

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-7.602
 RULE TITLE: Florida Workers’ Compensation Medical Services Billing, Filing and Reporting Rule

PURPOSE AND EFFECT: The proposed rule (which applies to dates of injury occurring on or after October 1, 2003) clarifies that an insurer must provide health care providers with prior notification of a decision to apply apportionment in the payment of reimbursement for medical services. The amendment provides that an insurer shall, at the time of authorization or following authorization but prior to the rendering of medical service(s), provide each health care provider with written or electronic notification of its decision to apply apportionment in the payment of reimbursement for medical service(s). Subsection (7) of the rule is deleted, as the penalty provisions are transferred to Rule Chapter 69L-24, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Notice Requirements to Health Care Providers by Insurers when Apportioning Payment of Reimbursement for Compensable Medical Service(s).

RULEMAKING AUTHORITY: 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), (5), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 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: Thursday, February 23, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Lloyd, (850)413-1689 or Eric.Lloyd@myfloridacfo.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: Eric Lloyd, Office of Medical Services, Program Administrator, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689 or Eric.Lloyd@myfloridacfo.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 STATE

Division of Cultural Affairs

RULE NO.: IT-1.037
 RULE TITLE: State Touring Program

PURPOSE AND EFFECT: The State Touring Program consists of two components: The Artist Roster and Presenter Fee Support. The purpose of this amendment is to establish in rule the most recent guidelines for each component. The Artist Roster Guidelines update eligibility criteria, the application form, panel review and evaluation criteria, and amend materials incorporated by reference. The Presenter Fee Support Guidelines update eligibility criteria, match requirements, the application form, and reporting requirements. The administrative forms used for each component are incorporated by reference.

SUMMARY: The proposed rule incorporates the latest State Touring Program guidelines and administrative forms. Amendments to the guidelines include eligibility criteria, panel review and evaluation criteria, match requirements, the application form, and reporting requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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.

RULEMAKING AUTHORITY: 265.286(1), 265.286(5)(c), 265.286(11) FS.

LAW IMPLEMENTED: 265.286 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: Monday, February 13, 2012, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.037 State Touring Program.

(1) The State Touring Program provides performances, and activities, ~~and exhibitions~~ by Florida artists to as many Florida communities as possible. This program has two application components ~~categories~~:

- (a) The Artist Roster; and
- (b) The Presenter Fee Support ~~application~~.

(2) Appointment to the Artist ~~Artistic~~ Roster. Companies and individuals that wish to be included on the State Touring Artist Roster must meet the requirements in the State Touring Artist Roster Guidelines, and submit a State Touring Program Artist Roster Application (Form CA2E143), effective 4/2012 ~~10/09~~. The Guidelines and the Application are hereby incorporated by reference and available from the Division at www.Florida-arts.org.

(3) Eligibility for Presenter Fee Support. Organizations that wish to present one of the companies or individual artists on the State Touring Artist Roster must meet the requirements in the State Touring Presenter Guidelines, and submit a State Touring Presenter Application (Form CA2E144), effective 4/2012 ~~10/09~~. The Guidelines and the Application are hereby incorporated by reference and available from the Division at www.Florida-arts.org.

(4) The following forms are used in the administration of the Presenter Fee Support component and are hereby incorporated by reference and available from the Division at www.Florida-Arts.org.

- (a) Grant Report Form and State Funds Expenditure Log (Form CA2E004), effective 4/2012.
- (b) Grant Amendment Request Form (Form CA2E002), effective 4/2012.
- (c) Grant Award Agreement (Form CA2E149), effective 4/2012.

Rulemaking Authority 265.286(1), 265.286(5)(c), 265.286(11) FS. Law Implemented 265.286 FS. History—New 10-27-09, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald R. Blancett
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 37, No. 47, November 23, 2011

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid**

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan), effective July 1, 2011. The Plan, effective July 1, 2011, includes revisions made in accordance with a request from the Centers for Medicare and Medicaid Services (CMS) for the addition of a reference to Rule 59G-9.070, F.A.C., for the amount of late cost report sanctions; a reimbursement rate reduction made in accordance with Senate Bill 2000, 2011-12 General Appropriations Act, Specific Appropriation 208; a rate freeze and staffing ratio changes made in accordance with Senate Bill 2144, Section 1(3)(a) and Section 5 (23)(a); and interim rate procedure modifications made in accordance with Chapter 2011-61, Laws of Florida.

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2011 for a reimbursement rate reduction, specification of the rule for the amount of cost report sanctions, modifications to nursing home staffing ratios, a reimbursement rate freeze, and changes to interim rate procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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.

RULEMAKING AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.908, 409.9082 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: February 14, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 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: Edwin Stephens, Medicaid Program Finance, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.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 IS: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXIXVIII~~ Effective Date July 1, 2011~~0~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.9082 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-08-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, 9-22-08, 3-3-10, 2-23-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.045

RULE TITLE:

Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) effective July 1, 2011. The Plan effective July 1, 2011, includes revisions made in accordance with a request from the Centers for Medicare and Medicaid Services (CMS) to specify Rule 59G-9.070, F.A.C., for the amount of late cost report sanctions; Senate Bill 2000, 2011-12 General Appropriations Act, Specific Appropriation 207 which implements a reimbursement rate reduction; and Senate Bill 2144, Section 5, 409.908(23)(a), Florida Statutes, which establishes a rate freeze in reimbursement rates.

SUMMARY: This rule implements a reimbursement rate reduction and a reimbursement rate freeze, effective July 1, 2011. Also, this rule adds a reference to Rule 59G-9.070, F.A.C., that specifies the amount of sanctions for the submission of a late cost report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9083 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: February 14, 2012, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

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: Edwin Stephens, Medicaid Program Finance, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.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 IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities). Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version VII, Effective Date July 1, 2011, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908 FS. History—New 3-14-99, Amended 10-12-04, 2-22-06, 4-12-09, 3-3-10, 2-23-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.090
 RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Title XIX County Health Department Reimbursement Plan (the Plan) effective July 1, 2011. The Plan effective July 1, 2011, includes revisions made in accordance with a request from the Centers for Medicare and Medicaid Services (CMS) to specify Rule 59G-9.070,

F.A.C., for the amount of late cost report sanctions; Senate Bill 2000, 2011-12 General Appropriations Act, Specific Appropriation 201 which implements a reimbursement rate reduction; and Senate Bill 2144, Section 5, 409.908(23)(a), Florida Statutes, which establishes a rate freeze in reimbursement rates.

SUMMARY: This rule implements a reimbursement rate reduction and a reimbursement rate freeze, effective July 1, 2011. Also, this rule adds a reference to Rule Number 59G-9.070, F.A.C., that specifies the amount of sanctions for the submission of a late cost report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: February 14, 2012, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

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: Edwin Stephens, Medicaid Program Finance, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.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 IS: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.

Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version ~~IXVHH~~ Effective Date July 1, 2011~~0~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908 FS. History--New 6-3-93, Formerly 10P-6.090, Amended 7-21-02, 11-21-04, 1-11-09, 3-24-10, 2-23-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.300
 RULE TITLE: St. Marks River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt a new Total Maximum Daily Load (TMDL), and its allocation, for nitrate, which has caused a biological impairment in the Upper Wakulla River within the St. Marks River Basin. This rulemaking also makes minor changes to the pre-existing TMDL for this basin by renumbering the pre-existing TMDL, editing it for consistency with other TMDLs, and clarifying that this pre-existing TMDL is for Munson Slough above Lake Munson.

SUMMARY: The new TMDL addresses biology impairments in the St. Marks River Basin. Specifically, the TMDL rule being proposed for adoption is for the Upper Wakulla River. This waterbody was verified as impaired for biology using the methodology established in Chapter 62-303, F.A.C. The proposed nitrate target of 0.35 mg/L was set to meet the biology criterion. This rulemaking has been given OGC Case Number 09-0155.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in

the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The proposed rule only assigns reductions to the non-regulatory component of the TMDL, and thus, results in no additional costs.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: Thursday, February 16, 2012, 1:30 p.m.
 PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, 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 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.300 St. Marks River Basin TMDLs.

~~(1) Munson Slough Above Lake Munson TMDL. Munson Slough TMDL for Fecal Coliform.~~ The Total Maximum Daily Load (TMDL) is 400 counts/100mL for fecal coliform, and is allocated as follows:

~~(a)(+)~~ The Wasteload Allocation (WLA) for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria, which, based on the measured concentrations from the 2006 period, will

require a 31.6 percent reduction at sources contributing to exceedances of the criteria at Roberts Ave., and for the 2006 period, will require a 96.9 percent reduction at sources contributing to exceedances of the criteria at Springhill Road, and for the 1992 to 2007 period, will require a 91.5 percent reduction at sources contributing to exceedances of the criteria at Capital Circle S. W.

~~(c)(2)~~ The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria, which, based on the measured concentrations from the 2006 period, will require a 31.6 percent reduction at sources contributing to exceedances of the criteria at Roberts Ave., and for the 2006 period, will require a 96.9 percent reduction at sources contributing to exceedances of the criteria at Springhill Road, and for the 1992 to 2007 period, will require a 91.5 percent reduction at sources contributing to exceedances of the criteria at Capital Circle S. W.

~~(d)(3)~~ The Margin of Safety is implicit.

~~(e)(4)~~ While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) Upper Wakulla River. The nitrate TMDL to address the biological impairment is an in-stream monthly mean concentration of 0.35 mg/L and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream nitrate concentrations meet the TMDL target, which, based on the mean concentrations from the 2002-2007 period, will require a 56.2 percent reduction of nitrate at sources contributing to the observed biological impairment.

(d) The Margin of Safety is implicit.

(e) While the WLA and LAs for nitrate have been expressed as the concentration and percent reduction needed to attain the applicable Class III biology criterion, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream nitrate concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 10-21-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-304.300

St. Marks River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt new Total Maximum Daily Loads (TMDLs), and their allocations, for turbidity (addresses aquatic life impairment), total ammonia (addresses un-ionized ammonia impairment), 5-day biological oxygen demand (BOD5), total nitrogen (TN), and total phosphorus (TP) that have caused low dissolved oxygen (DO) and nutrient impairments for certain waters within the St. Marks River Basin.

SUMMARY: These new TMDLs address aquatic life, un-ionized ammonia, nutrient, and low DO impairments in the St. Marks River Basin. Specifically, the TMDL rules being proposed for adoption are for Munson Slough above Lake Munson, Lake Munson, and Munson Slough below Lake Munson. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C. The turbidity target of 31 NTU was set to meet the turbidity criterion, the total ammonia target of 0.32 mg/L was set to meet the un-ionized ammonia criterion of 0.02 mg/L, the TN and TP targets were set to meet a DO criterion of 5.0 mg/L in both Munson Slough and Lake Munson and a Trophic State Index of 56 in Lake Munson. The target concentration of turbidity (Lake Munson) was established using a percent reduction, the total ammonia target (Munson Slough below Lake Munson) was established using a regression model, the concentrations of TN and TP were established using reference stream conditions (Munson Slough above Lake Munson) and the Watershed Management model in combination with an empirical equation (Lake Munson). This rulemaking has been given OGC Case Number 09-0155.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

While Section 120.541, F.S., does not necessitate the preparation of a SERC in such instance, the Department has chosen to prepare a SERC for all proposed TMDLs to assist in

the determination of whether any costs are incurred as a result of the TMDL, and if so, how much. The SERC analysis shows that the proposed rules are likely to increase the regulatory costs in excess of \$1 million in aggregate within the five years of implementation of these rules in order to restore these impaired waters.

The Agency has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: Thursday, February 16, 2012, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, 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 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.300 St. Marks River Basin TMDLs.

(1) through (2) No change.

(3) Munson Slough Above Lake Munson. The dissolved oxygen TMDLs are 5-day biological oxygen demand (BOD₅) of 2.00 mg/L, total nitrogen (TN) of 0.72 mg/L, and total phosphorus (TP) of 0.15 mg/L and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criterion and TMDL

concentrations, which, based on the median concentrations from the 1973-2007 period, will require a 50 percent reduction for BOD₅, an 8.35 percent reduction for TN, and a 17.53 percent reduction for TP at sources contributing to exceedances of the criterion and TMDLs.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criterion and the TMDL concentrations, which, based on the median concentrations from the 1973-2007 period, will require a 50 percent reduction for BOD₅, an 8.35 percent reduction for TN, and a 17.53 percent reduction for TP at sources contributing to exceedances of the criterion and TMDLs.

(d) The Margin of Safety is implicit.

(e) While the WLA and LAs for BOD₅, TN, and TP have been expressed as the concentrations and percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream BOD₅, TN, and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(4) Lake Munson. The turbidity TMDL is 31 Nephelometric turbidity units (NTUs) and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-lake concentrations meet the TMDL concentration, which, based on the median concentrations from the 1986-2007 period, will require a 31.9 percent reduction at sources contributing to exceedances.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-lake concentrations meet the TMDL concentration, which, based on the median concentrations from the 1986-2007 period, will require a 31.9 percent reduction at sources contributing to exceedances of the TMDL.

(d) The Margin of Safety is implicit.

(e) While the WLA and LAs for turbidity have been expressed as the concentration and percent reduction needed to attain the applicable Class III criterion, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-lake turbidity concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(5) Lake Munson. The dissolved oxygen and nutrient [Trophic State Index (TSI)] TMDLs are in-lake concentrations for BOD₅ of 2.00 mg/L, TN of 0.765 mg/L, and TP of 0.044 mg/L and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-lake concentrations meet the dissolved oxygen criterion and the nutrient TMDL concentrations, which, based on the mean concentrations from the 2004-2008 period, will require a 50 percent reduction for BOD₅, a 32.5 percent reduction for TN, and a 76.7 percent reduction for TP at sources contributing to exceedances.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-lake concentrations meet the dissolved oxygen criterion and the TMDL concentrations, which, based on the mean concentrations from the 2004-2008 period, will require a 50 percent reduction for BOD₅, a 32.5 percent reduction for TN, and a 76.7 percent reduction for TP at sources contributing to exceedances of the dissolved oxygen criterion and BOD₅ and nutrients TMDL concentrations.

(d) The Margin of Safety is implicit.

(e) While the WLA and LAs for BOD₅, TN and TP have been expressed as the concentrations and percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-lake BOD₅, TN, and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(6) Munson Slough Below Lake Munson. The dissolved oxygen TMDL is an in-stream concentration for BOD₅ of 2.00 mg/L and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criterion and BOD₅ TMDL concentration, which, based on the mean concentration from the period 1986-2007, will require a 52.9 percent reduction for BOD₅ at sources contributing to exceedances.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criterion and the BOD₅TMDL concentration, which, based on the mean concentrations from the 1986-2007 period, will require a 52.9 percent reduction for BOD₅ at sources contributing to exceedances of the criteria.

(d) The Margin of Safety is implicit.

(e) While the WLA and LAs for BOD₅ have been expressed as the concentration and percent reduction needed to attain the applicable Class III dissolved oxygen criterion, it is

the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream BOD₅ concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(7) Munson Slough Below Lake Munson. The un-ionized ammonia impairment is addressed by reductions in total ammonia. The total ammonia TMDL is an in-stream concentration of 0.32 mg/L and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream un-ionized ammonia concentrations meet the water quality criterion, which, based on the mean concentration from the period 1971-2007, will require a 33.3 percent reduction of total ammonia at sources contributing to exceedances.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream un-ionized ammonia concentrations meet the water quality criterion, which, based on the mean concentrations from the 1971-2007 period, will require a 33.3 percent reduction of total ammonia at sources contributing to exceedances.

(d) The Margin of Safety is implicit.

(e) While the WLA and LAs for total ammonia have been expressed as the concentration and percent reduction needed to attain the applicable Class III un-ionized ammonia criterion, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream un-ionized ammonia concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History–New 10-21-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-701.200	Definitions
62-701.210	Documents Incorporated by Reference
62-701.220	General Applicability
62-701.300	Prohibitions

62-701.315 Permit Fees for Solid Waste Management Facilities
 62-701.320 Solid Waste Management Facility Permit Requirements, General
 62-701.330 Landfill Permit Requirements
 62-701.400 Landfill Construction Requirements
 62-701.500 Landfill Operation Requirements
 62-701.510 Water Quality Monitoring Requirements
 62-701.530 Gas Management Systems
 62-701.600 Landfill Final Closure
 62-701.620 Long-Term Care
 62-701.630 Financial Assurance
 62-701.710 Waste Processing Facilities
 62-701.730 Construction and Demolition Debris Disposal and Recycling
 62-701.803 General Permit for Off-site Disposal of Yard Trash
 62-701.900 Forms

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-701, F.A.C., which contains regulations for a wide variety of solid waste facilities including landfills, construction and demolition debris disposal facilities and waste processing facilities. This chapter was last amended on January 6, 2011. A number of simplifying changes are being proposed to the chapter with the goals of continuing environmental protection but also: (1) reducing unnecessary regulations; (2) reducing costs to the regulated community; (3) clarifying existing regulations; and (4) conforming the chapter to recent statutory changes. These measures will result in a significant savings to the regulated community while continuing to provide environmental protection.

SUMMARY: The chapter is being amended in several places to clarify that storm water and surface water management is not regulated under solid waste permits. Prohibitions on disposal of yard trash and waste tires are being updated to reflect statutory language. Permit fees for several types of facilities are being eliminated, and a new permit fee for certain general permits is identified. The kinds of documents that must be submitted with certifications of construction completion are clarified. The innovative use of recycled materials in lieu of soil for cover requirements is being specifically authorized. Requirements for routine leachate sampling are being eliminated. Financial assurance requirements for gas recovery facilities are being eliminated. Landfill closure procedures are being clarified. Additional flexibility in monitoring requirements for closed landfills is being added. The current provisions for deferral of financial assurance for disposal units that have not yet accepted waste is being replaced with a simple requirement that financial assurance is not required until 60 days prior to acceptance of waste. To conform to recent statutory changes, the general permit for land clearing debris disposal facilities will now apply to yard trash disposal facilities.

Requirements for waste processing facilities are being reorganized and simplified. Indoor waste processing facilities will be allowed to apply for permit renewals under a general permit instead of an individual permit. Small container-to-container transfer stations will be exempt from permitting requirements under certain conditions, including a notification to the Department. These changes will have the effect of reducing permitting requirements for many facilities, and will not impose any additional permitting requirements on any facilities.

OTHER RULES INCORPORATING THIS RULE: Rule 62-701.200 is referenced in Rule 62-709.201, Rule 62-710.201, Rule 62-711.400, Rule 62-713.200, Rule 62-713.300, Rule 62-716.200, and Rule 62-722.200. Rule 62-701.300 is referenced in Rule 62-709.300, Rule 62-713.300, and Rule 62-737.150. Rule 62-701.320 is referenced in Rule 62-709.300 and Rule 62-713.300. Rule 62-701.510 is referenced in Rule 62-713.400 and Rule 62-713.600. Rule 62-701.630 is referenced in Rule 62-710.800 and Rule 62-713.600. Rule 62-701.900 is referenced in Rule 62-710.800, Rule 62-704.400, Rule 62-711.500, Rule 62-711.520, Rule 62-711.530, Rule 62-711.550, Rule 62-713.400, Rule 62-713.600, and Rule 62-722.400, F.A.C.

EFFECT ON THOSE OTHER RULES: Amendments to Rule 62-701.200, Rule 62-701.300, Rule 62-701.320, and 62-701.900 will have no significant impact on other referencing rules. Amendments to Rule 62-701.510 will require an amendment to Rule 62-713.400 to delete references to leachate monitoring, but will have no significant impact on other referencing rules. Amendments to Rule 62-701.630 will have those effects on the referencing rules that are described above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Some of the proposed changes make clerical or technical changes, or reorganize existing rule language. Other proposed changes reduce the regulatory burden of the rule chapter or clarify that certain procedures will not apply in specific cases. There are no costs associated with any of the proposed changes, and in some cases they will significantly reduce costs. Thus, the proposed rules are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.0877, 403.704, 403.7045, 403.7125, 403.716, 403.814 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0877, 403.121, 403.702-403.717, 403.75-403.769, 403.814 FS.

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

DATE AND TIME: February 16, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, 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 48 hours before the workshop/meeting by contacting: Richard Tedder (contact information provided below). 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: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8735 or email at Richard.Tedder@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-701.200 Definitions.

The following words, phrases or terms as used in Chapters 62-701 through 62-722, F.A.C., unless the context indicates otherwise, shall have the following meaning:

(1) through (21) No change.

(22) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household waste residential and industrial solid wastes.

(23) through (49) No change.

(50) "Indoor" means within a structure that has been constructed with a roof over an impervious surface and has outside walls on a minimum of all but one of the sides of the facility. The roof and outside walls must be constructed with materials having structural strength like wood, block, fiberglass, plastic or metal rather than materials like canvas or tarpaulin, and may include windows and doors. An impervious surface means a surface like a poured concrete pad or asphalt concrete paving excludes rain and public access and would control air flows in the event of a fire.

(51) through (68) No change.

(69) "Manure" means a solid waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary or feeding purposes for such animals. ~~For purposes of Chapter 62-709, F.A.C., manure does not mean such material generated and managed by normal farming operations.~~

(70) through (136) No change.

All other definitions found in Chapter 403, F.S., and Chapters 62-702 through 62-722, F.A.C., to the extent that they are consistent with the definitions of this chapter, are applicable to the terms used in this chapter.

Rulemaking Authority 403.704 FS. Law Implemented 403.702-.717, 403.75-.769 FS. History—Formerly 10D-12.02, 10-1-74, Revised 7-20-76, Amended 5-24-79, 6-13-84, 4-25-85, 7-1-85, 12-10-85, Formerly 17-7.02, 17-7.020, Amended 8-2-89, 6-25-90, Formerly 17-701.020, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.200, Amended 12-23-96, 5-27-01, 1-6-10,_____.

62-701.210 Documents Incorporated by Reference.

Specific references to the documents listed below are made throughout this chapter. These documents are adopted as standards and are incorporated into this chapter by reference. The reference documents are available for inspection at the Department's district offices.

(1) through (18) No change.

(19) GRI Test Method GM19 revision ~~3~~ 2 dated June 4, 2010 ~~January 28, 2005~~.

(20) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.061, 403.702-.717 FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.210, Amended 5-27-01, 1-6-10,_____.

62-701.220 General Applicability.

(1) No change.

(2) This chapter applies to all solid waste and each solid waste management facility in this state, with the following exceptions:

(a) No change.

(b) Injection wells defined under and subject to the provisions of Chapter ~~62-528~~ 65-528, F.A.C.;

(c) through (f) No change.

(g) The collection and processing of soil, rocks, vegetative debris, asphalt, and similar materials normally associated with and actually from construction and routine maintenance of roads, as defined in Section 334.03(24), F.S., when such materials are beneficially used or reused by the generator as part of a road construction or maintenance project. Street sweepings, ditch scrapings, shoulder scrapings, and catch basin sediments are included in this exemption provided that any significant amounts of solid waste, such as tires, furniture, white goods, and automobile parts, are removed prior to use or reuse. This exception does not apply when materials are

contaminated by a spill or other unusual event. Storage of these materials at transfer stations or off-site waste storage areas is addressed in subparagraph 62-701.710(1)(c)(e)5., F.A.C.

(3) through (6) No change.

(7) Storm water and surface water management are generally regulated under other rules of the Department or water management districts. Issuance of a permit under this chapter does not relieve a permittee from compliance with any of these rules, nor does this chapter require that an applicant receive all necessary storm water or surface water management permits before receiving a solid waste permit. There are several requirements in this chapter that stormwater be controlled in accordance with Part IV of Chapter 373 and the rules promulgated thereunder. Unless otherwise specifically provided, the referenced rules are Chapter 62-25, F.A.C., for facilities within the Northwest Florida Water Management District, and Chapter 62-330, F.A.C., for all other facilities.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.061, 403.702-717 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.220, Amended 5-27-01, 1-6-10,_____.

62-701.300 Prohibitions.

(1) No change.

(2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department license or site certification based upon site-specific geological, hydrogeological, design, or operational features, no person shall store or dispose of solid waste:

(a) through (f) No change.

(3) through (7) No change.

(8) Special wastes for landfills.

(a) No person who knows or who should know of the nature of such solid waste shall dispose of the following wastes:

1.(a) Lead-acid batteries in any landfill;

2.(b) Used oil in any landfill, except as provided in Chapter 62-710, F.A.C.;

3.(e) Yard trash in a Class I landfill, except as may be allowed pursuant to Section 403.708(12)(c), F.S.; and

4.(d) White goods in any landfill, and

(b)(e) Whole waste tires may not be disposed of in any landfill or in any construction and demolition debris disposal facility, except as provided in Chapter 62-711, F.A.C.

(9) through (18) No change.

Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.7045(3)(d), 403.707, 403.708 FS. History—Formerly 10D-12.06, 10D-12.07, 10-1-74, Amended 5-24-79, 5-27-82, 12-10-85, Formerly 17-7.04, 17-7.040, Amended 6-25-90, Formerly 17-701.040, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.300, Amended 12-23-96, 5-27-01, 1-6-10,_____.

62-701.315 Permit Fees for Solid Waste Management Facilities.

Notwithstanding the provisions of paragraph 62-4.050(4)(j), F.A.C., the following fees shall apply to permit applications for solid waste management facilities. The provisions of paragraphs 62-4.050(4)(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit modifications are established in subsection 62-701.320(4), F.A.C.

(1) Construction permits.

(a) through (b) No change.

~~(c) Solid waste storage and handling area at a solid waste combustor with a capacity of 50 tons per day or more.~~ \$5,000

~~(d) Solid waste storage and handling area at a solid waste combustor with a capacity of less than 50 tons per day~~ \$2,000

(e) through (k) renumbered (c) through (i) No change.

(2) Operation permits.

(a) through (b) No change.

~~(c) Solid waste storage and handling area at a solid waste combustor with a capacity of 50 tons per day or more~~ \$5,000

~~(d) Solid waste storage and handling area at an air curtain incinerator or at a solid waste combustor with a capacity of less than 50 tons per day~~ \$1,000

(e) through (h) renumbered (c) through (f) No change.

(3) Closure permits.

(a) through (b) No change.

~~(c) All other solid waste facilities~~ \$1,000

~~(c)(d)~~ Closure permit for landfill that which involves only long-term care (10-year duration) \$2,000

(4) Waste processing facility.

(a) No change.

(b) Renewal permit that which does not involve additional construction \$1,000

(c) General permit for indoor facilities \$100

(5) Construction and demolition debris disposal facilities.

(a) No change.

(b) Renewal permit that which does not involve additional construction \$1,000

(c) No change.

(6) General permit for yard trash land clearing debris disposal facility or a mobile waste tire processing facility. \$100

(7) through (11) No change.

Rulemaking Authority 403.061, 403.087, 403.704 FS. Law Implemented 403.087, 403.702, 403.704, 403.707, 403.70715 FS. History—New 5-27-01, Amended 1-6-10,_____.

62-701.320 Solid Waste Management Facility Permit Requirements, General.

(1) through (8) No change.

(9) Permits for construction, modification, operation, and closure. Complete permit applications for construction or operation of a solid waste management facility, renewal of an operation permit for an existing facility, modification of an existing facility, or closure of a facility shall be evaluated by the respective Department district office in accordance with Chapters 62-4 and 62-701, F.A.C. Except as provided in Rule 62-701.620, F.A.C., the time period for permits shall be no longer than five years from the date of issuance by the Department. However, a construction/operation permit shall be issued for a longer period, not to exceed ten years, so that the permit will allow up to five years of operation after initial construction has been completed.

(a) No change.

(b) After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. The certification shall be submitted on Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The final report required by subsection 62-701.400(7), F.A.C., as well as any reports required by subparagraphs 62-701.400(3)(d)10. and 62-701.400(3)(f)5., F.A.C., shall be submitted with the certification. All deviations shall be described in detail and the reasons therefore enumerated. The permittee shall not accept solid waste at the facility until one of the following has occurred:

1. through 2. No change.

(c) In addition to the above requirements, the permittee shall not accept solid waste at the facility unless a construction/operation permit or an operation permit has been issued to the permittee. ~~If the applicant has submitted Form 62-701.900(29), as provided for in paragraph 62-701.630(2)(e) or paragraph 62-701.730(11)(b), F.A.C., the permittee shall not accept solid waste at the solid waste disposal unit referenced in that Form unless the Department has given the permittee a specific separate approval authorizing operation of the unit.~~

(10) Permit renewals.

(a) No change.

(b) Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of solid waste management facilities. Closure plans shall be updated at

the time of permit renewal to reflect changes in closure design, long-term care requirements, and financial assurance requirements ~~responsibility documentation.~~

(c) No change.

(11) through (18) No change.

Rulemaking Authority 403.061, 403.704, 403.716 FS. Law Implemented 403.0877, 403.121(3)(e), 403.702, 403.704, 403.707, 403.716 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.320, Amended 12-23-96, 5-27-01, 1-6-10, _____.

62-701.330 Landfill Permit Requirements.

(1) No change.

(2) Permitted footprint. Applicants seeking permits for lined landfills are not limited to the amount of area they may need for disposal in a 5-year permit period. Rather, applicants may seek a permit with as large a disposal area as they desire subject to the following conditions.

(a) through (b) No change.

(c) During the life of the 5-year permit, the applicant must notify the Department in writing before beginning construction of another permitted phase of the landfill. Construction may proceed, without further action being required by the Department, if it is in accordance with the conditions of the permit. However, if rule changes occur after the 5-year permit is issued which affect the design of the construction, then permit modifications may be required. Upon completion of the construction of a permitted phase of the landfill, a Certification of Construction Completion document must be prepared for the phase and submitted to the Department for approval. Department approval in accordance with paragraph 62-701.320(9)(b)(~~a~~), F.A.C., is required before the applicant may begin use of the newly constructed phase. No permit fees will be required for authorizing use of these phases.

(d) through (e) No change.

(3) Permit applications. Permit applications for landfills shall be submitted on Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective date January 6, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Applications shall meet the requirements of Rule 62-701.320, F.A.C., and shall also include the following specific requirements:

(a) through (g) No change.

(h) The financial assurance documentation required by Rule 62-701.630, F.A.C. A statement of how the applicant will demonstrate financial responsibility for the closing and long-term care of the landfill.

(i) Operational plans and drawings as required in subsections 62-701.500(2), (6), (7), (8), (9), (10), and (11), F.A.C.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.330, Amended 5-27-01, 1-6-10, _____.

62-701.400 Landfill Construction Requirements.

(1) through (2) No change.

(3) Landfill liner requirements. Class I Landfills shall be constructed with composite or double liners, and a leachate collection and removal system. Liners and leachate collection systems for Class III landfills are addressed in paragraph 62-701.400(3)(g), F.A.C.

(a) through (c) No change.

(d) Standards for geosynthetic components.

1. ~~HDPE geomembranes and shall have factory and field seams whose shear strengths during testing are at least 90 percent of the specified minimum yield strength.~~ LLDPE geomembranes shall have factory and field seams whose shear and peel strengths during testing are in conformance with the seam strengths specified in method GRI GM19. PVC geomembranes shall have factory and field seams whose shear and peel strengths during testing are in conformance with the seam strengths specified in method PGI 1104. For all geomembranes, the failure shall occur in the lining material outside the seam area. All field seams must also be visually inspected and pressure or vacuum tested for seam continuity using suitable non-destructive techniques.

2. through 11. No change.

(e) through (g) No change.

(4) through (6) No change.

(7) Liner systems construction quality assurance.

(a) No change.

(b) Liner systems shall be installed in accordance with a Department-approved construction quality assurance plan. Plans that comply with EPA Document EPA/600/R-93/182 shall be presumed to be in compliance with this section. The following minimum specific elements shall be included in the plan:

1. Responsibility and authority of all organizations and key personnel involved in permitting, designing, constructing, and providing construction quality assurance of the waste disposal facility shall be described fully;

2. Minimum qualifications of the construction assurance quality professional engineer and supporting personnel shall be in the plan to demonstrate that they possess the training and experience necessary to fulfill their identified responsibilities;

3. Procedures and tests that will be used to monitor the installation of the liner system components shall be described in detail;

4. The sampling activities, sample size, sample locations, frequency of testing, acceptance and rejection criteria, and plans for implementing corrective measures that may be necessary shall be described; and

5. Reporting requirements for construction quality assurance activities shall be described, including daily summary reports, observation data sheets, problem identification and corrective measures, and final documentation. All such documents shall be included in the final report which shall be forwarded to the Department.

(c) No change.

(d) If an electrical leak location survey method, or other equivalent method is used to test the geomembrane(s) in the liner system, testing shall be conducted after placement of the soil drainage layer. The geomembrane liner leak location survey shall be performed using standard industry methods, and any leaks located shall be repaired and tested by methods approved by the Department. The results of the geomembrane liner leak location survey, including a description of the locations of any leaks detected and the repairs that were conducted on these leaks, shall be documented in a final report included with the completion of construction documents required in this subsection.

~~1. Responsibility and authority of all organizations and key personnel involved in permitting, designing, constructing, and providing construction quality assurance of the waste disposal facility shall be described fully;~~

~~2. Minimum qualifications of the construction assurance quality professional engineer and supporting personnel shall be in the plan to demonstrate that they possess the training and experience necessary to fulfill their identified responsibilities;~~

~~3. Procedures and tests that will be used to monitor the installation of the liner system components shall be described in detail;~~

~~4. The sampling activities, sample size, sample locations, frequency of testing, acceptance and rejection criteria, and plans for implementing corrective measures that may be necessary shall be described; and~~

~~5. Reporting requirements for construction quality assurance activities shall be described, including daily summary reports, observation data sheets, problem identification and corrective measures, and final documentation. All such documents shall be included in the final report which shall be forwarded to the Department.~~

(e) through (f) No change.

(8) No change.

(9) Surface water management systems.

(a) ~~Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction authorized by that permit shall be completed before the facility~~

receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits. For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

~~(b) A stormwater management system shall be designed, constructed and maintained which, at a minimum, prevents stormwater from the peak discharge of the 25 year storm event from running onto those portions of the landfill which have not been closed.~~

~~(b)(e) Stormwater management systems shall be designed to avoid mixing of stormwater with leachate. Stormwater or other surface water which comes into contact with the landfilled solid waste or mixes with leachate shall be considered leachate and is subject to the requirements of subsections 62-701.500(8) and 62-701.510(5), F.A.C.~~

(10) No change.

(11) Landfills in ground water. A landfill constructed so that the bottom liner is constantly in contact with ground water is not prohibited by this rule. However, an applicant proposing such a design shall include special design features ~~that which~~ demonstrate that the landfill will provide an equivalent degree of protection for the environment as would a similar landfill whose bottom liner is not in contact with ground water. Such a design is not entitled to the presumption of compliance with performance standards ~~that which~~ is set forth in subsection (1) of this section. In addition to any other ~~assurances of~~ financial ~~assurance requirements~~ responsibility for closure, an applicant shall provide a performance bond sufficient to ensure long-term maintenance and operation of the leachate collection system.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.400, Amended 5-27-01, 1-6-10_____.

62-701.500 Landfill Operation Requirements.

(1) through (3) No change.

(4) Waste records.

(a) No change.

(b) Types of waste received:

1. Class I waste ~~Municipal solid waste.~~

2. through 4. No change.

(5) through (6) No change.

(7) Waste Handling Requirements.

(a) through (d) No change.

(e) Initial cover shall be applied and maintained at landfills in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, unauthorized wastes, blowing litter, odors, vectors, or fires. To the extent the

following materials meet the criteria of subsection 62-701.200(53), F.A.C., operators of landfills may use them as initial cover:

1. Auto shredder residue, alone or mixed with soil, at Class I landfills.

2. Recovered screen material at Class I or Class III landfills.

3. Street sweepings at Class I landfills. If no significant amount of Class I waste is present in the street sweepings, then they can also be used at Class III landfills.

4. Solid waste combustor ash residue at Class I landfills.

(f) The minimum frequency for applying cover is:

1. through 2. No change.

~~(g)(f) An intermediate cover in addition to the six-inch initial cover shall be applied and maintained within seven days of cell completion if additional solid waste will not be deposited within 180 days of cell completion. The landfill operator may remove all or part of the intermediate cover before placing additional waste or installing final cover. To the extent the following materials meet the criteria of subsection 62-701.200(55), F.A.C., operators of landfills may also use them as intermediate cover:~~

1. Recovered screen material.

2. A mixture of soil and ground or chipped yard trash provided that soil makes up at least 50 percent by volume of the mixture.

(8) through (12) No change.

(13) Recordkeeping. In addition to records and reporting required by other sections of this chapter, the landfill owner or operator shall:

(a) through (b) No change.

(c) Maintain an annual estimate of the remaining life and capacity in cubic yards of the existing, constructed landfill and an annual estimate of the life and remaining capacity in cubic yards and site life of other permitted areas not yet constructed. ~~The annual estimate shall be based on a summary of the heights, lengths, and widths of the solid waste disposal units.~~ The estimate shall be made and reported annually to the Department.

(d) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.500, Amended 5-27-01, 1-6-10_____.

62-701.510 Water Quality ~~and Leachate~~ Monitoring Requirements.

(1) through (2) No change.

(3) Ground water monitoring.

(a) No change.

(b) Multiple downgradient compliance wells shall be located at or immediately adjacent to the compliance line of the zone of discharge, if required in subsection ~~(6)(7)~~ of this

section. If site-specific conditions require installation of compliance wells within the zone of discharge, then a confirmed exceedance of a ground water standard above background at such wells will be considered a violation of that standard.

(c) through (d) No change.

(4) No change.

~~(5) Leachate sampling. The water quality monitoring plan shall specify the location of, and proposed protocol for, landfill leachate sampling to obtain a representative characterization of the leachate composition in the leachate collection and removal system as the leachate comes from the wastes and before it is subjected to conditions that may change the characteristics of the leachate. All sampling points shall be located to minimize pumping of leachate before sampling.~~

~~(5)(6)~~ Initial and routine sampling frequency and requirements. Except as otherwise specified in a Department permit or order or in subsection ~~(6)(7)~~ of this section, frequency of sampling and analysis shall comply with the following. However, the owner or operator of a solid waste disposal unit may request a permit modification from the appropriate District Office of the Department to delete specific monitoring parameters or field parameters from routine analyses of detection or compliance wells and surface water. The Department will grant such modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste contained in the unit, or are not reasonably expected to be detected in the ground water as a result of the operations of the facility.

(a) No change.

(b) Initial background water quality.

1. No change.

2. Sampling and analysis for initial background ground water quality shall be for the parameters listed in paragraphs ~~(7)(8)(a)~~ and ~~(7)(8)(c)(d)~~ of this section.

3. Sampling and analysis for initial background surface water quality shall be for the parameters listed in paragraph ~~(7)(8)(b)~~ of this section.

~~(e) Routine leachate sampling.~~

~~1. Leachate shall be sampled and analyzed annually for the parameters listed in paragraphs (8)(e) and (d) of this section.~~

~~2. For landfills which are receiving waste, if this annual analysis indicates that a contaminant listed in 40 CFR Part 261.24 exceeds the regulatory level listed therein, the permittee shall initiate monthly sampling and analysis and shall notify the Department in writing. If in any three consecutive months no listed contaminant is found to exceed the regulatory level, the permittee may discontinue the monthly sampling and analysis and return to a routine sampling schedule.~~

~~(c)(d)~~ Routine monitoring well sampling. All detection wells, and a representative sample of background wells, shall be sampled and analyzed at least semi-annually for the ground water parameters listed in paragraph ~~(7)(8)(a)~~ of this section, in

accordance with the water quality monitoring plan. The owner or operator of a solid waste disposal unit may request a permit condition or modification from the appropriate District Office of the Department to use an alternate monitoring frequency. The Department will approve such condition or modification upon a demonstration that the alternate frequency is appropriate based upon site specific lithology of the aquifer and unsaturated zone, hydraulic conductivity of the aquifer and unsaturated zone, ground water flow rates, minimum distance of travel and the fate and transport of parameters detected.

~~(d)(e)~~ Routine surface water sampling. Surface waters shall be sampled and analyzed semi-annually for the parameters listed in paragraph ~~(7)(8)(b)~~ of this section, in accordance with the water quality monitoring plan.

~~(6)(7)~~ Evaluation monitoring, prevention measures and corrective action.

(a) Evaluation monitoring and prevention measures. If monitoring parameters are detected in detection wells in concentrations that are significantly above background water quality, or that are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the permittee may resample the wells within 30 days after the sampling data is received, to confirm the data. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility. If the data is confirmed, or if the permittee chooses not to resample, the permittee shall notify the Department in writing within 14 days of this finding. Upon notification by the Department, the permittee shall initiate evaluation monitoring as follows:

1. Routine monitoring of all monitoring wells, surface water monitoring locations and leachate sampling locations shall continue according to the requirements of subsection ~~(5)(6)~~ of this section.

2. Except as provided in paragraph (b) of this subsection, within 90 days of notification from the Department to initiate evaluation monitoring and annually thereafter, the permittee shall sample and analyze a representative sample of the background wells and all affected detection wells for the parameters listed in paragraph ~~(7)(8)(c)(d)~~ of this section. Any new parameters detected and confirmed in the affected downgradient wells shall be added to the routine ground water monitoring parameter lists required in subsection ~~(5)(6)~~ of this section for the affected wells.

3. Within 90 days of notification from the Department to initiate evaluation monitoring, the permittee shall install and sample compliance monitoring wells at the compliance line of the zone of discharge and downgradient from the affected detection monitoring wells. These wells shall be installed according to the requirements of paragraph (3)(d) of this section, and, except as provided in paragraph (b) of this subsection, samples from these wells and the affected detection wells shall be analyzed quarterly for the parameters listed in

paragraph ~~(7)(8)~~(a) of this section and any other parameters detected in the affected detection and downgradient wells sampled in subparagraph ~~(6)(7)~~(a)2. and annually for the parameters listed in paragraph ~~(7)(8)(c)(d)~~. If any contaminants are detected and confirmed in compliance wells in concentrations that exceed both background levels and Department water quality standards or criteria, then the provisions of paragraph ~~(6)(7)~~(c) of this section apply; otherwise, the following subparagraphs apply.

4. through 5. No change.

6. The owner or operator of a solid waste disposal unit may request authorization ~~a permit modification~~ from the appropriate District Office of the Department to use an alternate monitoring frequency, for repeated sampling during evaluation monitoring. The Department will grant such authorization ~~modification~~ upon a demonstration that the alternate frequency is appropriate based upon site specific lithology of the aquifer and unsaturated zone, hydraulic conductivity of the aquifer and unsaturated zone, ground water flow rates, minimum distance of travel and the fate and transport of parameters detected.

7. The owner or operator of a solid waste disposal unit may request authorization ~~a permit modification~~ from the appropriate District Office of the Department to delete specific monitoring parameters or field parameters from evaluation analyses of detection or compliance wells. The Department will grant such authorization ~~modification~~ upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste contained in the unit.

8. No change.

(b) If the parameters detected in the detection wells identified in paragraph (a) of this subsection consist only of iron, aluminum, manganese, sulfates, or total dissolved solids (TDS), either individually or in any combination, then only the detected parameters are required to be monitored in the representative background wells, affected detection wells and downgradient compliance wells required in this section rather than the parameters listed in paragraphs ~~(7)(8)~~(a) and ~~(7)(8)(c)(d)~~. However, if the facility is unlined, the parameters specified in paragraph ~~(7)(8)~~(a) shall also be analyzed for in the initial sampling event for the affected detection wells and downgradient compliance wells.

(c) No change.

~~(7)(8)~~ Water quality parameters. The following list of water quality monitoring parameters shall be used for each type of sampling to be done.

(a) through (b) No change.

~~(c) Leachate monitoring parameters:~~

Field parameters	Laboratory parameters
Specific conductivity	Total ammonia—N
pH	Total alkalinity (as mg/L CaCO ₃)

Dissolved oxygen	Chlorides
Colors, sheens	Iron
(by observation)	Mercury
Temperature	Nitrate
	Temperature
	Sodium
	Total dissolved solids (TDS)
	Biochemical oxygen demand (BOD ₅)
	Chemical oxygen demand (COD)

~~(c)(d)~~ No change.

~~(8)(9)~~ Water quality monitoring reporting.

(a) The landfill owner or operator shall report all representative water quality monitoring results to the Department within 60 days from completion of laboratory analyses, unless a different due date is specified in the permit. ~~This report shall also include any leachate monitoring results obtained in accordance with paragraph (6)(e) of this section.~~ In accordance with subsections 62-160.240(3) and 62-160.340(4), F.A.C., water quality data ~~contained in the report~~ shall be provided to the Department in an electronic format consistent with requirements for importing into Department databases, unless an alternate form of submittal is specified in the permit. The permittee shall include Form 62-701.900(31), Water Quality Monitoring Certification, effective date January 6, 2010, hereby adopted and incorporated by reference, with each report certifying that the laboratory results have been reviewed and approved by the permittee. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The operator of the landfill shall notify the Department at least 14 days before the sampling is scheduled to occur so that the Department may collect split samples. If water quality data is not provided in an electronic format, the permittee shall submit a separate report that includes ~~The report shall include~~ at least the following:

1. through 10. No change.

(b) A technical report, signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, shall be submitted to the Department every two and one-half years during the active life of the facility, and every five years during the long-term care period. The report shall summarize and interpret the water quality ~~and leachate monitoring results~~ and water level measurements collected during the past two and one-half years. The report shall contain, at a minimum, the following:

1. through 8. No change.

(c) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.510, Amended 5-27-01, 1-6-10, _____.

62-701.530 Gas Management Systems.

(1) Design requirements.

(a) Landfills that receive degradable wastes shall have a gas management system designed to prevent explosions and fires, and to minimize off-site odors, lateral migration of gases and damage to vegetation. Combustible gases shall be calibrated to methane. Owners or operators of such landfills shall submit a general gas management system design as part of their permit application, and may modify that design as necessary at the time of closure based upon site-specific conditions. Landfill gas management systems shall:

1. through 2. No change.

3. Be designed to reduce gas pressure in the interior of the landfill by collecting the gases to prevent them from moving laterally. ~~Collection pipes, pathways, or vents shall collect gas from at least the uppermost two thirds of the filled waste or where the more anaerobic conditions exist.~~ Air shall not be forced into the collection system. Passive venting or suction shall be used to extract gas; and

4. No change.

(b) through (c) No change.

(2) through (4) No change.

(5) Landfill gas recovery facilities.

(a) through (b) No change.

~~(c) The owner or operator of a gas recovery facility shall post a performance bond to cover the estimated costs of closing the facility. If the gas recovery facility is included in the approved closure plan or closure permit of the landfill, and if the closure costs are included in the landfill closure cost estimates for which financial responsibility is required by Rule 62-701.630, F.A.C., then no separate proof of financial responsibility is required.~~

(6) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 5-27-01, Amended 1-6-10, _____.

62-701.600 Landfill Final Closure.

(1) No change.

(2) Closure permit requirements. Prior to initiating closure of a solid waste disposal unit, or part of a solid waste disposal unit, the owner or operator must receive authorization from the Department in one of the following manners. The owner or operator ~~may shall~~ submit an application to the Department for a closure permit ~~final closure of the landfill, or closure of the solid waste disposal unit, at least 90 days before the date when wastes will no longer be accepted. The application shall be on Form 62-701.900(1), which application shall include a closure plan.~~ If the landfill is operating under a Department permit, the owner or operator may request a modification of the permit to address substantive changes in the closure plan, or the owner or operator may demonstrate that the closure plan in the existing operation permit includes sufficient detail to provide

reasonable assurance of compliance with the provisions of this section. In all cases, the closure plan shall include in lieu of submitting a closure permit application. The application or request for modification shall include an updated closure plan which is made up of the following:

(a) through (c) No change.

(d) A demonstration that proof of financial assurance responsibility for long-term care will be provided.

(3) Closure design plan. The closure design plan shall consist of engineering plans and a report on closing procedures that apply to the final closing of solid waste disposal units during the operation of the landfill, the final closing of the landfill, and the monitoring and maintenance during the long-term care period. The closure design plan shall include the following information:

(a) through (f) No change.

(g) Final cover design.

1. Landfills shall have a final cover designed to minimize infiltration and erosion, which shall include a barrier layer consisting of a soil layer, a geomembrane, or a combination of a geomembrane with a low permeability material. All geosynthetic and soil components used in the final cover shall meet the standards and specifications contained in subparagraphs 62-701.400(3)(d)1. and 2., (3)(d)5.-11., paragraph (e), and (f), F.A.C. For lined Class I and Class III landfills, the barrier layer shall have a permeability that is substantially equivalent to, or less than, the permeability of the bottom liner system. If the landfill uses a geomembrane in the bottom liner system, the barrier layer shall also incorporate a geomembrane. For unlined Class I landfills, the barrier layer shall have a permeability of 1×10^{-7} cm/sec or less. For unlined Class III landfills, the barrier layer shall have a permeability of 1×10^{-5} cm/sec or less. For unlined Class III landfills which accepted only yard trash, no barrier layer is required; instead, final cover shall consist of a 24-inch thick soil layer, or a 30-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, the upper six inches of which shall be capable of supporting vegetative growth.

2. If the barrier layer consists only of soil, it shall be at least 18 inches thick, installed in 6-inch thick lifts, and shall have a final, 18-inch thick layer of soil, or a 24-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, that will sustain vegetation to control erosion placed on top of the barrier layer.

3. If the barrier layer consists only of a GCL, a protective soil layer at least 24 inches thick shall be placed on top of the GCL with the upper six inches being able to sustain vegetative growth. In the alternative, the GCL may be covered with a 12-inch thick layer of soil that is then covered with a 15-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, with the upper six inches being able to sustain vegetative growth. The

GCL shall be placed on a protective soil layer at least six inches thick. Material specifications and installation methods, which may include a drainage layer between the GCL and the protective soil layer over the GCL, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill.

4. If a geomembrane is used in the barrier layer, it shall be either HDPE or LLDPE with a minimum average thickness of 40 mils or PVC with a minimum average thickness of 30 mils, shall have chemical and physical resistance to materials it may come in contact with, and shall withstand exposure to the natural environmental stresses and forces throughout the installation, seaming process, and settlement of the waste during the closure and long-term care period. A protective soil layer at least 24 inches thick shall be put on top of the geomembrane. In the alternative, the geomembrane may be covered with a 12-inch thick layer of soil that is then covered with a 15-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, with the upper six inches being able to sustain vegetative growth. Material specifications, installation methods, and compaction specifications, which may include a drainage layer between the geomembrane and the protective soil layer, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill. This layer shall include topsoil or soils that will sustain vegetative growth.

5. through 7. No change.

(4) through (9) No change.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.600, Amended 5-27-01, 1-6-10, _____.

62-701.620 Long-Term Care.

(1) Long-term care period. The owner or operator of any landfill which receives wastes after January 6, 1993, shall continue to monitor and maintain the integrity and effectiveness of the final cover as well as other appurtenances of the facility, control erosion, fill subsidences, comply with the ground water monitoring plan, and maintain the stormwater system, in accordance with an approved closure plan for 30 years from the official date of closing. Before the expiration of the long-term care monitoring and maintenance period, the Department may extend the time period if the closure design or closure operation plan is found to be ineffective, or if the permittee has not performed all required monitoring and maintenance. For purposes of this subsection, “ineffective” means that:

(a) through (d) No change.

(2) through (3) No change.

(4) Modified ground water monitoring plan.

(a) The owner or operator of a landfill may apply ~~to the appropriate District Office of the Department~~ for a modification to ~~its their~~ ground water monitoring plan to remove a parameter from the list specified in subsection 62-701.510(8), F.A.C. The Department will grant such modification upon a demonstration that leachate and ground water have consistently been sampled and analyzed for the parameter, and that the parameter has never been detected in the leachate or in any ground water well or surface water point during the active life of the landfill.

(b) The owner or operator may apply for a modification of its ground water monitoring plan to reduce or eliminate the frequency of monitoring. The Department will grant such a modification upon a demonstration that there have been no violations of ground water quality standards or criteria detected in the monitoring system after final closure, and that sufficient time has passed so that any leachate escaping the landfill since final closure would be expected to have reached the monitoring well system.

(5) Gas monitoring. The gas collection and monitoring system required in paragraph 62-701.600(4)(f), F.A.C., shall be maintained for the long-term care period of the landfill. The owner or operator of a landfill may apply ~~to the appropriate District Office of the Department~~ for a permit modification to ~~reduce or eliminate the frequency of monitoring the long-term care period.~~ The Department will grant such a modification if the applicant demonstrates that the landfill has stabilized to the point where there is no significant production of combustible gases or objectionable odors.

(6) through (9) No change.

Rulemaking Authority 403.704 FS. Law Implemented 403.703(5), 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.075, 17-701.075, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.620, Amended 5-27-01, 1-6-10, _____.

62-701.630 Financial Assurance.

(1) No change.

(2) Applicability.

(a) A government-owned landfill closed on or before October 1, 1988, shall not be required to comply with this section rule.

(b) As a condition for the issuance of a landfill permit, permit transfer, or permit modification authorizing expansion, the owner or operator shall provide the Department with closure cost estimates for the permitted portions of the landfill as part of the application. Proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the closing and long-term care cost estimates for each permitted disposal unit shall be provided at least 60 days prior to the initial receipt of waste at such unit the landfill. This proof shall be submitted to the Department as

part of the permit application process, except as provided in paragraph (e) of this subsection. The financial mechanism shall either be:

1. through 2. No change.

~~(c) No solid waste shall be stored or disposed of at a solid waste disposal unit until the permittee has received written approval of the financial assurance mechanism from the Department. A permittee may delay submitting proof of financial assurance for a solid waste disposal unit under the following conditions. Such proof must be submitted at least 60 days prior to the planned acceptance of any solid waste. Under no circumstances shall the permittee receive waste at the solid waste disposal unit until it has received written acknowledgement from the Department that the financial mechanism has been properly submitted and funded.~~

~~1. The solid waste disposal unit for which a permit is being sought has not received solid waste for storage or disposal;~~

~~2. The permit being sought does not authorize operation of the solid waste disposal unit, or requires a specific separate approval by the Department prior to operation being authorized;~~

~~3. The permittee identifies the type of financial mechanism it intends to use, and provides reasonable assurance as part of the permit application that it is capable of obtaining and using the identified mechanism;~~

~~4. The permittee submits Form 62-701.900(29), Financial Assurance Deferral Application, effective date January 6, 2010, hereby adopted and incorporated by reference, as part of the permit application. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This form will inform the permittee of these requirements, and will include an acknowledgement by the permittee agreeing not to accept waste until the financial assurance has been approved.~~

(d) Owners or operators of existing Class I landfills receiving waste after October 9, 1993, that are required to undertake a corrective action program in accordance with subsection 62-701.510(6)(7), F.A.C., shall submit proof of financial assurance to the Department no later than 120 days after the corrective action remedy has been selected.

(3) Cost estimates for closure.

(a) For the purposes of determining the amount of proof of financial assurance that is required by this section, the owner or operator shall estimate the total cost of closure in current dollars for ~~the permitted portions of the landfill and for those portions of the landfill for which a permit is sought,~~ for the time period in the landfill operation when the extent and manner of its operation make closing most expensive. The annual cost of long-term care shall be estimated, listed separately, and multiplied by the number of years required in the long-term care period. The owner or operator shall submit the estimates, together with all necessary justification, to the

Department as part of the permit application. The costs shall be estimated and certified by a professional engineer for a third party performing the work, on a per unit basis, with the source of estimates indicated.

(b) through (e) No change.

(4) No change.

(5) Landfill management escrow account.

(a) through (c) No change.

(d) Payments into the landfill management escrow account shall be made by the owner or operator at least annually.

1. The first payment must be made before the end of the first fiscal year after the initial receipt of solid waste into the landfill. A notice of such payment shall be submitted to the Department. Subsequent payments must be made over the term of the active life of the landfill. The calculations for such annual payment shall be determined using one of the following methods:

a. "Pay-in" method: $\text{payment} = (\text{CE} - \text{CV})/\text{Y}$, where CE is the current dollar closing cost estimate at the beginning of the fiscal year (or later, if submitted pursuant to paragraph (4)(c) of this section), CV is the current value of the escrow account at the beginning of the fiscal year, and Y is the number of remaining years in the design life of the landfill at the beginning of the fiscal year; or

b. "Balance" method: the fiscal year end account balance = $[\text{CE} \times (\text{DE}/\text{DL})] - \text{E}$, where CE is the approved current dollar closing cost estimate (by solid waste disposal unit) at the beginning of the fiscal year (or later, if submitted pursuant to paragraph (4)(c) of this section); DE, the design life exhausted (by solid waste disposal unit), is the period of time between the initial receipt of waste and the current fiscal year end; DL, the design life (by solid waste disposal unit), is the period of time between initial receipt of waste and end of receipt of waste; and E, all documented closing expenditures to date (by solid waste disposal unit), are expenses identified by the fiscal year end audit(s) as being incurred closing or maintaining the landfill identified in the closure plan. The choice of use of this formula requires the continued use throughout the remaining design life of the landfill or phase. In the event the fiscal year end audited account balance exceeds the required balance, the owner or operator may remove the excess funds upon written authorization from the Department.

2. through 4. No change.

(e) through (g) No change.

(6) Alternate proof of financial assurance.

(a) The appropriate part of Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Long-term Care, effective date [eff. date] ~~January 6, 2010~~, hereby adopted and incorporated by reference, shall be used, and originally signed duplicates submitted, when demonstrating proof of financial assurance under this section. Copies of this form are available from a local District Office or by writing to the Department of

Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Proof of financial assurance under this subsection shall include surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements, closure insurance (excluding independent procurement), or financial tests and corporate guarantees, showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with all state landfill closing and long-term care requirements. If such proof of financial assurance is surety bonds, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees, such proof shall be submitted on forms provided by the Department in accordance with the requirements of paragraphs (b) through (d) of this subsection. If proof of financial assurance is securities or certificates of deposit, these instruments must be used in conjunction with a trust fund and shall be submitted directly to the trustee. The owner or operator shall estimate such costs pursuant to subsection (3) of this section.

(b) 40 CFR Part 264 Subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this section incorporated by reference as those rules appear in 40 CFR Part 264, revised as of July 1, ~~2010~~ 2007, except:

1. The following sections of 40 CFR Part 264, Subpart H are specifically not adopted as part of this rule:

a. ~~264.140(a); 264.140(b); 264.140(d); 264.141(a); 264.141(e); 264.142(b); 264.142(c); 264.143(b)(3)(ii)(C); 264.143(c)(3)(ii)(C); 264.143(d)(3)(ii)(C); 264.143(f)(1); 264.144(b); 264.144(c); 264.145(b)(3)(ii)(C); 264.145(c)(3)(ii)(C); 264.145(d)(3)(ii)(C); 264.145(f)(1); 264.147; 264.149; 264.150; and 264.151.~~

b. through f. No change.

2. No change.

(c) An owner or operator may satisfy the requirements of this subsection by passing a financial test using Form 62-701.900(5)(e). The financial test shall cover the latest approved estimate or any subsequent estimate that is higher. To pass this test the owner or operator must meet the criteria of either subparagraph 1. or 2. as follows:

1. No change.

2. The owner or operator must have:

a. A bond issuance, secured or unsecured, having a redemption date with at least five years remaining. An unsecured bond rating must maintain a rating of BBB or better as issued by Standard and Poor's bond rating service or Baa2 or better as issued by Moody's bond rating service. A facility using an insured or secured bond must demonstrate to the Department the underlying or senior unsecured bond rating as assigned by Standard and Poor's is ~~would be~~ BBB or better, or as assigned by Moody's is ~~would be~~ Baa2 or better, ~~if the bond was not an insured or backed security but a bond debenture;~~

b. through c. No change.

(d) No change.

(7) Cost estimates for corrective action. An owner or operator of a landfill required to establish financial assurance for a corrective action program pursuant to paragraph (2)(d) of this section shall have a detailed written estimate in current dollars, estimated and certified by a professional engineer, of the cost of hiring a third party to perform the corrective action in accordance with subsection 62-701.510~~(6)(7)~~, F.A.C. The corrective action cost estimate must account for the total cost of corrective action activities as described in the corrective action plan for the entire corrective action period. The owner or operator shall submit the estimate, together with all necessary justification, to the Department for approval along with proof of financial assurance.

(8) Cost adjustments for corrective action.

(a) The owner or operator shall annually adjust the estimate for inflation and changes in the corrective action plan until the corrective action program is completed in accordance with subsection 62-701.510~~(6)(7)~~, F.A.C. The adjustment shall be made either by:

1. through 2. No change.

(b) through (c) No change.

(9) through (10) No change.

Rulemaking Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.076, Amended 11-28-89, Formerly 17-701.076, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.630, Amended 5-27-01, 1-6-10, _____.

62-701.710 Waste Processing Facilities.

(1) Applicability.

(a) No change.

(b) No person shall construct or operate a waste processing facility without a permit issued by the Department. ~~All modifications or renewals of existing permits, and all new construction or operation permits issued on or after May 27, 2001, for waste processing facilities, shall comply with this rule.~~

~~(c) For facilities operating under a general permit, a timely and sufficient application for an individual permit will be considered a renewal application for purposes of Section 420.60(4), F.S.~~

~~(d) A waste processing facility which ceases accepting waste prior to the expiration of its permit shall close in accordance with the provisions of that permit.~~

~~(c)(e)~~ No change.

(d) The following facility types are subject to special requirements or are exempt from some requirements of this section.

1. Transfer stations that accept primarily household waste, commercial solid waste, recovered materials, or construction and demolition debris, that manage waste on a first-in, first-out basis, and that store such waste for no greater than 7 days are

exempt from the requirement to provide financial assurance set forth in subsection (7) of this section, and are also exempt from the requirement to have a trained spotter set forth in paragraph 62-701.710(4)(c), F.A.C.

2. Waste processing facilities that accept only construction and demolition debris are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b) of this section, provided that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of paragraph 62-701.730(4)(b), F.A.C. A facility that operates without a leachate control system shall perform a contamination evaluation as part of its closure activities, and shall continue to operate the ground water monitoring system if the evaluation indicates the potential for ground water contamination.

3. Waste-to-energy facilities are exempt from the requirement to have a trained operator and a trained spotter set forth in paragraph 62-701.710(4)(c), F.A.C.

(2) Application. A permit application for a waste processing facility shall be submitted on Form 62-701.900(4), Application to Construct, Operate, or Modify a Waste Processing Facility, effective date January 6, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form shall indicate whether the facility will operate as a materials recovery facility, transfer station, some other type of processing facility, or some combination thereof, and shall be signed and sealed by a professional engineer, and shall include the information required in Subsections 62-701.320(5), (6), ~~(7)~~, and paragraph (8)(a), F.A.C., apply to such applications. The application must meet the requirements of subsection 62-701.320(7), F.A.C., except for paragraphs (e) and (h) and subparagraphs (7)(f)4. and 5., and must also include the following specifically including:

(a) A description of the operation of the facility including:

1. The types of materials, i.e., wastes, recyclable materials or recovered materials, to be managed or processed;

2. The expected daily average and maximum weights or volumes of materials to be managed or processed;

3. How the materials will be managed or processed;

4. How the materials will flow through the facility including locations of the loading, unloading, sorting, processing and storage areas;

5. The types of equipment that will be used;

6. The maximum time materials will be stored at the facility;

7. The maximum amounts of wastes, recyclable materials, and recovered materials that will be stored at the facility at any one time; and

8. The expected disposition of materials after leaving the facility. A description of the solid waste that is proposed to be collected, stored, processed or disposed of by the facility, a projection of those waste types and quantities expected in future years, and the assumptions used to make the projections;

(b) A site plan, of a scale not greater than 200 feet to the inch, which shows the facility location, total acreage of the site, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site and potable water wells on or within 500 feet of the site;

~~(e) A description of the operation and functions of all processing equipment that will be used, with design criteria and expected performance. The description shall show the flow of solid waste and associated operations in detail, and shall include:~~

~~1. Regular facility operations as they are expected to occur;~~

~~2. Procedures for start up operations, and scheduled and unscheduled shut down operations; and 3. Potential safety hazards and control methods, including fire detection and control;~~

~~(d) A description of loading, unloading, storage, and processing areas;~~

~~(e) Identification and capacity of any on-site storage areas for recyclable materials, non-processable wastes, unauthorized wastes, and residues;~~

~~(f) A plan for disposal of unmarketable recyclable materials and residue, and for waste handling capability in the event of breakdowns in the operations or equipment;~~

~~(c)(g) A boundary survey; and legal description, and topographic survey of the property;~~

(d) A construction plan, including engineering calculations, that describes how the applicant will comply with the design requirements of subsection 62-701.710(3), F.A.C.;

(e)(h) An operation plan that which describes how the applicant will comply with subsection 62-701.710(4), F.A.C., and the recordkeeping requirements of subsection 62-701.710(8), F.A.C.;

(f)(i) A closure plan that which describes generally how the applicant will comply with subsection 62-701.710(6), F.A.C.;

(g) A contingency plan that describes how the applicant will comply with subsection 62-701.320(16), F.A.C. and

(h)(j) The financial assurance documentation required by subsection 62-701.710(7), F.A.C.

(3) Design requirements. Minimum design requirements for waste processing facilities are as follows:

(a) Tipping, processing, sorting, storage and compaction areas that ~~are in an enclosed building or covered area shall have ventilation systems. The areas that are not enclosed shall be equipped with litter control devices.~~

(b) through (c) No change.

(4) Operational requirements.

(a) All operations shall be conducted in accordance with the approved Operation Plan. The Department shall be notified before any substantial changes or revisions to the approved Operation Plan are implemented in order to determine whether a permit modification is required. A permit application for a waste processing facility shall include the following operational requirements:

~~1. An operation and maintenance manual describing the facility operations, the persons responsible for the operations, and types of equipment that will be used. All activities at the facility shall be performed in accordance with the manual and plans for the facility. Manuals and plans shall be updated as operations change but no less frequently than upon renewal of the operation permit;~~

~~2. A plan to inspect the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes; and~~

~~3. A contingency plan to cover operational interruptions and emergencies such as fires, explosions, or natural disasters.~~

(b) Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours; however, if the operation plan includes provisions to control vectors and odors, putrescible wastes may be stored for up to seven days. Any other unauthorized waste received by the facility shall be segregated and transported to an authorized disposal or recycling facility within 30 days of receipt. ~~Areas where putrescible waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems, and all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.~~

(c) Operators and spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

1. No change.

2. At least one trained spotter shall be on duty at all times that waste is received at the site to inspect the incoming waste. All incoming waste shall be inspected, and ~~any~~ unauthorized waste shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility in accordance with a schedule submitted as part of the operation plan.

(d) through (f) No change.

(g) All drains and leachate conveyances shall be maintained so that leachate flow is not impeded.

~~(h)(g)~~ No change.

(i) If the facility has reached its permitted capacity for storage of wastes or recyclable materials, the permittee shall not accept additional waste for processing until sufficient capacity has been restored.

(5) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b), F.A.C. Record drawings of relevant construction details shall be submitted along with the certification.

(6) Closure requirements.

~~(a) The permit application shall include a closure plan that identifies the steps needed to close the facility.~~

~~(a)(b)~~ No change.

~~(b)(e)~~ No change.

~~(c)(d) Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site, as well as performing any contamination evaluation required by paragraph 62-701.710(2)(d)2. 62-701.710(10)(b), F.A.C. When closure is completed, the owner or operator shall certify in writing to the Department when that closure is complete. The Department will make an inspection within 30 days to verify the closure and advise the owner or operator of the closure status.~~

(7) Financial assurance.

(a) The owner or operator of a waste processing facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimates for the facility. ~~This proof, along with the closing cost estimates, shall be submitted to the Department as part of the permit application for the facility. Proof of financial assurance shall be submitted at least 60 days prior to the initial receipt of waste at the facility.~~ Proof of financial assurance shall consist of one or more of the following financial instruments which comply with the requirements of subsection 62-701.630(6), F.A.C.: trust fund; surety bond guaranteeing payment; surety bond guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee. If the owner or operator of the facility is a local government, an escrow account which complies with the requirements of subsection 62-701.630(5), F.A.C., may be used to provide proof of financial assurance. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g), or (h), as appropriate.

(b) through (c) No change.

~~(8) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction authorized by that permit shall be completed before the facility receives waste. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.~~

~~(8)(9)~~ Recordkeeping.

(a) No change.

(b) The owner or operator of any facility which recycles construction and demolition debris shall submit an annual report to the Department on Form 62-701.900(7), Annual Report for a Construction and Demolition Debris Facility, effective date January 6, 2010, hereby adopted and

incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than ~~February~~ April 1 of each year ~~beginning in 1998~~, and shall cover the preceding calendar year.

~~(10) Special requirements for facility types.~~

~~(a) Transfer stations that accept primarily household waste, commercial waste, recovered materials, or construction and demolition debris, that manage waste on a first-in, first-out basis, and that store waste for no greater than 7 days are exempt from the requirement to provide financial assurance set forth in subsection (7) of this section.~~

~~(b) Waste processing facilities that accept only construction and demolition debris are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b) of this section, provided that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of paragraph 62-701.730(4)(b), F.A.C. A facility that operates without a leachate control system shall perform a contamination evaluation as part of its closure activities, and shall continue to operate the ground water monitoring system if the evaluation indicates the potential for ground water contamination.~~

~~(9)(11) No change.~~

(10) General permit for indoor waste processing facility.

(a) General permit. A general permit is hereby granted to any person for the operation of a waste processing facility at which all incoming solid waste is stored and processed indoors, that has been constructed in conformance with a permit issued pursuant to this section, and that will be operated in accordance with the standards and criteria set forth in Rules 62-4.540 and 62-701.300, F.A.C., and this subsection. To qualify for a general permit a facility must comply with the following:

1. The facility has been designed to have all incoming wastes tipped, sorted and processed indoors.

2. The facility has been constructed with a leachate control system to prevent discharge of leachate and avoid mixing of leachate with stormwater, and to minimize the presence of standing water.

3. Storage areas are designed to hold the expected volume of materials until they are transferred for disposal or recycling. Recovered materials, yard trash, and untreated wood may be stored outside. Other recyclable materials separated from the incoming waste stream may be stored outside in rolloff containers provided they are covered.

(b) Notification. Any person wishing to operate an indoor waste processing facility pursuant to this subsection shall notify the Department on Form 62-701.900(34), Notification of Intent to Use a General Permit for an Indoor Waste Processing Facility, effective [eff date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Each notification shall include a certification that the facility has been constructed in accordance with the criteria in this subsection, and the following:

1. A description of the facility that complies with paragraph 62-701.710(2)(a), F.A.C.;

2. An operation plan that complies with paragraph 62-701.710(2)(e), F.A.C.;

3. A closure plan that complies with paragraph 62-701.710(2)(f), F.A.C.; and

4. A contingency plan that complies with paragraph 62-701.710(2)(g), F.A.C.;

(c) Facility information that was submitted to the Department to support the most recent construction or operation permit, and which is still valid, does not need to be re-submitted with the notification. The notification shall list and reaffirm that the information is still valid.

(d) Other requirements. The permittee shall comply with the requirements of subsections 62-701.710(4), (6), and (8), F.A.C.

(11) Transfer stations that consolidate waste directly from one mobile container or vehicle into another mobile container or vehicle are exempt from the permitting requirements of this section provided:

a. The owner or operator notifies the Department on Form 62-701.900(35), Notification of Container-to-Container Waste Processing Facility, effective [eff date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400;

b. The facility is operated to minimize the discharge of leachate to the environment and to control objectionable odors, litter, dust, and other fugitive particulates;

c. Only construction and demolition debris and Class III solid waste is accepted at the facility;

d. Waste is stored only in mobile containers or vehicles, and is not stored on the ground, or in a permanent immobile container or structure, or on a tipping floor, except for the occasional storage of bulky items that do not generate leachate;

e. No solid waste, including waste in mobile containers or vehicles, is stored at the facility, or on any adjacent property, for more than 7 days;

f. The largest mobile container or vehicle on-site that is used for consolidation and transfer does not hold more than 40 cubic yards;

g. No more than ten mobile containers or vehicles containing waste, and no more than 200 cubic yards of waste, are stored on the site at any one time; and,

h. Each mobile container or vehicle stored at the facility is owned or leased by the operator of the facility.

Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 5-27-01, Amended 1-6-10_____.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) through (2) No change.

(3) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b)(~~a~~), F.A.C.

(4) Other requirements. Except as specified in this section, the requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to construction and demolition debris disposal facilities.

(a) No change.

(b) A water quality monitoring plan that meets the criteria set forth in Rule 62-701.510 and Chapter 62-520, F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following exceptions:

1. through 4. No change.

5. Background water quality shall be established in accordance with the provisions of paragraph 62-701.510(5)(~~6~~)(b), F.A.C., except that the analysis shall also include sulfate and aluminum. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in paragraph 62-701.510(7)(~~8~~)(a), F.A.C., as well as sulfate and aluminum.

6. No change.

(c) If monitoring parameters are detected in monitoring wells in concentrations which are significantly above background water quality, or which are at levels above the Department’s water quality standards or criteria specified in Chapter 62-520, F.A.C., the provisions of subsection 62-701.510(6)(~~7~~), F.A.C., shall apply.

(d) through (i) No change.

(5) Stormwater. ~~Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction required by that permit shall be completed before the facility receives waste for disposal or recycling. Applicants should be aware that other government agencies may also regulate stormwater management and may require~~

~~separate permits.~~ For aboveground disposal units, the design of any features intended to convey stormwater to a permitted or exempted treatment system shall be included in the solid waste construction permit.

(6) through (8) No change.

(9) Closure.

(a) No change.

(b) Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after it has reached its final grade or ceased receiving wastes. Final cover shall consist of a 24-inch-thick soil layer, or a 30-inch thick layer consisting of approximately 50 percent soil and 50 percent ground or chipped yard trash by volume, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal units shall be no greater than three feet horizontal to one foot vertical rise. If the disposal unit is lined, the closure design shall include a barrier layer or other measures to ensure that the design leachate head over the liner is not exceeded after closure. The final cover shall be vegetated to control erosion. Disposal units that are aboveground shall be designed to control the flow of stormwater, such as building reverse sloping benches or terraces into the side slopes of the disposal units and shall contain down slope drainage ways with water flow energy dissipaters unless reasonable assurance is provided that adequate erosion control will be achieved in the absence of such measures.

(c) through (f) No change.

(10) No change.

(11) Financial assurance.

(a) As a condition for issuance of an off-site construction and demolition debris disposal facility permit, permit transfer, or permit modification authorizing expansion, the owner or operator shall provide the Department with closure cost estimates for the permitted portions of the facility as part of the application proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility. Proof of financial assurance issued in favor of the Florida Department of Environmental Protection in the amount of the closing and long-term care cost estimates for each permitted disposal unit shall be provided at least 60 days prior to the initial receipt of waste at such unit. This proof shall be submitted to the Department as part of the permit application process. No solid waste shall be stored or disposed of at a solid waste disposal unit until the permittee has received written approval of the financial assurance mechanism from the Department. The financial mechanism shall either be:

1. through 2. No change.

~~(b) A permittee may delay submitting proof of financial assurance for a solid waste disposal unit under the following conditions. Such proof must be submitted at least 60 days prior to the planned acceptance of any solid waste. Under no circumstances shall the permittee receive waste at the solid waste disposal unit until it has received written acknowledgement from the Department that the financial mechanism has been properly submitted and funded.~~

~~1. The solid waste disposal unit for which a permit is being sought has not received solid waste for storage or disposal;~~

~~2. The permit being sought does not authorize operation of the solid waste disposal unit, or requires a specific separate approval by the Department prior to operation being authorized;~~

~~3. The permittee identifies the type of financial mechanism it intends to use, and provides reasonable assurance as part of the permit application that it is capable of getting and using the identified mechanism; and~~

~~4. The permittee submits Form 62-701.900(29) as part of the permit application. This form will inform the permittee of these requirements, and will include an acknowledgement by the permittee agreeing not to accept waste until the financial assurance has been approved.~~

(c) through (e) renumbered (b) through (d) No change.

~~(e)(f)~~ If long-term care is extended because the permittee has failed to perform all required monitoring and maintenance during the long-term care period, financial assurance shall continue to be required during the extended long-term care. If the long-term care is extended for any other reason, financial assurance is not required during the extended long-term care period, except as may be required in paragraph ~~(d)(e)~~ of this subsection.

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes disposed of or recycled. The county of origin of materials that are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than February ~~April~~ 1 of each year and shall cover the preceding calendar year.

(13) through (16) No change.

(17) On-site disposal. Construction and demolition debris that is disposed of on the property where it is generated, or on property that is adjacent or contiguous to and under common ownership and control as that property where the waste is generated, is exempt from the ~~permitting~~ requirements of this section and Rule 62-701.330, F.A.C. However, such disposal is subject to the prohibitions of Rule 62-701.300, F.A.C. All waste shall be inspected by the generator or a spotter prior to disposal, either at the point of generation or at the disposal site, to ensure that any unauthorized waste is removed from the waste stream prior to disposal and managed in accordance with

Department rules. Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after final receipt of waste. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal areas shall be no greater than three feet horizontal to one foot vertical rise.

(18) through (21) No change.

Rulemaking Authority 403.0877, 403.704, 403.707 FS. Law Implemented 403.0877, 403.706, 403.707 FS. History--New 8-2-89, Formerly 17-701.061, Amended 1-6-93, Formerly 17-701.730, Amended 12-23-96, 4-23-97, 5-27-01, 1-6-10, _____.

62-701.803 General Permit for Off-site Disposal of Yard Trash Land Clearing Debris.

(1) Notification. Notwithstanding the provisions of Rule 62-701.730, F.A.C., facilities that accept for disposal only yard trash land clearing debris may operate under a general permit pursuant to Part III of Rule 62-4, F.A.C., and this section. For purposes of this section, "land clearing debris" includes yard trash includes land clearing debris and unpainted, nontreated wood scraps and wood pallets that meet the definition of construction and demolition debris. The owner or operator of the yard trash land clearing debris disposal facility shall notify the Department in writing of the intent to use this general permit on Form 62-701.900(3), Notification of Intent to Use a General Permit for a Yard Trash Land Clearing Debris Disposal Facility, effective date January 6, 2010, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Owners or operators of solid waste management facilities which have a permit under Chapter 62-701, F.A.C., to receive yard trash land clearing debris are exempt from this requirement. The notification shall include:

(a) through (c) No change.

~~(d)~~ A boundary survey; and legal description, ~~and topographic survey~~ of the property;

(e) through (h) No change.

~~(2) Certification. Certification of construction completion shall be done in accordance with paragraph 62-701.320(9)(b), F.A.C.~~

~~(2)(3)~~ Other requirements.

(a) The requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to yard trash land clearing debris disposal facilities, provided that none of the prohibitions contained in Rule 62-701.300, F.A.C., shall be violated.

(b) through (e) No change.

~~(4)~~ ~~Stormwater.~~ Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

~~(3)~~~~(5)~~ Temporary storage. The owner or operator shall make arrangements or shall have equipment for temporary storage, handling and transport to an authorized disposal or recycling facility for solid waste, other than yard trash ~~land clearing debris~~, that is inadvertently accepted by the facility. Such solid waste that is accepted by the facility shall be segregated and disposed of in accordance with Department rules. Unless an alternate schedule is included in an operation plan submitted with the permit application, which provides for the control of odors and vectors, putrescible waste shall not be stored for longer than 48 hours and non-putrescible waste shall not be stored for longer than 30 days. Any hazardous waste that is received by the facility shall be managed in accordance with the provisions of Chapter 62-730, F.A.C.

~~(4)~~~~(6)~~ Compaction. Yard trash ~~Land clearing debris~~ shall be compacted and sloped as necessary to assure that the requirements of subsection ~~(8)~~~~(10)~~ of this section can be met.

~~(5)~~~~(7)~~ Access. Access to the disposal facility shall be controlled during the active life of the facility by fencing or other effective barriers to prevent disposal of solid waste other than yard trash ~~land clearing debris~~.

~~(6)~~~~(8)~~ Inspection of waste. At least one spotter shall be on duty at the working face at all times that the site is operating to inspect the incoming waste. Any material other than yard trash ~~land clearing debris~~ shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility. Spotters shall be trained in accordance with subsection 62-701.320(15), F.A.C.

(9) through (10) renumbered (7) through (8) No change.

~~(9)~~~~(11)~~ Notification of closure. The owner or operator shall notify the Department within 30 days after closing, covering, and seeding the facility as required in subsection ~~(8)~~~~(10)~~ of this section.

~~(10)~~~~(12)~~ Incineration. A facility that employs an air curtain incinerator and that also stores or disposes of yard trash ~~land clearing debris~~ at the site shall meet the permitting requirements of Rule 62-256.500, F.A.C., as well as this section.

~~(11)~~~~(13)~~ No change.

Rulemaking Authority 403.704, 403.707, 403.814 FS. Law Implemented 403.707, 403.814 FS. History—New 8-2-89, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.803, Amended 12-23-96, 4-23-97, 5-27-01, 1-6-10, _____.

62-701.900 Forms.

The forms used by the Department in the solid waste management program are adopted and incorporated by reference elsewhere in this chapter. The following list of forms is provided solely for convenience. Some of the form numbers may not be consecutive due to repeal or transfer of earlier forms. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Form 62-701.900(1), Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective January 6, 2010.

(2) Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994.

(3) Form 62-701.900(3), Notification of Intent to Use a General Permit for a Yard Trash ~~Land Clearing Debris~~ Disposal Facility, effective [eff. date] ~~January 6, 2010~~.

(4) Form 62-701.900(4), Application to Construct, Operate, or Modify a Waste Processing Facility, effective [eff. date] ~~January 6, 2010~~.

(5) Form 62-701.900(5), Financial Mechanisms for Solid Waste Management Facilities Requiring Closure and/or Long-term Care, effective January 6, 2010.

(a) Solid Waste Facility Irrevocable Letter of Credit.

(b) Solid Waste Facility Financial Guarantee Bond.

(c) Solid Waste Facility Performance Bond.

(d) Solid Waste Facility Closure/Long-Term Care Insurance Certificate.

(e) Solid Waste Facility Financial Test.

(f) Solid Waste Facility Corporate Guarantee.

(g) Solid Waste Facility Trust Fund Agreement.

(h) Solid Waste Facility Standby Trust Fund Agreement.

(6) Form 62-701.900(6), Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal or Disposal with Recycling Facility, effective May 27, 2001.

(7) Form 62-701.900(7), Annual Report for a Construction and Demolition Debris Facility, effective January 6, 2010.

(8) Form 62-701.900(8), Permit Transfer Form, effective January 6, 2010.

(9) Form 62-701.900(9), Application for Preliminary Examination and Final Examination and Certification of Resource Recovery Equipment, effective November 15, 2009.

~~(10) Application for a Permit to Construct/Operate a Solid Waste Management Facility for the Production of Compost, effective December 23, 1996.~~

~~(11) Annual Report for a Solid Waste Management Facility Producing Compost Made from Solid Waste, effective December 23, 1996.~~

~~(10)(12)~~ Form 62-701.900(18), Waste Tire Collector Registration Application, effective January 6, 2010.

~~(11)(13)~~ Form 62-701.900(19), Waste Tire General Permit Application, effective January 6, 2010.

~~(12)(14)~~ Form 62-701.900(20), Waste Tire Site Notification, effective January 6, 2010.

~~(13)(15)~~ Form 62-701.900(21), Waste Tire Processing Facility Quarterly Report, effective January 6, 2010.

~~(14)(16)~~ Form 62-701.900(22), Waste Tire Collector Annual Report, effective January 6, 2010.

~~(15)(17)~~ Form 62-701.900(23), Waste Tire Processing Facility Permit Application, effective January 6, 2010.

~~(16)(18)~~ Form 62-701.900(24), Waste Tire Small Processing Facility Permit Application, effective January 6, 2010.

~~(17)(19)~~ Form 62-701.900(25), Waste Tire Collection Center Permit Application, effective January 6, 2010.

~~(18)(20)~~ Form 62-701.900(26), Application for Recovered Materials Certification, effective January 6, 2010.

~~(19)(21)~~ Form 62-701.900(27), Reporting Form for Recovered Materials, effective January 6, 2010.

~~(20)(22)~~ Form 62-701.900(28), Closure Cost Estimating Form For Solid Waste Facilities, effective January 6, 2010.

~~(23)~~ Financial Assurance Deferral Application, effective January 6, 2010.

~~(21)(24)~~ Form 62-701.900(30), Monitoring Well Completion Report, effective January 6, 2010.

~~(22)(25)~~ Form 62-701.900(31), Water Quality Monitoring Certification, effective January 6, 2010.

~~(23)(26)~~ Form 62-701.900(32), Application for a Permit to Construct and Operate a Research, Development and Demonstration Facility, effective January 6, 2010.

~~(24)~~ Form 62-701.900(34), Notification of Intent to Use a General Permit for an Indoor Waste Processing Facility, effective [eff. date].

~~(25)~~ Form 62-701.900(35), Notification of Container-to-Container Waste Processing Facility, effective [eff. date].

Rulemaking Authority 403.704 FS. Law Implemented 403.707 FS. History—New 8-2-89, Amended 1-6-93, 5-19-94, Formerly 17-701.900, Amended 12-23-96, 4-23-97, 5-27-01, 1-6-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Tedder

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.005
 RULE TITLE: Counterfeit-Proof Prescription Pads or Blanks for Controlled Substance Prescribing

PURPOSE AND EFFECT: Due to statutory changes, the rule must be amended to reflect that use of counterfeit-proof prescription blanks or pads is mandatory. Due to statutory changes, the Department also must impose additional requirements and approve vendors of counterfeit-proof prescription pads.

SUMMARY: This rule specifies the security features that must be included to obtain approval for use as a counterfeit-proof prescription pad. The rule incorporates an application for the approval of counterfeit-proof prescription pad vendors and describes the responsibilities of approved vendors including submission of a monthly report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC estimates the number of entities likely to be affected by the rule, and reflects that most of the costs were imposed by the existing rule and are as mandated by the statute. It also reflects that there will be no impact on state or local revenues.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency does not anticipate the need for ratification as the amendment of this rule will not have the adverse impact or regulatory costs in excess of \$1 million in five years as established in Section 120.541(2)(a)1., 2. and 3., F.S.

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.

RULEMAKING AUTHORITY: 456.42, 893.065 FS.

LAW IMPLEMENTED: 456.42, 893.065 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: Lola Pouncey, Bureau Chief, Division of Medical Quality Assurance, Bureau of Operations, 4052 Bald Cypress Way, Bin #BCO-01, Tallahassee, Florida 32399-3260 or by e-mail at lola_pouncey@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.005 Counterfeit-Proof ~~Resistant~~ Prescription Pads or Blanks for Controlled Substance Prescribing.

(1) A practitioner authorized in this state to prescribe prescription drugs (hereinafter referred to as “prescribing practitioner”) ~~must~~ ~~may~~ use a counterfeit-proof ~~resistant~~ prescription pad or blank ~~produced by a vendor approved by the department~~ when writing ~~hard-copy~~ prescription(s) for controlled substances listed in ~~Chapter 893, Schedule II, Schedule III, or Schedule IV of Section 893.03, F.S.~~

(2) The counterfeit-proof ~~resistant~~ prescription pad or blank ~~must~~ ~~may~~ contain the following security features ~~which must be present on the blank~~:

(a) The background color must be blue or green and resist reproduction;

(b) The pad or blank must be printed on artificial watermarked paper;

(c) The pad or blank must resist erasures and alterations and;

(d) The word “void” or “illegal” must appear on any photocopy or other reproduction of the pad or blank. This language shall not obstruct or render illegible any portion of the drug name, quantity or directions for use.

(3) The counterfeit-proof ~~resistant~~ prescription pad or blank must contain the following information:

(a) The preprinted name, address and category of professional licensure of the prescribing practitioner ~~or the name and address of the healthcare facility and~~;

(b) A space for the prescribing practitioner’s name if not preprinted and federal Drug Enforcement Administration registration number for controlled substances;

(c) The vendor’s unique tracking number, as described in (5)(c), printed on the front and readily visible; and

(d) A description of the security features.

(4) Any person or entity desiring to produce counterfeit-proof prescription pads or blanks for use by prescribing practitioners shall apply to the department for approval. The application shall be made on incorporated by reference form DH-MQA 1250 (07/11), Application for Counterfeit-Proof Prescription Pad Vendor, which can be obtained at _____ or from the department at Department of Health, 4052 Bald Cypress Way, Bin #BCO-01, Tallahassee, Florida 32399-3260, or online at <http://www.doh.state.fl.us/mqa/counterfeit-proof.html>.

(5) Vendors approved to produce counterfeit-proof prescription pads or blanks are responsible for the secure production and distribution of the counterfeit-proof prescription pads or blanks to prescribing practitioners. Approved vendors must:

(a) Maintain a secure facility and safeguards for operational processes that ensure the integrity of receiving, verifying, manufacturing, storing, distributing to intended

parties, and recalling or voiding counterfeit-proof prescription pad or blank orders received from prescribing practitioners or healthcare facilities;

(b) Receive orders in writing signed by an authorized prescribing practitioner or healthcare facility;

(c) Print a unique tracking identification number for each order on the front of the counterfeit-proof prescription pad or blank. The number must consist of three subsets: (1) a unique alphabetic prefix that readily identifies the vendor, (2) the date of printing, and (3) a batch number. The alpha prefix used to identify the vendor will be assigned by the department and must appear in upper case. The date of printing must immediately follow the vendors’s unique alpha identifier and must be presented in six character numerical field using the format YRMODY. The batch number assigned by the vendor must immediately follow the print date and consist of numerical characters and must not contain spaces or special characters (e.g., dashes, periods, commas, slashes, alpha characters). From left to right, the tracking identification number must appear as alpha prefix, print date, and then batch number, with no blank spaces between subsets;

(d) Ship counterfeit-proof prescription pads or blanks in sturdy containers that resist loss or damage to the prescription pads or blanks. The product must be shipped by the vendor or a reliable shipping firm that uses tracking numbers to locate missing shipments or verifies delivery to the authorized prescribing practitioner or healthcare facility;

(e) Maintain records and information about the production and distribution of counterfeit-proof prescription pads or blanks. A unique tracking identification number and the name of the authorized prescriber or healthcare facility that purchased the prescription pad or blank must be maintained and made available to the department upon request. The department may request random inspections of the counterfeit-proof prescription pads or blanks produced by the vendor;

(f) Destroy counterfeit-proof prescription pads or blanks unused by the prescriber or healthcare facility for which they were produced and returned to the vendor; and

(g) Submit a monthly report to the department documenting the name of the prescribing practitioner or healthcare facility who purchased counterfeit-proof prescription pads or blanks, the batch number assigned to the counterfeit-proof prescription pad or blank order, and the number of pads or blanks sold. This report must be submitted to the department within 15 business days after the end of the reporting month.

(6) The counterfeit-proof ~~resistant~~ prescription pad or blank is not transferable and shall not be used by any person other than the prescribing practitioner whose name appears on the pad or blank or who is authorized to use the pad or blank by the healthcare facility.

Rulemaking Specific Authority 456.42, 893.065 FS. Law Implemented 456.42, 893.065 FS. History–New 6-26-08, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lola Pouncey, Bureau Chief
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., FACP, State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.0015
RULE TITLE: Application for Licensure

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-3.0015, F.A.C.

SUMMARY: This rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 120.53, 456.013, 456.031, 456.033, 464.006, 464.008, 464.009, 464.012 FS.

LAW IMPLEMENTED: 120.53, 456.013, 456.031, 456.033, 464.006, 464.008, 464.009, 464.012 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.0015 Application for Licensure.

Rulemaking Specific Authority 120.53, 456.013, 456.031, 456.033, 464.006, 464.008, 464.009, 464.012 FS. Law Implemented 120.53, 456.013, 456.031, 456.033, 464.006, 464.008, 464.009, 464.012FS, History–New 9-25-96, Formerly 59S-3.0015, Amended 1-22-01, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.007
RULE TITLE: Examination Security

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-3.007, F.A.C.

SUMMARY: This rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.007 Examination Security.

Rulemaking Specific Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS, History–New 10-6-82, Formerly 21O-17.01, 21O-17.001, 61F7-3.007, 59S-3.007, Amended 4-28-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.005
RULE TITLE: Filing of the Application
PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-4.005, F.A.C.

SUMMARY: This rule is being repealed.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 464.006 FS.
LAW IMPLEMENTED: 464.012 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.005 Filing of the Application

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.012 FS. History–New 8-31-80, Formerly 21O-11.26, 21O-11.026, 61F7-4.005, Amended 5-29-96, Formerly 59S-4.005, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.014
RULE TITLE: Inactive Status; Reactivation
PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-4.014, F.A.C.

SUMMARY: This rule is being repealed.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

RULEMAKING AUTHORITY: 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 456.036(9), 464.012, 464.014 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.014 Inactive Status; Reactivation.

Rulemaking Authority 464.006, 464.012, 464.014 FS. Law Implemented 456.036(9), 464.012, 464.014 FS. History–New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended 4-5-00, 9-6-09, Repealed _____.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.009
RULE TITLE: Continuing Education on HIV/AIDS
PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-5.009, F.A.C.

SUMMARY: This rule is being repealed.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.033, 464.006 FS.
LAW IMPLEMENTED: 456.033 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-5.009 Continuing Education on HIV/AIDS

Rulemaking Specific Authority 456.033, 464.006 FS. Law Implemented 456.033 FS. History—New 4-6-92, Amended 9-22-92, Formerly 21O-19.002, Amended 9-13-93, Formerly 61F7-5.009, Amended 5-2-95, Formerly 59S-5.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.010
RULE TITLE: Continuing Education of Domestic Violence

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-5.010, F.A.C.

SUMMARY: This rule is being repealed.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 455.587, 456.031, 464.006 FS.
LAW IMPLEMENTED: 455.587, 456.031 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-5.010 Continuing Education of Domestic Violence.

Rulemaking Specific Authority 455.587, 456.031, 464.006 FS. Law Implemented 455.587, 456.031 FS. History—New 11-16-95, Formerly 59S-5.010, Amended 10-23-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.012
RULE TITLE: Continuing Education on End of Life

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-5.012, F.A.C.

SUMMARY: This rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.031(1)(c), 456.033(3) FS.

LAW IMPLEMENTED: 456.031(1)(c), 456.033(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-5.012 Continuing Education on End of Life.

Rulemaking Specific Authority 456.031(1)(c), 456.033(3) FS. Law Implemented 456.031(1)(c), 456.033(3) FS. History--New 1-28-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.019
RULE TITLE: Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule repeal because the rule is no longer necessary because the examination is now being administered by a national company.

SUMMARY: The rule is being repealed because the examination is being administered by an national company and the rule is no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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 Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.019 Security and Monitoring Procedures for Licensure Examination.

Rulemaking Specific Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 12-30-82, Formerly 21P-8.19, 21P-8.019, 61G13-8.019, 59U-8.019, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-12.110
 RULE TITLE: Integrated Crisis Stabilization Unit and Addictions Receiving Facility Services

PURPOSE AND EFFECT: The purpose of this rulemaking is to expand the scope of Rule 65E-12.110, F.A.C., to include integrated adult crisis stabilization unit and addictions receiving facility services (in addition to children’s facilities), to update statutory references, to eliminate archaic language, and to modify certain provisions of the rule to enhance the quality of services in the facilities regulated by this rule.

SUMMARY: The proposed rulemaking would provide that integrated Crisis Stabilization Unit/Addictions Receiving Facilities (CSU/ARFs) may serve adults and children. The proposed rulemaking provides minimum standards for eligibility criteria for CSU/ARF service recipients, clinical procedures to be used in CSU/ARFs, staffing requirements, and operational, administrative, and financing requirements, including procedures for licensure and designation. With certain exceptions specified, CSU/ARFs would be subject to the requirements of Chapters 65E-12 and 65E-5, F.A.C. and exempt from the requirements of Chapter 65D-30, F.A.C. CSU/ARFs would be required to admit any individual who would otherwise be eligible for admission to a CSU under Chapter 397, F.S., or to an ARF under Chapter 394, F.S. CSU/ARFs would provide integrated CSU and ARF services based on the particular needs of each individual served.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 394.4612 FS.

LAW IMPLEMENTED: 394.4612 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 Anson, Substance Abuse and Mental Health Program Office, Department of Children & Families, (850)717-4330 joe_anson@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 65E-12.110 follows. See Florida Administrative Code for present text.)

65E-12.110 Integrated ~~Children’s~~ Crisis Stabilization Unit and Addictions Receiving Facility Services Demonstration Models.

(1) General Provisions.

(a) All the requirements for licensure and operation as a Crisis Stabilization Unit (CSU) that are otherwise required by Chapters 65E-12 and 65E-5, F.A.C., shall apply, except as provided for in Section 394.4612, Section 394.499, F.S., and this rule.

(b) The requirements for licensure and operation as an addictions receiving facility (ARF) that are otherwise required by Chapter 65D-30, F.A.C., shall not apply except as provided for in Sections 394.4612 and 394.499, F.S., and this rule section.

(c) This rule section applies both to integrated adult Crisis Stabilization Unit (CSU) and addictions receiving facility (ARF) services (as described in Section 394.4612, F.S. and hereafter referred to as “adult CSU/ARFs” and to children’s Crisis Stabilization Unit (CSU) and addictions receiving facility (ARF) services, hereafter referred to as “children’s CSU/ARFs.”

(2) Eligibility Criteria

(a) Adult CSU/ARFs shall serve individuals 18 years of age and older who present with a serious and acute mental illness or substance abuse impairment, or with co-occurring mental illness and substance abuse disorders.

(b) Children’s CSU/ARFs shall serve minors under 18 years of age who present with a serious and acute mental illness or substance abuse impairment, or with co-occurring mental illness and substance abuse disorders.

(c) If an individual is admitted to a children’s CSU/ARF while under 18 years of age and attains the age of 18 years while receiving services at the facility, the facility may continue to provide services to the individual until the individual is discharged.

(d) CSU/ARFs shall admit any individual who would otherwise be eligible for admission to a CSU under Chapter 394, F.S. or to an ARF under Chapter 397, F.S.

(3) Clinical Procedures.

(a) CSU/ARFs shall provide integrated CSU and ARF services within the same facility, and shall provide services to each individual based upon their particular needs. This may include an emphasis on services that are typically provided in either an ARF or a CSU, as determined from the initial screening and assessment and subsequent screening of each individual.

(b) Commingling (or sharing of common space) among CSU/ARF service recipients may be permitted, regardless of the service recipients’ diagnoses, types of treatment, or reasons for admission.

(c) Service recipients requiring close medical observation, as determined by the medical staff, must be visible and readily accessible to nursing staff 24/7.

(d) The use of medication-assisted and methadone maintenance treatment for substance abuse in CSU/ARFs must meet the requirements of Rule 65D-30.014, F.A.C.

(e) Service recipients in a CSU/ARF must receive a physical examination within 24 hours of admission. This examination must meet the requirements of a physical health assessment as specified in subsection 65D-30.004(14), F.A.C., except that, with regard to service recipients who have been determined not to require substance abuse treatment, specific requirements of the examination may be waived in accordance with a medical protocol approved by the medical director.

(f) Service recipients in a CSU/ARF must receive a behavioral and psychosocial assessment meeting the requirements of paragraph 65E-12.107(2)(d) and subsection 65D-30.004(14), F.A.C., within 24 hours of admission.

(g) CSU/ARFs must provide all services required of CSUs (as specified in subsection 65E-12.107(5), F.A.C) and all services required of ARFs (as specified in subsection 65D-30.005(2), F.A.C.).

(h) A registered nurse shall ensure that emergency medical services are provided immediately in a CSU/ARF in accordance with the medical protocols established by the Medical Director. Such protocols shall include provisions to ensure that new arrivals are promptly assessed for symptoms of substance abuse intoxication and are given prompt medical care and attention. In addition, protocols shall be implemented to ensure that monitoring of psychiatric medication is provided, and that general health care needs are met.

(i) Development of a discharge plan shall commence upon admission. The plan shall include information on the need for continuation of prescribed psychotherapeutic medications and other prescribed medications, including opioid or other addiction treatment medications, and continuing care appointments for treatment and support services, including medication and case management, and shall be based upon the particular needs of the individual. If the discharge is delayed, the CSU/ARF shall notify the outpatient or continuing care service provider and shall document continued service planning. With the express and informed consent of the individual receiving services, discharge planning shall include input from the individual's support system, including, but not limited to, family members and friends.

(j) Prescriptions for psychotropic medications shall be provided to each adult upon discharge, and to the legal guardian of each minor upon discharge to cover the intervening days until the first scheduled outpatient appointment. Discharge planning shall address the availability of and access to prescription medication in the community.

(k) The Medical Director shall develop protocols specifying the circumstances under which blood and urine samples shall be taken for laboratory testing, including drug screening.

(4) Staffing Requirements.

(a) Staff shall meet the training requirements of Rule 65E-5.330 and subsection 65D-30.004(31), F.A.C., as a prerequisite to providing services.

(b) Within the training requirements of Rule 65E-5.330 and subsection 65D-30.004(31), F.A.C., staff shall receive training from qualified professionals in substance abuse, as defined in Section 397.311, F.S., that includes the etiology and characteristics of substance abuse, common street drugs and means of use, motivational stages, and principles of recovery and relapse.

(c) A CSU/ARF shall have a Medical Director licensed under Chapter 458 or 459, F.S., who is responsible for overseeing all medical services delivered at the facility.

(d) The staff of a CSU/ARF shall include a qualified professional specializing in substance abuse. The qualified professional must be a physician licensed under Chapter 458 or 459, F.S., or a practitioner licensed under Chapter 490 or 491, F.S., or certified through a certification process recognized by the Department of Children and Families (hereafter referred to as "the Department") as provided in Sections 397.311 and 397.416, F.S. Individuals who are certified are permitted to serve in the capacity of a qualified professional, but only within the scope of their certification. A qualified professional shall be available on-call 24 hours per day, seven days per week. A qualified professional shall be on-site daily for a minimum of 40 hours per week total. The provider's operating procedures shall include a description of those circumstances requiring the qualified professional to be on-site.

(e) Emergency screeners shall meet the requirements of subsections 65D-30.005(7) and 65E-5.400(5), F.A.C.

(f) CSU/ARFs shall meet the staff and supervision requirements of subsections 65D-30.005(12)-(13), F.A.C.

(g) CSU/ARFs shall comply with subsection 65D-30.004(33), F.A.C., which limits the tasks that may be performed by certain types of staff members.

(5) Operational, Administrative, and Financing Requirements.

(a) Licensure and Designation. A facility may operate as a CSU/ARF if it meets the following requirements:

1. The facility is licensed as a CSU by the Agency for Health Care Administration (hereafter referred to as the "Agency") under Chapter 394, F.S. and Chapter 65E-12, F.A.C.;

2. The facility is designated as a Baker Act receiving facility by the Department under Chapter 394, F.S., and Chapter 65E-5, F.A.C.;

3. The facility is licensed as a detoxification facility by the Department under Chapter 397, F.S. and Chapter 65D-30, F.A.C.; and

4. The facility is designated as an ARF by the Department under Chapter 397, F.S. and Chapter 65D-30, F.A.C.

(b) Unit Operating Policies and Procedures. Uniform policies and procedures and forms that provide for the integrated operation of CSU/ARF services shall be developed and utilized. This shall include policies and procedures in accordance with the provisions set forth in Rules 65E-12.105, 65E-12.106, and 65E-12.107, F.A.C. These procedures shall include provisions that address use of the Baker Act and the Marchman Act in accordance with the individual's diagnosis. The unit's operating policies and procedures shall be subject to the approval of the organization's Medical Director and advisory governing board.

(c) CSU/ARFs shall develop policies and procedures for reporting to the Department critical incidents within 24 hours of their discovery. Critical incidents shall include any death, serious injury or illness, any event involving recent non-admission or discharge, a felony crime, fire, natural or other disaster, epidemic, escape, riot, elopement, sexual harassment, sexual battery, medication errors, violations of crucial procedures, and actions resulting in physical injury or any situation which may evoke public reaction or media coverage.

(d) CSU/ARFs shall report each seclusion and restraint event to the Department. This reporting shall be done electronically using the Department's web-based application either directly via the data input screens or indirectly via the File Transfer Protocol batch process. The required reporting elements are: Provider tax identification number; Person's social security number and identification number; date and time the seclusion or restraint event was initiated; discipline of the person ordering the seclusion or restraint; discipline of the person implementing the seclusion or restraint; reason seclusion or restraint was initiated; type of restraint used; whether significant injuries were sustained by the person; and date and time seclusion or restraint was terminated. Facilities shall report seclusion and restraint events on a monthly basis. Events that result in death or significant injury either to a staff member or person shall be reported to the Department's web based system in accordance with Department operating procedures.

(e) In those cases where an individual receiving services from a CSU/ARF needs to be transported to other services, the provider shall arrange for such transportation.

(f) CSU/ARFs that house both men and women must provide separate bedrooms for each gender.

(g) When a CSU/ARF releases an involuntary client held under the Marchman Act, notice shall be given to the court.

(h) Each CSU/ARF shall ensure that information in case records and any other identifying information for individuals reflecting a substance abuse diagnosis be maintained in accordance with 42 Code of Federal Regulations, Part 2. The Department and the Agency shall have access to confidential records, as needed, to conduct monitoring visits, surveys, complaint investigations, and other required site visits.

(i) In those instances where case records are maintained electronically, a staff identifier code shall be acceptable in lieu of a signature. Documentation within case records shall not be deleted. Amendments or marked through changes shall be initialed and dated by the individual making such changes.

(j) A CSU/ARF shall develop a uniform case record system regarding the content and format of case records.

(k) Each CSU/ARF shall develop a written Universal Infection Control plan-which shall apply to all staff, volunteers, and to all individuals receiving services, and shall be reviewed and approved by the Medical Director. The CSU/ARF shall conduct screening and a risk assessment for infectious diseases for each individual who is determined to be substance abuse impaired, as required by Rules 65D-30.004 and 65E-5.180, F.A.C. All infection control activities shall be documented.

(6) Investigation of Complaints

(a) Each CSU/ARF shall develop a written policy and procedure regarding complaints as required by subsection 65E-5.180(6), F.A.C. This policy must be posted conspicuously in an area of the facility routinely used by all service recipients.

(b) Complaints received by the Department or by the Agency may be jointly investigated.

Rulemaking Specific Authority 394.4612, ~~394.499~~ FS. Law Implemented 394.4612, ~~394.499~~ FS. History--New 8-28-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Anson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010