employer receives a written request to produce business records from the department pursuant to Section 440.107(7)(a), Florida Statutes, whichever is earlier.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(2), 440.107(7) FS. History—New \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference RULE CHAPTER NO.: 14-15

RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways RULE NO.: 14-15.002

PURPOSE AND EFFECT: The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, (Topic #625-000-015), commonly referred to as the Greenbook, is being amended. There are extensive amendments to the manual, especially Chapter 17. A copy of the draft can be downloaded from the following website:

<http://www.dot.state.fl.us/rddesign/Florida%20Greenbook/FG B.htm>.

SUMMARY: The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways* is being amended.

SPECIFIC AUTHORITY: 334.044(2), 336.045(1) FS.

LAW IMPLEMENTED: 336.045 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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