

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Marr, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-17.0035 Communicable Disease Education Required for Operational Personnel and Non-licensed Individuals.

(1) All unlicensed operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility, and all nonlicensed unlicensed persons who will be involved in the removal or transportation of human remains for a funeral establishment, direct disposal establishment, or cinerator facility shall must successfully complete one Board approved course approved by the Board on communicable diseases, within 10 days after the date they become operational personnel for any entity that is regulated by licensed/registered under Chapter 497, F.S. Additionally, all nonlicensed persons who will be involved in the removal or transportation of human remains for a funeral establishment must also successfully complete one Board approved course on communicable diseases. The course shall consist of two (2) hours which may include the use of approved video-cassette courses, or other types of audio, video, Internet, or home study alternative nonclassroom courses to fulfill the continuing education requirements. Each person shall complete and pass a post course test with 75% correct score, to be graded by the course provider. All persons shall maintain documentation showing as proof of meeting this communicable disease health and safety education requirement as a condition of employment with any establishment, facility or service regulated under Chapter 497, F.S.

(2) Courses approved for 2 or more hours pursuant to paragraph 69K-17.0042(3)(c), F.A.C., can be used to fulfill this 2 hour communicable disease educational requirement are also approved for this purpose. The Department's website (<http://www.myfloridacfo.com>) has a list of approved continuing education providers that offer courses that will satisfy this communicable disease educational requirement.

Specific Authority 497.103(1)(s), (5)(a), 497.162 FS. Law Implemented 497.162 FS. History--New 4-10-94, Amended 9-10-96, 11-20-96, 6-24-01, Formerly 61G8-17.0035, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR- Insurance Regulation

RULE NO.: 69O-203.070
RULE TITLE: Annual and Quarterly Reports

PURPOSE AND EFFECT: To establish the requirements for annual and quarterly reports submitted by prepaid limited health service organizations.

SUBJECT AREA TO BE ADDRESSED: This rule is being amended to reflect the correct forms to be used by the prepaid limited health service organizations in filing their quarterly and annual financial statements. The rule is being updated to require the filings to be submitted on the National Association of Insurance Commissioners (NAIC) Health blanks.

SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 636.009(1)(f), 636.043, 626.058 FS.

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

DATE AND TIME: January 29, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Marie Bachman, Office of Insurance Regulation, E-mail Marie.Bachman@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marie Bachman, Office of Insurance Regulation, E-mail Marie.Bachman@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Dairy Industry

RULE NOS.:	RULE TITLES:
5D-1.001	Documents Incorporated by Reference and Definitions
5D-1.003	Permits, Licenses and Inspections
5D-1.007	Dating; Standards for Milk, Milk Products, Manufactured Milk Products and Frozen Desserts
5D-1.012	Future Dairy Farms, Milk Plants, Manufacturing Milk Plants and Frozen Dessert Plants

PURPOSE AND EFFECT: The purpose of the rule amendment is to create rules governing manufacturing milk plants located within the State of Florida. It also updates the documents incorporated by reference and revision dates on required forms. The Department's purpose in creating these rules is to achieve compliance with Chapter 502, Florida Statutes, which was amended in the 2007 legislative session.

SUMMARY: The proposed rule changes create rules governing manufacturing milk plants located within the State of Florida, updates documents incorporated by definition and updates revision dates on required forms.

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

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

SPECIFIC AUTHORITY: 502.014(6) FS.

LAW IMPLEMENTED: 502.012, 502.014, 502.053, 502.091 FS.

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

DATE AND TIME: January 11, 2008, 10:00 a.m.

PLACE: Dairy Conference Room, 3125 Conner Boulevard, Room 27, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Gary Newton, Chief, Bureau of Dairy Inspection, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)487-1470. e-mail: newtong@doacs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

MILK, MILK PRODUCTS, MANUFACTURED MILK PRODUCTS AND FROZEN DESSERTS

5D-1.001 Documents Incorporated by Reference and Definitions.

(1) The following documents are incorporated by reference and shall apply in the interpretation and enforcement of Chapters 502 and 503, F.S.:

(a) Grade A Pasteurized Milk Ordinance ("PMO"), 2005~~4~~ Revision, Public Health Service/Food and Drug Administration ~~Publication No. 229~~, its Appendices and notes.

(b) 21 Code of Federal Regulations, Parts 101, 130.17, 131, ~~133~~ and 135, Revised April 1, 2003~~7~~.

(c) 7 Code of Federal Regulations, Part 58, Subpart B-58.101 (e),(g),(n),(t),(u),(v),(w); 58.125-58.131; 58.142, 58.147; 58.148 (B)-(F); 58.150-58.154; 58.205-58.247; 58.305-58.344; 58.405-58.445; ~~58.154~~ 58.605-58.645; and 58.647-58.654; ~~58.705-58.732~~; and 58.805-58.811 Revised

January 1, 2007~~3~~. Copies of the foregoing may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) Frozen Desserts Processing Guidelines, 1st edition, October 1989. Available from Dairy and Egg Safety Branch Milk Safety Branch, HFS-316626, Division of Plant and Dairy Food Safety Division of Cooperative Programs, Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740-3835.

(e) through (g) No change.

(h) Milk for Manufacturing Purposes and its Production and Processing ("MMPPP"), September 1, 2005. Available from United States Department of Agriculture, Agricultural Marketing Service, Dairy Programs, Standardization Branch, 1400 Independence Ave. S.W., MS0230, Washington, D.C. 20250-0230.

(2) In addition to the definitions in Chapters 502 and 503, Florida Statutes, and those in the documents incorporated by reference herein, the following definitions shall apply:

(a) No change.

(b) "Bulk Milk Hauling Service" is any person who hauls or causes to be hauled bulk milk or milk products from a dairy farm, transfer station, receiving station or milk and milk products plant to another location, ~~and is included in the definition of "Milk Hauler" for purposes of permitting, enforcement and inspection requirements under this chapter.~~

(c) through (d) No change.

(e) "Department" is the Department of Agriculture and Consumer Services.

~~(f)(e)~~ "Depot" is any place, premise or establishment in which pasteurized mix, frozen desserts, defined products, ingredients, containers, or supplies are stored for further distribution.

~~(g)(f)~~ "Frozen Yogurt" is food which is prepared by freezing, while stirring, a mix composed of one or more of the optional dairy ingredients provided for in ice cream and frozen custard and which may contain other safe and suitable ingredients. Its dairy ingredients, with or without other ingredients, is (are) pasteurized and subsequently cultured with bacteria, Lactobacillus bulgaricus and Streptococcus thermophilus. The titratable acidity of the cultured frozen yogurt may not be less than 0.5 percent, calculated as lactic acid, except if the frozen yogurt is flavored by the addition of a non-fruit characterizing ingredient(s). Its milkfat content may not be less than 3.25 percent by weight, except that when bulky characterizing ingredients are used the percentage milkfat may not be less than 2.5 percent. The finished frozen yogurt shall weigh not less than 5 pounds per gallon.

(h) "Manufacturing Milk Plant" shall mean any place, premise, or establishment where milk or milk products for manufacturing purposes are received or handled for processing and/or distribution.

(i) “Manufactured milk products” include cheese, butter, non-Grade “A” milk powder, evaporated and condensed milk and such other products, for human consumption, as may be otherwise designated.

~~(g) “Regulatory agency” is the Department of Agriculture and Consumer Services.~~

~~(j)(4)~~ “Single service container manufacturer” is included in the definition of “Milk Plant” for purposes of permitting, enforcement and inspection.

~~(k)(4)~~ “Washing Station” is included in the definition of “Transfer Station” for purposes of permitting, enforcement and inspection.

~~(l)(4)~~ “Sold” means a transfer of milk or milk products that involves any direct or indirect form of compensation in exchange for the right to acquire such milk or milk products.

Specific Authority 502.014, 503.031FS. Law Implemented 502.012, 502.014, 503.031, 502.053, 502.091 FS. History—New 7-24-70, Amended 1-26-81, 8-31-82, 10-9-86, Formerly 5D-1.01, Amended 12-29-88, 6-27-90, 8-29-93, 12-4-94, 7-2-95, 11-29-95, 10-15-03,

5D-1.003 Permits, Licenses and Inspections.

(1) General Permits.

(a) All Milk Plants, ~~Distributors~~, Washing Stations, Out-of-State Processors of Milk and Milk Products, Receiving Stations, Transfer Stations, Single Service Container Manufacturers and Operators of Milk Plants shall submit an application on Form DACS-05019 Application for Permit as a Manufacturer of Milk, Milk Products, Cheese, or Containers (Rev. 10/07 05/04), hereby incorporated by reference. Milk and Milk Product Distributors shall submit an application on Form DACS-05071 Application for Permit as a Distributor of Milk and Milk Products or Frozen Desserts (Rev. 10/07), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the PMO and Chapter 502, F.S.

(b) All Bulk Milk Hauling Services Milk Haulers shall submit an application on Form DACS-05012 Application for Permit as a Farm Bulk Milk Hauler or Hauling Service Permit (Rev. 10/07 05/04), hereby incorporated by reference. All Bulk Milk Hauler/Samplers shall submit an application on Form DACS-05060 Application for a Bulk Milk Hauler/Sampler (Rev. 10/07), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the PMO and Chapter 502, F.S.

(2) Milkfat Tester Permit. To secure and maintain a Milkfat Tester’s Permit, a person must:

(a) Submit, with the \$125.00 application fee, a properly completed Form DACS-05029 Application for Milkfat Tester’s License (Rev. 10/07 05/04), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(b) Successfully complete on-site evaluation based on the criteria set forth in Chapter Section 502.032, F.S., and Section 6 of the PMO, conducted by the department regulatory agency.

(c) Successfully complete a set of split samples provided by the department regulatory agency, by analyzing with each method for which permitting is sought.

(d) Continue to demonstrate the knowledge, ability and equipment to conduct the analysis by the methods permitted and otherwise comply with Chapter Section 502.032, F.S., Florida Statutes, during the permit’s duration.

(e) Permitted milkfat testers, when changing from one approved method to another or when implementing an additional approved method, must give written notice to the department regulatory agency prior to installation of equipment so that an on-site inspection and evaluation can be conducted and permits amended.

(3) Licenses for Frozen Dessert Plants, both local and out-of-state, selling product in Florida.

(a) No change.

(b) Frozen dessert plants shall meet the following requirements in order to secure and maintain said license:

1. Submit, with the appropriate fee, a properly completed application on Form DACS-05016 Application for Annual Florida State License as a Wholesale Manufacturer of Frozen Desserts and/or Frozen Desserts Mix (Rev. 10/07 05/04), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

2. through 3. No change.

(4) Milk Producer’s Permit. All Milk Producers shall submit an application on Form DACS-05026, Application for Permit as a Florida Milk Producer (Rev. 10/07 05/04), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the PMO and Chapter Section 502.053, F.S.

(5) In-state Manufacturing Milk Plants. Temporary Marketing Permit (“TMP”) — All milk plants wishing to obtain a TMP shall submit an application of Form DACS-05059, Application for a Temporary Marketing Permit (Rev. 05/01), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. ~~The criteria for obtaining a~~

state TMP shall be the same as that for obtaining a federal TMP under 21 CFR Part 130.17. The fee for a state TMP shall be \$50.00.

(a) All in-state Manufacturing Milk Plants shall submit an application on Form DACS-05019 Application for Permit as a Manufacturer of Milk, Milk Products, Cheese, or Containers (Rev. 10/07), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the MMPPP and Chapter 502, F.S.

(b) Firms within the state holding a milk plant permit do not require an additional permit to process manufactured milk products but must comply with the provisions of the MMPPP.

(6) Penalties for Enforcement and Reinstatement of Permits and Licenses.

(a) No change.

(b) Milkfat Tester's Permit. Each permitted tester who fails to successfully complete one set of split samples shall have the permit placed in conditional status until the next set of split samples issued by the ~~department regulatory agency~~ has been successfully completed. A permit shall remain conditional for a period not to exceed six months. A milkfat tester shall not:

1. Fail to successfully complete two consecutive sets of split samples, or

2. Falsify records.

(c) Frozen Dessert Plant License.

1. When any requirement of Chapter 503, Florida Statutes, or rule under this chapter is violated, the license holder is subject to the suspension of his license. The ~~department regulatory agency~~ shall forego suspension of the license if the product or products in violation are not sold or offered for sale.

2. No change.

(d) Manufacturing Milk Plant Permit. Any manufacturing milk plant whose permit has been suspended may make written application for the reinstatement of its permit. The standards for reinstatement are those set forth in the MMPPP.

(7) Routine Inspections and Tests.

(a) Each business and individual regulated pursuant to this chapter shall permit access of officially designated persons to all parts of its establishment or facilities to determine compliance with the provisions of this chapter. A distributor, plant operator or hauler shall furnish the ~~department regulatory agency~~, for official use only, a true statement of the actual quantities of products manufactured, and a list of all sources of milk and milk products, records of inspections, tests, and pasteurization time and temperature records as requested. Whenever a milk tank truck has been cleaned and sanitized as required by the ~~department regulatory agency~~, the outlet valve and manhole dust cover shall be sealed.

(b) through (c) No change.

(d) Frozen Dessert and Manufacturing Milk Plants within the state shall be subject to inspections based upon the criteria and frequency established for milk plant inspections in the PMO. Sampling and testing shall be quarterly, unless test results indicate a more frequent sampling and testing is necessary. Raw milk cheeses shall be tested for pathogens semi-annually.

(e) Pasteurization systems in Manufacturing Milk Plants shall be subject to testing based upon the criteria and frequency established for milk plants in the PMO.

(f) Milk Producers shall be subject to inspections based upon the criteria and frequency described in the PMO.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.014, 502.032, 502.053, 502.091, 502.165, 502.231, 503.041, 503.031, 503.051 FS. History—Revised 9-21-67, Amended 1-26-81, 8-31-82, 8-16-84, Formerly 5D-1.03, Amended 10-9-86, 12-29-88, 6-27-90, 8-29-93, 7-2-95, 10-15-03, _____.

5D-1.007 Dating; Standards for Milk, Milk Products, Manufactured Milk Products and Frozen Desserts.

(1) Shelf-Life Dating and Expiration Dating.

(a) All milk and milk products shall be legibly labeled with their shelf-life date. The date or date code for frozen desserts and other manufactured milk products shall be approved by the ~~department regulatory agency~~ and shall indicate the date of manufacture of the product or the last day the product is to be offered for sale. The standards for labeling for all products shall be in accordance with 21 CFR, Part 101, adopted by reference in paragraph 5D-1.001(1)(b), F.A.C.

(b) through (d) No change.

(e) No milk or milk products shall be offered for sale as a grade A product after the shelf-life expiration date shown on the container. All milk and milk products offered for sale after the shelf-life expiration date will be deemed to be misbranded and subject to be impounded and made unsalable or otherwise disposed of by the ~~department regulatory agency~~, under the provisions of Section 502.021(2), Florida Statutes.

(f) No change.

(g) Each processor shall certify to the ~~department regulatory agency~~ the maximum shelf-life of each product in the hands of the consumer under normal storage conditions. Provided, however, the maximum shelf-life of fluid uncultured milk pasteurized at less than 270° F shall not exceed ten days from date of packaging unless technical supporting justification has been supplied to the ~~department regulatory agency~~, the ~~department agency~~ has confirmed such shelf-life claims, and specific authority to use a longer shelf-life has been granted by the ~~department agency~~.

(2) Shelf – Life Testing and Testing Procedures.

(a) Milk product samples shall be held at 43° F (plus or minus 2° F) for the shelf life period plus four (4) days and analyzed to determine that shelf-life expiration dates stated on the containers assure the consumer of acceptable quality milk

and milk products when kept under normal storage conditions. The temperature at the time of collection shall be officially recorded by the collector. Nothing herein contained shall be construed to prohibit the ~~department regulatory agency~~ from taking special samples for analysis and making special tests in order to assure all milk and milk products comply with the minimum standards of freshness, quality and palatability. In the event the ~~department regulatory agency~~ determines a processor's or a manufacturer's shelf-life for a given product is improper, the ~~department regulatory agency~~ shall immediately take such samples as are necessary for full and complete recheck of the shelf-life of the product. If the full and complete recheck confirms that the shelf-life of the product is improper, the ~~department regulatory agency~~ shall serve written notice on

the processor or manufacturer and the processor or manufacturer immediately upon receipt of such notice shall alter the shelf-life expiration date of the product to comply with the ~~department regulatory agency~~ tests. Compliance shall be with the next processing of the product after receipt of such ~~department regulatory agency~~ notice.

(b) No change.

(3) Chemical, bacteriological and temperature standards for manufacture of grade A products:
Grade A raw milk for pasteurization, ultra pasteurization or aseptic processing

Temperature	Cooled to 50° F (10° C) or less within four (4) hours or less, of the commencement of the first milking, and to 45° F (7° C) or less within two hours after the completion of milking. Provided, the blend temperature after the first and subsequent milkings does not exceed 50° F (10° C).
Bacterial limits	Individual producer milk not to exceed 100,000 CFU/ml. prior to commingling with other producer milk. Not to exceed 300,000 CFU/ml. as commingled milk prior to pasteurization.
Drugs	No positive result with drug residue methods referenced in Section 6 of the PMO.
Somatic Cell Count	Individual producer milk: Not to exceed 750,000 per ml. Goat milk: Not to exceed 1,000,000 per ml.

Temperature, Bacterial Standards shall be the same as those listed in Section 7 of the PMO.

Limits, Drugs, and Somatic

Cell Count

Added Water Freezing point not to exceed -0.526° H.

Grade A pasteurized or ultra pasteurized milk and milk products and bulk shipment heat treated milk products

Temperature	Cooled to 45° F (7° C) or less and maintained thereat.
Bacterial limits*	20,000 CFU/ml-
Coliform	Not to exceed 10 CFU/ml., provided that, in the case of bulk milk transport tank shipments, shall not exceed 100 CFU/ml.
Phosphatase	Less than 1 microgram per ml. by the Scharer Rapid Method (less than 350 milliunits/L by the Fluorometric Procedure) or equivalent — not applicable to bulk shipped heat treated milk products.
Drugs	No positive result with drug residue methods referenced in Section 6 of the PMO.

Temperature, Bacterial Standards shall be the same as those listed in Section 7 of the PMO.

Limits, Coliform,

Phosphatase, and Drugs

Added Water Freezing point not to exceed -0.526° H.

~~*Not applicable to cultured products.~~

Grade A aseptically processed milk and milk products

Temperature	None
Bacterial Limits	Less than 10 CFU/ml. of incubated products.
Drugs	No positive result with drug residue methods referenced in Section 6 of the PMO.

Temperature, Bacterial Standards shall be the same as those listed in Section 7 of the PMO.

Limits and Drugs

Added Water Freezing point not to exceed -0.526° H.

(4) Chemical, bacteriological and temperature standards for Frozen Desserts:
Raw Milk and Cream

Temperature	Not to exceed 45° F (7° C).
Bacterial Limits	Milk – not to exceed 500,000 CFU/ml. In no case shall raw milk have a standard plate or direct microscopic clump count in excess of 1,000,000 CFU/ml; Cream not to exceed 800,000 CFU/ml.
Drugs	Milk and cream – No positive result with drug residue methods referenced in Section 6 of the PMO.
Somatic Cell Count	Not to exceed 750,000/ml; Goat’s milk – Not to exceed 1,500,000.

~~Pasteurized and Ultra Pasteurized Milk and Milk Products~~

Temperature	Cooled to 45° F (7° C) or less and maintained thereat.
Bacterial Limits*	50,000 CFU/ml.
Coliform	Not to exceed 10 CFU/ml, provided that, in the case of bulk milk transport tank shipments, shall not exceed 100 CFU/ml.
Phosphatase	Less than 1 microgram per ml. by the Scherer Rapid Method (less than 500 milliunits/L by the Fluorometric Procedure) or equivalent.
Drugs	No positive result with drug residue methods referenced in Section 6 of the PMO.

~~*Not applicable to cultured products~~

~~Sterilized Milk and Milk Products~~

Temperature	None.
Bacterial Limits	Less than 10 CFU/ml of incubated products.
Drugs	No positive result with drug residue methods referenced in Section 6 of the PMO.

Frozen Desserts and Other Products Defined in this Chapter

Temperature	Pasteurized Mix (plain) 45° F (7° C). Pasteurized Mix (flavored) 45° F (7° C). Frozen Desserts 0° F (-17.8° C). Other – 0° F (-17.8° C).
Bacterial Limits*	Pasteurized Mix (plain) 50,000 CFU/gram. Pasteurized Mix (flavored) 50,000 CFU/gram. Frozen Desserts – 50,000 CFU/gram. Other – 50,000 CFU/gram.
Drugs	No positive result with drug residue methods referenced in Section 6 of the PMO.
Coliform	Pasteurized Mix (plain) 10 CFU/gram. Pasteurized Mix (flavored) 20 CFU/gram. Frozen Desserts (plain) 10 CFU/gram. Frozen Desserts (bulky flavored) 20 CFU/gram. Other (plain) 10 CFU/gram. Other (bulky flavored) 20 CFU/gram.
Phosphatase	Less than 1 microgram per ml. by the Scherer Rapid Method (less than 500 milliunits/L by the Fluorometric Procedure) or equivalent.

*Not applicable to cultured products

Dry Dairy Products

Dry dairy products used as ingredients in frozen desserts shall meet the requirements for “Extra Grade” or better as defined by the U.S. Standards for Grades for the particular product.

(5) Chemical, Bacteriological, and Temperature Standards for Manufactured Milk Products.

Raw milk for manufactured milk products

<u>Temperature</u>	<u>Cooled to 50° F (10° C) or less within four (4) hours or less, of the commencement of the first milking, and to 45° F (7° C) or less within two hours after the completion of milking. Provided, the blend temperature after the first and subsequent milkings does not exceed 50° F (10° C).</u>
<u>Bacterial limits</u>	<u>Individual producer milk not to exceed 500,000 CFU/ml. prior to commingling with other producer milk. Not to exceed 1,000,000 CFU/ml. as commingled milk prior to processing.</u>
<u>Drugs</u>	<u>No positive result with drug residue methods referenced in Section 6 of the PMO.</u>
<u>Somatic Cell Count</u>	<u>Individual producer milk: Not to exceed 750,000 per ml. Goat milk: Not to exceed 1,000,000 per ml.</u>

Cheeses made with pasteurized milk or pasteurized reconstituted milk

<u>Temperature</u>	<u>Cheeses shall comply with 7 CFR Part 58.154.</u>
<u>Coliforms</u>	<u>Not to exceed 10/gram.</u>
<u>Phosphatase</u>	<u>Negative</u>

Cheeses made from non-pasteurized (raw) milk shall comply with 7 CFR Part 58.439.

<u>Temperature</u>	<u>Cheeses shall comply with 7 CFR Part 58.154.</u>
<u>Coliforms</u>	<u>Not to exceed 10/gram.</u>
<u>Phosphatase</u>	<u>Negative</u>
<u>E. coli</u>	<u><1/gram</u>
<u>Pathogens</u>	<u>None</u>

Butter

<u>Temperature</u>	<u>Not to exceed 40°F.</u>
<u>Coliforms</u>	<u>Not to exceed 10/gram.</u>
<u>Mold</u>	<u>Not to exceed 20/gram.</u>

Specific Authority 502.014, 503.031 FS. Law Implemented 502.014, 502.042, 502.091, 503.031 FS. History—Revised 9-21-67, Amended 9-26-69, 12-24-71, 1-26-81, 8-31-82, 8-16-84, Formerly 5D-1.07, Amended 10-9-86, 5-19-87, 12-29-88, 6-27-90, 8-29-93, 12-4-94, 7-2-95, 10-15-03,_____.

5D-1.012 Future Dairy Farms, Milk Plants, Manufacturing Milk Plants and Frozen Dessert Plants.

- (1) Milk barn, stable or parlor and milkhouse or room construction.
 - (a) through (h) No change.
 - (i) Properly prepared plans for all milk barns, stable or parlor and milkhouse or room regulated under this chapter which are hereafter constructed, reconstructed or extensively altered shall be submitted to the department regulatory agency for approval before work is begun.
- (2) Milk plant, frozen dessert plant, receiving station or transfer station construction.
 - (a) No change.
 - (b) Ceiling. Ceilings shall ~~be have a minimum height of 12 feet except for refrigerator or cold storage rooms and~~ of a smooth finish impervious to water.
 - (c) Floors and drains. Floors shall be constructed of concrete or tile; slip proof and sloped ~~to drain for drainage 1/4 inch per foot.~~
 - (d) through (e) No change.

(f) Stainless steel pipelines are properly identified. Identification shall be made with colored tape, plastic bands or a method which has been approved by the department regulatory agency and which will remain in place and retain its coloring under normal conditions of use. The following colors shall be used:

- RED – RAW MILK LINES
- BLUE – PASTEURIZED PRODUCTS LINES
- GREEN – CLEANING SOLUTION LINES (SUPPLY AND RETURN)
- YELLOW – WATER LINES (APPLICABLE TO STAINLESS STEEL LINES ONLY)

The direction of flow in each line shall also be indicated by an arrow on the pipe, tape, or plastic band. The proper placement of colored bands and directional arrows on pipelines shall be determined by the department regulatory agency to ensure easy identification of the product in the pipe and direction of flow.

(g) Properly prepared plans for all plants regulated under this chapter which are hereafter constructed, reconstructed or extensively altered shall be submitted to the department regulatory agency for approval before work is begun.

(3) Manufacturing milk plants.

(a) Properly prepared plans for all plants regulated under this chapter which are hereafter constructed, reconstructed or extensively altered shall be submitted to the department for approval before work is begun.

(b) Pasteurization equipment shall comply with all applicable requirements set forth in the PMO.

(c) All raw (non-pasteurized) milk cheese shall be aged in accordance with CFR 7 Part 58.439 and shall be aged at the manufacturing plant.

(d) Reconstituted milk used for making cheese shall be pasteurized or the cheese shall be aged in accordance with CFR 7 Part 58.439.

(e) Manufacturers of aged cheese shall maintain a log sheet showing the date and time each batch or lot of cheese was placed into and removed from the curing or aging room.

(f) Milk tank trucks used for hauling milk or milk products for manufacturing purposes shall comply with the PMO.

(g) Manufacturing milk plants in existence prior to the adoption of this rule shall have one (1) year from the date of adoption to comply with the requirements set forth in this rule.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.014, 502.053, 502.091, 502.121, 503.031 FS. History—Revised 9-21-67, Amended 10-27-67, 3-19-69, 1-26-81, 8-16-84, Formerly 5D-1.12, Amended 6-27-90, 7-2-95, 10-15-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Newton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Miller

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007, FAW Vol. 33, No. 48

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 and Meter Sealing Requirements

5F-2.016 Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: 1. Adopt current editions of ASTM International fuel quality specification designations for gasoline, diesel fuels, kerosene, fuel oils, and various alternative fuels listed in Chapter 5F-2, Florida Administrative Code, except as stated in subparagraphs 5F-2.001(1)(a)1.-3., F.A.C. of the proposed rule, so that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization;
2. Add “end point” distillation requirements to alternative fuels to protect consumers from contaminated fuel;
3. Define and include B99 with the existing B100 for use and specifications;
4. Revise the volatility requirements for certain alcohol blended fuels;
5. Redefine the term and standards for biodiesel blends to include fuel oil as a blending agent to concur with general practices.

The purpose and effect of amending Rule 5F-2.002, F.A.C. is to provide disposition processes for certain substandard fuels in order to create a modified process for less severely contaminated fuels.

The purpose and effect of amending Rule 5F-2.003, F.A.C. is to update the labeling requirements of certain fuels to make Department rules in accord with new federal labeling requirements and to add a web address for certain Department forms, making them more accessible.

The purpose and effect of amending Rule 5F-2.005, F.A.C., is to allow an alternative method for dealing with improperly registering petroleum fuel measuring devices that have been repaired. This will increase the efficiency of Department personnel.

The purpose and effect of amending Rule 5F-2.014, F.A.C., is to:

1. Add requirements to standards for petroleum fuel measuring devices to protect the consumer from fueling improperly or receiving short measure;
2. Adopt the 2007 edition of National Institute of Standards and Technology (NIST) Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices in order to incorporate the most recent nationally recognized specifications and testing criteria for measuring devices developed by a consensus organization.

The purpose and effect of amending Rule 5F-2.016, F.A.C., is to update the penalty matrices to reflect the proposed changes in Chapter 5F-2, F.A.C.

SUMMARY: Proposed rule Chapter 5F-2, F.A.C., will specify that the most recent editions of ASTM International standards for fuels and other vehicular fluids are to be accepted for implementation. Changes and additions regarding specifications and labeling of these products are also addressed. New requirements for petroleum measuring devices

are addressed. Changes and/or updates for penalties for violations are addressed. The website to the Gasoline and Oil Inspection Affidavit form is added.

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

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

SPECIFIC AUTHORITY: 525.037, 525.07, 525.14, 525.16, 526.09, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.07, 525.14, 525.16, 526.01(1),(3), 531.40 FS.

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

DATE AND TIME: January 14, 2008, 9:30 a.m. EST

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399-1650

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Richard Kimsey, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline (includes gasoline blended with oxygenates).

The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-07a ~~D 4814-04b~~^{e1}, "Standard Specification for Automotive Spark-Ignition Engine Fuel," with the following exceptions:

1. Vapor Pressure Class Requirements: Gasoline containing one (1) through ten (10) percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum from September 16 through May 31 (not applicable for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals for the month of May). From June 1 (May 1 for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals) through September 15, gasoline blends containing ethanol shall conform to the vapor pressure requirements and are entitled to the permissible increases provided by the Environmental Protection Agency (EPA) and outlined in ASTM International designation D 4814-07a, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

2. Distillation Class Requirements: The base gasoline used to blend with ethanol shall meet the requirements of ASTM International designation D 4814-07a, "Standard Specification for Automotive Spark-Ignition Engine Fuel." Gasoline containing one (1) through ten (10) percent ethanol by volume shall be allowed a minimum distillation temperature of 158 °F at the fifty volume percent evaporated distillation point from April 1 (April 16 for end users) through October 31. Gasoline containing one through ten percent ethanol by volume shall be allowed a minimum distillation temperature of 150°F at the fifty volume percent evaporated distillation point from November 1 through March 31 (April 15 for end users).

3. Vapor Pressure Lock Protection Class Requirements: Gasoline containing one (1) through ten (10) percent ethanol by volume shall be allowed a minimum temperature of 116°F for a vapor-liquid ratio of twenty.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 4814-07a ~~D 4814-04b~~^{e1}, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;

2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;

4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International designation D 975-07b ~~D 975-04e^{et}~~, "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 975-07b ~~D 975-04e^{et}~~, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International designation D 396-07 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 396-07 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(5) Alternative Fuels.

- (a) 1. Methanol, denatured ethanol, or other alcohols;
2. Denatured Ethanol.

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-07 ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-07 ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(b) Mixtures containing 85% by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage, determined acceptable in the

specifications for such mixtures as adopted in this section to provide for requirements relating to cold start, safety, or vehicle functions:

1. E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-07 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines-" with the following addition: All E85 Fuel Ethanol shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-07 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

2. M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

a. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-07 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines-" with the following addition: All M85 Fuel Methanol shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-07 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(c) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% biodiesel and 1% diesel fuel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International designation D 6751-07b ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 6751-07b ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this section.

a. Standards. Biodiesel blends containing diesel fuel shall meet the specifications set forth by ASTM International designation D 975-07b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

b. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International designation D396-07, "Standard Specification for Fuel Oils."

~~c.~~ Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-07b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

d. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 396-07, "Standard Specification for Fuel Oils."

(6) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International D 4814-07a ~~D 4814-04b~~^{et}, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosene."

(c) ASTM International D 975-07b ~~D 975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

(d) ASTM International D 396-07 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(e) ASTM International designation D 4806-07 ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International D 5798-07 ~~D 5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(g) ASTM International D 5797-07 ~~D 5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(h) ASTM International designation D 6751-07b ~~D 6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, _____.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an octane rating difference of Antiknock Index more than one (1.0), but not more than two (2.0) from the octane rating, below the Antiknock Index displayed on the dispenser shall be withheld from sale to the public until it meets or exceeds has been brought up to the octane rating ((R+M)/2) displayed on the dispenser Antiknock Index standard. If the product meets the specifications for a lesser grade of gasoline, it may be labeled as the lesser grade and released for sale to the public.

(c) Gasoline blended with ethanol found to have an ethanol content of more than one (1.0) percent by volume, but not more than three (3.0) percent by volume, above or below the posted ethanol content displayed on the dispenser shall be withheld from sale to the public until it has been brought up to standard or relabeled appropriately. No concentration shall be permitted to be less than one (1.0) percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.

(d) Gasoline found below standard because of a silver corrosion rating of two (2) shall be withheld from sale to the public until it meets the silver corrosion standard, as defined in subsection 5F-2.001(1), F.A.C., or is replaced with a suitable product that meets the silver corrosion standard, as defined in subsection 5F-2.001(1), F.A.C.

~~(e)~~ Gasoline not meeting specifications stated in ASTM International D 4814-07a ~~D 4814-04b~~^{et}, "Standard Specification for Automotive Spark-Ignition Engine Fuel" for reasons other than those enumerated in paragraphs (1)(a), ~~and~~ (b), (c) or (d) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied, by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene not meeting specifications stated in ASTM International D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosene" for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D AND No. 2-D, AND FUEL OILS No. 1 AND No. 2.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oils No. 2-D found below the flash point standard, but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils No. 1-D and No. 2-D found above the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur shall not have an assessment levied, but shall be withheld from sale to the public until brought up to standard or relabeled appropriately.

~~(d)(e)~~ Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International D 975-07b ~~D 975-04e⁰¹~~, “Standard Specification for Diesel Fuel Oils” and ASTM International D 396-07 ~~D 396-04~~, “Standard Specification for Fuel Oils”, respectively for reasons other than those enumerated in paragraphs (3)(a),(b) ~~and~~ or (c)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) A biodiesel blend found to have a biodiesel content of more than two (2.0) percent by volume, but not more than five (5.0) percent by volume, above or below the posted biodiesel content displayed on the dispenser shall be withheld from sale to the public until it has been brought up to standard or relabeled appropriately.

~~(c)(b)~~ Alternative Fuels found below standard for reasons other than those enumerated in paragraph (4)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06_____.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94, (Rev. 6/01) and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or at <http://www.doacs.state.fl.us>.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 07 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

Grade Designation	Minimum Octane Rating
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors,

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

- (a) For all ultra-low sulfur highway diesel fuel:
 - ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)
 - Required for use in all model year 2007 and later highway diesel vehicles and engines.
 - Recommended for use in all diesel vehicles and engines.

(b) For all low sulfur highway diesel fuel:
LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.

(c) For ultra-low sulfur ~~at~~ non-highway diesel fuel:
NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)

~~WARNING – Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.~~

ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)

Required for use in all model year 2011 and newer non-road diesel engines.

Recommended for use in all non-road, locomotive, and marine diesel engines.

WARNING – Federal law prohibits use in highway vehicles or engines.

(d) For low sulfur non-highway diesel fuel:

LOW SULFUR NON-HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in highway vehicles or engines.

(e) For high sulfur non-highway diesel fuel:

HIGH SULFUR NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)

WARNING – Federal law prohibits use in highway vehicles or engines.

May damage non-road diesel engines required to use low-sulfur or ultra-low sulfur diesel fuel.

(f) For all fuel (heating) oil:

WARNING – Federal law prohibits use in highway vehicles or engines, or in non-road, locomotive, or marine diesel engines. Its use may damage these diesel engines.

(7) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less or 1-10% ethanol,” “contains 10% or less or 1-10% methanol,” or “contains 10% or less or 1-10% ethanol/methanol” or other definitive equivalent statement declaring the presence of methanol, ethanol, or combination on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as “E10” and

“contains ethanol” or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing in a manner conforming with the layout, type size and setting, color, and label protection requirements of 16 Code of Federal Regulations, Part 306.12 (1-1-07 Edition) on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(a) Ethanol mixed with gasoline and containing an ethanol content of nominally 75%-85% shall be identified as “E85 Fuel Ethanol:” and “For Flex Fuel Vehicles Only.”

(b) Methanol mixed with gasoline and containing a methanol content of nominally 80%-85% shall be identified as “M85 Fuel Ethanol:” and “For Flex Fuel Vehicles Only.”

(9) ~~All biodiesel or biodiesel blends containing diesel fuel~~ kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Biodiesel Blend (BXX),” where XX represents the volume percent biodiesel in the biodiesel blend, ~~and All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as “Biodiesel (BXX),” where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation “S15 (15 ppm Sulfur Maximum)” or “S500 (500 ppm Sulfur Maximum).~~ Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Every dispenser that dispenses biodiesel, B99, or a biodiesel blend containing diesel fuel ~~dispenser dispensing fuel~~ with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR ENGINE MANUFACTURER OR OWNER’S MANUAL BEFORE USING THIS PRODUCT.

(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in subsection (6) of this section, to indicate the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.

(10) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as "Bioheat (BHXX)," where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR EQUIPMENT OR ENGINE MANUFACTURER OR OWNER'S MANUAL BEFORE USING THIS PRODUCT.

(11)(10) Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06,_____.

5F-2.005 Inaccurate Measuring Devices.

(1) For the purpose of Section 525.07, Florida Statutes, and this rule, the term "short measure" shall mean the overregistering of fuel by a petroleum fuel measuring device.

(2) If any petroleum fuel measuring device is found to be underregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the inspector shall give the operator or owner of the said device a reasonable time in writing to fix or adjust such device.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the device shall be placed out-of-service and prohibited from further use. Such measuring devices placed out-of-service

for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection ~~and~~ or the ~~written~~ consent of the department.

(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or ~~and~~ the ~~written~~ consent of the department.

Specific Authority 525.07, 525.14 FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 and Meter Sealing Requirements.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2007 2006 Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov>.

(2) All operating petroleum fuel measuring devices must be sealed with an appropriate security seal in such a manner that the metering adjustment cannot be changed without breaking the seal. An appropriate security seal is one which has been applied by the Department or a person who is registered with the Department as a meter mechanic and bears the name of the company or the name or initials of the registered meter mechanic.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06,_____.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)2., Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

- (a) The degree and extent of harm caused by the violation;
- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation.

Gasoline Fine	\$100	\$250	\$500
Distillation: End Point, °F	< 475 450-475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure*, psi	April-October: > maximum but ≤11.5	November-March: > 13.5 April-October: > 11.5	
Antiknock Index, (Octane Rating)			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Vapor-Liquid Ratio		all violations	
Alcohol/Oxygenates, (vol. %)		> maximum but < 20%	>20%
Ethanol, (vol. %)	> 3.0 from displayed value		
Silver Corrosion			≥ 2 all violations

* The vapor pressure limits in this table for gasoline blended with ethanol under the exceptions in subparagraph 5F-2.001(1)(a)1., F.A.C., shall be increased by 1.0 psi.

Diesel, Biodiesel Blends, Kerosene, Bioheat and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends, bioheat & fuel oils: 80-95 kerosene: 80-91	diesel, biodiesel blends, kerosene, bioheat & fuel oils: 60-79	diesel, biodiesel blends, kerosene, bioheat & fuel oils: < 60
Distillation, °F		diesel, biodiesel blends, kerosene, bioheat & fuel oils: all violations	
Sulfur (ULSD, Biodiesel blends containing ULSD and S15 Biodiesel)			≥35 ppm all violations
Sulfur (all other fuels)			all violations
Lubricity			all violations

Biodiesel and Bioheat, (% vol. %)	biodiesel blends: >20		
<u>Biodiesel and Bioheat</u> , (vol. %)	<u>blends: > 5 from displayed value</u>		

*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40 CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498.

Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)

Fine	\$100	\$250	\$500
Ethanol content, (vol. %)	Fuel Ethanol (Ed 75-Ed85): all violations		
Methanol content, (vol. %)	all violations		
Vapor Pressure, psi	all violations		
Sulfur	all violations		
Water content	all violations		
<u>Distillation: End Point, °F</u>	<u>>475</u>	<u>476-500</u>	<u>>500</u>

Biodiesel Fuel Blend Stock (B100) and B99

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
<u>Distillation: 90%, °F</u>	all violations

b. Extent of Harm.

Fine	\$250	\$750	\$1,500
# of gallons sold	0-500	501-1000	> 1000

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with the Department.

Fine	\$100	\$250	\$500
\$value	<\$500	\$500-1000	>\$1000

3. Benefit to Violator.

Fine	Revenue resulting from sale of substandard product.
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4. Compliance Record.

Fine	\$100 per violation	\$250 per violation	\$500 per violation
# of violations subject to penalty	3rd previous year	2nd previous year	1st previous year

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended 7-30-02, 6-1-06_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Levenstein, Deputy Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments make changes so that all provisions relating to permit transfers and certain reporting requirements are updated and consistent with prior rulemaking. The first update relates to an October 2005, rulemaking for the standard condition set forth in paragraph 40D-2.381(3)(p), F.A.C. That condition was modified to require new owners of land and withdrawal facilities included on a water use permit to transfer the water use permit within 45 days of the sale to themselves and prior to using the water. The correlative standard condition in Chapter 6 of the Basis of Review was not modified. This rulemaking would remedy this inconsistency. Section 6.2 of the WUP Basis of Review contains two Special Conditions that are placed on permits that pertain to reporting requirements. Because these conditions have been independently revised over time, inconsistencies have arisen. This rulemaking would remedy the problem by combining the two conditions into one.

SUMMARY: The proposed amendments conform the standard permit condition regarding transfer of land and withdrawal facilities to rule change that was completed in 2005. Additionally, the proposed amendments combine Special Conditions Nos. 1 and 2 into one condition with the following additions and clarifications:

- All reports and data are to be submitted to the correct section for input to the District Regulatory Database;
- The correct postal zip code;

- Guidance for requesting online submittals;
- Synchronization of due dates with those in the particular special conditions and identification of a ten-day grace period;
- Specification of the number of copies of reports, plans and data required; and
- Specification of the number of electronically submitted reports, plans, and data required.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) Water Use Permit Information Manual Part B, "Basis of Review (____)(10/07) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);
- (2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 11-25-07, _____.

Water Use Permit Information Manual
Part B Basis of Review

6.1 STANDARD PERMIT CONDITIONS

The following conditions are placed on all Water Use Permits:
1. through 15. No change.

16. Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land. The permittee shall notify the District within 30 days of the sale or conveyance of the permitted water withdrawal facilities or the land on which the facilities are located. Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party subsequently controlling the permitted water withdrawal facilities may apply to transfer the permit to himself or herself up to the renewal date of the transferor's permit notwithstanding the provisions of Chapter 40D-0.381(1), F.A.C. The District will transfer the permit provided the source, use and withdrawal quantities remain the same. All terms and conditions of the permit shall become binding on the transferee.

17. through 19. No change.

No. 19 New 1-1-03, Amended 1-1-07; No. 16 Amended

6.2 SPECIAL PERMIT CONDITIONS

1. Permitting Report Condition Submitting Data Condition: All reports ~~and~~ of data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the report or data is received on or before the tenth day of the each month following data collection, it shall be deemed as a timely submittal. The Permittee may use the District's website to submit data, plans or reports online. To set up an account, the Permittee can address the request to permitdata@watermatters.org.

All mailed reports and data are to be sent and shall be addressed to:

Permits Data Section, Regulation Performance
Management Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level evapotranspiration, or water quality data.

~~Discussion: This condition is included on all permits with data reporting requirements such as pumpage, water quality, mitigation, water level, environmental monitoring, and any other reports.~~

~~2. Submitting Reports Condition: Unless otherwise indicated, three copies of each report are required by the permit and shall be provided to the Director, Resource Regulation Department, by the Permittee.~~

~~Discussion: This condition is used whenever reports, other than data, are required in a permit. This condition includes annual or quarterly reports, description of monitoring and mitigation plans, plans to reduce off-site discharge, investigation of reuse, investigation of complaints, water quality control and assurance program, and sampling and analysis procedures.~~

Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-8.021	Definitions
40D-8.031	Implementation
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: In the early 1980s, the District began incorporating ten year flood levels for priority lakes into its minimum flows and levels rules. The ten year flood level was at one time used by the Department of Health as a criterion for permitting septic tank construction in floodways. The District also included the level in its rules as advisory for those constructing lakeshore improvements. Specific references regarding use of the ten year flood level for septic tank location and construction are not now included in current District minimum flows and levels rules. Given that the Department of Health no longer utilizes ten year flood levels for septic tank permitting and that the flood levels are similarly not used for District regulatory programs, the ten year flood guidance levels are proposed to be repealed from District rules to promote organizational efficiency by eliminating unnecessary rules.

SUMMARY: The proposed amendments delete all references to the Ten Year Flood Guidance Levels and the methodology used to establish Ten Year Flood Guidance Levels and include:

a) deletion of the references to the Ten Year Flood Guidance Level from subsection 40D-8.021(4), paragraph 40D8-031(1)(b), subsection 40D-8.624(1), and paragraph 40D-8.624(3)(a), F.A.C.; b) deletion of subsection 40D-8.624(11); c) the renumbering of subsection 40D-8.624(12) as subsection 40D-8.624(11); d) the renumbering of subsection 40D-8.624(13) as subsection 40D-8.624(12) and correcting paragraph references due to the renumbering; and e) the deletion of the Ten Year Flood Guidance Levels from Tables 8-2 and 8-3, subsections 40D-8.624(13) and (14), F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-8.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them unless the context clearly indicates otherwise, and such meanings shall apply throughout these rules. The terms defined in Rule 40D-1.102, F.A.C., shall also apply throughout Chapter 40D-8, F.A.C., and the terms defined in this 40D-8.021, F.A.C., apply throughout the District rules except that where there is a conflict or a difference between 40D-1.102, F.A.C., and this 40D-8.021, F.A.C., the definition in this Chapter 40D-8, F.A.C., will control.

~~(1) "Closed Basin Lake" means a lake that does not connect to, or is not part of an ordered surface water conveyance system. Reasonable scientific judgment shall be used to classify a lake as a closed basin lake where hydrology or hydraulic characteristics (e.g. intermittent or periodic discharge) are associated with a lake such that the lake does not clearly meet the definition of a closed basin lake nor open basin lake.~~

(2) through (3) renumbered (1) and (2) No change.

~~(3)~~(4) "Guidance Levels" means Levels, determined by the District using the best available information and expressed in feet relative to National Geodetic Vertical Datum (of 1929), or in feet relative to the North American Vertical Datum (of 1988), used as advisory information for the District, lake shore residents and local governments, or to aid in the management or control of adjustable structures. For lakes with levels adopted during or after August 7, 2000, Guidance Levels include: ~~Ten Year Flood Guidance Level~~; High Guidance Level; and Low Guidance Level as explained in Rule 40D-8.624, F.A.C. For lakes with levels adopted before August 7, 2000, Guidance Levels are the ~~Ten Year Flood Guidance Level~~; the High Level, the Low Level, and, if adopted for the lake, the Extreme Low Level.

(5) through (10) renumbered (4) through (9) No change.

~~(11) "Open Basin Lake" means a lake that has a surface water conveyance system that by itself, or in series with other lakes, connects to or is part of an ordered surface water conveyance system.~~

(12) through (19) renumbered (10) through (17) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416 FS. History—New 6-7-78, Amended 1-22-79, Formerly 16J-8.02, Amended 8-7-00, 1-8-04,_____.

40D-8.031 Implementation.

(1) No Guidance Levels shall be prescribed for any reservoir or other artificial structure which is located entirely within lands owned, leased, or otherwise controlled by the user, and which require water only for filling, replenishing, and maintaining of the water level thereof, provided however:

(a) No change.

(b) That the High Guidance Level ~~and the Ten Year Flood Guidance Level~~, determined pursuant to the procedures set forth in Rule 40D-8.624, F.A.C., may be established for any lake determined by the Board to be in the public interest.

(2) through (5) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~373.0395~~, 373.042, 373.0421, 373.216, 373.219, 373.223, 373.413, 373.414, 373.416 FS. History—New 6-7-78, Amended 10-16-78, 1-22-79, Formerly 16J-8.03, Amended 3-23-81, 8-7-00,_____.

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) Levels for lakes adopted during or after August 7, 2000, are set forth in Table 8-2 in subsection 40D-8.624(12)(13), F.A.C. There are ~~two~~ three Guidance Levels for lakes, ~~the Ten Year Flood Guidance Level~~, the High Guidance Level and the Low Guidance Level. There are two Minimum Levels for lakes, the High Minimum Lake Level and the Minimum Lake Level. After the High Minimum Lake Level and Minimum Lake Level for each lake is a designation

indicating which of the categories described below applied and, therefore, which method was used to determine the High Minimum Lake Level and the Minimum Lake Level.

(2) Levels for lakes adopted prior to August 7, 2000, are set forth in the table in subsection 40D-8.624 ~~(13)~~(14), F.A.C.

(3) Renaming of Levels.

(a) Lake Levels adopted prior to August 7, 2000, were referred to in the District's rules as management levels and alternatively as minimum levels. These levels were ~~the Ten Year Flood Warning Level~~, the Minimum Flood Level, the Low Management Level and, for some lakes, Extreme Low Management Level. As of August 7, 2000, these levels are now referred to as Guidance Levels. For those lakes with levels adopted prior to August 7, 2000, ~~the Ten Year Flood Warning Level is now named the Ten Year Flood Guidance Level~~, the Minimum Flood is now named the High Level, the Low Management Level is now named the Low Level and the Extreme Low Management Level is now named the Extreme Low Level.

(b) For lakes with levels adopted before August 7, 2000, a reference within the District's rules to the applicable minimum level or to established minimum water levels shall refer to the Low Level, or, if adopted for the lake, the Extreme Low Level. Such Low Level or Extreme Low Level shall not be deemed a minimum level pursuant to Section 373.042, F.S.

(c) For lakes with levels adopted during or after August 7, 2000, a reference in the District's rules to the applicable minimum level or to established minimum water levels shall refer to the adopted High Minimum Lake Level and Minimum Lake Level described in this Rule 40D-8.624, F.A.C.

(4) through (10) No change.

~~(11)(a) The Ten Year Flood Guidance Level is provided as an advisory guideline for lakeshore development. The Ten Year Flood Guidance Level incorporates the level of flooding expected on a frequency of not less than the ten year recurring interval, or on a frequency of not greater than a 10 percent probability of occurrence in any given year. The Ten Year Flood Guidance Level is established using methods that correspond to the hydrology and type of conveyance system of the lake being evaluated.~~

~~(b) Open Basin Lakes That Discharge:~~

~~1. Data Available. If lake stage records of sufficient quality and quantity are available, the Ten Year Flood Guidance Level for open basin lakes will be established using statistics derived from frequency analysis of the stage records (statistical method). Annual peak stages will be ranked and fit to a distribution or plotted to estimate the ten year peak stage. At least thirty years of hydrologic data are preferred for establishment of the Ten Year Flood Guidance Level using the statistical method.~~

~~2. Data Not Available. Storm event modeling of open basin lakes will be utilized when sufficient stage data for use of a statistical method are not available. Rainfall depths~~

used for the process are taken from sources such as the National Weather Service Technical Paper 49, and Part D of the District's Environmental Resource Permitting Information Manual described and incorporated by reference in Rule 40D-4.091, F.A.C. Runoff volumes used for the modeling are computed using conventional methods such as the Natural Resources Conservation Service (NRCS) curve number method, or with standard infiltration formulas (e.g., Horton's Equation, Green-Ampt Equation). Runoff distributions are computed using conventional methods including the NRCS method or other unit hydrograph methods, or the kinematic wave overland flow method. Modeling programs that account for tailwater and compute backflow (dynamic models) are preferred for the hydraulic routing component of the stormwater event modeling. Methods described in subparagraph 40D-8.624(11)(e)2., F.A.C., "Closed Basin Lakes Not Available" below can also be applied when the probability of the 10-year flood elevation being exceeded in any given year is influenced by serial correlation to annual peak elevations.

(e) Closed Basin Lakes.

1. Data Available. If lake stage records of sufficient quality and quantity are available, the Ten Year Flood Guidance Level for closed basin lakes will be established using statistics derived from frequency analysis of the stage record (statistical method). Annual peak stages will be ranked and fit to a distribution or plotted to estimate the ten year peak

stage. As a general rule, at least thirty years of hydrologic data are preferred for establishment of the Ten Year Flood Guidance Level using the statistical method.

2. Data Not Available— Numerical or empirical modeling of closed basin lakes will be utilized when sufficient stage data for use of a statistical method are not available. Simulation periods of thirty or more years are preferred for either numerical or empirical modeling techniques. A composite record of rainfall records from more than one rainfall station in the region in which the subject lake is located may be used for the process. Calibration of the simulation model shall be based on stage records, Hydrologic Indicators of water level, and eye witness accounts of peak stages. Model simulations to determine the Ten Year Flood Guidance Level will exclude effects of water withdrawals.

(11)(12) No change.

(12)(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624 (13)(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (b) No change.						
(c) In Citrus County Within the Withlacoochee River Basin	Fort Cooper Lake S-27, T-19S, R-20E	35.4'	30.9'	30.1' (CAT 3)	28.7' (CAT 3)	26.7'
	Isala Apopka Lake (Lakes and wetlands comprising the Floral City Pool) S-14, T-20S, R-20E	43.4'	41.8'	41.2' (CAT 1)	39.8' (CAT 1)	39.6'
	Isala Apopka Lake (Lakes and wetlands comprising the Hernando Pool) S-26, T-18S, R-19E	40.5'	39.0'	38.7' (CAT 1)	37.3' (CAT 1)	35.9'
	Isala Apopka Lake (Lakes and wetlands comprising the Inverness Pool) S-08, T-19S, R-20E	41.8'	40.3'	40.1' (CAT 1)	38.7' (CAT 1)	37.8'
(d) through (e) No change.						
(f) In Hernando County Within the Coastal Rivers Basin	Hunters Lake S-32, T-23S, R-17E	20.8'	19.3'	19.3' (CAT 3)	17.1' (CAT 3)	13.7'

	Weekiwachee Prairie Lake (Lake Theresa) S-23, T-23S, R-17E	24.0'	22.6'	21.4' (CAT 3)	18.3' (CAT 3)	17.5'
(g) In Hernando County Within the Hillsborough River Basin RESERVED						
(h) In Hernando County Within the Withlacoochee River Basin	Lindsey, Lake S-25, T-21S, R-19E	72.4'	68.5'	68.5' (CAT 2)	66.1' (CAT 2)	63.9'
	Mountain Lake S-16, T-23S, R-20E	105.0'	102.8'	102.8' (CAT 3)	99.5' (CAT 3)	96.3'
	Neff Lake S-20, T-23S, R-20E	104.1'	102.2'	102.2' (CAT 3)	94.5' (CAT 3)	87.4'
	Spring Lake S-15, T-23S, R-20E	183.3'	181.6'	180.1' (CAT 3)	179.0' (CAT 3)	179.0'
(i) In Highlands County Within the Peace River Basin	Jackson Lake S-30, T-34S, R-29E	104.1'	102.6'	102.4' (CAT 3)	101.3' (CAT 3)	100.2'
	June-In-Winter, Lake S-34, T-36S, R-29E	75.5'	74.7'	74.5' (CAT 3)	74.0' (CAT 3)	73.2'
	Letta Lake S-31, T-33S, R-29E	100.5'	99.5'	99.5' (CAT 3)	98.4' (CAT 3)	97.1'
	Little Jackson Lake S-06, T-35S, R-29E	104.1'	102.6'	102.4' (CAT 3)	101.3' (CAT 3)	100.2'
	Lotela Lake S-26, T-33S, R-28E	108.5'	107.5'	106.8' (CAT 3)	105.7' (CAT 3)	105.0'
(j) In Hillsborough County Within the Alafia River Basin RESERVED						
(k) In Hillsborough County Within the Hillsborough River Basin	Stemper, Lake S-13, T-27, R-18 (Levels in feet NGVD)	62.6'	61.2'	60.8' (CAT 1)	59.4' (CAT 1)	59.1'
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27, R-17	42.4'	40.9'	40.9' (CAT 2)	39.9' (CAT 2)	38.8'
	Allen, Lake S-10, T-27S, R-18E	63.1'	61.8'	61.8' (CAT 1)	60.7' (CAT 1)	59.7'
	Barbara, Lake S-19, T-27, R-18	54.96'	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
	Bird Lake S-26, T-27, R-18	53.0'	49.6'	49.6' (CAT 2)	48.6' (CAT 2)	47.5'
	Brant Lake S-23, T-27, R-18	60.5'	58.0'	58.0' (CAT 2)	57.0' (CAT 2)	55.9'
	Calm Lake S-14, T-27, R-17	51.02'	49.41'	49.41' (CAT 3)	48.41' (CAT 3)	47.31'
	Charles, Lake S-23, T-27, R-18	56.2'	54.2'	53.8' (CAT 1)	52.4' (CAT 1)	52.1'
	Church Lake S-28, T-27, R-17	36.74'	35.64'	35.64' (CAT 3)	34.64' (CAT 3)	33.54'
	Crenshaw, Lake S-22, T-27, R-18	57.64'	55.5'	54.45' (CAT 3)	53.45' (CAT 3)	53.4'
	Crescent Lake S-10, T-27S, R-17E	43.4'	41.9'	41.3' (CAT 3)	40.3' (CAT 3)	39.8'
	Crystal Lake S-14, T-27, R-18	62.1'	59.8'	59.8' (CAT 2)	58.8' (CAT 2)	57.7'
	Cypress Lake S-24, T-27, R-17	50.86'	48.89'	48.89' (CAT 3)	47.89' (CAT 3)	46.79'
	Dan, Lake S-6, T-27, R-17	34.9'	32.5'	31.9' (CAT 3)	30.9' (CAT 3)	30.4'

Deer Lake S-1, T-27, R-18	70.0'	66.5'	66.5'	(CAT 2)	65.5'	64.4'
Dosson Lake S-20, T-27, R-18	55.1'	53.4'	53.4'	(CAT 2)	52.4'	51.3'
Echo Lake S-28, T-27, R-17	36.74'	35.64'	35.64'	(CAT 3)	34.64'	33.54'
Ellen, Lake S-19, T-27, R-18	54.96'	53.15'	53.15'	(CAT 3)	52.15'	51.05'
Fairy (Maurine) Lake S-34, T-27, R-17	34.51'	33.41'	33.41'	(CAT 3)	32.41'	31.31'
Garden Lake S-17, T-27, R-17	33.9'	31.5'	30.5'	(CAT 3)	29.5'	29.4'
Halfmoon Lake S-31, T-27, R-18	45.07'	43.3'	43.3'	(CAT 2)	42.3'	41.2'
Harvey, Lake S-3, T-27S, R-18E	63.1'	61.8'	61.8'	(CAT 1)	60.7'	59.7'
Helen, Lake S-19, T-27, R-18	54.96'	53.15'	53.15'	(CAT 3)	52.15'	51.05'
Hobbs, Lake S-1, T-27, R-18	67.73'	65.46'	65.46'	(CAT 2)	64.46'	63.36'
Horse Lake S-26, T-27, R-17	48.9'	46.9'	45.8'	(CAT 3)	44.8'	44.8'
Jackson, Lake S-17, T-27, R-17	34.7'	33.0'	33.0'	(CAT 2)	32.0'	30.9'
Juanita, Lake S-22, T-27, R-17	43.8'	41.7'	41.7'	(CAT 2)	40.7'	39.6'
Little Moon Lake S-28, T-27, R-17	40.8'	39.1'	39.1'	(CAT 2)	38.1'	37.0'
Merrywater, Lake S-22, T-27, R-18	58.0'	55.8'	55.8'	(CAT 2)	54.8'	53.7'
Mound Lake S-11, T-27, R-17	51.8'	50.2'	50.7'	(CAT 1)	49.3'	48.3'
Platt Lake S-35, T-27, R-18	52.0'	49.7'	49.5'	(CAT 1)	48.1'	45.5'
Pretty Lake S-26, T-27S, R-17E	45.8'	44.3'	43.9'	(CAT 1)	42.5'	42.2'
Rainbow Lake S-22, T-27, R-17	40.8'	39.1'	39.1'	(CAT 2)	38.1'	37.0'
Raleigh, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED	(CAT 3)	RESERVED	RESERVED
Reinheimer, Lake S-15, T27, R-18	60.8'	58.6'	58.9'	(CAT 1)	57.5'	56.5'
Rogers, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED	(CAT 3)	RESERVED	RESERVED
Round Lake S-22, T-27, R-18	56.49'	55.6'	54.5'	(CAT 3)	53.5'	53.5'
Saddleback Lake S-22, T-27, R-18	56.11'	54.58'	54.58'	(CAT 2)	53.58'	52.48'
Sapphire Lake S-14, T-27, R-18	64.1'	63.4'	63.0'	(CAT 1)	61.6'	61.3'
Starvation Lake S-21, T-27, R-18	RESERVED	RESERVED	RESERVED	(CAT 3)	RESERVED	RESERVED
Strawberry (North Crystal) Lake S-14, T-27, R-18	62.0'	60.1'	60.1'	(CAT 3)	59.1'	58.0'
Sunset Lake S-17, T-27, R-17	35.0'	34.8'	34.4'	(CAT 1)	33.0'	32.7'
Sunshine Lake S-20, T-27, R-18	55.1'	53.4'	53.4'	(CAT 2)	52.4'	51.3'
Taylor, Lake S-16, T-27S, R-17E	40.1'	38.2'	38.2'	(CAT 2)	37.3'	36.1'
Virginia, Lake S-3, T-27S, R-18E	63.1'	61.8'	61.8'	(CAT 1)	60.7'	59.7'

(m) In Lake County Within the Green Swamp Basin RESERVED						
(n) In Levy County Within the Withlacoochee River Basin	Marion, Lake S-02, T-14S, R-17E	56.6'	55.3'	54.6' (CAT 3)	50.7' (CAT 3)	47.7'
(o) In Manatee County Within the Manasota River Basin RESERVED						
(p) In Marion County Within the Withlacoochee River Basin RESERVED						
(q) In Pasco County Within the Coastal Rivers Basin	Big Fish Lake S-21, T-24, R-19	77.4'	76.05'	75.65' (CAT 3)	73.05' (CAT 3)	71.75'
	Green Lake S-16, T-26, R-18	75.5'	74.4'	74.2' (CAT 2)	71.9' (CAT 2)	70.0'
	Moon Lake S-28, T-25, R-17	41.7'	39.9'	39.9' (CAT 3)	38.3' (CAT 3)	36.2'
(r) In Pasco County Within the Green Swamp Basin RESERVED						
(s) In Pasco County Within the Hillsborough County Basin	Bell Lake S-13, T-26, R-18	73.3'	71.6'	70.8' (CAT 1)	69.4' (CAT 1)	69.2'
	Bird Lake S-36, T-26, R-18	68.2'	66.8'	66.6' (CAT 1)	65.2' (CAT 1)	64.3'
	Buddy Lake S-17, T-25S, R-21E	96.9'	93.7'	93.7' (CAT 3)	87.3' (CAT 3)	83.9'
	Hancock Lake S-5, T-24S, R-20E	106.9'	102.5'	102.5' (CAT 3)	100.2' (CAT 3)	97.7'
	Middle Lake S-4, T-24S, R-20E	106.9'	103.1'	102.5' (CAT 3)	100.2' (CAT 3)	99.2'
	Padgett, Lake S-24, T-26, R-18	71.5'	70.5'	70.5' (CAT 1)	69.5' (CAT 1)	68.4'
	Pasadena, Lake S-16, T-25S, R-21E	96.9'	93.7'	93.7' (CAT 3)	87.3' (CAT 3)	83.9'
(t) In Pasco County Within the Pinellas-Anclote River Basin	Camp Lake S-34, T-26, R-18	64.3'	63.8'	63.4' (CAT 1)	62.0' (CAT 1)	61.3'
	Parker (Ann), Lake S-35, T-26, R-17	49.5'	48.3'	48.1' (CAT 1)	46.7' (CAT 1)	46.2'
(u) In Pasco County Within the Withlacoochee River Basin	Clear Lake S-1, T-25S, R-20E	128.5'	127.0'	127.0'	125.7'	123.7'
(v) In Pinellas County Within the Pinellas-Anclote River Basin RESERVED						
(w) In Polk County Within the Alafia River Basin RESERVED						
(x) In Polk County Within the Green Swamp Basin RESERVED						
(y) In Polk County Within the Hillsborough River Basin RESERVED						
(z) In Polk County Within the Peace River Basin	Clinch Lake S-31, T-31S, R-28E	107.4'	105.5'	105.5' (CAT 3)	104.4' (CAT 3)	103.1'

	Eagle Lake S-01, T-29S, R-25E	131.3'	129.6'	129.0' (CAT 3)	127.9' (CAT 3)	127.2'
	McLeod Lake S-07, T-29S, R-26E	133.3'	129.4'	129.4' (CAT 3)	128.3' (CAT 3)	127.0'
	Parker, Lake S-8, T-28S, R-24E	131.8'	130.6'	130.6' (CAT 3)	129.6' (CAT 3)	129.0'
	Wales Lake S-01, T-30S, R-27E	114.1'	ND	107.7' (CAT 3)	106.6' (CAT 3)	ND
(aa) In Sarasota County Within the Manasota Basin RESERVED						
(bb) In Sumter County Within the Green Swamp Basin RESERVED						
(cc) In Sumter County Within the Withlacoochee River Basin	Big Gant Lake S-14, T-22S, R-22E	77.6'	76.1'	76.3' (CAT 1)	74.9' (CAT 1)	73.4'
	Black Lake S-23, T-18S, R-23E	57.5'	54.7'	53.9' (CAT 3)	51.3' (CAT 3)	49.6'
	Deaton, Lake S-14, T-19S, R-23E	65.8'	65.2'	64.8' (CAT 3)	63.2' (CAT 3)	62.2'
	Miona, Lake S-27, T-18S, R-23E	57.5'	54.7'	53.9' (CAT 3)	51.3' (CAT 3)	49.6'
	Okahumpka, Lake S-21, T-19S, R-23E	59.9'	58.1'	58.1' (CAT 1)	56.7' (CAT 1)	55.0'
	Panasoffkee, Lake S-29, T-19S, R-22E	42.8'	40.5'	40.8' (CAT 1)	39.4' (CAT 1)	38.9'

(13)(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Location of Impoundment by County and Basin	Ten Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) In Charlotte County Within the Peace River Basin				
(b) In Citrus County Within the Coastal Rivers Basin				
(c) In Citrus County Within the Withlacoochee River Basin				
Bradley, Lake S23 T20S R20E	43.40	42.50	40.25	38.25
Cato, Lake S5 T19 R20	38.82	38.00	35.50	34.00
Connell, Lake S6 T19 R20	35.68	35.50	32.00	30.00
Cooter, Lake S17 T19 R20	41.80	40.50	38.25	36.25
Hog Pond, Lake (Nina) S2 T19 R19	35.92	34.50	32.00	30.00
Holden, Lake (Inverness) S32 T19 R20	32.44	32.00	29.50	28.00
Magnolia, Lake S3 T20 R20	32.36	31.00	28.50	27.00
Rush, Lake (Williams) S03 T17 R18	36.20	35.75	33.25	31.25
Little Lake (Consuella) S15 T20S R20E	43.40	41.50	39.00	37.25

Twin Lake S6 T19 R20	38.11	37.00	35.00	33.00
(d) In DeSoto County Within the Peace River Basin				
(e) In Hardee County Within the Peace River Basin				
(f) In Hernando County Within the Coastal Rivers Basin				
(g) In Hernando County Within the Hillsborough River Basin LAKES				
Nicks Lake S29 T23S R20E	114.46	113.00	110.50	108.50
St. Clair Lake S33 T23S R20E	114.46	113.00	110.50	108.50
(h) In Hernando County Within the Withlacoochee River Basin LAKES				
Elizabeth, Lake S11 T23S R21E	62.90	60.25	57.00	55.50
Francis, Lake 11 23S 21E	62.90	60.25	57.00	55.50
Geneva, Lake 11 23S 21E	62.90	60.25	57.00	55.50
Sparkman Lake 24 23S 19E	94.40	91.50	89.00	88.00
(i) In Highlands County Within the Peace River Basin LAKES				
Sec Twsp Rng				
Adelaide, Lake 5 33S 28E	110.00	106.50	104.00	102.50
Angelo, Lake 4 27S 25E	104.00	99.50	97.00	95.00
Anoka, Lake 27 33S 28E	124.00	124.00	122.00	120.00
Apthhorpe, Lake 18 36S 30E	72.00	71.50	68.00	66.00
Blue, Lake 30 36S 30E	78.70	77.50	75.00	73.50
Bonnet, Lake 8 34S 29E	91.90	90.75	88.00	86.00
Brentwood, Lake 10 33S 28E	102.30	102.75	99.50	98.00
Buck, Lake 29 37S 30E	96.40	94.00	91.50	89.50
Byrd, Lake 9 33S 28E	110.60	108.25	105.50	104.00
Carrie, Lake 21 36S 29E	75.13	75.50	73.00	72.50
Charlotte, Lake 17 35S 29E	93.90	93.75	91.25	89.75
Chilton, Lake 7 33S 28E	116.30	114.00	111.00	109.50
Clay, Lake 29 36S 30E	79.00	78.75	76.00	75.00
Crews, Lake 32 36S 29E	120.50	119.50	117.00	115.50

Damon, Lake 3 33S 28E	102.30	101.00	98.00	95.00
Denton, Lake 2 34S 28E	117.10	116.50	114.00	112.00
Dinner, Lake 17 34S 29E	103.50	102.50	98.50	97.00
Francis, Lake 22 36S 29E	70.80	70.50	67.50	66.50
Glenada, Lake 34 33S 28E	118.40	120.00	117.00	115.50
Grassy, Lake 17 37S 30E	92.10	91.50	88.50	87.50
Harry, Lake 1 36S 29E	67.60	67.50	63.00	62.00
Henry, Lake 25 36S 29E	75.13	75.50	73.00	72.50
Hill, Lake 17 36S 29E	101.00	99.25	96.00	94.50
Huckleberry Lake 7 35S 29E	104.80	104.50	102.00	101.00
Huntley, Lake 5 37S 30E	83.40	83.75	81.00	79.50
Josephine, Lake 32 35S 29E	72.70	72.50	69.00	68.50
June-in-Winter, Lake 34 36S 29E	75.13	75.50	73.00	72.50
Lake Lachard 36 36S 29E	79.56	78.50	76.00	74.00
Lelia, Lake 34 33S 29E	113.00	114.50	112.50	110.50
Little Bonnet Lake 36 33S 28E	101.70	100.00	97.00	96.00
Little Red Water Lake 14 36S 29E	104.10	103.25	100.50	98.50
Lost Lake 12 37S 29E	90.60	88.00	84.00	82.75
McCoy, Lake 6 37S 30E	87.39	87.00	84.00	82.00
Mirror, Lake 7 37S 30E	94.70	93.50	90.00	88.00
Center Nellie 13 36S 29E	73.20	71.50	67.00	65.00
Nellie N.W., Lake 13 36S 29E	73.20	71.50	67.00	65.00
Nellie S.E., Lake 13 36S 29E	73.20	71.50	67.00	65.00
Olivia, Lake 6 33S 28E	118.10	117.50	114.50	113.00
Pearl, Lake 6 37S 30E	87.27	87.00	84.00	82.00
Persimmon Lake 10 36S 29E	69.30	68.25	65.00	63.50
Pioneer, Lake 11 33S 28E	108.60	108.00	104.50	103.00
Placid, Lake 30 36S 30E	94.70	94.50	91.50	90.00
Pythias, Lake 2 33S 28E	101.20	101.00	98.00	95.00
Red Beach Lake 15 35S 29E	76.80	76.50	73.75	72.75
Red Water Lake 14 36S 29E	70.80	70.50	67.50	66.50
Ruth, Lake 18 35S 29E	94.20	94.00	91.50	90.00

Saddlebags, Lake 6 37S 30E	84.27	84.00	81.00	79.00
Sebring, Lake 14 34S 28E	107.60	107.25	104.50	103.00
Simmons, Lake 24 36S 29E	74.30	72.50	68.00	66.50
Sirena, Lake 1 37S 29E	87.27	87.00	84.00	82.00
Trout Lake 34 32S 28E	100.60	101.00	98.00	95.00
Tulane, Lake 27 33S 28E	120.50	120.00	116.00	114.00
Unnamed Lake (B) 20 37S 30E	92.10	91.50	88.50	87.50
Unnamed Lake (F) 24 36S 29E	78.50	78.00	74.00	72.00
Verona, Lake 23 33S 28E	123.00	119.00	115.25	113.00
Viola, Lake 14 33S 28E	112.20	109.50	105.75	104.00
Wolf Lake 24 35S 28E	93.80	92.50	90.00	88.00
(j) In Hillsborough County Within the Alafia River Basin LAKES				
Carlton Lake	93.60	93.50	90.50	88.00
Edward Medard Reservoir	67.10	62.75	57.50	56.00
Grady Lake	40.70	39.00	36.00	34.00
Hickory Hammock Lake	32.80	32.25	30.50	29.00
Unnamed Lake #2	56.00	56.00	No Recommendation	
Wimauma, Lake	87.20	86.75	83.00	81.00
(k) In Hillsborough County Within the Hillsborough River Basin LAKES				
Bellows Lake (East Lake)	24.50	23.75	21.50	19.00
Burrell Lake	50.50	50.00	47.50	45.00
Commiston Lake	64.20	63.00	60.50	59.00
Eckles Lake	33.40	32.50	30.00	28.00
Egypt Lake	38.50	37.50	35.00	32.50
Gornto Lake	39.00	38.50	36.00	34.00
Hanna Lake	63.50	62.50	59.50	58.25
Hart Lake	67.20	66.00	64.00	63.00
Hog Island Lake	67.00	66.00	64.00	61.00
Hooker Lake	45.50	45.00	43.00	42.00
Kathy, Lake	43.50	43.50	42.50	42.00
Keene Lake	63.90	63.00	60.50	59.00
Kell Lake	67.30	66.00	63.50	62.50
Long Lake	52.00	50.25	48.00	46.00
Long Pond	48.50	46.50	44.00	42.00
Mud Lake (Lake Walden)	115.80	115.00	112.50	110.50
Thonotosassa, Lake	39.10	37.00	34.50	33.00
Unnamed Lake	63.40	63.00	60.50	59.00
Unnamed Lake	62.00	61.00	58.50	57.00
Valrico Lake	48.50	45.00	42.50	41.00
Weeks, Lake	43.80	43.25	41.00	39.50
(l) In Hillsborough County Within the Northwest Hillsborough Basin LAKES				
SWEETWATER CREEK WATERSHED				
Avis Lake 15 28S 18E	38.50	37.00	34.50	32.50
Bay Lake	47.00	46.75	44.00	42.50
Boat Lake	38.00	35.50	33.75	31.25
Brooker Lake	66.00	64.25	61.00	59.00

Carroll Lake	38.50	37.00	34.50	32.50
Chapman Lake	52.30	52.25	49.50	48.00
Cooper, Lake	64.00	61.75	59.75	57.00
Elaine, Lake 15 28S 18E	38.50	37.00	34.50	32.50
Gass Lake	51.50	49.50	46.25	44.50
George, Lake	51.00	48.00	45.00	42.00
Geraci, Lake	65.00	63.50	61.50	59.50
Halls Lake 3 28S 18E	50.70	50.00	47.50	46.00
Lipsey, Lake	42.50	41.50	39.00	37.00
Magdalene, Lake	50.70	50.00	47.50	46.00
Thomas, Lake	64.00	63.50	61.25	59.25
Twin Lake	34.00	32.00	30.00	27.75
White Trout Lake	38.50	36.50	34.00	32.50
ROCKY CREEK WATERSHED				
Allen, Lake	62.60	62.50	59.75	57.50
Armistead, Lake	46.50	44.00	40.50	39.00
Browns Lake	63.70	63.50	60.75	59.00
Harvey, Lake	62.90	62.50	60.25	58.00
Josephine, Lake	47.50	46.00	42.75	40.00
LeClare, Lake	53.50	52.00	49.50	47.00
Rock Lake	48.00	46.00	42.75	40.00
Starvation Lake	55.00	53.00	50.00	48.00
Turkey Ford Lake	55.00	54.00	51.50	50.00
Virginia Lake	63.00	62.50	60.25	58.00
DOUBLEBRANCH CREEK WATERSHED				
Hixon Lake	37.00	36.50	33.25	31.00
Unnamed Lake #1 2 28S 17E	38.90	37.50	35.00	34.50
Unnamed Lake #2 2 28S 17E	38.90	37.50	35.00	34.50
BROOKER CREEK WATERSHED				
Artillery, Lake 3 27S 17E	44.50	44.00	40.50	39.00
Buck Lake	35.50	35.00	32.00	29.50
Elizabeth Lake	54.00	53.00	51.00	49.00
Fern, Lake	48.00	46.00	43.00	41.50
Frances, Lake	42.50	40.50	38.00	36.00
Island Ford Lake	42.30	41.50	39.00	37.00
James Lake 23 27S 17E	47.70	46.50	43.50	42.00
Keystone Lake	43.20	42.00	39.75	39.00
Little Lake 23 27S 17E	47.70	46.50	43.50	42.00
Raleigh, Lake	43.30	42.50	38.00	35.00
Rogers, Lake				
NO LEVELS RECOMMENDED				
Velburton Lake	41.50	40.00	37.25	35.00
ANCLOTE RIVER WATERSHED				
Hiawatha, Lake	52.50	50.50	48.00	45.00
Osceola, Lake	47.40	46.50	44.50	42.50
(m) In Lake County Within the Green Swamp Basin				
(n) In Levy County Within the Withlacoochee River Basin				
(o) In Manatee County Within the Manasota Basin				
(p) In Marion County Within the Withlacoochee River Basin				
Bonable, Lake S31 T15 R18	65.10	64.00	61.50	59.50
Little Bonable, Lake S30 T15 R18	59.80	58.00	55.50	53.50
Tiger, Lake S32 T15 R18	65.10	64.00	61.50	59.50

(q) In Pasco County Within the Coastal Rivers Basin LAKES				
Crews Lake S16 T24S R18E	57.00	55.00	52.00	50.00
Garden Lake S16 T25S R16E	22.10	19.00	16.25	15.75
Pasco Lake S22 T24S R18E	67.50	67.00	64.00	62.00
Pierce Lake S9 T25S R18E	73.60	73.00	70.00	68.00
Richey Lake S3 T26S R16E	14.10	13.00	10.00	8.00
Unnamed Lake No. 22 S27 T24S R18E	62.60	62.50	59.50	57.50
Worrell, Lake (Bass Lake) S26 T25S R16E	22.10	19.00	16.25	15.75
(r) In Pasco County Within the Green Swamp Basin				
(s) In Pasco County Within the Hillsborough River Basin LAKES				
Catfish Lake S30 T25 R19	68.72	68.00	65.50	63.50
Cow (East) Lake S19 T26S R19E	78.63	78.50	76.00	75.00
Floyd, Lake S36 T26 R19	68.41	68.50	66.00	64.00
Gooseneck, Lake S29 T26 R19	75.10	73.50	71.00	69.00
Hog (Joyce) Lake S19 T26S R19E	76.66	76.50	73.50	72.50
Iola, Lake S15 T24S R20E	147.55	147.50	145.00	142.50
Jessamine, Lake S11 T24S R20E	144.18	142.00	138.00	136.00
JoAnn, Lake S30 T26 R19	68.72	68.00	65.50	63.50
King Lake S7 T26S R19E	73.58	73.50	71.50	69.50
King Lake (East) S22 T25S R20E	105.49	105.25	102.50	100.00
Moody Lake S10 T24S R20E	110.48	110.00	107.50	105.50
Myrtle, Lake S30 T26 R19	68.72	68.00	65.50	63.50
Saxon Lake S30 T26S R19E	71.34	71.25	69.00	67.50
Tampa (Turtle) Lake S32 T26 R19	66.00	65.50	63.00	61.00
Tom, Lake S30 T26 R19	68.72	68.00	65.50	63.50
Twin, Lake S28 T26 R19	68.35	67.50	65.00	63.00
Unnamed Lake #26 S25 T26 R18	68.75	68.00	65.50	63.50
(t) In Pasco County Within the Pinellas-Anclote River Basin LAKES				
Bass Lake (Holiday) S34 T26E R17S	48.80	48.75	45.75	45.00

Big Lake Vienna 23 26 18	70.70	70.25	67.00	65.00
Fishing Lake S34 T26E R17S	48.80	48.75	45.75	45.00
Geneva Lake (Mud) S26 T26E R17S	51.20	50.00	48.00	46.00
Linda, Lake 26 26 18	67.30	66.75	64.00	62.00
Little Moss (Como) Lake 35 26 18	67.00	66.00	63.00	62.00
Minniola, Lake S34 T26E R17S	51.20	50.00	48.00	46.00
Moss Lake 35 26 18	65.00	64.00	61.50	59.00
Seminole, Lake S35 T26E R17S	49.20	48.75	46.00	45.00
Thomas, Lake 11 26 18	75.60	75.00	72.50	71.50
Wistaria, Lake 2 26 18	74.90	74.00	71.00	69.00
(u) In Pasco County Within the Withlacoochee River Basin LAKES				
(v) In Pinellas County Within the Pinellas-Anclote River Basin LAKES				
Lake Tarpon Sec. Twsp.Rng. 7 27S 16E 8 27S 16E 16 27S 16E 17 27S 16E 18 27S 16E 19 27S 16E 20 27S 16E 21 27S 16E 28 27S 16E 29 27S 16E 30 27S 16E 32 27S 16E 33 27S 16E 4 28S 16E	4.20	3.80	2.20	1.00
(w) In Polk County Within the Alafia River Basin LAKES				
Scott, Lake	168.60	168.00	165.00	164.25
(x) In Polk County Within the Green Swamp Basin LAKES				
Agnes, Lake	135.20	135.75	134.75	130.75
Alfred, Lake S30 T27S R26	132.30	130.75	128.25	126.25
Arietta, Lake	144.00	144.00	141.00	138.00
Camp, Lake	133.40	134.50	132.00	130.00
Clearwater Lake	146.20	143.50	141.00	139.00
Cummings, Lake S31 T27 R26	131.50	131.00	127.50	125.50
Eva, Lake S29 T27 R26	132.30	131.50	129.00	127.00
Grassy Lake (Big Glades)	133.20	132.00	129.50	128.00

Griffin, Lake S30 T27 R26	132.30	131.50	129.00	127.00
Gum, Lake	132.60	131.00	128.50	126.00
Haines, Lake	129.70	128.75	126.50	124.50
Helene, Lake	144.80	144.00	141.00	139.00
Juliana, Lake	134.70	132.50	130.00	127.50
Little Lake Agnes	135.20	136.00	133.00	131.00
Little Van Lake	141.40	139.00	136.50	135.50
Mattie, Lake	134.70	132.50	130.00	127.50
Mud, Lake	141.80	141.50	137.75	136.00
Myrtle, Lake	141.70	141.00	138.50	136.50
Swoope, Lake	133.00	132.50	130.00	128.00
Tennessee, Lake	134.70	134.00	130.00	128.00
Van, Lake	133.00	132.75	130.00	128.00
Whistle, Lake	140.90	137.50	135.00	133.75
(y) In Polk County Within the Hillsborough River Basin LAKES				
Bonnet, Lake	146.40	148.00	145.00	142.50
Hunter, Lake	162.30	162.75	160.25	159.00
(z) In Polk County Within the Peace River Basin				
Ada, Lake S33 T28 R27	123.80	123.00	120.00	118.00
Altamaha, Lake S11 T30 R27	122.60	122.50	120.00	118.00
Amoret Lake 24 30 27	115.50	115.25	113.00	111.00
Annie, Lake S3 T29S R27E	122.10	119.00	116.00	114.00
Arianna, Lake 3 28 25E	137.10	137.00	134.50	132.50
Aurora, Lake 13 30 28	103.30	100.00	97.00	95.00
Banana, Lake 10 29 24E	106.75	106.50	103.50	102.00
Belle, Lake 11 30 27	123.60	120.00	117.00	115.00
Bess, Lake 18 29S 27E	125.50	125.25	123.00	121.00
Big Gum Lake 26 29 R28	95.50	95.00	92.00	89.00
Blue, Lake S13 T28 R25	149.80	149.00	146.50	144.50
Blue Lake 24 30S 27E	118.00	117.00	114.00	-
Bonnie, Lake S31 T29 R28	113.30	113.00	110.00	108.00
Bonny, Lake 20 28S 24E	130.90	130.50	128.00	126.00
Buckeye, Lake S22 T28S R26E	130.10	129.00	126.00	124.50
Buffum, Lake 12 31S 26E	132.75	132.25	129.25	-
Cannon, Lake 19 28S 26E	132.60	132.00	129.50	127.00
Connie, Lake 9 28S 26E	129.70	128.75	126.50	124.50
Cooper (Worth) S02 T30 R27	124.20	123.50	121.00	119.00
Crooked, Lake 1 31S 27E	122.60	122.00	118.50	-
Crystal Lake S02 T30 R27	121.40	121.25	118.00	115.00

Crystal Lake S21 T28 R27	122.90	122.00	119.00	117.00
Crystal Lake 23 29S 26E	130.00	129.50	127.00	125.00
Cypress Lake 36 29 28E	100.20	98.50	95.00	93.00
Lake Daisy S6 T29 R27	130.90	130.00	127.00	126.00
Lake Deer 25 28 25E	141.30	140.75	138.50	136.50
Dell, Lake S28 T28 R27	125.70	123.75	121.50	119.50
Lake Dexter S2 T29 R26	132.20	132.00	129.00	127.50
Dinner, Lake 15 29S 27E	120.90	118.50	116.00	114.00
Easy, Lake 19 30 28	115.50	115.25	113.00	111.00
Echo, Lake S05 T28 R26	132.30	131.00	128.00	126.00
Effie, Lake 3 30 27	119.60	118.00	115.00	113.00
Elbert, Lake S22 T28 R26	137.50	135.50	133.00	131.50
Eloise, Lake 3 29S 26E	132.60	132.00	129.50	127.00
Fannie, Lake 11 28S 26E	127.00	125.75	123.50	120.00
Lake Florence S35 T28 R26	128.80	128.75	127.00	125.00
Lake Fox S6 T29 R27	135.20	135.00	132.00	131.00
Garfield, Lake 5 30 26E	105.70	104.75	101.00	100.00
Gator, Lake 26 30S 26E	133.60	133.00	130.75	128.50
George, Lake S06 T28 R26	130.70	130.00	127.50	125.50
Gibson, Lake 25 27S 23E	144.20	143.50	141.50	141.50
Gordon, Lake S16 T28 R27	121.30	119.00	116.00	114.00
Lake Grassy 2 29 25E	134.80	129.00	126.50	125.50
Lake Gross (Grassy) S14 T29 R26	138.50	136.00	133.50	132.00
Hamilton, Lake 18 28S 27E	122.50	121.50	119.00	117.25
Hancock, Lake 8 29S 25E	102.40	99.00	96.00	94.00
Hart, Lake 24 29S 26E	124.70	124.50	122.00	120.00
Hartridge, Lake 8 28S 26E	132.60	132.00	129.50	127.00
Henry, Lake 16 31S 26E	160.10	159.00	156.00	154.00
Henry, Lake 36 27S 26E	127.00	126.50	124.50	122.50
Hickory, Lake 17 32S 28E	98.50	98.50	96.00	94.00
Howard, Lake 30 28S 26E	132.60	132.00	129.50	127.00
Ida, Lake 28 31S 28E	80.00	79.00	76.50	75.00

Ida, Lake S17 T28 R26	136.70	135.25	132.00	130.50
Idyl, Lake S16 T28 R26	134.90	134.00	131.50	130.00
Idylwild, Lake 18 28S 26E	132.60	132.00	129.50	127.00
Jessie, Lake 12 28S 25E	132.60	132.00	129.50	127.00
Josephine, Lake 13 30 27	121.30	120.00	116.50	114.50
Josephine, Lake S27 T28 R27	124.10	121.50	118.00	116.50
Lee, Lake S16 T28 R27	123.50	123.50	121.50	120.00
Lena, Lake 9 28S 25E	137.10	137.00	134.50	132.50
Leonore, Lake 10 31S 28E	87.40	87.00	84.50	83.00
Link, Lake 27 28S 26E	128.70	128.00	125.00	123.00
Little Aurora	103.30	100.50	98.00	96.00
Little Gum Lake 35 29S 28E	96.80	96.50	94.00	92.00
Little Lake Hamilton 5 28S 27E	122.50	121.50	119.00	117.25
LuLu, Lake 4 29S 26E	132.60	132.00	129.50	127.00
Lee, Lake 10 29S 27E	122.10	119.00	116.00	114.00
Mabel, Lake 11 29S 27E	114.50	110.75	107.00	105.00
Mariam, Lake 27 28S 26E	-	124.75	122.75	121.00
Marie, Lake S27 T28 R27	121.00	121.00	118.00	116.00
Martha, Lake S21 T28 R26	142.50	142.00	139.00	137.00
Maude, Lake S21 T28 R26	141.70	140.50	137.50	136.00
May, Lake 29 28S 26E	132.60	132.00	129.50	127.00
Medora, Lake S36 T27 R25	140.40	138.00	134.50	133.00
Menzie, Lake S28 T28 R27	127.00	122.00	120.00	118.00
Middle Lake Hamilton 7 28S 27E	122.50	121.50	119.00	117.25
Lake Millsite 11 29 25E	125.30	123.50	121.00	119.00
Mirror, Lake 20 28S 27E	132.60	132.00	129.50	127.00
Moody, Lake 17 31S R28E	92.80	93.50	91.00	89.00
Myrtle, Lake 19 29S 27E	118.70	118.50	116.50	114.50
Lake Ned S1 T29S R26	129.60	128.50	126.00	124.00
North Lake Wales S01 T30 R27	116.80	115.00	112.00	110.00
Otis, Lake 28 28S 25E	128.70	128.00	125.00	123.00
Pansy, Lake S08 T28 R26	130.00	129.00	126.50	124.50

Parker, Lake 32 29S 27E	122.50	122.00	119.50	117.50
Parker, Lake 8 28 24E	131.60	131.00	128.75	127.50
Parks, Lake 36 29S 28E	104.50	102.50	100.00	98.00
Polecat, Lake 27 30S 26E	142.40	142.00	139.50	137.50
Reedy, Lake 35 31S 28E	80.00	79.75	77.25	75.25
Reeves, Lake 13 29S 26E	125.10	124.50	122.00	120.00
Lake River S1 T29 R26	141.60	139.50	136.00	134.00
Rochelle, Lake 4 28S 26E	129.70	128.75	126.50	124.50
Round, Lake 13 29S 26E	129.40	129.25	126.50	124.50
Roy, Lake 34 28S 26E	132.60	132.00	129.50	127.00
Ruby, Lake 12 29S 26E	125.50	125.25	123.00	121.00
Ruth, Lake S28 T28 R27	123.50	121.50	117.50	115.50
Saddlebag, Lake 6 30S 29E	106.80	105.00	102.00	100.00
Saint Anne Lake 14 30 28	97.50	96.00	93.00	91.00
Sanitary (Marianna), Lake S01 T28 R25	138.60	137.50	135.00	133.00
Sara, Lake S17 T28 R27	122.50	121.50	119.00	117.25
Scott, Lake 18 29S 24E	168.60	168.00	165.00	164.25
Lake Sears 36 28 25E	143.20	141.00	138.00	136.00
Serena, Lake S12 T30 R27	125.30	118.00	115.00	113.00
Shipp, Lake 32 28S 26E	132.60	132.00	129.50	127.00
Silver, Lake 5 32S 28E	105.00	103.00	100.50	98.50
Silver, Lake S20 T28 R26	147.10	146.50	144.00	142.00
Smart, Lake 9 28S 26E	129.70	128.75	126.50	124.50
Lake Spirit 35 28 25E	134.10	131.50	129.00	127.00
Spring, Lake 20 28S 27E	132.60	132.00	129.50	127.00
Starr, Lake 14 29 27	115.50	113.00	110.00	108.00
Streety Lake 24 32S 27E	108.70	105.50	102.50	101.00
Summit, Lake 34 28S 26E	132.60	132.00	129.50	127.00
Sunset Lake 10 30 28	101.10	98.00	95.50	93.50
Surveyors, Lake 26 30S 26E	133.60	133.00	130.75	128.50
Thomas, Lake 1 30E 28E	104.20	99.50	97.00	95.00
Lake Thomas 35 28 25E	135.60	132.00	128.00	126.00

Tractor Lake 14 30 27	125.00	123.25	121.00	119.00
Trask, Lake S22 T28 R27	114.90	113.00	108.00	106.00
Trout, Lake 34 32S 28E	100.60	101.00	98.00	95.00
Twin Lakes S11 T30 R27	124.10	123.75	120.00	118.00
Venus, Lake 9 29S 27E	126.10	125.00	122.00	120.00
Walker, Lake 21 30S 26E	143.00	141.00	137.00	135.00
Warren, Lake S11 T30 R27	124.60	123.50	121.00	119.00
Weader (Weaver), Lake S03 T30 R27	122.00	121.75	119.00	117.00
Winterset, Lake 11 29S 26E	132.60	132.00	129.50	127.00
(aa) In Sarasota County Within the Manasota Basin				
(bb) In Sumter County Within the Green Swamp Basin				
(cc) In Sumter County Within the Withlacoochee River Basin LAKES				
Cherry Lake S24 T18S R23E	56.70	55.00	53.00	51.00

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.042, 373.0421, 373.086 FS. History--New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 1-1-07, 2-12-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-10.0015
RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The purpose and effect is to establish standards of practice for electrical contractors.

SUMMARY: Standards of practice for electrical contractors are established.

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

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

SPECIFIC AUTHORITY: 489.507(3), 489.516(2), 489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) FS.

LAW IMPLEMENTED: 489.503, 489.533(2), 455.227(2) 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: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.0015 Standards of Practice.

(1) The Board establishes the following as standards of practice in electrical and alarm system contracting:

(a) An electrical or alarm system contractor shall, prior to engaging or contracting with another entity and or person for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S., verify that the entity and or person is certified or registered with the State of Florida.

(b) An electrical or alarm system contractor shall maintain documentation of his or her verification of licensure of all entities or persons that he or she engages or contracts with for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S. At a minimum, documentation shall include proof of the entities' or persons' current Florida certification or registration.

(c) An electrical or alarm system contractor shall pull a building permit from the local building department, prior to performing any electrical or alarm system contracting, unless otherwise exempted pursuant to Section 489.503, F.S.

(2) It shall constitute negligence, incompetence, and/or misconduct in the practice of electrical or alarm system contracting, as set forth in Section 489.533(1)(f), F.S., for an electrical or alarm system contractor to fail to comply with the standards of practice set forth in above.

Specific Authority 489.507(3), 489.516(2), 489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) FS. Law Implemented 489.503, 489.533(2), 455.227(2) FS. History—New _____.

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: September 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-4.241
RULE TITLE: Whole Effluent Toxicity Limits
PURPOSE AND EFFECT: The Department proposes to specify whole effluent acute and chronic toxicity compliance limits for facilities subject to whole effluent toxicity testing.

SUMMARY: The proposed rule amendment will specify whole effluent acute and chronic toxicity limits for facilities subject to whole effluent toxicity testing.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.121, 403.131, 403.141, 403.161 FS.

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

DATE AND TIME: January 29, 2008, 10:00 a.m.

PLACE: Environmental Regulation Commission, Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nancy Ross with the Bureau of Water Facilities Regulation at (850)245-8419. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nancy Ross, Division of Water Resource Management, Florida Department of Environmental Protection, Mail Station 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419, e-mail: Nancy.Ross@dep.state.fl.us, or facsimile (850)412-0662

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.241 Whole Effluent Toxicity Limits.

(1) Facilities subject to whole effluent toxicity testing as identified in subsection 62-620.620(3), F.A.C., shall meet the following whole effluent toxicity limitations unless a mixing zone as specified in paragraphs 62-4.244(3)(a) through (d), F.A.C., or a variance has been approved by the Department.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 100% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 100% effluent.

(2) Facilities granted a chronic toxicity mixing zone in accordance with paragraph 62-4.244(3)(a), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 100% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than the effluent concentration allowed by the mixing zone.

(3) Facilities with high rate dilution permitted under paragraph 62-4.244(3)(b), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 30% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 10% effluent.

(4) Facilities permitted as open ocean discharges under paragraph 62-4.244(3)(c), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For acute whole effluent toxicity, the LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 30% effluent; and

(b) For chronic whole effluent toxicity, the IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 10% effluent.

(5) Water Treatment facilities granted a mixing zone for demineralization concentrate in accordance with paragraph 62-4.244(3)(d), F.A.C., shall meet the following whole effluent toxicity limitations.

(a) For small water utility businesses, as defined in Section 403.0882(2)(b), F.S., the acute whole effluent toxicity LC50, as defined in subsection 62-302.200(1), F.A.C., shall not be less than 20% effluent. For demineralization concentrate discharges other than small water utility businesses, the LC50 shall not be less than the effluent concentration allowed by the mixing zone and shall not be less than 20% effluent; and

(b) For small water utility businesses, the chronic whole effluent toxicity IC25, as defined in subsection 62-302.200(14), F.A.C., shall not be less than 20% effluent. For demineralization concentrate discharges other than small water utility businesses, the IC25 shall not be less than the effluent concentration allowed by the mixing zone.

Specific Authority 403.061, 403.087, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.121, 403.131, 403.141, 403.161 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary, Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-204.800
 RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through October 31, 2007, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 51, 52, 60, 63, 65, 72, 75 and 96.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) No change.

(2) Title 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 CFR Part 51, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 51, Subpart F, Procedural Requirements; amended January 18, 2007, at 72 FR 2193; amended July 16, 2007, at 72 FR 38787.

2. through 5. No change.

(b) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) 40 CFR Part 52, Subpart A, General Provisions; amended June 13, 2007, at 72 FR 32526; amended July 16, 2007, at 72 FR 38787.

(b) 40 CFR Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743; amended October 12, 2007, at 72 FR 58016.

(4) through (7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) through (d) No change.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081; amended September 7, 2007, at 72 FR 51365.

3. No change.

4. 40 CFR 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081; amended September 7, 2007, at 72 FR 51365.

5. through 6. No change.

7. 40 CFR 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended September 7, 2007, at 72 FR 51365.

8. 40 CFR 60, Appendix A-8, Test Methods 26 through 30B 29; amended September 7, 2007, at 72 FR 51493.

9. through 12. No change.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) through (g) No change.

(h) Coal-Fired Electric Steam Generating Units. 40 CFR 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units, revised as of July 1, 2005, amended June 9, 2006, at 71 FR 33388; amended October 19, 2007, at 72 FR 59190, is hereby adopted and incorporated by reference, subject to the provisions set forth at Rule 62-296.480, F.A.C.

(10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 60. No change.

61. 40 CFR 63, Subpart DDDD, Plywood and Composite Wood Products; promulgated July 30, 2004, at 69 FR 45943; amended February 16, 2006, at 71 FR 8341; amended April 20, 2006, at 71 FR 20445; amended October 29, 2007, at 72 FR 61060; except that the Secretary is not the Administrator for purposes of 40 CFR 63.2291(c)(1) through (5).

62. through 102 No change.

103. 40 CFR 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources; promulgated January 23, 2007, at 72 FR 2929; amended July 3, 2007, at 72 FR 36363; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11152(c)(1) through (5).

104. 40 CFR 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources; promulgated January 23, 2007, at 72 FR 2929; amended July 3, 2007, at 72 FR 36363; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11159(c)(1) through (4).

105. No change.

106. 40 CFR 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, promulgated July 16, 2007, at 72 FR 38863; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11399(b)(1) through (4).

107. 40 CFR 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, promulgated July 16, 2007, at 72 FR 38863; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11406(b)(1) through (4).

108. 40 CFR 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds, promulgated July 16, 2007, at 72 FR 38863; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11413(b)(1) through (4).

109. 40 CFR 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources, promulgated July 16, 2007, at 72 FR 38863; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11420(b)(1) through (4).

110. 40 CFR 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, promulgated July 16, 2007, at 72 FR 38863; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11427(b)(1) through(4).

111. 40 CFR 63, Subpart QOOOOO, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, promulgated July 16, 2007, at 72 FR 38863; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11434(b)(1) through (4).

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2006, at 72 FR 2929; amended May 16, 2007, at 72 FR 27437; amended July 16, 2007, at 72 FR 38863; amended October 29, 2007, at 72 FR 61060; except that the Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

2. through 5. No change.

(12) No change.

(13) Title 40, Code of Federal Regulations, Part 65, Consolidated Federal Air Rule. The following subparts of 40 CFR Part 65, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 CFR 65, Subpart A, General Provisions; amended April 20, 2006, at 71 FR 20445; amended August 27, 2007, at 72 FR 48938.

(b) through (g) No change.

(14) through (15) No change.

(16) Title 40, Code of Federal Regulations, Part 72, Permits Regulation.

(a) The following subparts of 40 CFR Part 72, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 72, Subpart A, Acid Rain Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended September 7, 2007, at 72 FR 51493.

2. 40 CFR 72, Subpart B, Designated Representative; amended April 28, 2006, at 71 FR 25327; amended October 19, 2007, at 72 FR 59190.

3. through 9. No change.

(b) No change.

(17) through (18) No change.

(19) Title 40, Code of Federal Regulations, Part 75, Continuous Emission Monitoring.

(a) The following subparts of 40 CFR Part 75, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 75, Subpart B, Monitoring Provisions; amended September 7, 2007, at 72 FR 51493.

3. 40 CFR 75, Subpart C, Operation and Maintenance Requirements; amended September 7, 2007, at 72 FR 51493.

4. through 9. No change.

(b) No change.

(20) through (25) No change.

(26) Title 40, Code of Federal Regulations, Part 96, NO_x Budget Trading Program and CAIR NO_x and SO₂ Trading Programs for State Implementation Plans. The following subparts of 40 CFR Part 96, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference.

(a) Subpart AA, CAIR NO_x Annual Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792; amended October 19, 2007, at 72 FR 59190.

(b) through (g) No change.

(h) Subpart AAA, CAIR SO₂ Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792; amended October 19, 2007, at 72 FR 59190.

(i) through (m) No change.

(n) Subpart AAAA, CAIR NO_x Ozone Season Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792; amended October 19, 2007, at 72 FR 59190.

(o) through (t) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-07.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.200
 RULE TITLE: Definitions

PURPOSE AND EFFECT: This rulemaking revises the definitions of acute and chronic toxicity found in Chapter 62-302, F.A.C. The rule specifies an Inhibition Concentration 25 percent as a definition of chronic toxicity applicable to single substances and mixtures, including effluents.

SUMMARY: The proposed rule amendment will revise the definitions of acute and chronic toxicity and add a definition for Inhibition Concentration 25 percent.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS.

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

DATE AND TIME: January 29, 2008, 10:00 a.m.

PLACE: Environmental Regulation Commission, Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nancy Ross with the Bureau of Water Facilities Regulation at (850)245-8419. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nancy Ross, Division of Water Resource Management, Florida Department of Environmental Protection, Mail Station 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419, e-mail: Nancy.Ross@dep.state.fl.us, or facsimile (850)412-0662

THE FULL TEXT OF THE PROPOSED RULE IS:

62-302.200 Definitions.

(1) “Acute Toxicity” shall mean a concentration greater than one-third (1/3) of the amount lethal to 50% of the test organisms in 96 hours (96 hr LC₅₀) for a species protective of the indigenous aquatic community for a substance not identified in paragraph 62-302.500(1)(c), F.A.C., or for mixtures of substances, including effluents. ~~“Acute Toxicity” shall mean the presence of one or more substances or characteristics or components of substances in amounts which:~~

~~(a) are greater than one third (1/3) of the amount lethal to 50% of the test organisms in ninety-six (96) hours (96 hr LC₅₀) where the 96 hr LC₅₀ is the lowest value which has been determined for a species significant to the indigenous aquatic community; or~~

~~(b) may reasonably be expected, based upon evaluation by generally accepted scientific methods, to produce effects equal to those of the concentration of the substance specified in paragraph (a) above.~~

(2) through (3) No change.

(4) “Chronic Toxicity” shall mean the presence of one or more substances or characteristics or components of substances in amounts which:

~~(a) For a substance without an aquatic life-based criterion in Rule 62-320.530, F.A.C., and where chronic toxicity studies evaluating the toxicity of the substance are available, or for mixtures of substances, including effluents, chronic toxicity shall mean the concentration that equals or exceeds the IC₂₅ on species protective of the indigenous aquatic community; or Are greater than one-twentieth (1/20) of the amount lethal to 50% of the test organisms in ninety-six (96) hours (96 hr LC₅₀) where the 96 hr LC₅₀ is the lowest value which has been determined for a species significant to the indigenous aquatic community; or~~

~~(b) For a substance without an aquatic life-based criterion in Rule 62-302.530, F.A.C., and where chronic toxicity studies evaluating the toxicity of the substance on species protective of the indigenous aquatic community are not available, the chronic toxicity of a substance shall be established as a concentration greater than one-twentieth (1/20) of the amount lethal to 50% of the test organisms in 96 hours (96 hr LC₅₀) for a species protective of the indigenous aquatic community. May reasonably be expected, based upon evaluation by generally accepted scientific methods, to produce effects equal to those of the concentration of the substance specified in paragraph (a) above.~~

(5) through (13) No change.

(14) “IC₂₅” or “Inhibition Concentration 25%” shall mean the concentration of toxicant that causes a 25% reduction in a biological response such as biomass, growth, fecundity, or reproduction in the test population when compared to the control population response.

(14) through (32) renumbered (15) through (33) No change.

Specific Authority 403.061, ~~403.062~~, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.031, 403.061, ~~403.062~~, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History—New 5-29-90, Amended 2-13-92, Formerly 17-302.200, Amended 1-23-95, 5-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary, Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-620.620 RULE TITLE: Guidelines for Establishing Specific Permit Conditions

PURPOSE AND EFFECT: The Department proposes to add a new section to Chapter 62-620, F.A.C., to identify facilities subject to whole effluent toxicity testing. The proposed rule will also specify acute and chronic whole effluent toxicity permit requirements.

SUMMARY: The proposed rule will identify facilities subject to whole effluent toxicity testing and specify acute and chronic whole effluent toxicity permit requirements.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.087, 403.088, 403.0885, 403.141, 403.161 FS.

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

DATE AND TIME: January 29, 2008, 10:00 a.m.

PLACE: Environmental Regulation Commission, Florida Department of Environmental Regulation, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nancy Ross with the Bureau of Water Facilities Regulation at (850)245-8419. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nancy Ross, Division of Water Resource Management, Florida Department of Environmental Protection, Mail Station 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419, e-mail: Nancy.Ross@dep.state.fl.us, or facsimile (850)412-0662

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.620 Guidelines for Establishing Specific Permit Conditions.

(1) through (2) No change.

(3) Whole Effluent Toxicity Testing.

(a) Whole effluent toxicity testing shall be required for the following wastewater facilities that discharge to surface waters:

1. Major wastewater facilities;

2. Minor domestic wastewater facilities with an approved pretreatment program or required to develop a pretreatment program;

3. Minor industrial wastewater facilities with a discharge that has the potential to result in aquatic toxicity; and

4. Any wastewater facility, regardless of size, which has a prior history of effluent toxicity.

(b) Unless provided elsewhere in this rule, facilities required to conduct whole effluent toxicity testing shall conduct chronic definitive tests starting with 100% effluent using a minimum of five dilution concentrations in accordance with paragraph 62-620.620(3)(g), F.A.C. Acute definitive tests shall not be required unless 50 percent or greater mortality is observed in any test concentration.

(c) Facilities with high rate dilution permitted under paragraph 62-4.244(3)(b), F.A.C., that are required to conduct whole effluent toxicity testing shall conduct acute definitive tests starting with 60% effluent using a minimum of five dilution concentrations in accordance with paragraph 62-620.620(3)(h), F.A.C. Chronic definitive tests shall not be required.

(d) Open Ocean Discharge facilities permitted under paragraph 62-4.244(3)(c), F.A.C., that are required to conduct whole effluent toxicity testing shall conduct chronic definitive tests starting with 60% effluent and using a minimum of five dilution concentrations in accordance with paragraph 62-620.620(3)(g), F.A.C.

1. Acute definitive tests shall not be required unless acute effects, as identified in paragraph 62-4.241(4)(a), F.A.C., are observed in the chronic definitive tests.

2. At the time of each permit renewal, a facility permitted under paragraph 62-4.244(3)(c), F.A.C., may submit data for three consecutive independent chronic whole effluent toxicity tests each spaced at least two months apart and representative of seasonal variations and flow. If all three tests meet the chronic whole effluent toxicity test limitations in paragraph 62-4.241(4)(b), F.A.C., then the facility may request that the permit renewal be issued with acute whole effluent toxicity testing according to paragraph 62-620.620(3)(h), F.A.C., in place of chronic whole effluent toxicity testing.

(e) Water treatment facilities that discharge demineralization concentrate, that have been granted a mixing zone under paragraph 62-4.244(3)(d), F.A.C., and that are required to conduct whole effluent toxicity testing shall conduct chronic definitive tests starting with 100% effluent and using a minimum of five dilution concentrations in accordance with paragraph 62-620.620(3)(g), F.A.C. Acute definitive tests shall not be required unless acute effects as identified in paragraph 62-4.241(5)(a), F.A.C., are observed in the chronic definitive tests.

(f) Facilities with intermittent discharges at frequencies and durations that do not enable sampling according to Section 8.3., in Methods EPA-821-R-02-013 and EPA-821-R-02-014 shall be required to conduct acute definitive tests starting with 100% effluent and using a minimum of five dilution concentrations in accordance with paragraph 62-620.620(3)(h), F.A.C. Chronic definitive tests shall not be required.

(g) Monitoring for chronic definitive whole effluent toxicity tests shall be as follows:

1. Monitoring Frequency. "Routine" toxicity tests are whole effluent toxicity tests conducted at regularly scheduled intervals once every three months unless otherwise specified in the facility's permit.

2. Sample and Test Requirements.

a. Three 24-hour flow-proportioned composite samples of final effluent shall be collected in accordance with Section 8.3., in Methods EPA-821-R-02-013 and EPA-821-R-02-014 for each test conducted. If the duration of the discharge during a 24-hour composite sampling interval is less than 24-hours, the duration of the discharge shall be included in the facility's report.

b. Test species, procedures, and quality assurance criteria shall be in accordance with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, 3rd ed., EPA-821-R-02-014, incorporated herein by reference; or *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, 4th ed., EPA-821-R-02-013, incorporated herein by reference.

c. The permittee shall conduct 7-day chronic toxicity tests for survival and growth with the mysid shrimp, *Americamysis (Mysidopsis) bahia*, EPA Method #1007.0 and the inland silverside, *Menidia beryllina*, EPA Method #1006.0, concurrently, if the effluent salinity is 1.0 part per thousand or greater measured as conductivity and the discharge is to predominantly marine waters, as defined in Rule 62-302.200, F.A.C.

d. The permittee shall conduct 7-day chronic toxicity tests for survival and reproduction with the daphnid, *Ceriodaphnia dubia*, EPA Method #1002.0, and for survival and growth with the fathead minnow, *Pimephales promelas*, EPA Method #1000.0, concurrently, if the effluent salinity is less than 1.0 part per thousand measured as conductivity or when the discharge is to predominantly fresh waters, as defined in Rule 62-302.200, F.A.C.

e. If the effluent salinity is less than 1.0 part per thousand measured as conductivity, and the effluent chloride concentration is greater than 230 milligrams per liter, and the discharge is to predominantly marine waters, the permittee may conduct 7-day chronic toxicity tests for survival and growth with the mysid shrimp, *Americamysis (Mysidopsis) bahia*, EPA Method #1007.0, and the inland silverside, *Menidia beryllina*, EPA Method #1006.0, concurrently.

f. The whole effluent toxicity test species shall be determined based on the effluent salinity at the edge of the mixing zone for facilities that discharge to predominantly marine waters and that have been granted chronic toxicity mixing zones under paragraph 62-4.244(3)(a), F.A.C. The salinity at the edge of the mixing zone is determined by diluting the effluent to the concentration at the edge of the mixing zone with dilution water adjusted to the minimum salinity of the receiving water. The whole effluent toxicity test species shall be freshwater species if the discharge is to predominantly fresh waters.

g. For freshwater species, the control water and dilution water used shall be moderately hard water as described in EPA-821-R-02-013, Section 7. For saltwater species, the control water and dilution water used shall be artificial seawater diluted to the test salinity as described in EPA-821-R-02-014, Section 7.2. The test salinity shall be determined as follows:

(I) For the *A. bahia* bioassays, the effluent shall be adjusted to a salinity of 20 parts per thousand for the 100% effluent test using artificial sea salts as described in EPA-821-R-02-014, Section 7.2. The salinity of the control/dilution water (0% effluent) shall be 20 parts per thousand. When the salinity of the effluent is greater than 20 parts per thousand, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. For facilities granted a chronic toxicity mixing zone, if the effluent salinity at the edge of the mixing zone as described in sub-subparagraph 62-620.620(3)(g)2.f., F.A.C., is greater than

20 parts per thousand, the salinity of the effluent and the control/dilution water (0% effluent) may be adjusted to match the minimum salinity of the effluent at the edge of the mixing zone, but shall not exceed the salinity range of the method.

(II) For the *M. beryllina* bioassays, when the salinity of the effluent is between 1 and 5 parts per thousand, the effluent shall be adjusted to a salinity of 5 parts per thousand using artificial sea salts as described in EPA-821-R-02-014, Section 7.2. When the salinity of the effluent is greater than 5 parts per thousand, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water (0% effluent) shall be 5 parts per thousand. For facilities granted a chronic toxicity mixing zone, if the effluent salinity at the edge of the mixing zone as described in sub-subparagraph 62-620.620(3)(g)2.f., F.A.C., is greater than 5 parts per thousand, the salinity of the effluent and control/dilution water (0% effluent) may be adjusted to match the minimum salinity of the effluent at the edge of the mixing zone, but shall not exceed the salinity range of the method.

h. If 100% mortality occurs in all effluent concentrations before the end of any test, and control mortality is less than 20% at that time, the test (including the control) shall be terminated with the conclusion that the test fails.

i. If a chronic definitive test is invalid as established in EPA methods EPA-821-R-02-013 and EPA-821-R-02-014, a retest must be started within 14 days after the last day of the invalid chronic definitive test.

(h) Monitoring for acute definitive whole effluent toxicity tests shall be as follows:

1. Monitoring Frequency.

a. The monitoring frequency for facilities required to conduct routine acute definitive tests in accordance with paragraph 62-620.620(3)(c), F.A.C., shall be as required in subparagraph 62-620.620(3)(g)1., F.A.C.

b. The monitoring frequency for facilities required to conduct routine acute definitive tests in accordance with paragraph 62-620.620(3)(f), F.A.C., shall be established based on the frequency and characteristics of the discharge.

2. Sample and Test Requirements.

a. Tests shall be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period to catch any peaks of toxicity and to account for daily variations in effluent quality. The four grab samples, while used in eight bioassays (four bioassays for each species), represent one test. If the duration of the discharge is less than 24-hours, the duration of discharge shall be documented in the facility's report.

b. Test species, procedures, and quality assurance criteria shall be in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5th ed., EPA-821-R-02-012, incorporated herein by reference.

c. The permittee shall conduct 96-hour acute static renewal toxicity tests with the mysid shrimp, *Americamysis (Mysidopsis) bahia*, and the inland silverside, *Menidia beryllina*, concurrently, if the effluent salinity is 1.0 part per thousand or greater measured as conductivity and the discharge is to predominantly marine waters, as defined in Rule 62-302.200, F.A.C.

d. The permittee shall conduct 96-hour acute static renewal toxicity tests with the daphnid, *Ceriodaphnia dubia*, and the bannerfin shiner, *Cyprinella leedsi*, concurrently, if the effluent has a salinity of less than 1.0 part per thousand measured as conductivity or when the discharge is to predominantly fresh waters, as defined in Rule 62-302.200, F.A.C.

e. For facilities granted acute toxicity relief under paragraphs 62-4.244(3)(b) through (d), F.A.C., and that discharge to predominantly marine waters, the whole effluent toxicity test species shall be determined based on the salinity of the effluent diluted to the whole effluent acute toxicity limits in subsections 62-4.241(3) through (5), F.A.C., with control water adjusted to the minimum salinity of the receiving water.

f. For freshwater species, the control water and dilution water used shall be moderately hard water as described in EPA-821-R-02-012, Table 7. For saltwater species, the control water and dilution water used shall be artificial seawater diluted to the test salinity as described in EPA-821-R-02-012, Section 7.2.4. The test salinity shall be determined as follows:

(I) When the salinity of the effluent is between 1 and 7 parts per thousand, the following salinity adjustment shall be used. For the *A. bahia* bioassays, the effluent shall be adjusted to a salinity of 7 parts per thousand for the 100% effluent test using artificial sea salts. The control/dilution water shall be adjusted to 7 parts per thousand. No salinity adjustment shall be made for the *M. beryllina* bioassay test. The salinity of the control/dilution water (0% effluent) shall be adjusted to match the salinity of the effluent.

(II) When the salinity of the effluent is greater than 7 parts per thousand, no salinity adjustment shall be made to the effluent and the tests shall be run at the effluent salinity.

g. If 100% mortality occurs in all effluent concentrations before the end of any test, and control mortality is less than 10% at that time, the test (including the control) shall be terminated with the conclusion that the test fails.

h. If an acute definitive test is invalid as established in EPA method EPA-821-R-02-012, a retest must be started within 14 days of the last day of the invalid acute test.

(i) Acute and Chronic Whole Effluent Toxicity Test Failures.

1. A whole effluent toxicity test fails when the test does not meet the applicable acute or chronic whole effluent toxicity limits in Rule 62-4.241, F.A.C.

2. If a routine test fails, the permittee shall notify the Department within 21 days after the last day of the routine test.

3. The permittee shall conduct two additional follow-up tests on each species that failed the routine test. The first additional follow-up test shall be initiated within 28 days after the last day of the end of the failed routine test and weekly thereafter until a total of two valid additional follow-up tests are completed. If needed for intermittent discharges, the additional follow-up tests shall be initiated at the next discharge occurrence. The additional follow-up tests are intended to determine whether the whole effluent toxicity test failure of a facility's effluent is intermittent or persistent.

a. Chronic whole effluent toxicity additional follow-up tests shall be conducted according to the monitoring procedures in paragraph 62-620.620(3)(g), F.A.C. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity, such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run.

b. Acute whole effluent toxicity additional follow-up tests shall be conducted according to the monitoring procedures in paragraph 62-620.620(3)(h), F.A.C., except that the second additional follow-up test shall be run on a single grab sample collected on the same day of the week and time when the greatest toxicity was identified in the routine or first additional follow-up test. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity, such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run.

4. In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.

a. The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.

b. The plan shall be approved by the Department before initiation.

c. The plan shall be initiated within 30 days following the Department's written approval of the plan. The permittee shall submit progress reports to the Department every three months to the address specified in the facility's permit.

d. During the period of time that the approved plan is ongoing, the permittee shall conduct routine whole effluent toxicity testing at the frequency of once every three months, but shall not be required to perform additional follow-up tests. If a routine test is invalid as established in EPA Methods, EPA-821-R-02-012, EPA-821-R-013, or EPA-821-R-014, a retest must be started within 14 days after the end of the invalid test.

e. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up whole effluent toxicity tests shall return to the schedule

established in the facility wastewater permit. The permittee may terminate the plan at any time upon written verification by the Department that the facility has passed at least four consecutive valid routine whole effluent toxicity tests.

5. The additional follow-up testing and the plan required in subparagraphs 62-620.620(3)(i)3. and 4., F.A.C., do not preclude enforcement action.

(j) Acute and Chronic Whole Effluent Toxicity Tests Reporting Requirements.

a. The permittee shall mail a bioassay laboratory report for each routine test to the Department at the address specified in the permit within 30 days after the last day of the routine test. For additional follow-up tests, the bioassay laboratory report shall be mailed to the Department at the address specified in the permit within 30 days after the last day of the second valid follow-up test.

b. The laboratory reports shall be prepared according to Section 10, Report Preparation and Test Review, of the method required by sub-subparagraph 62-620.620(3)(g)2.b., F.A.C., for chronic whole effluent toxicity tests or Section 12, Report Preparation and Test Review of the method required by sub-subparagraph 62-620.620(3)(h)2.b., F.A.C., for acute whole effluent toxicity tests.

c. All invalid test results shall be submitted with the repeat test results to the Department at the address specified in the permit.

(k) The Department shall increase or decrease the whole effluent toxicity test requirements in this rule taking any of the following factors into consideration:

1. The variability of the pollutants or pollutant parameters in the effluent indicated by the facility's effluent characterization, the type of treatment facility, and types of industrial contribution to the influent of a domestic wastewater facility;

2. The dilution of the effluent in the receiving water indicated by the ratio of the effluent flow to the receiving water flow;

3. The degree of similarity between discharge points at facilities with multiple outfalls, where the sampling of one outfall is representative of more than one discharge point;

4. Site-specific considerations including the history of toxic impact or compliance problems at the wastewater facility which cause or contribute to adverse water quality impacts; or

5. The existing and historical land-use, as well as existing and historical analytical data, when considering discharges that are primarily composed of storm water run-off.

(3) through (4) renumbered (4) through (5) No change.

Specific Authority 403.061, 403.087, 403.8055 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.087, 403.088, 403.0885, 403.141, 403.161 FS. History--New 11-29-94, Amended 12-24-96, 10-23-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary, Regulatory Programs and Energy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.815, 483.823(1), 483.824 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.007
 RULE TITLE: Director; Limitations and Qualifications

PURPOSE AND EFFECT: The proposed rule amendment clarifies the qualifications of directors.

SUMMARY: This proposed rule sets forth the licensure requirements for those clinical laboratory personnel who are responsible for and assure the overall operation and administration of a clinical laboratory and fulfill the responsibilities specified in Rule 64B3-13.002, F.A.C.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 64B3-5.007 follows. See Florida Administrative Code for present text.)

64B3-5.007 Director; Limitations and Qualifications.

(1) All applicants for a Director license must have the qualifications for a High Complexity Laboratory Director, listed in 42 CFR 493.1443.

(2) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases, there are multiple options for meeting the requirements.

<u>Specialty</u>	<u>Option</u>	<u>Education</u>	<u>Training/Experience</u>	<u>Certification</u>
<u>All Specialties</u>	1	<u>Licensed physician (does not require a separate laboratory director license)</u>		<u>Certification in Clinical Pathology by the ABP or AOBP</u>
	2	<u>Licensed physician (does not require a separate laboratory director license)</u>		<u>Certification in the pertinent laboratory specialty by ABIM, AOBIM, ABMM, ABCC, ABNM, AOBNM, ABMG, ABB, ABMLI, ABHI</u>
	3	<u>Licensed physician (does not require a separate laboratory director license)</u>	<u>Four years of pertinent clinical laboratory experience (post-graduate), with two years experience in the specialty to be directed</u>	
<u>Histology, Cytology</u>		<u>Licensed physician (does not require a separate laboratory director license)</u>		<u>Certification in Anatomical Pathology or Cytopathology by ABP or AOBP. For dermatopathology only, certification in Dermatopathology by the ABD or AOBD</u>
<u>Oral Pathology Laboratories</u>		<u>Licensed physician or dentist (does not require a separate laboratory director license)</u>		<u>Certification in Anatomical Pathology by ABOP, ABP, or AOBP</u>

<u>Microbiology</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>Certification in Clinical Microbiology by ABMM, HCLD(ABB) with certification in Microbiology, or CLDir(NCA) as Generalist or with certification in Microbiology</u>
<u>Hematology</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>HCLD(ABB) in Hematology or CLDir(NCA) as Generalist with certification in Hematology.</u>
<u>Cytogenetics</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>Certification in Clinical Cytogenetics by ABMG</u>
<u>Serology/Immunology</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>Certification in Clinical Immunology by ABMLI, HCLD(ABB) with certification in Immunology, or CLDir(NCA) as Generalist</u>
<u>Clinical Chemistry</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>Certification in Clinical Chemistry by ABCC, HCLD(ABB) with certification in Chemistry, CLDir(NCA) as Generalist or with certification in Chemistry, or certification in Clinical Chemistry or Toxicological Chemistry by NRCC.</u>
<u>Andrology</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>HCLD(ABB) with certification in Andrology</u>
<u>Embryology</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>ELD(ABB) or HCLD(ABB) with certification in Embryology.</u>
<u>Histocompatibility</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>Diplomate of the ABHI or HCLD(ABB) with certification in Immunology.</u>
<u>Molecular Pathology</u>	<u>Doctoral Degree in a chemical, biological, or clinical laboratory science</u>	<u>Certification in Molecular Pathology by ABCC, certification in Molecular Genetics by ABMG, or HCLD(ABB) with certification in Molecular Diagnostics</u>

Specific Authority ~~483.051~~, 483.805(4) FS. Law Implemented ~~483.800~~, ~~483.041(5)~~, ~~483.051(1)~~, 483.809, ~~483.811(2)~~, ~~483.815~~, 483.823(1), 483.824 FS. History—New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, 3-24-02, 10-14-02, 4-20-04, 2-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-2.003
RULE TITLE: Licensure by Examination
PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify licensure requirements.

SUMMARY: The rule amendment will clarify licensure requirements.

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

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

SPECIFIC AUTHORITY: 456.017(1)(c), (6), 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 456.017(1)(c), 484.045, 484.0445(1) 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-2.003 Licensure by Examination.

Any person desiring to be licensed as a hearing aid specialist shall apply to the Department at least ninety (90) days prior to the date the examination is to be administered.

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

(d) Is a graduate of an accredited high school or at least its equivalent; ~~has taken all courses required for licensure pursuant to Section 456.013, F.S.;~~

(e) through (f) No change.

(g) Has taken all courses required for licensure pursuant to Section 456.013, F.S.

(2) through (3) No change.

Specific Authority 456.017(1)(c), (6), 484.044, 484.0445(1) FS. Law Implemented 456.017(1)(c), 484.045, 484.0445(1) FS. History--New 8-9-84, Amended 1-20-85, Formerly 21JJ-4.01, 21JJ-4.001, Amended 12-21-86, 5-22-90, 3-5-91, Formerly 21JJ-2.003, Amended 8-18-93, 6-28-95, Formerly 61G9-2.003, Amended 1-24-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-3.003
 RULE TITLE: Delinquent Status Licenses

PURPOSE AND EFFECT: The Board proposes the rule amendment to include applicability of delinquent status to "retired" status; and to clarify portions of the rule.

SUMMARY: The rule amendment will include applicability of delinquent status to "retired" status; and to clarify portions of the rule.

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

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

SPECIFIC AUTHORITY: 456.036, 484.044(1) FS.

LAW IMPLEMENTED: 456.036 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-3.003 Delinquent Status Licenses.

(1) No change.

(2) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed, ~~or~~ inactivated, or retired before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(3) The delinquent status licensee who applies for license renewal, ~~or~~ inactive, or retired status shall:

(a) File with the Board the completed application for ~~either~~ license renewal, ~~or~~ inactive, or retired status;

(b) Pay to the Board ~~either~~ the license renewal fee, ~~or~~ the inactive status fee, or the retired status fee, the delinquency fee, and if applicable the processing fee; and,

(c) No change.

Specific Authority 456.036, 484.044(1) FS. Law Implemented 456.036 FS. History--New 1-18-95, Formerly 61G9-3.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-5.001
RULE TITLE: Continuing Education as a Condition for Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to add certain language from Rule 64B6-5.002, F.A.C., for clarity and to clarify other portions of the rule.

SUMMARY: The rule amendment will add certain language from Rule 64B6-5.002, F.A.C., for clarity and to clarify other portions of the rule.

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

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

SPECIFIC AUTHORITY: 456.013(6), (8), 484.044, 484.047(1), (4) FS.

LAW IMPLEMENTED: 484.047(4) 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.001 Continuing Education as a Condition for Renewal.

(1) No change.

(a) The laws and rules course shall be taught by an ~~Board approved~~ instructor approved by the Board or its designee and shall include the following subject areas:

1. through 3. No change.

(b) No change.

(2) No change.

(3) Each Hearing Aid Specialist shall attend and certify attending two (2) hours and may take up to four (4) hours per biennium of continuing education which includes the topics of Human Immunodeficiency Virus, Acquired Immune

Deficiency Syndrome, and other communicable illness to protect both the recipient and dispenser; modes of transmission, infection control procedures, clinical management, and prevention of any communicable illness. Such continuing education shall be accepted by the Board toward the continuing education requirement. Dually-licensed individuals, under Chapter 456, F.S., shall only be required to take one HIV/AIDS course to satisfy the continuing education requirements for this Board.

(4) Each Hearing Aid Specialist shall attend and certify attending a Board-approved two-hour continuing education course relating to the prevention of medical errors. Licensees who are licensed under other professions regulated by Chapter 456, F.S., shall only be required to take one medical errors course to satisfy the continuing education requirements for this Board. The two-hour course shall count toward the total number of continuing education hours required for license renewal.

Specific Authority 456.013(6), (8), 484.044, 484.047(1), (4) FS. Law Implemented 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.001, Amended 8-5-87, 4-8-90, 8-21-90, 8-19-91, Formerly 21JJ-5.005, Amended 11-20-95, Formerly 61G9-5.005, Amended 9-23-99, 6-28-00, 11-9-00, 2-19-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-5.002
RULE TITLE: Continuing Education Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language that has been added to Rule 64B6-5.001, F.A.C., for clarity of the rule; and to clarify other portions of the rule.

SUMMARY: The rule amendment will remove unnecessary language that has been added to Rule 64B6-5.001, F.A.C., for clarity of the rule; and to clarify other portions of the rule.

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

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

SPECIFIC AUTHORITY: 456.013(6)-(9), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 456.013(6)-(9), 484.047(4) 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.002 Continuing Education Programs.

(1) through (7) No change.

~~(8) Effective for the biennium beginning in 2001, each Hearing Aid Specialist shall attend and certify attending two hours and may take up to four (4) hours per biennium of continuing education which includes the topics of Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome, and other communicable illness to protect both the recipient and dispenser; modes of transmission, infection control procedures, clinical management, and prevention of any communicable illness. Such continuing education shall be accepted by the Board toward the continuing education requirement prescribed in Rule 64B6-5.001, F.A.C. Up to four hours of continuing education relating to these topics shall be accepted for the 1999-2001 biennium. Dually licensed individuals, under Chapter 456, F.S., shall only be required to take one HIV/AIDS course to satisfy the continuing education requirements for this Board.~~

~~(9) Each Hearing Aid Specialist shall attend and certify attending a Board approved two hour continuing education course relating to the prevention of medical errors. Licensees who are licensed under other professions regulated by Chapter 456, F.S., shall only be required to take one medical errors course to satisfy the continuing education requirements for this Board. The 2-hour course shall count toward the total number of continuing education hours required for license renewal.~~

Specific Authority 456.013(6)-(9), 484.044, 484.047(4) FS. Law Implemented 456.013(6)-(9), 484.047(4) FS. History—New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, 3-24-02, 11-18-02, 9-13-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-6.008
RULE TITLE: Regular Place of Business Requirements; Advertising Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete language that if a licensee is self-employed, a statement of the place of business where the licensee’s license will be conspicuously displayed and explaining the circumstances or use satisfies requirements of rule; to clarify that advertising of hearing aid specialist services shall include the address or telephone number of the licensee’s regular place of business; and to clarify that licensee is required to provide written notification upon change of regular place of business.

SUMMARY: The rule amendment will delete language that if a licensee is self-employed, a statement of the place of business where the licensee’s license will be conspicuously displayed and explaining the circumstances or use satisfies requirements of rule; to clarify that advertising of hearing aid specialist services shall include the address or telephone number of the licensee’s regular place of business; and to clarify that licensee is required to provide written notification upon change of regular place of business.

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

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

SPECIFIC AUTHORITY: 456.035(1), 484.044 FS.

LAW IMPLEMENTED: 484.0501, 484.051, 484.058 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-6.008 Regular Place of Business Requirements; Advertising Requirements.

(1) through (2) No change.

~~(3) If the licensee is self-employed, a statement of the place of business where the licensee’s license will be conspicuously displayed, and explaining the circumstances of use, shall satisfy the requirement of this rule.~~

(3)(4) All advertising of hearing aid specialist services shall include the address of the licensee's regular place of business ~~or and~~ the telephone number of the regular place of business.

(4)(5) Within thirty (30) days of a change of the regular place of business, the licensee shall notify in writing the Executive Director of the Board of the change.

Specific Authority 456.035(1), 484.044 FS. Law Implemented 484.0501, 484.051, 484.058 FS. History--New 2-28-85, Formerly 21JJ-12.01, 21JJ-12.001, Amended 8-12-87, 3-5-91, Formerly 21JJ-6.007, 61G9-6.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-8.002
RULE TITLE: Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify requirements regarding discipline of sponsor and to limit the number of trainees a sponsor may train at one time.

SUMMARY: The rule amendment will clarify requirements regarding discipline of sponsor and to limit the number of trainees a sponsor may train at one time.

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

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

SPECIFIC AUTHORITY: 484.044, 484.0445 FS.

LAW IMPLEMENTED: 484.0445, 484.045 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.002 Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists.

(1) No change.

(2) through (2)(a) No change.

(b) The prospective sponsor must not have been disciplined during the past ~~four (4) two (2)~~ years, unless the discipline is for a minor violation under Rule 64B6-7.006, F.A.C., a citation, or a letter of concern, and all terms of any final order are satisfied; and

(c) A sponsor may not sponsor more than ~~three (3) five (5)~~ trainees at any one time.

(3) No change.

Specific Authority 484.044, 484.0445 FS. Law Implemented 484.0445, 484.045 FS. History--New 1-12-84, Formerly 21JJ-8.02, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.002, Amended 12-6-94, Formerly 61G9-8.002, Amended 6-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.450
RULE TITLE: Centralized Prescription Filling, Delivering and Returning

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the rule concerning the delivering and returning of medication by central fill pharmacies.

SUMMARY: The requirements for delivering and returning of medication will be updated.

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

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

SPECIFIC AUTHORITY: 465.003, 465.005, 465.0265 FS.

LAW IMPLEMENTED: 465.003(16), 465.0265 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.450 Centralized Prescription Filling, Delivering and Returning.

(1) As used herein:

(a) The term "~~originating receiving~~ pharmacy" means a pharmacy wherein the prescription which will be filled by the central fill supplier pharmacy is initially presented. ~~A "receiving pharmacy" is also the pharmacy which will dispense the medication once the prescription has been filled by the supplier pharmacy and then delivered to the receiving pharmacy; and,~~

(b) The term "central fill supplier pharmacy" means a pharmacy which performs centralized prescription filling, delivering, and returning for one or more originating receiving pharmacies.

(2) Pharmacies acting as the central fill supplier pharmacy must be authorized to dispense medications under the provisions of Chapter 465, F.S., and the rules promulgated thereto.

(3) A community pharmacy which acts as the central fill supplier pharmacy and which notifies the Board that its pharmacy practice is limited only to such practice shall be exempt from the following rules:

(a) Rule 64B16-28.1035, F.A.C., Patient Consultation Area;

(b) The signage requirement of subsection 64B16-28.109(1), F.A.C.; and

(c) Rule 64B16-28.404, F.A.C., Regulation of Daily Operating Hours.

(4) All central fill supplying and originating receiving pharmacies engaged in centralized prescription filling shall create and keep current a Policy and Procedure Manual which shall:

(a) Be maintained at the locations of the central fill supplying and originating receiving pharmacies;

(b) Include the information required in Sections 465.0265(2)(a)-(f), F.S.

(5) Delivery of medications. Delivery of medications must be made in a timely manner. The originating and central fill pharmacies shall each be identified on the prescription container. Delivery of medications by the supplying originating or central fill pharmacy shall only be made to the receiving pharmacy for dispensing. Such delivery must be made in a timely manner.

(a) Delivery by central fill pharmacy to ultimate consumer. A central fill pharmacy may deliver medications for an originating pharmacy to the ultimate consumer or the consumer's agent under the following conditions:

1. The pharmacies are under the same ownership or have a written contract specifying the services to be provided by each pharmacy, the responsibilities of each pharmacy, and the manner in which each pharmacy will comply with federal and state laws, rules and regulations.

2. The pharmacies shall have a pharmacist available 40 hours a week, either in person or via two-way communication technology, such as a telephone, to provide patient counseling.

3. The pharmacies shall include a toll-free number that allows the patient to reach a pharmacist for the purposes of patient counseling.

4. The pharmacies shall each be identified on the prescription container label. The originating pharmacy shall be identified with pharmacy name and address. The central fill pharmacy may be identified by a code available at the originating pharmacy.

5. The central fill pharmacy shall only deliver via carrier to the ultimate consumer or the consumer's agent those medications which could have been delivered via carrier by the originating pharmacy.

6. The central fill pharmacy shall not deliver to the ultimate consumer or consumer's agent substances listed as controlled substances under Chapter 893, F.S.

(b) The delivery of a filled prescription by a central fill pharmacy to the ultimate consumer or the consumer's agent pursuant to a contract with an originating pharmacy shall not be considered dispensing within the definition set forth in Section 465.003(6), F.S.

(c) Each pharmacist that performs a specific function within the processing of the prescription shall be responsible for any errors or omissions committed by that pharmacist during the performance of that specific function.

(6) The supplying and receiving pharmacy shall each be identified on the prescription container label. The receiving pharmacy shall be identified with pharmacy name and address. The supplying pharmacy may be identified by a code available at the receiving pharmacy. Prescription and labeling requirements for pharmacies participating in central prescription filling, delivering and returning:

(a) Prescriptions may be transmitted electronically from an originating pharmacy to a central fill pharmacy including via facsimile. The originating pharmacy transmitting the prescription information must:

1. Write the word "central fill" on the face of the original prescription and record the name, address, and DEA registration number if a controlled substance of the originating pharmacy to which the prescription has been transmitted and the name of the originating pharmacy's pharmacist transmitting the prescription, and the date of transmittal;

2. Ensure all the information required to be on a prescription pursuant to Sections 456.042 and 893.04, F.S., is transmitted to the central fill pharmacy either on the face of the prescription or in the electronic transmission of information;

3. Indicate in the information transmitted the number of refills already dispensed and the number of refills remaining;

4. Maintain the original prescription for a period of two years from the date the prescription was last refilled.

5. Keep a record of receipt of the filled prescription, including the date of receipt, the method of delivery (private, common or contract carrier) and the name of the originating pharmacy's employee accepting delivery.

(b) The central fill pharmacy receiving the transmitted prescription must:

1. Keep a copy of the prescription if sent via facsimile, or an electronic record of all the information transmitted by the originating pharmacy, including the name, address, and DEA registration number, if a controlled substance, of the originating pharmacy transmitting the prescription;

2. Keep a record of the date of receipt of the transmitted prescription, the name of the licensed pharmacist filling the prescription, and dates of filling or refilling of the prescription;

3. Keep a record of the date the filled prescription was delivered to the originating pharmacy and the method of delivery (private, common or contract carrier).

4. A central fill pharmacy's pharmacist filling a written or emergency oral prescription for a controlled substance listed in Schedule II shall affix to the package a label showing the date of filing, the receiving pharmacy's name and address, a unique identifier (i.e. the supplying pharmacy's DEA registration number) indicating the prescription was filled at the central fill pharmacy, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner, and directions for use and cautionary statements, if any, contained in such prescription or required by law.

Specific Authority 465.003, 465.005, 465.0265 FS. Law Implemented 465.003(16), 465.0265 FS. History--New 9-23-03, Amended 7-27-04, _____.

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: August 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

DEPARTMENT OF HEALTH

Board of Naturopathic Examiners

RULE NO.: 64B28-1.006 RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: The Department determined to repeal the rule.

SUMMARY: A formal rules review identified this rule as a rule that needs to be repealed.

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

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

SPECIFIC AUTHORITY: 120.53, 456.073(4), 462.14 FS.

LAW IMPLEMENTED: 120.53, 456.073(4) 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: Larry McPherson, Executive Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin C-03, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B28-1.006 Probable Cause Determination.

Specific Authority 120.53, 456.073(4), 462.14 FS. Law Implemented 120.53, 456.073(4) FS. History--New 11-20-79, Formerly 21N-1.06, 21N-1.006, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry McPherson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-5.1003 RULE TITLE: Monitoring Fees

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to update department rules regarding fees for radiological environmental monitoring in phosphate mining areas.

SUMMARY: This rulemaking will update fees for radiological environmental monitoring.

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

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

SPECIFIC AUTHORITY: 404.022, 404.051, 404.056, 404.131 FS.

LAW IMPLEMENTED: 404.022(2), 404.131(5), 404.051(4) FS.

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

DATE AND TIME: January 15, 2008, 1:00 p.m. – 3:00 p.m.
 PLACE: 4042 Bald Cypress Way, Room 240P, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michael Stephens, Environmental Health Program Consultant, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4043; email: mike_stephens@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Stephens, Environmental Health Program Consultant; Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4043; email: mike_stephens@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-5.1003 Monitoring Fees.

(1) No change.

(2) The annual fees paid by the mining companies shall be calculated by the following method:

(a) Gamma radiation exposure measurements will be made at the rate of one per acre. An annual fee of \$11.63 ~~\$7.50~~ per measurement shall be assessed the mining company by the department.

(b) Soil characterization measurements will be made at the rate of one per 20 acres. An annual fee of \$496.00 ~~\$320.00~~ per each 20 acres measured shall be assessed the mining company by the department.

(c) Air monitoring measurements will be assessed at the rate of \$255.75 ~~\$165.00~~ per measurement. The department shall prorate the cost of air monitoring measurements among the mining companies based on their share of the total acreage to be mined and reclaimed each year. The department will conduct no more than 272 air monitoring measurements per year for all mining companies for which a fee will be assessed.

(d) No change.

(3) through (4) No change.

Specific Authority 404.022, 404.051, 404.056, 404.131 FS. Law Implemented 404.022(2), 404.051(4), 404.131(5) FS. History—New 11-13-85, Amended 9-26-91, Formerly 10D-91.1112, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Conti

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-3.012
 RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To Update the Florida Fire Prevention Code as required by Section 633.0215(1), Florida Statutes.

SUMMARY: The proposed amendment updates the Florida Fire Prevention Code as is required on a triennial basis by the provisions of Section 633.0215(1), Florida Statutes, by adopting current standards of the National Fire Protection Association.

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

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

SPECIFIC AUTHORITY: 633.01, 633.022, 633.0215 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215 FS.

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

DATE AND TIME: January 14, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Belinda Chukes, (850)413-3619. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code[®], 2006 2003 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code, 2006 2003 edition, as adopted within Rule Chapter 69A-60, F.A.C., entitled the "2007 2004 edition of the Florida Fire Prevention Code," are hereby adopted and incorporated by reference ~~as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal~~ and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

NFPA 10-2002 edition, Standard for Portable Fire Extinguishers

NFPA 11-2005 2002 edition, Standard for Low-, Medium, and High- Expansion Foam

NFPA 11A-1999 edition, Standard for Medium and High Expansion Foam Systems

NFPA 12-2005 2000 edition, Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A-2004 1997 edition, Standard on Halon 1301 Fire Extinguishing Systems

NFPA 13-2002 edition, Standard for the Installation of Sprinkler Systems

NFPA 13D-2002 edition, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes

NFPA 13R-2002 edition, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height

NFPA 14-2003 edition, Standard for the Installation of Standpipe and Hose Systems, except 2-7 shall be omitted

NFPA 15-2001 edition, Standard for Water Spray Fixed Systems for Fire Protection

NFPA 16-2003 edition, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17-2002 edition, Standard for Dry Chemical Extinguishing Systems

NFPA 17A-2002 edition, Standard on Wet Chemical Extinguishing Systems

NFPA 20-2003 1999 edition, Standard for the Installation of Stationary Pumps for Fire Protection

NFPA 22-2003 edition, Standard for Water Tanks for Private Fire Protection

NFPA 24-2002 edition, Standards for the Installation of Private Fire Service Mains and Their Appurtenances

NFPA 25-2002 edition, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.

NFPA 30-2003 2000 edition, Flammable and Combustible Liquids Code

NFPA 30A-2003 2000 edition, Code for Motor fuel Dispensing Facilities and Repair Garages

NFPA 30B-2002 edition, Code for the Manufacture and Storage of Aerosol Products

NFPA 31-2001 edition, Standard for the Installation of Oil Burning Equipment

NFPA 32-2004 2000 edition, Standards for Drycleaning Plants

NFPA 33-2003 2000 edition, Standard for Spray Application Using Flammable and Combustible Materials

NFPA 34-2003 2000 edition, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

NFPA 35-2005 1999 edition, Standard for the Manufacture of Organic Coatings

NFPA 36-2004 2001 edition, Standard for Solvent Extraction Plants

NFPA 37-2002 edition, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines

NFPA 40-2001 201 edition, Standard for the Storage and Handling of Cellulose Nitrate Film

NFPA 45-2004 2000 edition, Standard on Fire Protection for Laboratories Using Chemicals

NFPA 50-2001 edition, Standard for Bulk Oxygen Systems at Consumer Sites

NFPA 50B-1999 edition, Standard for Liquid Hydrogen Systems at Consumer Sites

NFPA 51-2002 edition, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes

NFPA 51A-2001 edition, Standard for Acetylene Cylinder Charging Plants

NFPA 51B-2003 1999 edition, Standard for Fire Prevention During Welding, Cutting and Other Hot Work

NFPA 52-2006 2002 edition, Compressed Natural Gas Vehicular Fuel Systems Code

NFPA 53-2004 edition, Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres

NFPA 54-2006 2002 edition, National Fuel Gas Code

NFPA 55-2005 edition, Standard for the Storage, Use, and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks

NFPA 57-2002 edition, Liquefied Natural Gas Vehicular Fuel Systems Code

NFPA 58-~~2004~~ ~~2002~~ edition, Liquefied Petroleum Gas Code

NFPA 59-~~2004~~ ~~2001~~ edition, Utility LP-Gas Plant Code

NFPA 59A-~~2006~~ ~~2001~~ edition, Standard for the Production, Storage and Handling of Liquefied Natural Gas

NFPA 61-2002 edition, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities

NFPA 69-2002 edition, Standard on Explosion Prevention Systems

NFPA 70- ~~2005~~ ~~2002~~ edition, National Electrical Code

NFPA 72-2002 edition, National Fire Alarm Code

NFPA 75-2003 edition, Standard for the Protection of Information Technology Equipment

NFPA 80-1999 edition, Standard for Fire Doors and Fire Windows

NFPA 80A-2007 edition, Recommended Practice for Protection of Buildings from Exterior Fire Exposures

NFPA 82-~~2004~~ ~~1999~~ edition, Standard on Incinerators and Waste and Linen Handling Systems and Equipment

NFPA 86-~~2003~~ ~~1999~~ edition, Standard for Ovens and Furnaces

NFPA 86C-1999 edition, Standard for Industrial Furnaces Using a Special Processing Atmosphere

NFPA 86D-1999 edition, Standard for Industrial Furnaces Using Vacuum as an Atmosphere

NFPA 88A-2002 edition, Standard for Parking Structures

NFPA 90A-2002 edition, Standard for the Installation of Air Conditioning and Ventilating Systems

NFPA 90B-~~2006~~ ~~2002~~ edition, Standard for the Installation of Warm Air Heating and Air Conditioning Systems

NFPA 91-~~2004~~ ~~1999~~ edition, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids

NFPA 92A-~~2006~~ ~~2000~~ edition, Recommended Practice for Smoke-Control Systems

NFPA 92B-~~2005~~ ~~2000~~ edition, Guide for Smoke Management Systems in Malls, Atria, and Large Areas

NFPA 96-~~2004~~ ~~2001~~ edition, Standard for Ventilation Control and Fire Prevention of Commercial Cooking Operations. Subdivision ~~10-2.3~~ ~~7-2.2~~ of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.

NFPA 99-~~2005~~ ~~2002~~ edition, Standard for Health Care Facilities

NFPA 99B-2005 edition, Standard Hypobaric Facilities

NFPA 101A-~~2004~~ ~~2001~~ edition, Guide on Alternative Approaches to Life Safety

NFPA 101B-2002 edition, Standard on Means of Egress for Buildings and Structures

NFPA 102-1995 edition, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures

NFPA 105-2003 edition, Recommended Practice for the Installation of Smoke-Control Door Assemblies

NFPA 110-~~2005~~ ~~2002~~ edition, Standard for Emergency and Standby Power Systems

NFPA 111-~~2005~~ ~~2001~~ edition, Standard on Stored Electrical Energy Emergency and Standby Power Systems

NFPA 115-2003 edition, Recommended Practice on Laser Fire Protection

NFPA 120-~~2004~~ ~~1999~~ edition, Standard for Coal Preparation Plants

NFPA 130-2007 edition, Standard for Fixed Guideway Transit and Passenger Rail Systems

NFPA 140-~~2004~~ ~~1999~~ edition, Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities

NFPA 150-~~2007~~ ~~2000~~ edition, Standard on Fire and Life Safety in Animal Housing Facilities ~~Fire safety in Racetrack Stables~~

NFPA 160-~~2006~~ ~~2001~~ edition, Standard for Flame Effects Before an Audience

NFPA 211-2003 edition, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

NFPA 214-~~2005~~ ~~2000~~ edition, Standard on Water-Cooling Towers

NFPA 221-~~2006~~ ~~2000~~ edition, Standard for High Challenge Fire Walls ~~on~~, Fire Walls and Fire Barrier Walls

NFPA 230-2003 edition, Standard for the Fire Protection of Storage

NFPA 232-2000 edition, Standard for the Protection of Records

NFPA 232A-1995 edition, Guide for Fire Protection for Archives and Record Centers

NFPA 241-~~2004~~ ~~2000~~ edition, Standard for Safeguarding Construction, Alteration and Demolition Operations

NFPA 251-~~2006~~ ~~1999~~ edition, Standard Methods of Tests of Fire Endurance of Building Construction and Materials

NFPA 252-~~2003~~ ~~1999~~ edition, Standard Methods of Fire Tests of Door Assemblies

NFPA 253-~~2006~~ ~~2000~~ edition, Standard Method of Test for Critical Flux of Floor Covering Systems Using a Radiant Heat Energy Source

NFPA 255-~~2006~~ ~~2000~~ edition, Standard Method of Test of Surface Burning Characteristics of Building Materials

NFPA 256-~~2003~~ ~~1998~~ edition, Standard Methods of Fire Tests of Roof Coverings

NFPA 257-2000 edition, Standard on Fire Tests for Window and Glass Block Assemblies

- NFPA 259-2003 edition, Standard Test Method for Potential Heat of Building Materials
- NFPA 260- 2003 ~~1998~~ edition, Standard Method of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261-2003 ~~1998~~ edition, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265-2002 edition, Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on full Height Panels and Walls
- NFPA 267-1998 edition, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources
- NFPA 286-2006 ~~2000~~ edition, Standard Method of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 291-2007 edition, Recommended Practice for Fire Flow Testing and Marking of Hydrants
- NFPA 303-2006 ~~2000~~ edition, Fire Protection Standards for Marinas and Boatyards
- NFPA 307-2006 ~~2000~~ edition, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312-2006 ~~2000~~ edition, Standard for Fire Protection of Vessels During Construction, Repair and Lay-Up
- NFPA 318-2006 ~~2002~~ edition, Standard for the Protection of Semiconductor Fabrication Facilities
- NFPA 385-2000 edition, Standard for Tank Vehicles for Flammable and Combustible Liquids
- NFPA 407-2001 edition, Standard for Aircraft Fuel Servicing
- NFPA 409-2004 ~~2001~~ edition, Standard on Aircraft Hangars
- NFPA 410-2004 ~~1999~~ edition, Standard on Aircraft Maintenance
- NFPA 415-2002 edition, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418-2001 edition, Standard for Heliports
- NFPA 430-2004 ~~2000~~ edition, Code for Storage of Liquid and Solid Oxidizers
- NFPA 432-2002 edition, Code for Storage of Organic Peroxide Formulations
- NFPA 434-2002 edition, Code for the Storage of Pesticides
- NFPA 484-2006 ~~2002~~ edition, Standard for Combustible Metals, Metal Powders, and Metal Dusts
- NFPA 490-2002 ~~1998~~ edition, Code for the Storage of Ammonium Nitrate
- NFPA 495-2006 ~~2001~~ edition, Explosive Materials Code
- NFPA 498-2006 ~~2001~~ edition, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
- NFPA 501-2005 ~~2003~~ edition, Standard on Manufactured Housing
- NFPA 501A-2005 ~~2003~~ edition, Standard for Firesafety Criteria for Manufactured Home Installations, Sites, and Communities
- NFPA 502, 2008 edition Standard for Road Tunnels, Bridges, and Other Limited Access Roadways
- NFPA 505-2006 ~~2002~~ edition, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation
- NFPA 654-2006 ~~2000~~ edition, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
- NFPA 655-2001 edition, Standard for Prevention of Sulfur Fires and Explosions
- NFPA 664-2002 edition, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
- NFPA 701-2004 ~~1999~~ edition, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
- NFPA 703-2006 ~~2000~~ edition, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
- NFPA 704-2001 edition, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response
- NFPA 750-2006 edition, Standard for Water Mist Fire Protection Systems
- NFPA 780-2004 ~~2000~~ edition, Standard for the Installation of Lightning Protection Systems
- NFPA 820, 2003 edition, Standard for Fire Protection in Wastewater Treatment and Collection Facilities
- NFPA 850, 2005 edition, Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations
- NFPA 909-2005 ~~2001~~ edition, Standard for the Protection of Cultural Resource Properties – Museums, Libraries, and Places of Worship
- NFPA 1122-2002 edition, Code for Model Rocketry
- NFPA 1123-2006 ~~2000~~ edition, Code for Fireworks Display
- NFPA 1124-2006 ~~2003~~ edition, Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles
- NFPA 1125-2001 edition, Code for the Manufacture of Model Rocket and High Power Rocket Motors
- NFPA 1126-2006 ~~2001~~ edition, Standard for the Use of Pyrotechnics Before a Proximate Audience
- NFPA 1127-2002 edition, Code for High Power Rocketry
- NFPA 1142-2001 edition, Standard for Water Supplies for Suburban and Rural Fire Fighting

NFPA 1194-2005 ~~2002~~ edition, Standard for Recreation Vehicle Parks and Campgrounds

NFPA 1221-2007 ~~2002~~ edition, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems

NFPA 1561-2007 ~~2002~~ edition, Standard on Emergency Services Incident Management System

NFPA 1962-2003 edition, Standard for the Inspection, Care, and Use of Fire Hose Including Couplings and Nozzles; and the Service Testing of Fire Hose

NFPA 1963-2003 ~~1998~~ edition, Standards for Fire Hose Connections

NFPA 2001-2004 ~~2000~~ edition, Standard on Clean Agent Fire Extinguishing Systems

NFPA 8501-1997 edition, Standard for Single Burner Operation

NFPA 8502-1999 edition, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers

The portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders. The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders. Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders. Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995. Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders.

Compressed Gas Association CGA C-6.3-1999, Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition.

(2) through (5) No change.

Specific Authority 633.01(1), 633.022, 633.0215 FS. Law Implemented 633.01, 633.022, 633.0215 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: : Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-58.004	Firesafety Inspections
69A-58.0081	Means of Egress
69A-58.0082	Relocatable Buildings

PURPOSE AND EFFECT: These rules were either amended or new on November 26, 2006. The Department received comments to the proposed rules after the expiration of the comment period. The attached proposed amendments adopt some of those comments.

SUMMARY: The proposed amendments are based on untimely comments received when a major amendment to the rule was adopted on November 26, 2006. The Department received comments to the proposed rules after the expiration of the comment period. The attached proposed amendments adopt some of those comments which clarify the original intent. The amendments also add Section 633.022, Florida Statutes, as legislative authority and law implemented.

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

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

SPECIFIC AUTHORITY: 1013.12, 633.022 FS.

LAW IMPLEMENTED: 1013.12, 633.022 FS.

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

DATE AND TIME: January 11, 2008, 10:00 a.m.
 PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jim Goodloe. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, telephone: (850)413-3620; fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-58.004 Firesafety Inspections.

(1) through (4) No change.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

- (a) The name of the school district or community college;
 - (b) The name of the board and the local fire official (i.e., municipality, county, or special district);
 - (c) The name of the facility inspected;
 - (d) The type of facility inspected (i.e., K-5, 6-9, 10-12, CC, other);
 - (e) The facility address;
 - (f) The number of the facility as listed in the Florida Inventory of School Houses ~~florida inventory of school houses~~ (FISH #);
 - (g) through (i) No change.
- (6) through (7) No change.

Specific Authority 1013.12, 633.022 FS. Law Implemented 1013.12, 633.022 FS. History--New 2-18-03, Formerly 4A-58.004, Amended 11-26-06, _____.

69A-58.0081 Means of Egress.

(1) No change.

(2) Existing smoke stop doors shall meet the requirements of subdivision 8.3.4 of NFPA 101, the edition as adopted in Rule 69A-3.012, F.A.C.

(a) Smoke stop doors may be used to create a secondary means of egress from interior instructional spaces ~~create a secondary means of egress from interior instructional spaces~~.

- 1. ~~Create a secondary means of egress from interior instructional spaces; or~~
- 2. ~~Divide corridors into segments not to exceed 300 feet in aggregate length.~~

(b) through (e) No change.
 (3) through (13) No change.
 (14) Corridors and hallways.

(a) Corridors shall be arranged so that each end leads to an exit and shall be without pockets or deadends more than 20 feet in length.

(b) Hallway widths in office and service areas shall be a minimum of 44 inches in width.

~~(c) Interior corridors, including contiguous dead-end cross corridors, shall be divided by smoke stop doors in sections not to exceed 300 feet in length.~~

~~(c)(4)~~ Child Care. Areas designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

(15) through (16) No change.

(17) Boiler Rooms.

(a) through (b) No change.

(c) Each boiler room door shall:

1. ~~Each boiler room door shall~~ Open directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with section 8.3.4 of NFPA 101 or

2. When a door ~~If an additional door serving a boiler room~~ opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with section 8.3.4 of NFPA 101.

(18) through (20) No change.

Specific Authority 1013.12, 633.022 FS. Law Implemented 1013.12, 633.022 FS. History--New 11-26-06, Amended _____.

69A-58.0082 Relocatable Buildings.

(1) Relocatable buildings: Relocatable buildings sited after March 1, 2002, shall be separated as required by the Florida Building Code.

(a) No change.

(b) Relocatable buildings sited within a cluster in accordance with this section are permitted to achieve emergency vehicle access by providing vehicular access to within 200 feet of the entrance of the most remote relocatable unit and shall be provided with an independent fire alarm system with a manual pull station within 100 feet of each egress door.

Exception: When required by the board, a cluster shall be protected by a fire zone extended from the main educational facility's fire alarm control panel.

In addition, all of the following requirements shall be met:

1. through 4. No change.

~~5. The minimum setback for non-combustible relocatable buildings shall be as permitted by local zoning requirements.~~

(2) Egress doors in relocatable buildings shall be provided as follows:

~~(a) Classroom units of combustible construction shall have 2 remotely located doors opening directly to the outside.~~

~~(b) Multi-classroom units of non-combustible construction shall have a primary exit door opening directly to the exterior or, if served by interior corridors, shall have a primary exit door and an emergency rescue opening in each space designed to be occupied by 6 or more students.~~

~~(a)1-~~ This requirement applies to spaces occupied by 10 or more persons for buildings designed prior to October 18, 1994.

~~(b)2-~~ An emergency rescue opening is not required when a door opens directly to the outside.

(3) No change.

Specific Authority 1013.12, 633.022 FS. Law Implemented 1013.12, 633.022 FS. History—New 11-26-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code

PURPOSE AND EFFECT: To Update the Florida Fire Prevention Code as required by Section 633.0215(1), Florida Statutes.

SUMMARY: The proposed amendment updates the Florida Fire Prevention Code as required on a triennial basis by the provisions of Section 633.0215(1), Florida Statutes, by adopting current standards of the National Fire Protection Association.

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

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

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

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

DATE AND TIME: January 14, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Belinda Chukes, (850)413-3619. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) The Florida Fire Prevention Code is the minimum fire prevention code deemed adopted by each municipality, county, and special district with firesafety responsibilities, and applies to every building and structure throughout the state, except:

(a) Buildings and structures subject to the uniform firesafety standards adopted under Section 633.022, F.S., and

(b) Buildings and structures subject to the minimum firesafety standards adopted pursuant to Section 394.879 F.S. Except as provided in this section, this rule chapter applies to all buildings and structures throughout the state, including each building and structure located in each municipality, county, and special district with or without firesafety responsibilities.

(2) Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Prevention Code adopted by this rule, with more stringent standards adopted in accordance with Section 633.025, F.S. Such standards shall be effective until repealed by the adopting municipality, county or special district if the requirements of Section 633.0215(10), F.S., were met; in all other cases, the standards shall expire following the adoption of the triennial amendment to this rule, unless adopted by the amendment into the Code. This rule chapter does not apply to any municipality,

county, or special district which has adopted an amendment to the Florida Fire Prevention Code in full compliance with Section 633.0215(2), 633.0215(10), or 633.025(4), F.S., but only to the extent of such amendment. The Florida Fire Prevention Code is in addition to, and is supplemental to, any amendment adopted in accordance with Section 633.0215(2), 633.0215(10), or 633.025(4), F.S.

(3)(a) The Florida Fire Prevention Code consists of:

1. National Fire Protection Association (NFPA) 1, the Uniform Fire Code, Florida 2006 ~~2003~~ edition, as adopted in Rule 69A-60.003, F.A.C.,

2. NFPA 101, the Life Safety Code, Florida 2006 ~~2003~~ edition, as adopted and incorporated in Rule 69A-60.004, F.A.C., and their additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2006 ~~2003~~ editions, as provided therein, and

3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C.

(b) The Florida Fire Prevention Code also consists of all rule chapters adopted pursuant to the authority of Section 633.022, F.S., and referred to as “uniform rules,” or “rules for uniform buildings or structures,” to-wit, rule chapters:

1. Chapter 69A-3, F.A.C., Fire Prevention, General Provisions;

2. Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities;

3. Chapter 69A-38, F.A.C., Uniform Fire Safety Standards for Residential Facilities for Individuals With Developmental Disabilities;

4. Chapter 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities;

5. Chapter 69A-41, F.A.C., Uniform Fire Safety Standards for Residential Child Care Facilities;

6. Chapter 69A-42, F.A.C., Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks;

7. Chapter 69A-43, F.A.C., Uniform Fire Safety Standards for Transient Public Lodging Establishments;

8. Chapter 69A-44, F.A.C., Minimum Fire Safety Standards for Residential Alcohol and Drug Abuse Treatment and Prevention Programs, Mental Health Residential Treatment Facilities and Crisis Stabilization Units;

9. Chapter 69A-47, F.A.C., Uniform Fire Safety Standards for Elevators;

10. Chapter 69A-49, F.A.C., Uniform Fire Safety Standards for Self-Service Gasoline Stations;

11. Chapter 69A-53, F.A.C., Uniform Fire Safety Standards for Hospitals and Nursing Homes;

12. Chapter 69A-54, F.A.C., Uniform Fire Safety Standards for Correctional Facilities;

13. Chapter 69A-55, F.A.C., Uniform Fire Safety Standards for Public Food Service Establishments;

14. Chapter 69A-56, F.A.C., Uniform Fire Safety Standards for Migrant Labor Camps;

15. Chapter 69A-57, F.A.C., Uniform Fire Safety Standards for Adult Family Care Homes; and

16. Chapter 69A-58, F.A.C., Uniform Fire Safety Standards for Educational Facilities.

(c) In the event of a conflict between any provision of this rule chapter other than this rule section and the rules cited in paragraph (b), subparagraphs 1. through 16, ~~15~~, the rules cited in paragraph (b), subparagraphs 1. through 16, ~~15~~ prevail; however, the rules in this rule chapter are not in addition to, nor are they supplemental to, the rule chapters cited in paragraph (b), subparagraphs 1. through 16, ~~15~~. Each rule chapter cited in paragraph (b), subparagraphs 1. through 16, ~~15~~ contain the complete rules for the subjects covered in those rule chapters.

(d) In the event of a conflict between any provision of this rule chapter and Rule Chapter 69A-58, F.A.C., this rule chapter prevails. The rules in this rule chapter are in addition to, and supplemental to, the rules in Rule Chapter 69A-58, F.A.C.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.002, Amended 11-28-04,_____.

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 ~~2003~~ Edition, Adopted.

(1) NFPA 1, the Uniform Fire Code, Florida 2006 ~~2003~~ edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 1, Florida 2006 ~~2003~~ edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 1, Florida 2006 ~~2003~~ edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.003, Amended 11-28-04,_____.

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 ~~2003~~ Edition, Adopted.

(1) NFPA 101, the Life Safety Code, Florida 2006 ~~2003~~ edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 101, Florida 2006 ~~2003~~ edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 101, Florida 2006 ~~2003~~ edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

~~(3) Subdivision 7.2.2.4.4.5, of NFPA 101, Florida 2003 edition, as adopted herein, shall read: New handrails shall be installed to provide a clearance of not less than 1 and 1/2 inches between the handrail and the wall or other surface to which it is fastened.~~

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.004, Amended 11-28-04, 7-12-06,_____.

69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 ~~2003~~ Edition, and NFPA 101, the Florida 2006 ~~2003~~ Edition, Added to the Florida Fire Prevention Code.

(1) For purposes of this rule chapter, the following definitions apply:

(a) ANSI means the American National Standards Institute.

(b) ASME means the American Society of Mechanical Engineers.

(c) ASTM means the American Society for Testing and Materials.

(d) BHMA means the Builders Hardware Manufacturers Association.

(e) ICC means the International Code Counsel, American National Standard Accessible and Usable Buildings and Facilities.

(f) UL means Underwriters Laboratories, Inc.

(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule:

NFPA 10, 2002 edition Standard for Portable Fire Extinguishers

NFPA 11, 2005 ~~2002~~ edition Standard for Low-, Medium-, and High- Expansion Foam

NFPA 11A, 1999 edition Standard for Medium- and High-Expansion Foam Systems

NFPA 12, 2005 ~~2000~~ edition Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A, 2004 ~~1997~~ edition Standard on Halon 1301 Fire Extinguishing Systems

NFPA 13, 2002 edition Standard for the Installation of Sprinkler Systems

NFPA 13D, 2002 edition Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

NFPA 13R, 2002 edition Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

NFPA 14, 2003 edition Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems

NFPA 15, 2001 edition Standard for Water Spray Fixed Systems for Fire Protection

NFPA 16, 2003 edition Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17, 2002 edition Standard for Dry Chemical Extinguishing Systems

NFPA 17A, 2002 edition Standard for Wet Chemical Extinguishing Systems

NFPA 20, 2003 ~~1999~~ edition Standard for the Installation of Stationary Pumps for Fire Protection

NFPA 22, 2003 edition, Standard for Water Tanks for Private Fire Protection

NFPA 24, 2002 edition Standard for the Installation of Private Fire Service Mains and Their Appurtenances

NFPA 25, 2002 edition Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

NFPA 30, 2003 ~~2000~~ edition Flammable and Combustible Liquids Code

NFPA 30A, 2003 ~~2000~~ edition Code for Motor Fuel Dispensing Facilities and Repair Garages

NFPA 30B, 2002 edition Code for the Manufacture and Storage of Aerosol Products

NFPA 31, 2001 edition Standard for the Installation of Oil-Burning Equipment

NFPA 32, 2004 ~~2000~~ edition Standard for Dry Cleaning Plants

NFPA 33, 2003 ~~2000~~ edition Standard for Spray Application Using Flammable and Combustible Materials

NFPA 34, 2003 ~~2000~~ edition Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

NFPA 35, 2005 ~~1999~~ edition Standard for the Manufacture of Organic Coatings

NFPA 36, 2004 ~~2001~~ edition Standard for Solvent Extraction Plants

NFPA 37, 2002 edition Combustion Engines and Gas Turbines

NFPA 40, 2001 edition Standard for the Storage and Handling of Cellulose Nitrate Film

NFPA 45, 2004 ~~2000~~ edition Standard on Fire Protection for Laboratories Using Chemicals

NFPA 50, 2001 edition, Standard for Bulk Oxygen Systems at Consumer Sites

NFPA 50B, 1999 edition Standard for Liquefied Hydrogen Systems at Consumer Sites

NFPA 51, 2002 edition Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes

NFPA 51A, 2001 edition Standard for Acetylene Cylinder Charging Plants

NFPA 51B, 2003 ~~1999~~ edition Standard for Fire Prevention During Welding, Cutting and Other Hot Work

NFPA 52, 2006 ~~2002~~ edition Compressed Natural Gas (CNG) Vehicular Fuel Systems Code

NFPA 53, 2004 ~~1999~~ edition Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres Fires in Oxygen Atmospheres

NFPA 54, 2006 ~~2002~~ edition National Fuel Gas Code

NFPA 55, 2005 ~~2003~~ edition Standard for the Storage, use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks Compressed and Liquefied Gases in Portable Cylinders

NFPA 57, 2002 edition Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code

NFPA 58, 2004 ~~2001~~ edition Liquefied Petroleum Gas Code

NFPA 59, 2004 ~~2001~~ edition Utility LP-Gas Plant Code

NFPA 59A, 2006 ~~2001~~ edition Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)

NFPA 61, 2002 edition Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities

NFPA 69, 2002 edition Standard on Explosion Prevention Systems

NFPA 70, 2005 ~~2002~~ edition National Electrical Code®

NFPA 72, 2002 edition National Fire Alarm Code®

NFPA 75, 2003 edition Protection of Information Technology Electronic Computing Equipment

NFPA 80, 1999 edition Standard for Fire Doors and Fire Windows

NFPA 80A, 2007 ~~2001~~ edition Recommended Practice for Protection of Buildings from Exterior Fire Exposures

NFPA 82, 2004 ~~1999~~ edition Standard on Incinerators and Waste and Linen Handling Systems and Equipment

NFPA 86, 2003 ~~1999~~ edition Standard for Ovens and Furnaces

NFPA 86C, 1999 edition Standard for Industrial Furnaces Using a Special Processing Atmosphere

NFPA 86D, 1999 edition Standard for Industrial Furnaces Using Vacuum as an Atmosphere

NFPA 88A, 2002 edition Standard for Parking Structures

NFPA 90A, 2002 edition Standard for the Installation of Air-Conditioning and Ventilating Systems

NFPA 90B, 2006 ~~2002~~ edition Standard for the Installation of Warm Air Heating and Air-Conditioning Systems

NFPA 91, 2004 ~~1999~~ edition Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids

NFPA 92A, 2006 edition, Recommended Practice for Smoke-Control Systems

NFPA 92B, 2005 edition, Guide for Smoke Management Systems in Malls, Atria, and Large Areas

NFPA 96, 2004 ~~2001~~ edition Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. Subdivision 10-2.3 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.

NFPA 99, 2005 ~~2002~~ edition Standard for Health Care Facilities

NFPA 99B, 2005 ~~2002~~ edition Standard for Hypobaric Facilities

NFPA 101A, 2004 ~~2001~~ edition Guide on Alternative Approaches to Life Safety

NFPA 101B, 2002 edition, Standard on Means of Egress for Buildings and Structures

NFPA 102, 1995 edition, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures

NFPA 105, 2003 edition, Recommended Practice for the Installation of Smoke-Control Door Assemblies

NFPA 110, 2005 ~~2002~~ edition Standard for Emergency and Standby Power Systems

NFPA 111, 2005 ~~2001~~ edition Standard on Stored Electrical Energy Emergency and Standby Power Systems

NFPA 115, 2003 ~~1999~~ edition Recommended Practice on Laser Fire Protection

NFPA 120, 2004 ~~1999~~ edition Standard for Fire Prevention and Control in Coal Mines ~~Coal Preparation Plants~~

NFPA 130, 2007 ~~2000~~ edition Standard for Fixed Guideway Transit and Passenger Rail Systems

NFPA 140, 2004 ~~1999~~ edition Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities

- NFPA 150, 2007 ~~2000~~ edition Standard on Fire and Life Safety in Animal Housing Facilities ~~Racetrack Stables~~
- NFPA 160, 2006 ~~2001~~ edition Standard for Flame Effects Before an Audience
- NFPA 211, 2003 edition Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
- NFPA 214, 2005 ~~2000~~ edition Standard on Water Cooling Towers
- NFPA 221, 2006 ~~2000~~ edition Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls
- NFPA 230, 2003 edition Standard for the Fire Protection of Storage
- NFPA 232, 2000 edition Standard for the Protection of Records
- NFPA 232A-1995, Guide for Fire Protection for Archives and Record Centers
- NFPA 241, 2004 ~~2000~~ edition Standard for Safeguarding Construction, Alteration, and Demolition Operations
- NFPA 251, 2006 ~~1999~~ edition Standard Methods of Tests of Fire Endurance of Building Construction and Materials
- NFPA 253, 2006 ~~2000~~ edition Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 252, 2003 ~~1999~~ edition Standard Methods of Fire Tests of Door Assemblies
- NFPA 255, 2006 ~~2000~~ edition Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256, 2003 ~~1998~~ edition Standard Methods of Fire Tests of Roof Coverings
- NFPA 257, 2000 edition Standard on Fire Test for Window and Glass Block Assemblies
- NFPA 259, 2003 edition Standard Test Method for Potential Heat of Building Materials
- NFPA 260, 2003 ~~1998~~ edition Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261, 2003 ~~1998~~ edition Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265, 2002 edition Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls
- NFPA 267, 1998 edition Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source
- NFPA 286, 2006 ~~2000~~ edition Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 291, 2007 ~~2002~~ edition Recommended Practice for Fire Flow Testing and Marking of Fire Hydrants
- NFPA 303, 2006 ~~2000~~ edition Fire Protection Standard for Marinas and Boatyards
- NFPA 307, 2006 ~~2000~~ edition Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312, 2006 ~~2000~~ edition Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up
- NFPA 318, 2006 ~~2002~~ edition Standard for the Protection of Semiconductor Fabrication Facilities
- NFPA 385, 2000 edition Standard for Tank Vehicles for Flammable and Combustible Liquids
- NFPA 407, 2001 edition Standard for Aircraft Fuel Servicing
- NFPA 409, 2004 ~~2000~~ edition Standard on Aircraft Hangers
- NFPA 410, 2004 ~~1999~~ edition Standard on Aircraft Maintenance
- NFPA 415, 2002 edition Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418, 2001 edition Standard for Helicopters
- NFPA 430, 2004 ~~2000~~ edition Code for the Storage of Liquid and Solid Oxidizers
- NFPA 432, 2002 edition Code for the Storage of Organic Peroxide Formulations
- NFPA 434, 2002 edition Code for the Storage of Pesticides
- NFPA 484, 2006 ~~2002~~ edition Standard for Combustible Metals, Metal Powders, and Metal Dusts
- NFPA 490, 2002 ~~1998~~ edition Code for the Storage of Ammonium Nitrate
- NFPA 495, 2006 ~~2001~~ edition Explosive Materials Code
- NFPA 498, 2006 ~~2001~~ edition Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
- NFPA 501, 2005 ~~2003~~ edition Standard on Manufactured Housing
- NFPA 501A, 2005 ~~2003~~ edition Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
- NFPA 502, 2008 edition Standard for Road Tunnels, Bridges, and Other Limited Access Roadways
- NFPA 505, 2006 ~~2002~~ edition Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operation
- NFPA 654, 2006 ~~2000~~ edition Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
- NFPA 655, 2001 edition Standard for Prevention of Sulfur Fires and Explosions
- NFPA 664, 2002 edition Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
- NFPA 701, 2004 ~~1999~~ edition Standard Methods of Fire Tests for Flame Propagation of Textiles and Films

NFPA 703, 2006 ~~2000~~ edition Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials

NFPA 704, 2001 edition Standard System for Identification of the Hazards of Materials for Emergency Response

NFPA 750, 2006 ~~2003~~ edition Standard for Water Mist Fire Protection Systems

NFPA 780-004 edition Standard for the Installation of Lightning Protection Systems

NFPA 820, 2003 ~~1999~~ edition Standard for Fire Protection in Wastewater Treatment and Collection Facilities

NFPA 850, 2005 ~~2000~~ edition Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

NFPA 909, 2005 ~~2001~~ edition Standard for the Protection of Cultural Resource Properties – Museums, Libraries, and Places of Worship Resources

NFPA 1122, 2002 edition Code for Model Rocketry

NFPA 1123, 2006 ~~2000~~ edition Code for Fireworks Display

NFPA 1124, 2006 ~~2003~~ edition Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks, and Pyrotechnic Articles

NFPA 1125, 2001 edition Code for the Manufacture of Model Rocket and High Power Rocket Motors

NFPA 1126, 2006 ~~2001~~ edition Standard for the Use of Pyrotechnics before a Proximate Audience

NFPA 1127, 2002 edition Code for High Powered Rocketry

NFPA 1142, 2001 edition Standard on Water Supplies for Suburban and Rural Fire Fighting

NFPA 1194, 2005 ~~2002~~ edition Standard for Recreational Vehicle Parks and Campgrounds

NFPA 1221, 2007 edition, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems

NFPA 1561, 2007 ~~2002~~ edition Standard on Emergency Services Incident Management System

NFPA 1962, 2003 edition, Standard for the Inspection, Care, and Use of Fire Hose Including Couplings and Nozzles; and the Service Testing of Fire Hose

NFPA 1963, 2003 ~~1998~~ edition Standard for Fire Hose Connections

NFPA 2001, 2004 ~~2000~~ edition Standard on Clean Agent Fire Extinguishing Systems

NFPA 8501, 1997 edition, Standard for Single Burner Operation

NFPA 8502, 1999 edition, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers

Standard Fire Prevention Code, Chapter 22, 1997 edition

Such portions of “The United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” which pertain to meeting firesafety requirements without destroying the historical aspects of the building SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 2000 edition

The portions of ANSI A14.3-1992, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036

Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 11 West 42nd Street, New York, NY 10036

The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036

ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062

The portions of ASME/ANSI A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

The portions of ASME/ANSI A17.3-2002, Safety Code for Existing Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

ASTM D 2898,-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, 2001 edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition

BHMA/ANSI A-156.19-2002, American National Standard for Power Assist and Low Energy Power Operated Doors, which may be obtained at Buildings Hardware Manufacturers Association, 355 Lexington Avenue, 17th Floor, New York, NY 10017-6603

16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) The codes and standards published by the National Fire Protection Association and the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(4) No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.005, Amended 11-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: 2-2.002
RULE TITLE: Advertising in a Language Other Than English

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 46, November 16, 2007 issue of the Florida Administrative Weekly.

The changes are in response to public comments received with regard to the proposed rule. When changed, the rule shall read as follows:

2-2.002 Advertising in a Language Other Than English.

It shall be an unfair or deceptive act or practice to disseminate any advertisement without including all required disclosures or limitations relating to the offer which are required to be included in the advertisement in the language principally used in the advertisement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Raleigh, Special Counsel, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.: 5G-6.001, 5G-6.003, 5G-6.005, 5G-6.007, 5G-6.009, 5G-6.011, 5G-6.013
RULE TITLES: Definitions, Inspection, Registration, Best Management Practices, Tomato Best Practices Manual, Exemptions, Enforcement

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly.

Please be advised that the Notice of Proposed Rulemaking for Rule Chapter 5G-6, Fresh Tomato Inspection, contained an error in date for the scheduled public hearing. The correct date for the public hearing is January 7, 2008, instead of January 7, 2007 as originally submitted. The public hearing time and location remain as published in Vol. 33, No 50, December 14, 2007 issue of Florida Administrative Weekly.