

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends language about who is responsible for repayment of overpayment of public assistance benefits.

SPECIFIC AUTHORITY: 409.919, 414.41, 414.45 FS.

LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 FS.

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

DATE AND TIME: January 7, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.:	RULE TITLES:
5G-6.001	Purpose
5G-6.003	Definitions
5G-6.005	Inspection
5G-6.007	Annual Food Permit Requirements of Tomato Packers and Repackers
5G-6.009	Tomato Best Practices Manual
5G-6.011	Exemptions
5G-6.013	Enforcement

PURPOSE AND EFFECT: The purpose of this rule is to establish inspection procedures and best management practices to enhance the safety of fresh tomatoes grown, packed or repacked in Florida and to implement Chapter 2007-67, Laws of Florida, adopted during the 2007 Legislative Session. A set of guidelines have been drafted through a cooperative effort between the FDACS and the Florida Tomato Industry to implement needed practices and procedures for safe production and handling of tomatoes. These guidelines are called the Tomato Best Practices Manual and are proposed for adoption by reference into this rule chapter. These rules will have an effect on those establishments permitted by the FDACS in the State of Florida who produce or handle tomatoes from field production through packing.

SUMMARY: This rule development will address inspection, permit requirements, and best practices in the tomato industry for growers, packers, re-packers and workers. This rule development will address the adoption by reference of the

Tomato Best Practices Manual guidelines for performing tomato food safety inspections on the farm, in tomato greenhouses and in tomato packing houses.

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

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

SPECIFIC AUTHORITY: 500.09(1)(b), (3), (4), 500.12(1) (f), 570.07(6), 570.07(23), 570.481(1)(a) FS.

LAW IMPLEMENTED: 500.03(1)(j), (n), 500.09(1)(b), (4), 500.12(1)(a), (f), 500.147(6), 570.48(2)(e), 570.481(1)(a), (b), 603.12, 603.13 FS.

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

DATE AND TIME: Monday, January 7, 2008, 2:00 p.m. until 4:00 p.m.

PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)488-0295. 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)488-0295

THE FULL TEXT OF THE PROPOSED RULES IS:

FRESH TOMATO INSPECTION

5G-6.001 Purpose.

(1) This rule establishes inspection procedures and best management practices to enhance the safety of fresh tomatoes grown, packed or repacked in Florida, as provided by Chapters 500 and 570, Florida Statutes.

(2) The purpose of these procedures and practices is to:

(a) Enhance the safety of tomatoes to the consuming public by the implementation of safer handling, production and packing practices.

(b) Prevent or minimize contamination of tomatoes either in the natural environment in which they are grown or in the handling, packing, repacking or selling of tomatoes once harvested since, once contaminated, removing or killing pathogens is difficult.

(c) Provide the necessary education and training on food safety practices to workers at all levels.

(3) Mandatory compliance with the procedures and practices outlined in this rule will take effect July 1, 2008.

Specific Authority 500.09(1)(b), (3), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.09(1)(b), (4), 500.12(1)(f) FS. History–New _____.

5G-6.003 Definitions.

(1) “Department” means the Florida Department of Agriculture and Consumer Services.

(2) “HACCP” (Hazard Analysis Critical Control Point) means a preventive food safety program used to protect the food supply against biological, chemical and physical hazards.

(3) “T-GAP” means Tomato Good Agricultural Practices.

(4) “T-BMP” means Tomato Best Management Practices.

(5) “Farmers Market” means a market, usually held out-of-doors, in public spaces, where farmers can sell their produce to the public.

Specific Authority 500.09(1)(b), (4), 570.07 (6), 570.07(23) FS. Law Implemented 500.03(1)(j), 500.09(1)(b), (4), 500.147(6) FS. History–New _____.

5G-6.005 Inspection.

(1) Regulatory inspections will be performed as frequently as needed to verify adherence to T-GAP or T-BMP for product grown, packed or repacked and will be performed at least once a year in packing houses by the Department.

(2) As specified in Sections 570.48(2)(e) and 570.481(1)(a)(b), F.S., the industry shall reimburse the Department for regulatory inspections conducted under this program at the rate of \$75.00 per hour.

Specific Authority 570.07 (6), 570.07(23), 570.481(1)(a) FS. Law Implemented 570.48(2)(e), 570.481(1)(a), (b), 603.12, 603.13 FS. History–New _____.

5G-6.007 Annual Food Permit Requirements of Tomato Packers and Repackers.

(1) An annual food permit is required for all packers and repackers of tomatoes in Florida. A permit number will be assigned by the Department following receipt of the Annual Food Permit Application, DACS-14306, (Rev. 06/03), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables, P. O. Box 1072, Winter Haven, Florida 32881-3403.

(2) The annual permit fee shall be \$100.00 per applicant and must accompany the Annual Food Permit Application. No establishment shall be issued a food permit until all applicable fees are received by the Department.

(3) All fees and fines collected by the Department to cover the cost of providing the inspection service for tomato packinghouses and repackers shall be deposited into the General Inspection Trust Fund.

Specific Authority 500.09(3), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.03(1)(n), 500.12(1)(a), 570.48(2)(e), 570.481(1)(a), (b) FS. History–New _____.

5G-6.009 Tomato Best Practices Manual.

(1) The *Tomato Best Practices Manual* (November 2007) is hereby adopted and incorporated by reference in this rule section and contains the specifications of the T-GAP and the T-BMP. Copies of the manual may be obtained by contacting the Division of Fruits and Vegetables, P. O. Box 1072, Winter Haven, Florida 33881-3403, (863)291-5820.

(2) The following document has been adopted by reference into the *Tomato Best Practices Manual* (November 2007) and is also incorporated by reference into this rule: *The Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain*, Edition 1.0, developed by the North American Tomato Trade Working Group composed of the United States, Canada and Mexico. A copy may be obtained electronically through the following website: <http://research.ifas.ufl.edu/tomato/index.asp>.

Specific Authority 500.09(1)(b), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.09(1)(b), (4), 500.12(1)(f) FS. History–New _____.

5G-6.011 Exemptions.

The following categories of tomatoes are exempt from the requirements of the T-GAP and T-BMP:

(1) Tomatoes sold by an individual grower to a consumer on the premises on which they are grown not to exceed two twenty-five pound boxes per customer.

(2) Tomatoes grown on premises and sold by the individual grower at a local farmers market not to exceed two twenty-five pound boxes per customer.

(3) Charitable contributions of tomatoes are exempt provided they are not diverted into commercial trade or the market place.

Specific Authority 500.09(4), 500.12(1)(f), 570.07(6) FS. Law Implemented 500.09(4), 500.12(1)(f) FS. History–New _____.

5G-6.013 Enforcement.

Any person who violates any provision of these rules is subject to the penalties as provided in Chapter 500, F.S.

Specific Authority 500.09(3), 570.07(6), 570.07(23) FS. Law Implemented 500.121 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shannon Shepp, Director, Division of Fruits and Vegetables and Dr. Marion F. Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry L. Rhodes, Chief of Staff, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007, Vol. 33/36

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-85.004
 RULE TITLE: Logo Sign Program

PURPOSE AND EFFECT: The amendment to Rule 14-85.004, F.A.C., is limited to paragraph (11)(e) and subsection (12). These sections are amended to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal, consistent with other sections of Chapter 479, Florida Statutes.

SUMMARY: This is an amendment to paragraph 14-85.004(11)(e) and subsection (12), to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal.

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

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

SPECIFIC AUTHORITY: 479.08, 479.261, 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.08, 479.261 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (d) No change.

(e) Process for Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. Eastern Standard time on December 1, the permit will be revoked ~~expire and the business logo sign will be removed from the display panel.~~ Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) Denial, ~~denial of renewal,~~ revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if the business does not meet the eligibility requirements outlined in this rule.:

~~1. Space is not available;~~

~~2. The business does not meet the eligibility requirements;~~

or

~~(b) Denial of Renewal. Renewal will be denied if applicable permit fee(s) are not received by the Program Administrator by 5:00 p.m. on December 1.~~

~~(b)(e)~~ Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this rule chapter and has not received requested a suspension or if permit fees are not received by the Program Administrator by 5:00 p.m. Eastern Standard time on December 1.

~~2. The business made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator.~~

~~2.3. Prior to revoking a logo permit, the Program Administrator shall issue by certified mail a Notice of Intent to Revoke for Noncompliance. This notice shall state the noncompliance found and provide the following: The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.~~

a. The permittee shall have 30 days from receipt of the Notice of Intent to Revoke for Noncompliance to correct the noncompliance and present evidence to the Department of such correction.

b. If corrective action is not accomplished within the 30 day period, the revocation becomes final agency action.

c. The business logo sign shall be removed from the logo structure(s) after the revocation is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis. The business is required to pay the permit fee(s) on a monthly pro rata basis, for all logo signs displayed, pending final agency action or final disposition of any request for administrative hearing.

~~(c)(d)~~ Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in Section (12)(b)(e)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with (12)(b), above.

~~(d)(e)~~ Voiding. If the Department or the Program Administrator must remove logo structures pursuant to Section (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

~~(e)(f)~~ Notice. In cases of denial, ~~denial of renewal~~, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, F.S.

~~1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:~~

~~a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.~~

~~b. If corrective action is not accomplished within the 30 day period, the Program Administrator shall issue a notice of intent to revoke the permit.~~

~~2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis.~~

~~(f)(g)~~ Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.

(13) through (13)(b) No change.

Specific Authority 479.08, 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.08, 479.261 FS. History--New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05, 12-25-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger Eudy, State Administrator, Motorist Information Services, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2007

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-5.001	Standards Adopted; Exclusions; and Conflicts
61C-5.0012	Electrolysis Protection for Underground Hydraulic Elevator Cylinders
61C-5.004	Bulletin Boards
61C-5.0051	Emergency Stop Switches and In-Car Stop Switches
61C-5.009	Venting of Hoistways, Minimum Requirements
61C-5.011	Alterations to Electric and Hydraulic Elevators and Escalators
61C-5.013	Service Maintenance Contracts

PURPOSE AND EFFECT: The proposed rule amendments update and simplify the rule by adopting state and national elevator safety and maintenance standards. The proposed rule amendments also adopt service maintenance contract reporting requirements.

SUMMARY: The proposed rule amendments update the elevator safety standards adopted by reference; re-align the rule with the Florida Building Code; and adopt service maintenance contract reporting requirements, as required by Section 399.061(1)(b), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 399.10 FS.

LAW IMPLEMENTED: 399.01, 399.02, 399.061 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Doug Melvin, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012, telephone: (850)488-9098

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.001 Standards Adopted; Exclusions; and Conflicts Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

(1) Adopted Standards. The installation and maintenance of elevators, dumbwaiters, escalators, moving walks, manlifts, inclined and vertical wheelchair lifts, and inclined stairway chairlifts, in Florida, shall be governed by the following standards, which are hereby adopted and incorporated by reference, with certain amendments and exclusions. This rule shall not apply to hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus.

(a) Chapter 30, Elevators and Conveying Systems, of the 2004 Florida Building Code, including the 2006 supplements;

(b) American National Standard Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2-2004; and

(c) The Uniform Fire Safety Standards for Elevators, Chapter 69A-47, Florida Administrative Code, established by the Department of Financial Services.

(2) Exclusions. This rule chapter shall not apply to manlifts, hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus. The following standards are specifically excluded from Chapter 30, Elevators and Conveying Systems, Florida Building Code, as incorporated by reference:

(a) ASME A90.1, American National Standard Safety Standard for Belt Manlifts;

(b) ASME B20.1, Safety Standard for Conveyors and Related Equipment; and

(c) ALI ALCTV, Safety Requirements for Automotive Lifts.

(3) When conflicts occur between provisions of the Florida Building Code and provisions of other adopted codes, the provisions of the Florida Building Code shall apply.

~~(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, 1996 edition, effective 10-4-00; and ASME A17.1a, 1997 addenda, effective 10-4-00, and ASME A17.1b, 1998 addenda, effective 10-4-00.~~

~~(2)(a) American National Standard Inspectors Manual for Electric Elevators, ASME A17.2.1, 1996 edition including ASME A17.2.1a, 1997 Addenda and ASME A17.2.1b, 1998 Addenda.~~

~~(b) American National Standard inspectors Manual of Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.~~

~~(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.~~

~~(3) American National Standard Safety Code for Manlifts, ASME 90.1, 1992 edition.~~

~~(4) National Fire Protection Association, NFPA-70, National Electrical Code, 1999 edition.~~

~~(5) The Uniform Fire Safety Standards for Elevators, chapter 4A-47, Florida Administrative Code, established by the Department of Insurance, State Fire Marshal's Office, are hereby adopted by reference.~~

~~(6) Each elevator shall be accessible to Americans with Disabilities in accordance with 28 CFR Part 36, the Federal Americans with Disabilities Act Accessibility Guidelines, Appendix B, Sections 4.10 and 4.11 and all applicable requirements, references, and drawings set forth in these sections.~~

~~(7) The following rules of ASME A17.1, are hereby amended as follows:~~

~~(a) Rule 211.9c is added, and reads as follows: Each car in a multicar group shall be sequentially numbered from left to right, as viewed from the elevator lobby.~~

~~(b) Rule 101.3a of the ASME A17.1, which is amended to read as follows: Rule 101.3a General Requirements. A permanent, safe and convenient means of access to elevator machine rooms and overhead machinery spaces shall be provided for authorized persons. The key to the machine rooms and overhead machinery spaces shall be kept on the premises at all times and readily available for use by state elevator inspectors.~~

~~(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.~~

(d) Rule 805.2d is added, and reads as follows: The key for the starting switches must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.

(e) Rule 106.1b(3). Drains connected directly to sewers shall not be installed in elevator pits. Where drains are not provided to prevent the accumulation of water, a sump of adequate size and depth to accommodate a pump shall be provided, with or without a pump.

(8) Specifically excluded from ASME A17.1, as adopted by reference, 1996 edition and supplements are:

(a) Part XVIII, entitled Screw Column Elevators.

(b) Part XXI, entitled Private Residence Inclined Stairway Chairlifts and Inclined and Vertical Wheelchair Lifts.

(c) Section 1200 General Requirements, Rule 1200.1 Conformance with Safety Code for Existing Installations.

(d) Part V, Private Residence Elevators.

Specific Authority ~~399.10~~ ~~399.02~~ FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, 10-4-00, _____.

61C-5.0012 Electrolysis Protection for Underground Hydraulic Elevator Cylinders.

All newly installed and replacement underground hydraulic pressure cylinders shall be encased in an outer plastic containment to minimize electrolytic corrosion between the metal cylinder and ground cathode and shall conform to Chapter 30, Section 3009, of the Florida Building Code, as incorporated by reference.

(1) The plastic casing shall be capped at the bottom, and all joints must be solvent or heat welded to insure water tightness.

(2) The plastic casing shall be constructed of polyethylene or polyvinyl chloride (PVC). The plastic pipe wall thickness must not be less than .125 inches (3.175 mm).

(3) The neck of the plastic casing shall have a means of inspection provided to monitor the annulus between the pressurized hydraulic cylinder and the protective plastic casing.

(4) Replacements of existing hydraulic cylinders shall be protected by the aforementioned method where existing physical dimensions permit.

Specific Authority ~~399.10~~ ~~399.02~~ FS. Law Implemented 399.02 FS. History—New 9-10-89, Formerly 7C-5.0012, Amended _____.

61C-5.004 Bulletin Boards.

All bulletin boards and frames used in elevator cars shall conform to Chapter 30, Section 3010, of the Florida Building Code, as incorporated by reference.

(1) Bulletin boards and frames used in elevator cars shall not create any conditions which will be unsafe for user of the elevator car. Users shall include:

(a) Disabled persons;

(b) Persons confined to wheelchairs; and

(c) All other persons who may operate the elevator car in its normal course of use.

(2) Bulletin boards shall not protrude more than 1 inch beyond the vertical line of the car wall. They shall not encroach on any clearances required to be maintained in the elevator by Chapter 399, Florida Statutes, and ASME A17.1.

(3) Bulletin boards shall be framed and all edges must be smooth and rounded. No sharp edges of any kind shall protrude.

(4) A glass or plastic cover shall be provided. Glass, if used, must meet the following requirements:

(a) Be laminated;

(b) Meet the requirement for laminated glass as set forth in ANSI Z97.1;

(c) The cover shall be securely held in place by the frame.

(5) The frame and bulletin board shall be permanently fastened to the car wall in such a manner so that all parts including the cover in place will withstand any and all tests required of the elevator.

(6) All materials used shall be fire resistive equal to the requirements of the cab enclosure.

(7) The bottom of the bulletin boards shall not be less than 4 feet above the cab floor, and no less than three inches above a handrail. The total area shall not exceed 4 square feet.

Specific Authority ~~399.10~~ ~~399.02~~ FS. Law Implemented 399.02(2) FS. History—New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94, 10-4-00, _____.

61C-5.0051 Emergency Stop Switches and In-Car Stop Switches.

(1) Emergency Stop Switches. Only passenger elevators with non-perforated enclosures, installed prior to May 14, 1979, shall be permitted to have an emergency stop switch in the elevator car. The emergency stop switch shall be located in or adjacent to the operating panel of the elevator car in accordance with the ASME A17.1a-2005, rule 2.26.2.5, hereby incorporated by reference 210.2(e).

(a) Exception. The requirements of subsection (1) of this rule shall not apply to those elevators whose owners have removed the emergency stop switch after receiving written approval from the division.

(b) An emergency stop switch shall be provided in the car of all freight and passenger elevators with a perforated enclosure, in accordance with ASME A17.1a-2005, rule 2.26.2.5, as incorporated by reference 210.2(e).

(2) In-Car Stop Switch – New Installations. On passenger elevators equipped with non-perforated enclosures, a stop switch, either key operated or behind a locked cover, shall be provided in the car and located in or adjacent to the car operating panel, in accordance with ASME A17.1a-2005, rule 2.26.2.21, hereby incorporated by reference 210.2(v).

Specific Authority 399.10 399.02 FS. Law Implemented 399.02 FS. History–New 5-6-90, Formerly 7C-5.0051, Amended 2-2-94,_____.

61C-5.009 Venting of Hoistways, Minimum Requirements.

The following requirements shall apply unless local applicable codes provide a more stringent standard:

(1) Hoistways of elevators serving more than three stories shall be provided with means for venting smoke and hot gases to the outer air in case of fire. Hoistway vents shall conform to Chapter 30, Section 3004, of the Florida Building Code, as incorporated by reference. However, such requirement shall not apply to hoistways not extending into the top floor of the building, in buildings other than hotels, apartment houses, hospitals and similar buildings with overnight sleeping quarters, where the hoistways are equipped with automatic sprinklers connected to the building water supply system or to an approved automatic sprinkler system. Refer to National Fire Protection (NFPA) No. 13 Sprinkler Systems.

(2) Vents shall be located:

(a) In the side of the hoistway enclosure directly below the floor or floors at the top of the hoistway, and shall open either directly to the outer air through noncombustible ducts to the outer air; or

(b) If approved by a local building official, in the wall or roof of the penthouse or overhead machinery space above the roof, provided that openings have a total area not less than the minimum specified in subsection (3) of this rule.

(3) The area of the vents shall be not less than 3.5 percent of the area of the hoistway nor less than 3 square feet for each elevator car, whichever is greater. Of the total required vent area, not less than 1/3 shall be permanently open or automatically opened by a damper. A hinged damper which will open under a small amount of pressure shall be considered a permanently open vent. However, where mechanical ventilation providing equivalent venting of the hoistway is provided, the required vent area may be reduced if it maintains adequate ventilation and if:

(a) The building is not a hotel, apartment house, hospital or similar building with overnight sleeping quarters, or

(b) The hoistway or machine room is so located that it has no outside exposure, or

(c) The hoistway does not extend to the top of the building, or

(d) The hoistway or machine room exhaust fan is automatically reactivated by thermostatic means.

Specific Authority 399.10 399.02 FS. Law Implemented 399.02 FS. History–New 7-12-83, Formerly 7C-5.09, Amended 11-1-87, 10-31-88, Formerly 7C-5.009, Amended 2-2-94, 10-4-00,_____.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

(1) All alterations as set forth in Chapter 30, Section 3011 of the Florida Building Code, as incorporated by reference, require that inspections and tests be performed to determine conformance with the ASME A17.1. Replacement of the critical system components referenced in Chapter 30, Section 3011 of the Florida Building Code, as incorporated by reference, shall require an alteration permit and satisfactory completion of all tests listed. In addition to the alterations set forth in Rule 1003.3 and Rule 1006.3, ASME A17.1, 1996, the following alterations require, in addition to a construction permit, that inspections and tests be performed to determine conformance with the ASME A17.1, 1996, rules cited below:

ALTERATIONS	Electric Elevators	Hydraulic Elevators
(a) Addition of elevator to existing hoistway (new installation)	1201.1b	1201.1b
(b) Brake (replacement of existing drive machine brake by a new brake)	208-210.8	_____
(c) Buffer (addition of oil buffer)	1202.2	1203.2b
(d) Driving machine (replacement of)	1202.9a	1203.3
(e) Freight elevator converted to passenger service	1202.8a	1203.2h
(f) Rope, replacement in size or number of ropes	1200.4d	1200.4d
(g) Sheave, driving machine (replacement in size)	1202.9a	1202.9a

(2) The following alterations require, in addition to a construction permit, that inspections be performed to determine conformance with the ASME A17.1, 1996, rule cited below:

ALTERATIONS	Electric Elevators	Hydraulic Elevators
(a) Access Switch (addition of)	1201.11d	1203.1k
(b) Automatic transfer device (addition of)	1205	1205
(c) Car, door or gate (addition of car door or gate electric contacts)	1202.5	1203.2e
(d) Car enclosure	1202.5	1203.2e
(e) Car leveling device (addition of) and (trucking device)	1202.12b	1203.8b
(f) Control	1202.12e	1203.8f
(g) Control equipment	1202.12	1203.8
(h) Controller (existing controller w/new) (excluding dispatching device)	1202.12d	1203.8e
(i) Counterweight (change of)	1202.3	1203.2e
(j) Increase in travel (or decrease)	1202.10a	1203.4a
(k) Door, hoistway (replacement of all hoistway doors)	1201.10	1203.1j
(l) Escalator, relocation of	1207	_____
(m) Escalator, skirt switches (addition of safety device)	805	_____
(n) Freight elevator permitted to carry passengers	1202.8e	1203.2j
(o) Guide rails (change in type or size)	1202.1	1203.2a
(p) Hoistway door, power operation of (addition of)	1201.12	1203.1m
(q) Hoistway door locking device (addition of)	1201.11	1203.1k
(r) Operation, change in type of	1202.12f	1203.8q
(s) Platform, car (complete replacement of)	1202.4a	1203.2d
(t) Roller guide shoe, counter weight and car (addition of)	1202.3	1202.3
(u) Rope equalizer (addition of)	1202.14e	1203.9e
(v) Rope fastening device, auxiliary (addition of)	1202.14d	1202.14d
(w) Tank (replacement of) (with different capacity)	_____	1203.6
(x) Top of car operating device (addition of)	1202.12a	1203.8a

Specific Authority ~~399.10~~ 399.02 FS. Law Implemented 399.02 FS. History—New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96, 10-4-00,_____.

61C-5.013 Service Maintenance Contracts.

(1) For the purpose of this chapter, the term “routine examination” as it relates to the definition of a service maintenance contract means:

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME A17.2, as incorporated by reference, 1, A17.2.2, A17.2.3, Inspectors Manual, and latest Addendas, for its routine examinations and periodic safety tests of elevators;

(b) The periodic safety tests required by ASME A17.1 and its latest Addendas and supplements, as referenced in the Florida Building Code, must be conducted within the time frames established by that standard;

(c) through (d) No change.

(2) If the periodic safety ~~required code related~~ tests required by ASME A17.1 and its latest Addendas and supplements, as referenced in the Florida Building Code, are

not included in a service maintenance contract, the service contract will not be valid and will ~~would~~ not be considered to be a service maintenance contract as defined by pursuant to Section 399.01(10)(7), Florida Statutes.

(3) The owner or lessee, when owner responsibilities are specifically assigned by lease, of a two-stop elevator or other conveyance not requiring an annual inspection pursuant to Section 399.061(1)(a), Florida Statutes, must notify the division in writing within 30 days of cancellation, termination, or expiration of the service maintenance contract. For the purpose of this section, notification is not required if the service maintenance contract is renewed or a new contract is executed within 30 days of cancellation, termination, or expiration, provided that proper notification of the terms of the new or renewed contract is submitted by the registered elevator company on letterhead attesting to the existence of a service maintenance agreement as required for license renewal.

(4) The owner or lessee, when owner responsibilities are specifically assigned by lease, of a two-stop elevator or other conveyance not requiring an annual inspection pursuant to

Section 399.061(1)(a), Florida Statutes, must notify the division in writing within 30 days of transfer of service maintenance contract ownership.

(5) Written notifications shall be mailed to the Bureau of Elevator Safety, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

Specific Authority ~~399.10~~ ~~399.02~~ FS. Law Implemented 399.01, 399.061 FS. History--New 2-2-94, Amended 10-4-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Melvin, Bureau Chief, Division of Hotels and Restaurants, Department of Business and Professional Regulation

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-30.004
 RULE TITLE: Engineering Document Submittal to Public Agencies

PURPOSE AND EFFECT: This rule is being repealed because it is being incorporated into other rules through proposed rule changes and therefore it is redundant.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g), 471.025 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-30.004 Engineering Document Submittal to Public Agencies.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025 FS. History--New 1-26-93, Formerly 21H-30.004, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-33.009
 RULE TITLE: Design of Instrumentation and Control Systems

PURPOSE AND EFFECT: This rule is being repealed because it is being incorporated into other rules through proposed rule changes and therefore it is redundant.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-33.009 Design of Instrumentation and Control Systems.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.009, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-4.090 Renewals

PURPOSE AND EFFECT: The proposed rule involves amendments involves amendments to Chapter 62-4, F.A.C., related to the Department's Title V air permitting program. The amendments extend the lead time for applying for renewal of a Title V permit.

SUMMARY: The proposed rule amendments address air operation permitting requirements for "major sources of air pollution," also referred to as "Title V sources."

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

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

SPECIFIC AUTHORITY: 120.60, 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 120.60, 403.031, 403.061, 403.087, 403.0872 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, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.090 Renewals.

Prior to 135 days before the expiration of a hazardous waste operation permit, 180 days before the expiration of a ~~permit issued pursuant to Chapter 62-213, F.A.C.,~~ or a hazardous waste closure permit, or sixty days before the expiration of any other Department operation permit except a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. The permittee shall apply for a renewal of a permit issued pursuant to Chapter 62-213, F.A.C., according to Rule 62-213.420, F.A.C. A renewal application shall be timely and sufficient. If the application is submitted prior to the days specified above before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of paragraph subparagraphs 62-213.420(1)(b)3- and 4, F.A.C.

Specific Authority 120.60, 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 120.60, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.09, Amended 8-31-88, 3-19-90, 7-11-93, Formerly 17-4.090, Amended 4-18-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-210.200 Definitions

62-210.300 Permits Required

62-210.360 Administrative Permit Corrections and Amendments

62-210.900 Forms and Instructions

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-210, F.A.C., related to implementation of permitting requirements for Title V sources

subject to the U.S. Environmental Protection Agency’s Clean Air Interstate Rule, Clean Air Mercury Rule, and Acid Rain program.

SUMMARY: The proposed rule amendment addresses Title V air operation permitting requirements.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872 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, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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 days before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (8) No change.

(9) “Acid Rain Unit” – A fossil fuel-fired combustion device listed as subject to any Acid Rain emissions reduction requirement or Acid Rain emissions limitation at 40 C.F.R. 72.6 or 74.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(10) through (58) No change.

(59) “CAIR Part” or “CAIR Permit” – DEP Form No. 62-210.900(1)(b), completed and certified by the designated representative and incorporated as a part of the Title V source permit or air construction permit. The CAIR Part shall specify

~~That portion of the Title V source permit specifying the CAIR Program requirements applicable to the a CAIR source, to each CAIR unit at the source, and to the owners and operators and the CAIR designated representative of the CAIR source and each such CAIR unit.~~

(60) through (75) No change.

(76) “C.F.R.” or “CFR” – Code of Federal Regulations.

(77) through (158) No change.

(159) “Hg Budget Part” or “Hg Budget Permit” – DEP Form No. 62-210.900(1)(c), completed and certified by the designated representative and incorporated as a part of the Title V source permit or air construction permit. The Hg Budget Part shall specify the Hg Budget Trading Program requirements applicable to the Hg Budget source, to each Hg Budget unit at the source, and to the owners and operators and the designated representative of the Hg Budget source and each such Hg Budget unit.

(159) through (334) renumbered (160) through (335) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07,_____.

62-210.300 Permits Required.

(1) No change.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit; subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, and demonstration of compliance with the conditions of such air construction permit; subsequent to the establishment of a PAL or air emissions bubble by air construction permit; or as otherwise provided in this chapter or Chapter 62-213, F.A.C.; the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or ~~an administrative correction or~~ revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter, Chapter 62-213 (if the facility is a Title V source), and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. through 2. No change.

3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period; ~~except that, for Title V sources subject to subparagraph 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in subparagraph 62-213.420(1)(a)1., F.A.C.~~

- b. through d. No change.
- 4. No change.
- (b) through (c) No change.
- (3) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, _____.

62-210.360 Administrative Permit Corrections and Amendments.

(1) A facility owner shall notify the Department in writing ~~by letter~~ of minor corrections or amendments to information contained in a permit. Such minor corrections or amendments ~~notifications~~ shall include:

- (a) through (g) No change.
- (2) Upon receipt of any such notification, the Department shall within 60 days correct or amend the permit and provide a copy of the correction or amendment ~~corrected copy~~ to the owner.
- (3) No change.
- (4) For Title V source permits corrected or amended by the Department ~~other than general permits~~, a copy of the correction or amendment ~~corrected permit~~ shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-210.360, Amended 11-23-94, 2-11-99, 4-16-01, 6-2-02, _____.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at www.dep.state.fl.us/air. The requirement of subsection 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit – Long Form, Form and Instructions (DEP Form No. 62-210.900(1), Effective _____ ~~2-2-06~~).

(a) Acid Rain Part Application, Form and Instructions (DEP Form No. 62-210.900(1)(a), Effective _____ ~~6-16-03~~).

1. Phase II NO_x Averaging Plan, Form (DEP Form No. 62-210.900(1)(a)1., Effective _____) ~~Repowering Extension Plan, Form and Instructions (Effective 7-1-95).~~

2. Acid Rain New Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(a)2., Effective _____ ~~4-16-01~~).

3. ~~Retired Unit Exemption, Form and Instructions (Effective 4-16-01):~~

4. ~~Phase II NO_x Compliance Plan, Form and Instructions (Effective 1-6-98):~~

5. ~~Phase II NO_x Averaging Plan, Form (Effective 1-6-98):~~

(b) Clean Air Interstate Rule (CAIR) Part, Form and Instructions (DEP Form No. 62-210.900(1)(b), Effective _____) ~~(Reserved)~~.

(c) Mercury (Hg) Budget Part, Form and Instructions (DEP Form No. 62-210.900(1)(c), Effective _____).

(d) Acid Rain, CAIR, and Hg Budget Retired Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(d), Effective _____).

- (2) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.061, 403.087 FS. History—New 2-9-93, Amended 7-20-94, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, 6-21-01, 6-16-03, 2-2-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007 and August 31, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-213.205	Annual Emissions Fee
62-213.400	Permits and Permit Revisions Required
62-213.420	Permit Applications
62-213.430	Permit Issuance, Renewal, and Revision
62-213.440	Permit Content
62-213.460	Permit Shield

PURPOSE AND EFFECT: The proposed rule amendments involves amendments to Chapter 62-213, F.A.C., related to implementation of the U.S. Environmental Protection Agency’s permitting requirements for Title V sources that are subject to the Clean Air Interstate Rule, Clean Air Mercury Rule, and Federal Acid Rain Program.

SUMMARY: The proposed rule amendments address Title V air operation permitting requirements for electrical generating units.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872 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, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source’s previous year’s emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per

hour by specific condition of the source’s most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) through (d) No change.

(e) For any Title V source that emits less of any regulated air pollutant than allowed by specific condition, the annual fee calculation for such pollutant may, at a responsible official’s option, be based upon emissions determined as follows:

1. The Department will accept, for fee purposes, emissions determined by means of data from a certified continuous emissions monitor which, for other than an acid rain source, CAIR source, or Hg Budget source, meets the certification and quality assurance requirements of Appendices B and F of 40 CFR Part 60, or for an acid rain source, CAIR source, or Hg Budget source, meets the certification and quality assurance requirements of 40 CFR Part 75, which are adopted and incorporated by reference in Rule 62-204.800, F.A.C. Stack gas volumetric flow rates will be determined using, if available at the source, calibrated flowmeters with recorders that record data on a continuous basis. In the absence of a flowmeter, flow rates will be determined by the average flow rate for the three most recent stack tests that were conducted at 90% to 100% of the maximum allowable operating rate for the unit. If three such stack tests have not been conducted, the average of the latest two tests conducted at the 90% to 100% level will be used. If two or more such tests have not been conducted, the results of the latest test conducted at the 90% to 100% level shall be used. For purposes of this determination, a stack test shall consist of all test runs required under subsection 62-297.310(1), F.A.C. Flow rates as determined in this paragraph shall be used with continuous emission monitors to determine the mass emissions for fee purposes.

2. through 3. No change.

(f) through (k) No change.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02,_____.

62-213.400 Permits and Permit Revisions Required.

~~Effective January 2, 1995, a~~All Title V sources are subject to the air operation permit requirements of this chapter, except those Title V sources permissible pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.

(1) through (2) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.400, Amended 11-23-94, 1-3-95, 4-18-95, 3-13-96, 2-11-99, 1-3-01, 6-2-02,_____.

62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and subsections 62-4.050(1) through (3), F.A.C.

(a) Timely Application.

~~1. For facilities that are Title V sources on or before October 25, 1995, and that have commenced operation on or before that date, a timely initial application under this chapter is one that is submitted as follows:~~

~~a. Acid Rain Sources will submit applications for the entire source by June 15, 1996.~~

~~b. Sources with one or more emissions units subject to subsections 62-204.800(9) or (10), F.A.C., will submit applications for the entire source by:~~

~~i. September 1, 1996, if the facility is a Title V source solely because it is included in paragraph (f) of the definition of "Major Source of Air Pollution," in Rule 62-210.200, F.A.C.~~

~~ii. June 15, 1996, otherwise.~~

~~e. All other sources subject to the permitting requirements of this chapter will submit applications by June 15, 1996.~~

~~1.2. A facility that commences operation as a Title V source after October 25, 1995, or that otherwise becomes subject to the permitting requirements of Chapter 62-213, F.A.C., after October 25, 1995, must file an application for an operation permit under this chapter at least ninety days before expiration of the source's air construction permit, but no later than 180 days after commencing operation as a Title V source, unless a different application due date is provided at Rule 62-204.800, F.A.C., or an earlier date is provided in the air construction permit. A source that has applied for an Electrical Power Plant Siting Certification prior to October 26, 1995, but was has not been issued the certification as of that date, or a source that was has been issued an Electrical Power Plant Siting Certification prior to October 26, 1995, but did has not commenced operation by that date, shall file an application for an operation permit under this chapter no later than 180 days after commencing operation. Sources subject to the FEPPSA that apply for Electrical Power Plant Siting Certification subsequent to October 25, 1995, may, at their option, apply for a permit under the provisions of this chapter at the same time the Florida Power Plant Siting Certification application is submitted.~~

~~2.3. For purposes of permit renewal, a timely application is one that is submitted 180 days before the expiration of a permit that expires before June 1, 2009, and 225 days before the expiration of a permit that expires on or after June 1, 2009 in accordance with Rule 62-4.090, F.A.C.~~

~~3.4. A Title V source which contains an emissions unit that commences operation or is modified after October 25, 1995, shall submit an application for a permit revision, or a supplement to a pending application, at least ninety days prior to expiration of the unit's air construction permit, but no later~~

than 180 days after the emissions unit commences operation or commences operation as modified. Any source that contains an emissions unit that has not commenced operation or which has not demonstrated initial compliance with all applicable requirements by the time that the source submits its application for a Title V permit, permit revision, or permit renewal may include such emissions unit in the application, provided the source submits a compliance schedule and methodology, in accordance with paragraph 62-213.420(3)(1), F.A.C.

~~4. For purposes of the CAIR Part form (DEP form number 62-210.900(1)(b)), a timely application is one that is submitted as follows.~~

~~a. For a CAIR unit covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.~~

~~b. For a CAIR unit not covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.~~

~~c. A CAIR Part form shall be submitted simultaneously with any Title V permit renewal application for a CAIR source.~~

~~5. For purposes of the Hg Budget Part form (DEP form number 62-210.900(1)(c)), a timely application is one that is submitted as follows.~~

~~a. For a Hg Budget unit covered by a Title V permit prior to May 1, 2008, a certified Hg Budget Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.~~

~~b. For a Hg Budget unit not covered by a Title V permit prior to May 1, 2008, a certified Hg Budget Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.~~

~~c. A Hg Budget Part form shall be submitted simultaneously with any Title V permit renewal application for a Hg Budget source.~~

(b) Complete Application.

~~1. No change.~~

~~2. For those applicants submitting initial permit applications pursuant to subparagraph 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified signed application for permit, permit~~

revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or ~~timely application for permit renewal as described by subsection 62-4.090(1), F.A.C.~~, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, applicable requirements of the CAIR Program, and applicable requirements of the Hg Budget Trading Program. until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3. ~~and 4.~~, F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to subparagraphs 62-213.420(1)(b)3. ~~and 4.~~, F.A.C.

~~3. For those permit applications submitted pursuant to the provisions of subparagraph 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.~~

~~3.4. For all applications other than those addressed at subparagraph 62-213.420(1)(b)3., F.A.C., S~~should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department, and the Department's completeness review clock shall be restarted upon the Department's receipt of the information. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit application, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or

supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

5. through 6. renumbered 4. through 5. No change.

(2) No change.

(3) Standard Application Form and Required Information. Applications shall be submitted under this chapter on forms provided by the Department and adopted by reference in subsection 62-210.900(1), F.A.C. The information as described on the forms in subsection 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. The application shall specifically include the following information, as detailed in the application form (DEP form number 62-210.900(1)); provided, however, that the information required by paragraphs (g) through (m), below, shall not be required for any emissions unit which is not subject to any unit-specific applicable requirements, except as needed to determine that no applicable requirements exist:

(a) through (e) No change.

(f) If requested by the Department, information concerning operations and methodology for the development of periodic monitoring in accordance with subsection 62-213.440(4), F.A.C. ~~For applications submitted in accordance with subparagraph 62-213.420(1)(a)2., F.A.C.,~~ Such request must be made within 60 days of the date the application was submitted, except as required by subparagraph 62-213.420(1)(b)3.4., F.A.C.;

(g) through (n) No change.

(4) through (5) No change.

(6) CAIR Part Form. For a source subject to the CAIR Program, there shall be included in the Title V permit application a certified CAIR Part form (DEP form number 62-210.900(1)(b)) that contains requirements concerning all CAIR units at the CAIR source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(b)).

(7) Hg Budget Part Form. For a source subject to the Hg Budget Program, there shall be included in the Title V permit application a certified Hg Budget Part form (DEP form number 62-210.900(1)(c)) that contains requirements concerning all Hg Budget units at the Hg Budget source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(d).

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, _____.

62-213.430 Permit Issuance, Renewal, and Revision.

(1) Action on Application. ~~Except for those applications submitted pursuant to subparagraph 62-213.420(1)(a)1., F.A.C.,~~ The Department shall issue a draft permit or a determination that the requested permit be denied within 90 days after receipt of the latest of: the application; the last item of information requested pursuant to paragraph 62-213.420(1)(b), F.A.C.; or, a written request to process the application without the requested information. If written comments received during the 30-day comment period result in a substantial change in this draft permit, the Department shall issue a revised draft permit within 45 days after the end of the 30-day public comment period, unless a different time period is agreed to between the applicant and the Department. A substantial change in a draft permit has the same meaning as “substantially modified” under subparagraph 62-110.106(7)(a)4., F.A.C. The Department shall issue a permit, permit revision or renewal only after all of the following conditions have been met:

(a) The applicant has submitted a complete application, properly certified by a responsible official as required by subsection 62-213.420(4), F.A.C., and either all corrected and supplemental information requested or a written request to process the application without such information pursuant to subparagraphs 62-213.420(1)(b)3. ~~and 4.~~, F.A.C.;

(b) through (e) No change.

(2) No change.

(3) Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in subsections 62-210.900(1), ~~and 62-213.420(3), 62-213.420(6), and 62-213.420(7),~~ F.A.C. Unless a Title V source submits a timely and complete application for permit renewal in accordance with the requirements of this rule subsection 62-210.900(1), F.A.C., the existing permit shall expire and the source’s right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process.

(4) through (6) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99, 1-3-01, 4-16-01, 6-2-02,_____.

62-213.440 Permit Content.

(1) No change.

(a) through (b) No change.

(c) Emission Allowances. The Acid Rain Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. The CAIR Part of a Title V permit shall include a permit condition prohibiting emissions

exceeding any allowances that the source lawfully holds under the CAIR Program. The Hg Budget Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Hg Budget Trading Program. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400, F.A.C. Each CAIR Part incorporates every allocation, transfer, or deduction of a CAIR NO_x or CAIR NO_x ozone season allowance to or from the compliance account of the CAIR source covered by the permit, upon recording by the Administrator. Each Hg Budget Part incorporates every allocation, transfer, or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit, upon recording by the Administrator.

2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program.

3. Allowances shall be accounted for under the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program.

4. Each CAIR Part incorporates the definitions of terms under 40 CFR 96.102, 96.202, and 96.302, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Each Hg Budget Part incorporates the definitions of terms under 40 CFR 60.4102, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(d) No change.

(2) No change.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. No change.

2. A requirement that the source submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C. Such statements shall be accompanied by certification in accordance with subsection 62-213.420(4), F.A.C., for Title V requirements, ~~and~~ with Rule 62-214.350, F.A.C., for Acid Rain requirements, with Rule 62-296.470, F.A.C., for CAIR Program requirements, and with Rule 62-296.480, F.A.C., for Hg Budget Trading Program requirements. Such statement shall be submitted (postmarked) to the Department and EPA:

a. through b. No change.

3. No change.

(b) No change.

(4) Periodic Monitoring.

(a) No change.

(b) Monitoring performed pursuant to any of the following satisfies periodic monitoring for that applicable requirement:

1. through 2. No change.

3. Emission limits or standards for which monitoring requirements are established pursuant to 40 CFR 64 (Compliance Assurance Monitoring); ~~and~~

4. Emission limitations or standards for which a Title V permit specifies a continuous compliance determination method, as defined in 40 CFR 64.1, adopted and incorporated by reference at Rule 62-204.800, F.A.C., unless such compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device;-

5. CAIR Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; and

6. Hg Budget Trading Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02,_____.

62-213.460 Permit Shield.

Except as provided in this chapter, compliance with the terms and conditions of a permit issued pursuant to this chapter shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in this section or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program.

Specific Authority 403.061, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.460, Amended 11-23-94, 1-3-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-214.100	Purpose and Scope
62-214.300	Applicability
62-214.320	Applications
62-214.330	Acid Rain Compliance Plan and Compliance Options
62-214.340	Exemptions
62-214.360	Department Action on Applications
62-214.370	Revisions and Administrative Corrections
62-214.420	Acid Rain Part Content
62-214.430	Implementation and Termination of Compliance Options

PURPOSE AND EFFECT: The proposed amendment involves amendments to Chapter 62-214, F.A.C., related to implementation of the U.S. Environmental Protection Agency's permitting requirements for sources that are subject to the Federal Acid Rain Program or elect to "opt in" to the Federal Acid Rain Program.

SUMMARY: The proposed rule amendments address requirements for the Acid Rain Part of a Title V air operation permit for a source which is subject to the Federal Acid Rain Program or which elects to opt in to such program.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872, 403.087 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, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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: Ms. Lynn Searce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-214.100 Purpose and Scope.

This chapter outlines the additional permitting requirements for Title V sources that are subject to the Federal Acid Rain Program. The rules under this chapter set forth requirements for the Acid Rain Part of an operation permit for a Title V source which is subject to the Federal Acid Rain Program. The Department intends that this chapter shall implement and be consistent with the federal requirements of 40 C.F.R. Part 72. Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at either 40 CFR 72.2 or 76.2 or Rule 62-210.200, F.A.C. The provisions of 40 CFR Parts 72, 73, 74, 75, and 76 referenced in this rule are adopted and incorporated by reference at Rule 62-204.800, F.A.C.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 3-13-96, 1-3-01, _____.

62-214.300 Applicability.

~~Effective January 2, 1995,~~ Owners and operators of a Title V source that contains an Acid Rain unit shall operate the source and each Acid Rain unit in compliance with Chapter 62-213, F.A.C., and shall comply with the applicable requirements of this chapter.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended _____.

62-214.320 Applications.

The designated representative of any Title V source containing an Acid Rain unit shall submit to the Department a complete Acid Rain Part application no later than the applicable deadline of this section. The Acid Rain Part application shall be submitted pursuant to this chapter and to Rule 62-213.420, F.A.C. The designated representative of an Acid Rain Source has the option of filing the Acid Rain Part application as a separate document from the Title V Air Operation Permit application and requesting separate processing. The Department shall process the Acid Rain Part application pursuant to Chapter 62-213, F.A.C. The owners and operators of such source and any Acid Rain unit at the source shall not operate the source or unit without a Title V permit which includes an Acid Rain Part, except that a source having a valid air construction or operation permit or a site certification pursuant to the Florida Electrical Power Plant Siting Act and for which the designated representative has submitted a timely and complete initial Acid Rain Part application shall be deemed in compliance with the Federal Acid Rain Program requirements provided that the designated representative

submits all timely supplemental information as provided at Rule 62-213.420, F.A.C., and provided the source operates in compliance with the terms and conditions of the Acid Rain Part application during the Department's processing of the application.

(1) Timeliness. The designated representative shall submit a complete Acid Rain Part application as set forth below:

~~(a) For any existing unit listed at Table 2 or 3 of 40 C.F.R. 73.10, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and for any existing utility unit which is also an Acid Rain unit, the designated representative for the source containing the unit shall submit a complete Acid Rain Part application for the unit in accordance with the schedule for Title V applications pursuant to Rule 62-213.420, F.A.C. For any Acid Rain unit that is required to submit a complete Acid Rain Part application and compliance plan for nitrogen oxides emission pursuant to 40 C.F.R. 76.9(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C., the designated representative shall submit such application and plan not later than January 1, 1998;~~

~~(a)(b)~~ For any new unit, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department at least 24 months before ~~the later of January 1, 2000,~~ or the date on which the unit commences operation;

~~(b)(e)~~ For any unit that did not serve a generator with a nameplate capacity greater than 25 megawatts-electrical (MWe) on November 15, 1990, but serves such a generator after November 15, 1990, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department at least 24 months before ~~the later of January 1, 2000,~~ or the date on which the unit begins to serve a generator with a nameplate capacity greater than 25 MWe;

~~(c)(d)~~ For any unit which was a simple combustion turbine on November 15, 1990, but which adds or uses auxiliary firing after November 15, 1990, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department at least 24 months before ~~the later of January 1, 2000,~~ or the date on which the auxiliary firing device commences operation;

~~(d)(e)~~ For any unit that was an exempt cogeneration unit pursuant to 40 C.F.R. 72.6(b)(4), adopted and incorporated by reference at Rule 62-204.800, F.A.C., but which during any three calendar year period after November 15, 1990, sold to a utility power distribution system, as defined at 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C., an annual average of more than one third of its potential electrical output capacity, as defined at 40 C.F.R. 72.2, and more than 219,000 megawatts-electrical hours (MWe hrs) output, on a gross basis, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department

before ~~the later of January 1, 1998, or~~ March 1 of the year following the three calendar year period in which the unit sold to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than 219,000 MWe-hrs actual electric output on a gross basis.;

~~(e)(f)~~ For any unit which was exempt pursuant to 40 C.F.R. 72.6(b)(5), adopted and incorporated by reference at Rule 62-204.800, F.A.C., but which at any time after the date of November 15, 1990, or the date the source containing the unit commences commercial operation, fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(5), the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department before ~~the later of January 1, 1998, or~~ March 1 of the year following the calendar year in which the source fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(5).;

~~(f)(g)~~ For any unit which was exempt pursuant to 40 C.F.R. 72.6(b)(6), adopted and incorporated by reference at Rule 62-204.800, F.A.C., but which at any time after the later of November 15, 1990, or the date the source containing the unit commences commercial operation, fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(6), the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department before ~~the later of January 1, 1998, or~~ March 1 of the year following the calendar year in which the source fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(6).;

~~(g)(h)~~ For any unit which was a solid waste incinerator, burning less than 20 percent fossil fuel as described in 40 C.F.R. 72.6(b)(7), adopted and incorporated by reference at Rule 62-204.800, F.A.C., the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department before ~~the later of January 1, 1998, or~~ March 1 of the year following the three calendar year period in which the incinerator consumed 20 percent or more fossil fuel on a British thermal unit (Btu) basis.;

(h) For any unit that would opt-in to the Acid Rain program as described in 40 C.F.R. Part 74, Sulfur Dioxide Opt-Ins, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the designated representative of the source containing the unit may submit a complete Acid Rain Part application with monitoring plan governing such unit at any time to the Department.

(i) Pursuant to subparagraph 62-213.420(1)(a)~~2,3~~ and subsection 62-213.430(3), F.A.C., the designated representative of any Title V source having a Title V permit with an Acid Rain Part shall submit a complete application for renewal of the Title V permit with an Acid Rain Part for each Acid Rain unit at the source, and the designated representative

of a Title V source having a separate Acid Rain Part shall submit a complete application for renewal of the separate Acid Rain Part for each Acid Rain unit at the source.

(2) Information Requirements for Applications. The designated representative shall submit a complete Acid Rain Part application using DEP Form No. 62-210.900(1)(a) and DEP Forms Nos. 62-210.900(1)(a)1. ~~and~~ 2., 3., 4., and 5., as appropriate, and including the following:

(a) through (c) No change.

(d) If the unit is a new unit or opt-in source, the date that the unit commenced or will commence operation and the deadline for monitor certification, pursuant to 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

~~(e) If the unit is an opt-in combustion source, the information required pursuant to 40 C.F.R. 74.16, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; A complete repowering extension plan if the designated representative proposes such a compliance option in accordance with the provisions of subsection 62-214.330(2), F.A.C.;~~

(f) Notification for any exemptions of Acid Rain units if the designated representative indicates such exemption in accordance with Rule 62-214.340, F.A.C.; and

(g) Certification, in accordance with Rule 62-214.350, F.A.C., that the data submitted are true and correct and that the Acid Rain source and each Acid Rain unit shall operate in accordance with the terms and conditions of the Acid Rain Part application (DEP Form No. 62-210.900(1)(a)).

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, 4-16-01, 6-2-02,_____.

62-214.330 Acid Rain Compliance Plan and Compliance Options.

(1) The designated representative shall submit to the Department a complete Acid Rain compliance plan for each Acid Rain unit included in an Acid Rain Part application, including:

(a) For sulfur dioxide emissions, a certification that, the designated representative will hold allowances, as defined at 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as of the allowance transfer deadline, as defined at 40 C.F.R. 72.2, not less than the total annual emissions of sulfur dioxide from the unit for the previous calendar year and shall comply with the unit's elected compliance options, if any. Such requirement shall become effective on:

1. No change.

2. The ~~later of January 1, 2000, or the~~ deadline for monitor certification pursuant to 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C., for an

Acid Rain unit that is a new unit as defined at 40 C.F.R. 72.6(3), adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

3. The deadline for monitor certification pursuant to 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C., for an Acid Rain unit that is an opt-in source as defined at 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) No change.

(2) The designated representative of an Acid Rain source may include in the Acid Rain compliance plan compliance options using repowering extensions if the Acid Rain source and the designated representative meet the criteria of this subsection, including source limitation, timing and certification requirements;

(a) A designated representative may apply for repowering extensions as compliance options only for the following:

1. Any existing Acid Rain unit that is a coal-fired unit and that had a 1985 actual sulfur dioxide emissions rate equal to or greater than 1.2 pounds per million British thermal units (mmBtu);

2. Any oil, gas fired or combination oil and gas fired unit that the designated representative certifies as having been awarded clean coal technology demonstration Department of Energy funding as of January 1, 1991;

3. Any new unit that is also a utility unit and that will replace an existing Acid Rain unit meeting the criteria of subparagraph 62-214.330(2)(a)1., F.A.C., at a different site, provided the new unit and the existing Acid Rain unit have the same designated representative and provided that the new unit;

a. Is an oil or gas-fired unit that the designated representative certifies as having been awarded clean coal technology demonstration Department of Energy funding as of January 1, 1991;

b. Uses one of the following clean coal technologies:

1. Atmospheric or pressurized fluidized bed combustion;

2. Integrated gasification combined cycle;

3. Magnetohydrodynamics;

4. Direct and indirect coal-fired turbines;

5. Integrated gasification fuel cells; or;

e. Is certified by the designated representative as having received EPA approval as qualifying repowering technology pursuant to 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) A repowering extension does not exempt the owner or operator of any unit governed by the Acid Rain compliance plan from the requirement to comply with such unit's Acid Rain emissions limitations for sulfur dioxide.

(c) A designated representative of any unit meeting the criteria of subparagraph 62-214.330(2)(a)1., F.A.C., who is proposing a repowering extension shall certify in accordance with Rule 62-214.350, F.A.C., that:

1. The unit will be repowered with an EPA approved repowering technology to comply with the unit's Acid Rain emissions limitations for sulfur dioxide; or;

2. The unit will be replaced by a unit meeting the criteria of subparagraph 62-214.330(2)(a)3., F.A.C., and that the existing unit will be permanently retired from service on or before the date on which the new utility unit commences commercial operation.

(d) To apply for a repowering extension, the designated representative shall:

1. Submit a complete repowering extension plan as described at paragraph 62-214.330(2)(c), F.A.C., to the Department, by January 1, 1996;

2. Submit a petition for approval of repowering technology to EPA in accordance with 40 C.F.R. 72.44(d), adopted and incorporated by reference at Rule 62-204.800, F.A.C., before June 1, 1997, and provide a copy to the Department;

3. If the repowering extension plan is submitted to the Department as a conditional compliance option, submit a notice to activate the plan in accordance with Rule 62-214.430, F.A.C., to the Department by December 31, 1997.

(e) A complete repowering extension plan shall include the following:

1. Identification of the existing unit governed by the plan;

2. The existing unit's SIP sulfur dioxide emissions limitation;

3. The best estimate of the existing unit's calendar year 1995 sulfur dioxide emissions rate based on results of the compliance demonstrations for the most recent two-year period prior to submitting the plan, provided that the actual calendar year 1995 sulfur dioxide emissions rate is submitted to the Department by January 30, 1996;

4. A schedule for construction, installation, and commencement of operation of any repowering technology either approved by EPA or submitted for EPA approval pursuant to 40 C.F.R. 72.44(d) with dates for the following milestones:

a. Completion of design engineering;

b. For a plan described at paragraph 62-214.330(2)(c)1., F.A.C., removal of the existing unit from operation, to install the qualified repowering technology;

c. Commencement of construction;

d. Completion of construction;

e. Start-up testing;

f. For a plan described at subparagraph 62-214.330(2)(c)2., F.A.C., shutdown of the existing unit and commencement of commercial operation of the repowering technology;

5. For a plan described at subparagraph 62-214.330(2)(c)2., F.A.C.:

~~b. Certification, in accordance with Rule 62-214.350, F.A.C., that the new unit will replace the existing unit, that the new unit has the same designated representative as the existing unit and that the existing unit will be permanently retired from service on or before the date the new unit commences commercial operation.~~
~~a. Identification of the new unit;~~

~~6. A statement that the Acid Rain source agrees to act in conformity with the special provisions of 40 C.F.R. 72.44(h), adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

~~7. A statement that the designated representative shall comply with the requirements of 40 C.F.R. 72.94, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

~~(f) A designated representative shall not include any new unit in more than one repowering extension plan.~~

~~(g) The repowering extension shall become effective January 1, 2000, and shall terminate on the earlier of December 31, 2003, or on the day preceding the date on which the existing unit will be removed from operation to install the qualifying repowering technology or on which the existing unit will be permanently removed from service for replacement by a new unit with such technology except that the repowering extension shall terminate as provided in 40 C.F.R. 72.44 in the event of failure of any repowering technology specified in a compliance option.~~

~~(2)(3) No change.~~

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, _____.

62-214.340 Exemptions.

(1) New Units Exemption.

(a) No change.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.7(b)(2), certified as required by Rule 62-214.350, F.A.C., using ~~form~~ DEP Form No. 62-210.900(1)(a)2. and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the notice need not be provided if the unit has already received a written new unit exemption and the unit shall be subject to the requirements of 40 CFR 72.7(a), (d), (e)(2), and (f).

2. through 3. No change.

(b) through (d) No change.

(2) Retired Units Exemption.

(a) No change.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.8(b)(2), certified as required by Rule 62-214.350, F.A.C., using ~~form~~ DEP Form No. 62-210.900(1)(d)(a)3- and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the

notice need not be provided if the unit has already received a written retired unit exemption and the unit shall be subject to the requirements of 40 CFR 72.8(d).

2. No change.

(b) through (c) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, 6-2-02, _____.

62-214.360 Department Action on Applications.

Any application submitted pursuant to this chapter, including any proposal for ~~any repowering extension plan~~ or NOx alternative emission limitation, shall be processed by the Department under the provisions of Rules 62-213.420 and 62-213.430, F.A.C., with the following additional limitations:

(1) The Department shall not approve any Acid Rain compliance plan described at subsection 62-214.330(2) ~~or (3)~~, F.A.C., until the Department receives, in addition to the information required by paragraph 62-210.900(1)(a), Rules 62-214.320 and 62-214.330, F.A.C., certification from the designated representative that the proposed Acid Rain compliance plan technology has received any necessary EPA approvals, pursuant to 40 CFR 72.44(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

(2) The Department shall take no final action on any permit application for revision submitted by a designated representative to alter or terminate any Acid Rain compliance plan described at subsection 62-214.330(2) ~~or (3)~~, F.A.C., until the Department receives notice from EPA that the proposed revision has received necessary EPA approvals;

(3) The Department shall consider notice from EPA that an Acid Rain compliance plan described at subsection 62-214.330(2) ~~or (3)~~, F.A.C., has failed or for other reason no longer has necessary EPA approval to be cause for permit revision pursuant to Rule 62-4.080, F.A.C.;

(4) The Department shall not allocate allowances;

(5) No change.

~~(6) Each unit subject to an Acid Rain NOx emissions limitation, the Department shall, no later than January 1, 1999:~~

~~(a) Amend the Acid Rain Part pursuant to Rule 62-214.370, F.A.C., and add any NOX early election plan that was approved by EPA and has not been terminated, and~~

~~(b) Take final action on applications for revision of Acid Rain Parts to incorporate the nitrogen oxides requirements of 40 CFR Part 76, adopted and incorporated by reference at Rule 62-204.800, F.A.C., provided the applicant has submitted a timely and complete application for revision pursuant to Rule 62-214.320, F.A.C., and the provisions of 40 CFR Part 76.~~

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, 4-16-01, 6-2-02, _____.

62-214.420 Acid Rain Part Content.

In addition to the requirements of Chapter 62-213, F.A.C., any draft, proposed or final Acid Rain Part, shall contain the following:

(1) through (7) No change.

~~(8) A statement that the designated representative of any unit with an Acid Rain Part that includes repowering as a compliance option shall comply with the requirements of 40 C.F.R. 72.94, adopted and incorporated by reference at Rule 62-204.800, F.A.C., concerning reporting any submittal to EPA and that the designated representative shall provide the Department copies of such submittals;~~

~~(9) A statement that the designated representative shall notify EPA, and provide a copy of the notice to the Department, of the failure of any repowering technology specified in a compliance option;~~

~~(8)(10) No change.~~

~~(9)(11) A statement that the annual statement of compliance pursuant to subsection 62-213.440(3), F.A.C., be submitted within 60 days after the end of the calendar year;~~

~~(10)(12) A statement that an Acid Rain source shall comply with the recordkeeping and reporting requirements of 40 C.F.R. 72.9(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Such recordkeeping and reporting requirements are in addition to those requirements of Chapter 62-213, F.A.C.; and~~

~~(11) For opt-in sources, the requirements of 40 C.F.R. 74.12, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01_____.

62-214.430 Implementation and Termination of Compliance Options.

(1) Activation. The designated representative shall not activate an approved conditional compliance option except by providing notice to the Department that the option will actually be pursued beginning January 1 of a specified year. An approved conditional compliance option must be activated, if at all, before the date of any enforceable milestone applicable to the option. The option becomes binding on the owners and operators of any unit governed by the option at the time the designated representative submits the notice. The notice shall:

(a) Specify the first calendar year and the last calendar year for which the approved conditional compliance option is to be active; and

(b) Certify that the source has obtained all necessary EPA approvals of the technology pursuant to Subpart D of 40 C.F.R. Parts 72, 74, and 76, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

(2) Termination of Approved Conditional Compliance Options.

~~(a) Approved Conditional Compliance Options.~~ The designated representative shall not terminate an approved conditional compliance option after activation except by providing notice to the Department that the termination will occur on January 1 of a specified year. The termination becomes binding on the owners and operators and the designated representative of any unit governed by the option at the time the designated representative submits the notice.

~~1.~~ The notice of termination shall:

~~(a)a.~~ Specify the calendar year for which the approved conditional compliance option is to be terminated; and

~~(b)b.~~ Certify that the source has obtained any necessary EPA approvals of the termination pursuant to Subpart D of 40 C.F.R. Parts 72, 74, and 76, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

~~(b) Repowering Extensions.~~ The designated representative shall provide notice of termination of any Acid Rain compliance plan incorporating repowering extension as provided by 40 C.F.R. 72.44, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

~~1. Termination resulting from failure of the repowering plan shall be submitted as an application for revision of the Acid Rain Part, pursuant to this chapter and Chapter 62-213, F.A.C., and 40 C.F.R. 72.44(g), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and shall be processed pursuant to Rules 62-213.420, 62-213.430 and 62-214.360, F.A.C. A copy of the application for revision of the Acid Rain Part shall be submitted to the EPA.~~

~~2. Termination for reasons other than failure must be accomplished prior to December 31, 1999, and shall be accomplished in the same manner as termination of an approved conditional compliance option pursuant to paragraph 62-214.430(2)(a), F.A.C.~~

(3) No change.

(4) Upon receipt of a the notices described at subsection paragraph 62-214.430(1)(a) or and subsection subparagraph 62-214.430(2)(a)1, F.A.C., the Department shall correct the source's permit pursuant to Rule 62-210.360, F.A.C., and subsection 62-214.370(6)(2), F.A.C.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.002 RULE TITLE: Physician Survey Procedures

PURPOSE AND EFFECT: To create a new rule relating to physician workforce surveys.

SUMMARY: This rule specifies how the survey is to be completed, how the nondisciplinary citations shall be issued, how the warning letters are to be handled, and that renewal is not permitted until after the licensee has completed the survey.

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

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

SPECIFIC AUTHORITY: 458.3191(4), 459.0081(4) FS.

LAW IMPLEMENTED: 458.3191, 459.0081 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, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.002 Physician Survey Procedures.

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at www.FLHealthSource.com must fully complete all applicable portions of the physician survey questionnaire on line. Physicians who do not renew online are required to obtain, complete and submit a paper copy of the questionnaire with their renewal.

(2) The nondisciplinary citation issued to a licensee for failing to complete the survey shall be sent by regular U.S. Mail to the licensee's last address of record. The license renewal notice warning of the prohibition against renewal without first completing the survey shall be sent by regular U.S. Mail to the licensee's last address of record, and the license shall not be renewed until the questionnaire has been completed.

Specific Authority 458.3191(4), 459.0081(4) FS. Law Implemented 458.3191, 459.0081 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lola Pouncey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.002 RULE TITLE: Supervisor

PURPOSE AND EFFECT: The purpose of this notice is to correct errors that were present in the version of this rule that became effective on July 9, 2007.

SUMMARY: This rule sets forth the qualifications and responsibilities of those responsible for the day-to-day supervision and oversight of technical and scientific operations in a clinical laboratory.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, and have a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, ~~and~~ patient safety, and one of the following:

Specialty	Option	Education	Training/Experience	Examination
(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunochemistry, Blood Banking (Donor Processing), and Cytogenetics	1	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	2	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought	DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunochemistry
	3	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	4	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought	DLM(ASCP) or CLSup(NCA) for all categories, SC (ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunochemistry
	5	Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences	Five years of pertinent clinical laboratory experience, with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	

(b) through (c) (d) Andrology, Embryology	6	Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences	Five years of pertinent clinical laboratory experience, with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought	DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology
	No change			
	1	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science.	One year of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration.	
	2	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science.	One year of pertinent clinical laboratory experience in the category in which licensure is sought.	TS(ABB) for specialty sought.
	3	Masters Degree in Clinical Laboratory, Chemical or Biological Science.	Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration.	
	4	Masters Degree in Clinical Laboratory, Chemical or Biological Science.	Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought.	TS(ABB) for specialty sought.
(e)	5	Bachelors Degree in Clinical Laboratory, Chemical or Biological Science.	Five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which licensure is sought, and 25 hours of Board-approved hours continuing education in supervision and administration.	
	6	Bachelors Degree in Clinical Laboratory, Chemical or Biological Science.	Five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which licensure is sought.	TS(ABB) for specialty sought.
	No change			

(f) Molecular Pathology	1	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	2	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science.	One year <u>of</u> pertinent clinical laboratory experience in the category in which licensure is sought.	The Molecular Diagnostics examination given by ABB.
	3	Masters Degree in Clinical Laboratory, Chemical or Biological Science.	Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration.	
	4	Masters Degree in Clinical Laboratory, Chemical or Biological Science.	Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought.	<u>The Molecular Diagnostics</u> examination given by ABB.
	5	Bachelors Degree w With 16 semester hours of academic science.	Five years of pertinent clinical laboratory experience, and with at least 2 years experience at the Technologist level and 25 hours of Board-approved continuing education in supervision and administration.	
	6	Bachelors Degree w With 16 semester hours of academic science.	Five years of pertinent clinical laboratory experience, and with at least 2 years experience at the Technologist level	The Molecular Diagnostics examination given by ABB.

(2) In lieu of one year of experience required by subsection 64B3-5.002(1), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ~~ASCP, The American Society for Clinical Pathology, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, The National Registry of Certified Chemists,~~ American Academy of Microbiology, American Medical Technologists, American Board of ~~Bioanalysis Misanalysis Biocatalysts,~~ American Association of Bioanalysts, ~~American Board of Bioanalysis,~~ American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(3) No change.

(4) The Board approved Supervision and Administration examinations, used in lieu of the required 25 hours of supervision and administration continuing education are:

(a) through (h) No change.

(i) The National Registry of Certified Chemists (NRCC).

Specific Authority 483.805(4), 483.823 FS. Law Implemented ~~381.0034,~~ 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, 5-25-06, 7-9-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003
 RULE TITLE: Technologist

PURPOSE AND EFFECT: The purpose of this notice is to correct errors that were present in the version of this rule that became effective on July 9, 2007.

SUMMARY: This rule sets forth the qualifications of those clinical laboratory personnel who represent the first level of independent practice and, under general supervision, fulfill the responsibilities specified in Rule 64B3-13.003, F.A.C.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) through (2) No change.

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

Specialty	Option	Education	Training/Experience	Examination
(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunochemistry, and Molecular Pathology	1	Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science	Clinical laboratory training program or 3 years experience 1 year in each specialty for which licensure is sought)	MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) <u>NRCC</u> examinations, or specialist examinations in single disciplines for licensure in that specialty area
	2	90 semester hours college credit	Clinical laboratory training program	MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) examinations, or specialist examinations in single disciplines for licensure in that specialty area
	3	Associate Degree in Clinical/Medical Laboratory Technology		MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
	4	Associate Degree	Successfully completed a military clinical laboratory training program of at least 1500 clock hours	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area

	5	Associate Degree	5 years of pertinent clinical laboratory experience with one year of experience in each category for which licensure is sought	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
(b) through (c)	No change			
(d) Cytogenetics	1	Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science <u>Bachelors Degree with 36 hours of academic science</u>	Board approved training program in cytogenetics at the technologist level	CLS(NCA) Cytogenetics examination
	2	Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science <u>Bachelors Degree with 36 hours of academic science</u>	One year of pertinent clinical laboratory experience in cytogenetics	CLS(NCA) Cytogenetics examination
(e) through (f)	No change			
(g) Histology	1			HTL(ASCP), or HT(ASCP) QIHC HT(ASCP)
	2	Associate Degree	NAACLS-approved Histotechnology Program	
	3		Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques.	HT(ASCP)
	4		Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology	
(h) Histocompatibility	1			CHT(ABHI)
	4		Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology.	

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented ~~381.0034~~, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06, 7-9-07,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF HEALTH

Board of Massage

RULE NOS.: RULE TITLES:
 64B7-25.001 Examination Requirements
 64B7-25.004 Endorsements

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the existing language in the current rules.
 SUMMARY: The rule amendment will update the existing language in the current rules.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(2),(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2),(4)(c), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(2),(7), 456.017(1)(c), 456.034, 480.041, 480.042 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-25.001 Examination Requirements.
 (1) The Department shall issue a license to a person who:
 (a) No change.

(b) Submits a completed application on form DH-MQA 1115, "Application For Licensure," (Rev. 11/07). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at www.doh.state.fl.us;

(c) ~~(b)~~ Completes a course of study at a massage school approved by the Board pursuant to Rule Chapter 64B7-32, F.A.C.; or completes an approved apprenticeship program in accordance with Rule Chapter 64B7-29, F.A.C.;

(c) through (e) renumbered (d) through (f) No change.
 (2) No change.

Specific Authority 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 FS. History–New 11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98, 7-30-02, _____.

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) No change.
 (b) Submits a completed application on form DH-MQA 1115, "Application For Licensure," (Rev. 11/07). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at www.doh.state.fl.us; and

(c) ~~(b)~~ Is currently licensed and has practiced massage under the laws of another state, and was required, in order to be so licensed to meet standards of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Florida law and these rules; and

(c) through (g) renumbered (d) through (h) No change.
 (2) No change.

Specific Authority 456.013(2), 480.035(7), 480.041(4)(c) FS. Law Implemented 456.013(2), 480.041(4)(c) FS. History–New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended 6-22-99, 12-6-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
 64B7-26.002 Licensure of Massage Establishments

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the existing language in the current rule.
 SUMMARY: The rule amendment will update the existing language in the current rule.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 480.035(7), 480.043(2) FS.
 LAW IMPLEMENTED: 480.043(1),(2), 483.043(7) 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: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-26.002 Licensure of Massage Establishments.

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), Florida Statutes, by submitting a completed form BMT3 (Rev. 3/07), Massage Establishment Licensure Application (Rev. 7/97) ~~Application for License Massage Establishment~~, incorporated herein by reference, together with the fee set forth in Rule 64B7-27.003, F.A.C.

(2) through (4) No change.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(1), (2), 483.043(7) FS. History—New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NOS.:	RULE TITLES:
64C-8.001	Definitions Used in the Child Protection Team Rule
64C-8.002	Child Protection Team Organization, Roles and Responsibilities
64C-8.003	Child Protection Team Services
64C-8.004	Waivers

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Child Protection Teams.

SUMMARY: Amendments provide new and updated definitions; revises minimum criteria for a Child Protection Medical Director, Team Coordinator, Psychologist, Team Physicians, Physician Assistants, and Advanced Registered Nurse Practitioners, and Team Attorneys; updates eligibility criteria and services; and clarifies waiver procedures.

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

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

SPECIFIC AUTHORITY: 39.303, 415.514 FS.

LAW IMPLEMENTED: 415.5055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet Evans, janet_evans@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64C-8.001 Definitions Used in the Child Protection Team Rule.

For the purpose of this rule chapter, the following definitions will apply:

~~(1)~~ “ARNP” means ~~— advanced registered nurse practitioner.~~

~~(1)(2)~~ “Case” means – an individual child referred to and accepted by a child protection team for assessment services as a result of a report of alleged abuse or neglect made to the Hotline ~~who receives services from the child protection team.~~

~~(2)(3)~~ “Case Coordinator” means – a member of the child protection team professional staff who provides or directs the activities on behalf of clients to complete team assessment services.

~~(3)(4)~~ “Medical Consultation” means – ~~the rendering by a Child Protection Team physician’s or a Physician’s Assistant’s, under the supervision of a physician, or Advanced Registered Nurse Practitioner’s rendering, for the evaluation of suspected child abuse or neglect,~~ of a medical opinion regarding a child, based upon oral or written information ~~having been~~ obtained by the Child Protection Team physician, Physician’s Assistant, or Advanced Registered Nurse Practitioner, where the child may not have been physically examined by the Child Protection Team physician, Physician’s Assistant, or Advanced Registered Nurse Practitioner.

~~(4)(5)~~ “Medical Diagnostic Examination” means – a medical evaluation performed by a Child Protection Team physician, Physician’s Assistant, or an Advanced Registered Nurse Practitioner, resulting in a written report with a clear statement of findings and conclusion.

~~(5)(6)~~ “Psychological Evaluation” means – an evaluation performed by a licensed psychologist, resulting in a written report.

~~(6)(7)~~ “Team Assessment” means – the medically-directed multidisciplinary process of evaluation.

(7) “Team Attorney” – a member of the Florida Bar who is available on a part time basis to work with the Child Protection Team to provide legal services and consultation.

(8) “Team Coordinator” – the person in charge of managing the day to day operation of a Child Protection Team.

(9) “Telemedicine” – the use of telecommunication and information technology to provide clinical care to individuals at a distance and to transmit the information needed to provide that care.

Specific Authority 39.303, 415.514 FS. Law Implemented 415.5055 FS. History–New 3-2-93, Amended 5-7-96, Formerly 10J-10.002, 65C-7.001, Amended _____.

64C-8.002 Child Protection Team Organization, Roles and Responsibilities.

(1) Each Child Protection Team will function under the oversight direction of and be supervised by a CMS approved provider consultant pediatrician whose title will be Child Protection Team Medical Director. The minimum qualifications for this position are:

(a) Graduation from an accredited school of medicine with board certification in pediatrics and licensed to practice in Florida.

(b) An approved CMS physician provider.

(c) Demonstrated interest in the field of child abuse and neglect and satisfactory completion of training deemed necessary by the department for evaluating alleged abuse and neglect.

(d) Availability to provide oversight of team and client assessments.

(2) Each Child Protection Team will have an on-site Team Coordinator who will be responsible for the daily coordination of Team activities and services. The minimum qualifications for this position are:

a. Bachelors or Masters Degree in a Human Services field, Psychology, Social Work, or Nursing.

b. At least three years of experience in the field of child abuse and neglect, one of which must have been in program management.

(3) The qualifications for the position of Team Coordinator include a Bachelor’s or Masters degree in Psychology, Social Work, Nursing, or another behavioral science, at least three years of experience in the field of child abuse and neglect, and experience in program management.

(3)(4) Child Protection Team staff shall consist of one or more case coordinators with Bachelors or Masters degrees in Psychology, Social Work, Nursing, or another behavioral science and not less than three years of experience in working with children and their families, one year of which must be with abused and neglected children, who complete assessment activities and referrals, and perform related duties. The minimum qualifications for this position are:

(a) Bachelors or Masters Degree in a Human Services field, Psychology, Social Work, or Nursing.

(b) At least two years of experience working with children and/or families, one year of which must be working with abused and neglected children.

(4)(5) Physicians, Advanced Registered Nurse Practitioners, attorneys, psychologists (or psychiatrists) will be available as needed or appropriate for consultation and diagnosis and evaluation.

(5)(6) Each team shall have available a Florida licensed psychologist with training and experience in evaluation and treatment of child abuse and neglect. The minimum qualifications for this person are:

(a) Licensure under Chapter 490, Florida Statute, and adherence to standards established by the Department of Health, the American Psychological Association, and the Florida Department of Business and Professional Regulation (DBPR).

(b) Ongoing education, experience, and training as required by the Department of Health, Children’s Medical Services.

(c) Sufficient professional experience and expertise to be qualified as a mental health and family violence expert in criminal, civil and dependency courts in Florida.

(6)(7) Each Child Protection Team shall have team Pediatricians or Advanced Registered Nurse Practitioners who work part-time with the Team, under the supervision of the Team Medical Director, CPT on a contractual or fee for service basis and respond to requests for medical consultation and evaluation of children suspected of being abused or neglected, under the supervision of the CPT Medical Director. These evaluations may take place in a hospital space or in an out-patient or private office setting. The qualifications for this position are:

(a) Physician.

1. Graduation from an accredited school of medicine with board certification/eligibility in pediatrics and licensed to practice in Florida.

2. An approved CMS physician medical provider.

3. Experience in the evaluation and treatment of child abuse and neglect or agreement to receive training deemed necessary by the department for evaluating alleged abuse and neglect.

(b) Advanced Registered Nurse Practitioner.

1. Licensure in the state of Florida to practice professional nursing and certification in advanced or specialized pediatrics or family medicine nursing practice.

2. Experience in the evaluation and treatment of child abuse and neglect or agreement to receive training deemed necessary by the department for evaluating alleged abuse and neglect.

(7) The Child Protection Team can use Physician's Assistants under the supervision of a Child Protection Team physician in accordance with Section 458.347, Florida Statutes.

~~(8)(7) Each Child Protection Team shall have a Team Attorney who works with the team on a part-time basis under the general oversight supervision of the Team Medical Director to provide legal services and consultation to the team. The attorney shall be a member of the Florida Bar. The qualifications for this position are:~~

- ~~(a) Member of the Florida Bar.~~
- ~~(b) Availability to work with the team on a part-time basis~~

~~Specific Authority 39.303, 415.514 FS. Law Implemented 415.5055 FS. History-New 3-2-93, Amended 5-7-96, Formerly 10J-10.006, 65C-7.002, Amended _____.~~

64C-8.003 Child Protection Team Services.

(1) A Child Protection Team physician or Advanced Registered Nurse Practitioner and a case coordinator must be available 24 hours a day, seven days a week for consultation. ~~or On-site services provision.~~ will be provided as deemed necessary for child safety.

(2) Child Protection Team services are provided in cases of suspected abuse or neglect without regard to income. All children, reported as being abused or neglected by an adult caretaker and accepted by the Florida Abuse Hotline for Children and Families protective investigation, are eligible for Child Protection Team ~~team assessment~~ services.

~~(3) A full team staffing will be conducted when requested by the Children and Families case manager. A staffing will be scheduled by the CPT case coordinator and must include at a minimum the following team members:~~

- ~~(a) Team Medical Director or a physician/ARNP designated to take his/her place.~~
- ~~(b) Case coordinator responsible for the case.~~
- ~~(c) Team attorney as designated by the CPT.~~
- ~~(d) Team Psychologist (or psychiatrist).~~
- ~~(e) Children and Families case manager.~~

~~(4) If consensus cannot be reached in the staffing, the matter must be taken to the Children and Families supervisor who will try to resolve it with the team coordinator. If the problem cannot be resolved at that level, it must be taken through the established channels, to the district administrator or his designee. Each district must develop a procedure for achieving consensus in disputed cases including representation from the Child Welfare Legal Services.~~

(3) Each Child Protection Team must work with its local child protection agency to develop a local protocol for achieving consensus, including representation from appropriate legal staff, and follow this procedure in disputed cases. If the issue cannot be resolved at the local level, the team coordinator should contact his or her program office liaison for assistance.

~~(4)(5) All Child Protection Teams must use CMS approved consultant board certified pediatricians as provided in Rule 64C-4.001, F.A.C., 10J-5.007, F.A.C., to provide medical diagnosis and evaluation. With approval of the CMS Medical Director, Child Protection Teams may also utilize the services of an Advanced Registered Nurse Practitioner to provide medical diagnosis and evaluations.~~

(5) Medical diagnosis and evaluation can be conducted in person or through the use of telemedicine technology. Use of telemedicine requires the presence of a CMS approved physician or Advanced Registered Nurse Practitioner at the hub site and a Registered Nurse at the remote site to facilitate the evaluation.

~~(6) Child Protection Team members Physieians and Psychologists providing expert court testimony in a non-dependency proceeding may shall request reimbursement from the court, not the CPF.~~

~~Specific Authority 39.3031, 415.514 FS. Law Implemented 39.0133, 92.231, 415.5055, 415.507(4), 960.28 FS. History-New 3-2-93, Amended 5-7-96, Formerly 10J-10.007, 65C-7.003, Amended _____.~~

64C-8.004 Waivers.

(1) In the event that compliance with any standard contained herein is not attained, a program may request a waiver of that standard.

(2) All requests for waiver of a specific standard shall be submitted in writing to the Children's Medical Services Program Office, Director of Prevention and Intervention, ~~through the District Administrator~~ and shall include documentation of the need for the waiver.

~~(3) A waiver of a specific standard shall be granted only for a specific period of time which shall not exceed the contract period.~~

~~(3)(4) Final approval or disapproval of all requests for waiver shall be made by the Deputy Secretary for Children's Medical Services or their designee, who will make. The Deputy Secretary for CMS shall base the decision to grant or deny a specific request for waiver of a standard upon the documented rationale presented for the request. Waiver requests shall contain at least these sections:~~

- ~~(a) Identification of the facility standard or personnel standard for which the waiver is requested;~~
- ~~(b) Description of the attempts to meet the standard;~~
- ~~(c) A plan for remediating the need for the waiver;~~
- ~~(d) Assurance and an explanation in the request that the granting of such a waiver will not adversely affect the quality of care rendered by the provider; and~~
- ~~(e) An assessment of need and lack of existence of alternative solutions.~~

~~(4)(5) The Children's Medical Service Program Office shall notify the program in writing, through the district administrator, that the request for waiver of a specific standard~~

has been granted or denied. If a request for a waiver is denied, the denial letter shall include advice of the right to request an administrative hearing under Section 120.57, Florida Statutes.

Specific Authority 39.3031, 415.514 FS. Law Implemented 39.303 FS. History—New 3-2-93, Amended 5-7-96, Formerly 10J-10.008, 65C-7.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet Evans, janet_evans@doh.state.fl.us
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peggy Scheuermann
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NOS.:	RULE TITLES:
64C-9.001	Definitions Used in the Sexual Abuse Treatment Rule
64C-9.002	Sexual Abuse Treatment Program Organization, Roles and Responsibilities
64C-9.003	Eligibility Criteria
64C-9.004	Waivers

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Sexual Abuse Treatment Programs.

SUMMARY: These amendments provide new and updated definitions; revised criteria for a Program Coordinator and counseling staff; updates eligibility criteria and services; and clarifies waiver procedures.

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

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

SPECIFIC AUTHORITY: 39.3031 FS.

LAW IMPLEMENTED: 39.305 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: Janet Evans, janet_evans@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64C-9.001 Definitions Used in the Sexual Abuse Treatment Rule.

(1) “CMS” means – Children’s Medical Services.

(2) “Counseling” means ~~treatment provided to enhance and expand individual and family coping resources.~~ – a therapeutic process that engages individuals or families in the resolution, behavioral, emotional, or cognitive dissonance. Treatment is provided to enhance and expand individual and family coping resources.

(3) “Intrafamilial ~~Intra-family~~ Sexual Abuse” means – sexual abuse that has been perpetrated against a child by a family member or a person in a caretaking role within the family unit.

(4) “Non-Offending Caretaker” means – the parent or care taker within the family unit who did not sexually abuse the victim.

(5) “Offender” means – the parent or caretaker within the family unit who sexually abused the victim.

(6) “Offender Evaluation” means – an evaluation for the purpose of determining if the offender is appropriate for the community-based outpatient treatment offered by the SATP. ~~of the offender for treatment in one of the SATPs which is conducted by a licensed psychotherapist who has at least one year of experience in the assessment and treatment of sexual offenders.~~

(7) “Sexual Abuse Treatment Program means – program funded in part or in whole through a contract with CMS which conforms to the model plan, the contract, the statute, and administrative rule ~~a program funded in part or in whole through a contract with CMS and conforms to the treatment program outline set forth in this rule.~~

(8) “Victim” means – for the purposes of the Sexual Abuse Treatment Program, a child who has disclosed sexual abuse, or who has exhibited indicators of sexual abuse; regardless of Department of Children and Families’ or sheriff’s office findings a child who has been sexually abused.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Amended 3-28-96, Formerly 10J-11.002, 65C-8.001, Amended.

64C-9.002 Sexual Abuse Treatment Program Organization, Roles and Responsibilities.

(1) Each Sexual Abuse Treatment Program shall function under the direction of a program coordinator who is licensed by the state of Florida under Chapter 490 or 491, Florida Statutes; has at least one year of clinical experience in the field of child sexual abuse; and maintains at least eight hours of continuing education annually in child abuse, at least two hours of which must be specific to child sexual abuse ~~as a psychotherapist and has at least one year of clinical experience in the field of child sexual abuse.~~

(2) Sexual Abuse Treatment Program counseling staff must have at least a Masters degree in Psychology, Social Work, or other behavioral science; and a minimum of one year of clinical counseling experience, six months of which must have been in providing treatment to sexually abused children and their families; and maintain at least eight hours of continuing education annually in child abuse, at least two hours of which must be specific to child sexual abuse.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Amended 3-28-96, Formerly 10J-11.006, 65C-8.002, Amended.

64C-9.003 Eligibility Criteria.

Each Sexual Abuse Treatment Program contractor shall determine eligibility for Program services according to the following criteria:

(1) The child is an alleged victim of intra-familial sexual abuse.

(2) The child is an alleged victim of intrafamilial child on child sexual abuse.

(3) The adult caregiver is a non-offender.

(4) Child is a sibling to sexually abused child.

(5) Offenders eligible for treatment are those whose victims are or has been in treatment with the program.

~~(6)(2)~~ An evaluation of the offender has recommended community based treatment. Those offenders without numerous prior incidents of molesting children, previous unsuccessful therapy, prior felony criminal convictions, or severe mental illness shall be eligible for the program. Offender non-acceptance for treatment does not prohibit his child victim and the victim’s caretaker from receiving services from the program.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Formerly 10J-11.007, 65C-8.003, Amended.

64C-9.004 Waivers.

(1) In the event that compliance with any standard contained herein is not attained, a program may request a waiver of that standard.

(2) All requests for waiver of a specific standard shall be submitted in writing to the Children’s Medical Services ~~Program Office~~, Director of Prevention and Intervention, and shall include documentation of the need for the waiver.

~~(3) A waiver of a specific standard shall be granted only for a specific period of time which shall not exceed the contract period.~~

~~(3)(4)~~ Final approval or disapproval of all requests for waiver shall be made by the Deputy Secretary for Children’s Medical Services, or their designee. ~~The Deputy Secretary for CMS shall~~ who will base the decision to grant or deny a

specific request for waiver of a standard upon the documented rationale presented for the request. Waiver requests shall contain at least these sections:

(a) Identification of the ~~facility standard or~~ personnel standard for which the waiver is requested;

(b) Description of the attempts to meet the standard;

(c) A plan for remediating the need for the waiver;

(d) Assurance and an explanation in the request that the granting of such a waiver will not adversely affect the quality of care rendered by the provider; and

(e) An assessment of need and lack of existence of alternative solutions.

~~(4)(5)~~ The Children’s Medical Service Program Office shall notify the program in writing that the request for waiver of a specific standard has been granted or denied. If a request for a waiver is denied, the denial letter shall include advice of the right to request an administrative hearing under Section 120.57, Florida Statutes.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Amended 3-28-96, Formerly 10J-11.009, 65C-8.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet H. Evans

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peggy Scheuermann

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2007

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-15.010 RULE TITLE: Permits and Fees

PURPOSE AND EFFECT: To increase fees to the extent the program can meet the costs of providing the services.

SUMMARY: For the past three permitting years, costs have been higher than revenues in this program. The current fees have been in place since 1993. This increase is to place the program on a stable footing by having the permit fees cover the cost of services provided.

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

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

SPECIFIC AUTHORITY: 513.045(1)(a) FS.

LAW IMPLEMENTED: 513.045(1)(a) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710, (850)245-4277

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-15.010 Permits and Fees.

(1) through (3)(a) No change.

(b) In determining the fee of a recreational camp operating as a commercial establishment, each 2 campers shall be considered equivalent to the occupancy of a tent space or a non self-contained recreational vehicle space. A commercial recreational camp shall pay an annual fee based on ~~\$4.00~~ ~~\$3.50~~ per equivalent space which shall not be less than ~~\$100~~ ~~\$50~~ nor more than \$600. Commercial recreational camp permits for changes of ownership, reinstatements after revocation of permit, or new establishments permitted after December 31, shall pay a prorated fee based on the remaining quarters of an annual operation.

(c) Permit fees shall not be refunded once the permit has been issued.

(d) A mobile home, recreational vehicle and/or lodging park shall pay an annual fee based on \$4.00 per space which shall not be less than \$100 nor more than \$600.

Specific Authority 381.0011(13), 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-.00895, 386.03, 512.065, 513.012, 513.02, 513.03, 513.045, 513.05 FS. History--New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710, (850)245-4277

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edith Coulter

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007, Vol.33/47

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: RULE TITLES:

64F-18.002 Definitions

64F-18.003 Procedure

PURPOSE AND EFFECT: The Department proposes to amend the existing rules.

SUMMARY: This rule is being amended to add definitions, update Insulin Distribution Program application form, and provide additional information on eligibility determination.

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

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

SPECIFIC AUTHORITY: 385.204 FS.

LAW IMPLEMENTED: 385.204 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: Sarah Cawthon, Department of Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-18.002 Definitions.

(1) "Bona fide resident" means a person living in Florida with the intent to remain. ~~as evidenced by self-declaration~~

(2) "Current prescription" means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine within 3 months of application and effective for up to no more than 6 12 months after it is written. The prescription must be written by a licensed health care practitioner authorized by law to prescribe medicine and include the following information:

(a) Person's name (printed or typed);

(b) Person's date of birth;

(c) Physician's state license number;

(d) Physician's name (printed or typed);

(e) Physician's phone number;

(f) Date of prescription;

(g) Type of insulin to be issued;

(h) Medication dosage;

(i) Amount of medication to be issued at each visit – up to a three month supply;

(j) Whether and how many refills are allowed.

(3) "Designated agent" means any pharmacy that has entered into a written agreement with a county health department to provide insulin to approved insulin distribution program participants.

(4) "Family" means one or more persons living in one dwelling place who are related by blood, marriage, law or conception. A single adult, over 18, living with relatives is considered to be a separate family.

~~(5)~~(4) "Federal poverty guidelines" mean the poverty guidelines defined by subsection 64F-16.001(7), F.A.C.

(6) "Gross family income" means the sum of income available to a family at the time of application. Gross family income is based on all income to be earned or received or

anticipated to be earned or received in a current month. Gross family income does not include Supplemental Security Income (SSI) or any income received by the SSI eligible individual(s) and any income received by the minor sibling(s) of the eligible individual(s). Gross family income includes the following:

- (a) Wages and salary;
- (b) Child support;
- (c) Alimony;
- (d) Unemployment compensation;
- (e) Worker's compensation for lost income;
- (f) Veteran's pension;
- (g) Social Security;
- (h) Pension or annuities;
- (i) Dividends, interest on savings, stocks or bonds;
- (j) Income from estates or trusts;
- (k) Net rental income or royalties;
- (l) Net income from self-employment;
- (m) Contributions;
- (n) Public assistance or welfare payments;
- (o) Cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family;
- (p) Other case income.

(7) "Net family income" means gross family income minus the standard work-related, child care and child support expenses or deductions as used in determining presumptive eligibility for Medicaid.

(8)(5) "Self declaration" means a written statement regarding assets, insurance coverage, income, family size and ~~or~~ residency made by a person applying for the insulin distribution program services. Self-declaration does not include any documentation other than the signature of the person making the statement. The self-declaration statement that the department requires under this chapter shall include a signed acknowledgement by the applicant that the statement is true at the time it is made and that the applicant understands that the county health department provider shall have the option of verifying the information provided statement.

(9) "Verification" means to confirm the accuracy of information through sources other than the self-declaration statement of the individual that originally supplied the information.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History--New 12-19-00, Amended _____.

64F-18.003 Procedure.

(1) A person wishing to participate in the insulin distribution program can obtain an application from any county health department. The application is form number DH2105, 3/07, 4/00; "Insulin Distribution Program Application Form"

which is incorporated herein by reference. A copy of this form can be obtained from any ~~local~~ county health department or its designated agent.

(2) Every 12 months a client must submit a completed application to the county health department or designated agent of the department who will approve the application based upon the following criteria:

- (a) The applicant must be a bona fide Florida resident;
- (b) The applicant must be unable to pay for insulin because the applicant:
 1. Is uninsured, or lacking insurance that provides coverage for would reimburse the applicant for insulin, and
 2. Has a net family income at or below 100% of Federal poverty guidelines, and
 3. Has no more than \$2,500 per family in private funds, bank accounts or assets other than their homestead to defray the cost.

(c) The applicant must submit a current prescription for insulin, ~~and~~

(d) The applicant must self-declare assets, insurance coverage, family size and residency.

(e) The applicant must sign a statement of income, specifying all gross income available to the applicant and the number of people dependent upon that income. The statement shall include a signed acknowledgement that the statement is true at the time it is made and that the person making the statement understands that the CHD will attempt to verify the statement.

(3) The county health department will verify the applicant's income as follows:

(a) Verification may be made by telephone, in written form, or by face to face contact. Verification does not require written documentation to confirm an applicant's statement. Verification can include:

1. A statement from a government agency which attests to the applicant's financial status.

2. A statement from the applicant's or family member's employer.

3. Pay stubs for four consecutive weeks.

4. A statement from a source providing unearned income to the applicant or family unit.

(b) If the CHD is unable to verify wages paid or an employer will not verify wages paid, the statement provided by applicant may be accepted as accurate.

(c) If the applicant declares zero income, the CHD may require the applicant to describe in detail their living circumstances and how they obtain basic necessities such as food, shelter, clothing, medical care, and transportation.

(4) The county health department has authority to make the final determinations of eligibility for the insulin distribution program.

~~(5)(d)~~ If the Department of Health’s pharmaceutical budget permits, applicants or current insulin distribution program clients with a net family income of 101-200% of Federal poverty guidelines that meet the requirements in paragraph (2)(a) and subparagraph (2)(b)1. and 3. above will be eligible for the insulin distribution program or to continue in the program and receive insulin at reduced cost based on a sliding fee scale as set forth in Chapter 64F-16, F.A.C.

~~(6)(e)~~ If an otherwise unqualified applicant, as defined above, is temporarily without current financial resources to purchase insulin, the county health department may provide a one month supply of insulin to this applicant once annually.

~~(7)(f)~~ If at any time the applicant experiences a change in status, which could affect his or her eligibility, the applicant must report this change to the county health department within thirty days of this change.

~~(8)(4)~~ The county health department will assist clients receiving insulin through this program, who become or are found to be ineligible, in locating another source of insulin. The county health department will continue to provide insulin to the client until another source can be found for up to 1 year after the determination of ineligibility.

~~(9)(5)~~ County health departments or their designated agents will maintain records regarding their dispensing of insulin under this program for five years. These records shall include a copy of the Insulin Distribution Program Application ~~Form~~ and a copy of the applicant’s prescriptions for insulin.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New 12-19-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Cawthon

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tammie Johnson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-204.010	Purpose and Scope
69O-204.020	Definitions
69O-204.030	Forms Incorporated By Reference
69O-204.040	Prohibited Practices
69O-204.050	Verification of Coverage
69O-204.060	Required Supplemental Annual Transaction Detail
69O-204.070	Anti-Fraud

PURPOSE AND EFFECT: To implement the provisions of Chapter 626, Part X, F.S., regulating the business of viatical settlements.

SUMMARY: To implement the provisions of Chapter 626, Part X, F.S., regulating the business of viatical settlements.

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

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

SPECIFIC AUTHORITY: 626.9925 FS.

LAW IMPLEMENTED: 626.9913, 626.9922(2) 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:

DATE AND TIME: January 7, 2008, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bernie Stoffel, Office of Insurance Regulation, E-mail Bernie.stoffel@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History—New.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Insured” means the person covered under the policy being considered for viatication.

(3) “Net death benefit” means the amount of the life insurance policy or certificate to be viaticated less any outstanding debts or liens.

(4) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New _____.

690-204.030 Forms Incorporated By Reference.

The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(1) The following forms which are hereby adopted:

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 10/07).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(c) Form OIR-A3-1687, Verification of Coverage for Life Insurance Policies (11/2006).

(2) All of the above referenced forms are available from the Office’s website: <http://www.flair.com>.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New _____.

690-204.040 Prohibited Practices.

A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New _____.

690-204.050 Verification of Coverage.

Nothing in this rule chapter shall prohibit a life insurance company and a viatical settlement provider from using a verification of coverage form other than Form OIR-A3-1687 (11/2006) that has been mutually agreed upon in writing in advance of submission of the request.

Specific Authority 626.9925 FS. Law Implemented 626.9924(4) FS. History–New _____.

690-204.060 Required Supplemental Annual Transaction Detail.

In addition to the information contained in the annual report form, OIR-A3-1288, annually on or before March 1, the viatical settlement provider licensee shall prepare and maintain in a computer-readable format compatible with the electronic data systems of the office the information as outlined in subsections (1) and (2) below, pertaining to the activities of the viatical settlement provider during the preceding calendar year. This information shall be maintained for the duration as required by Section 626.9922(2), Florida Statutes. The information requested in subsections (1) and (2) below shall be

available to the office at any time for copying and inspection upon reasonable notice to the viatical settlement provider licensee.

(1) A detailed report on all Florida transactions that shall contain the information in paragraphs (a)-(k) below.

(a) Settlement number, case number or unique identifying number used to identify the specific viatical settlement transaction.

(b) Date the viatical settlement contract was purchased by the provider during the current calendar year, whether or not the insured is still alive at the end of the calendar year.

(c) Net amount (in dollars) being viaticated.

(d) Age (in years) of the person insured by the policy being viaticated, at the time of the viatical settlement contract.

(e) Life expectancy (in months) of the insured individual at the time of the viatical settlement contract.

(f) Net amount (in dollars) paid to the viator.

(g) Policy type: individual policy or a group policy.

(h) Type of funding for the transaction: licensed financial institution (policies collateralized), private (purchaser) funding, internal funding, trust, related provider trust, accredited investor, qualified institutional buyer, as defined respectively, in Rule 501(a) or Rule 144A, promulgated under the federal Securities Act of 1933 as amended, or other.

(i) Purchase source of the policy: viatical settlement broker, direct from the viator, insurance agent/producer, secondary market or viatical settlement provider, private (purchaser) funding or other.

(j) Amount of commissions (in dollars) paid to viator source involved in the transaction whether that be a viatical settlement broker, an insurance producer or other licensed entity authorized to be viator source.

(k) Name of the source of the viatical settlement transaction. If it is a broker, producer or other licensee, name that person; if it is direct, from a relative, from the corporation of the insured or any other entity that could possibly reveal the insured, indicate by “Direct,” “Relative,” “Corporation,” or other non-designating word.

(2) An individual mortality report on all transactions involving a Florida viator that shall contain the information requested in paragraphs (a)-(j) below.

(a) Settlement number, case number, or unique identifying number used to identify the specific viatical settlement transaction.

(b) Date of the viatical settlement contract.

(c) Age of the insured at the time of the contract.

(d) Life expectancy (in months) of the insured individual at the time of the viatical settlement contract. For first to die policies, use the shortest life expectancy of the two lives. For second to die policies, use the longest life expectancy of the two lives.

(e) Net amount paid to the viator.

(f) Insured's date of death. For first to die policies, use the date of the first insured's death. For second to die policies, use the date of the last insured's death.

(g) Total amount of premiums (in dollars) required to be paid to the insurer to maintain the policy from the date of viatication to the date of death.

(h) Total death benefit collected from the insurer.

(i) Number of months between the date of contract and the insured's date of death.

(j) Number of months between the life expectancy of the insured at the time of contract and the insured's date of death. This should be noted as a plus (+) figure if the insured died after the estimated life expectancy or a minus (-) if the insured died prior to the estimated life expectancy.

Specific Authority 626.9925 FS. Law Implemented 626.9913, 626.9922(2) FS. History--New _____.

69O-204.070 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jovita Ashton, Director, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Beth Senkewicz, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.:

RULE TITLE:

1B-2.011

Library Grant Programs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 38, September 21, 2007 issue of the Florida Administrative Weekly.

The rule has been changed to add an additional form. The rule also incorporates by reference guidelines and forms relating to the Library Cooperative Grant Program. Changes have been made to the guidelines and forms for the Library Cooperative Grant Program in response to comments received. Changes have been made to the Grant Agreement form to address technical changes.

COPIES OF THE FULL TEXT OF THE CHANGES MAY BE OBTAINED BY CONTACTING: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03.