

69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to Section 440.107, F.S., the Division shall use form # DFS-F4-1595 (eff. _____) (~~rev. 9/04~~) which is incorporated herein by reference.

(2) Copies of this form DFS-F4-1595 (eff. _____) (~~rev. 9/04~~) are available from the Division of Workers' Compensation, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-4226.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7) FS. History--New 12-29-04, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-137.012 RULE TITLE: Hurricane Loss Data

PURPOSE AND EFFECT: To develop a reporting form for the collection of Hurricane Loss Data as authorized by Section 627.713, F.S.

SUBJECT AREA TO BE ADDRESSED: Reporting of Hurricane Loss Data.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 627.713 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: March 7, 2007, 9:30 a.m.

PLACE: Room 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 calendar days before the workshop/meeting by contacting: Angela Lockwood, Manager, Market Research, Office of Insurance Regulation, E-mail: Angela.Lockwood@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

**Section II
Proposed Rules**

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.017	Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems

PURPOSE AND EFFECT: This rule, which incorporates by reference the *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, is being amended to incorporate a revised version of the manual. The proposed amendments are necessary to address findings resulting from a Federal Transit Administration June 2006, audit of the Safety Oversight Program required under 49 C.F.R., Part 659.

SUMMARY: The *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, April 2007, edition, is being incorporated by reference within this rule. This revised edition replaces the February 2006, edition previously incorporated by reference.

SPECIFIC AUTHORITY: 341.061 FS.

LAW IMPLEMENTED: 341.041, 341.061 FS.

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

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

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

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:

14-15.017 Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems.

The *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, April 2007 ~~February 2006~~, edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments

thereto are available from the Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, or on line at <http://www.dot.state.fl.us/transit>.

Specific Authority 341.061 FS. Law Implemented 341.041, 341.061 FS. History—New 3-7-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James Mike Johnson, Administratory, Transit Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Finance and Administration, for Stephanie Kopelousos, Interim Secretary

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

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-33 Florida Road Numbering Plan

RULE NO.: RULE TITLE:

14-33.002 Florida Road Numbering Plan

PURPOSE AND EFFECT: The rule for the Florida Road Numbering Plan is being amended for clarification and updating of statutory citations. References have been changed from “Florida Road Numbering System” to “Florida Road Numbering Plan.”

SUMMARY: The rule for the Florida Road Numbering Plan is being amended.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.03, 334.044(11), 335.01, 335.01, 335.08 FS.

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

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

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

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:

14-33.002 Florida Road Numbering ~~Plan System~~.

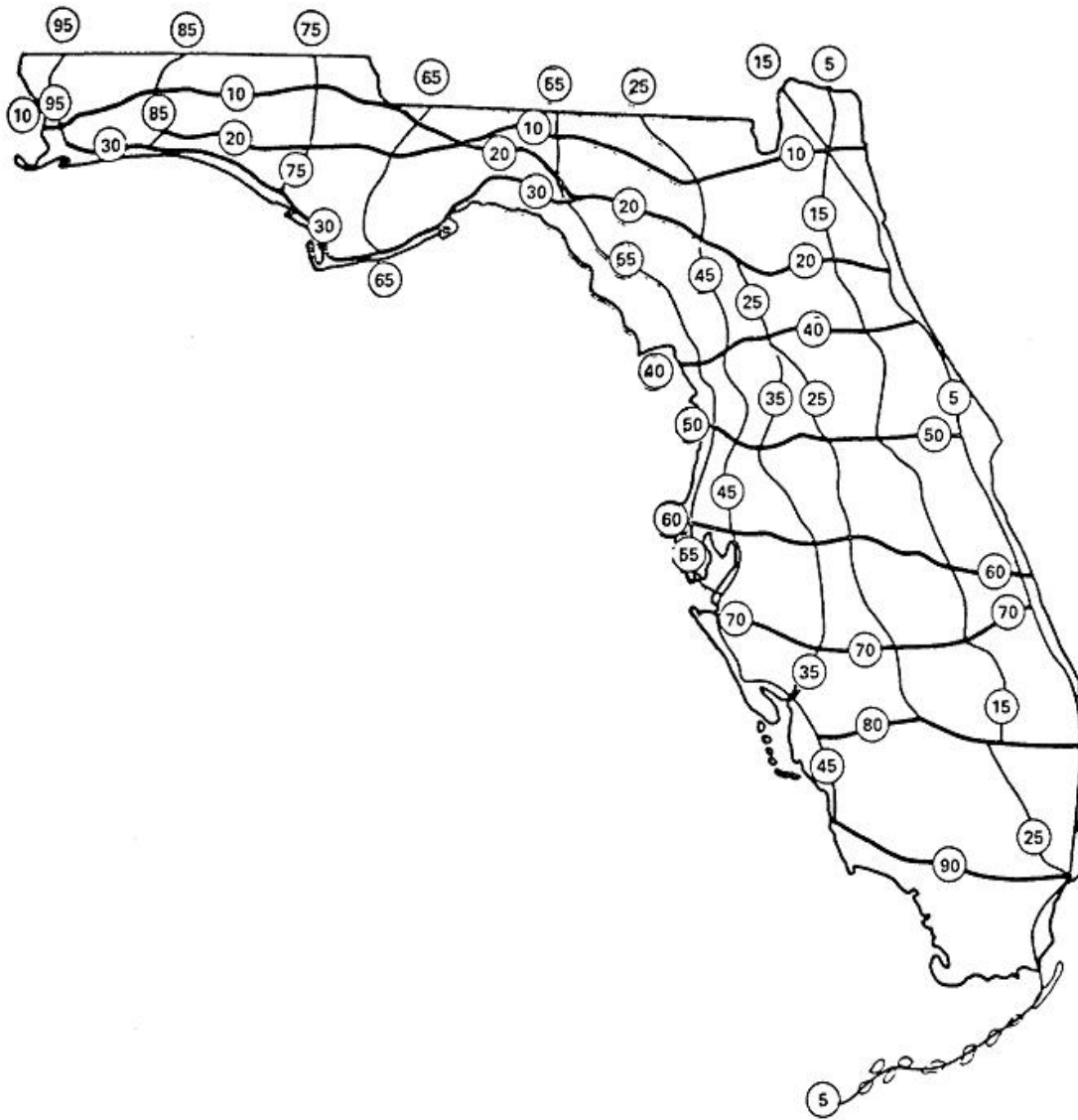
(1) Numbering ~~Plan System~~. The ~~Florida systematic~~ road numbering plan ~~for Florida~~ will generally prescribe numbers in accordance with road orientation and geographic location within the state. Extended roads of state-wide or inter-regional significance will maintain one-digit or two-digit road numbers. Roads of regional significance will be assigned three-digit road numbers. ~~Short length roads and R~~roads of generally local significance may be assigned four-digit numbers.

(a) All roads leading from north to south bear odd numbers with the number 1 assigned to the extreme easterly road. All roads leading from east to west bear even numbers with the number 2 assigned to the extreme northerly road.

(b) Certain control roads have been selected for the purpose of dividing the state into segments. The north-south control roads are one and two-digit numbers ending in 5; the east-west control roads are two-digit numbers ending in zero. (See figure 1.)

FIGURE 1

FLORIDA STATE HIGHWAY NUMBERING SYSTEM



(c) ~~Major Main~~ connecting roads are assigned two-digit numbers between the control routes. For example, Road 77 is a north-south route located between control routes 75 and 85 and is found near the westernmost portion of the state. Minor connecting routes are assigned three-digit 3 or 4 four-digit numbers between the control routes. For example, Road 510 is an east-west route located between control routes 50 and 60 and would be found near the central portion of the state.

(d) Connecting roads which cross control routes will not be required to change numbers, but will retain the number assigned at the beginning of the route to insure route continuity.

(2) Assignment of Numbers and Signing Responsibility for Signs.

(a) Category I, State Highway System. The Department will assign numbers and erect and maintain corresponding signs. Category I roads will be numbered and signed by the Department.

(b) Category II, roads on the county road system and city street system functionally classified as collector roads and arterial roads. The Department will assign numbers for Category II roads; however, the jurisdictions maintaining these roads will have the responsibility for erecting and maintaining corresponding signs.

- ~~1. Urban Minor Arterial Roads on the County Road System.~~
- ~~2. Collector Roads on the County Road System.~~
- ~~3. Collector Roads on the City Street System.~~

~~Category II roads will be numbered by the Department; however, signing of the roads will be the responsibility of other jurisdictions.~~

(c) Category III, the state park roads system and county roads or streets not functionally classified as collector or arterial roads. The Department will number a Category III road upon request by the entity having jurisdiction over the road; however that jurisdiction would have responsibility for erecting and maintaining corresponding signs.

- ~~1. State Park Roads.~~
- ~~2. Significant County Roads.~~
- ~~3. Significant City Streets~~
- ~~4. Significant Private or Toll Roads~~

~~Category III roads may be numbered by the Department upon request by other jurisdictions, and will be signed by other jurisdictions.~~

(3) Signs and Symbols. Signs and symbols to be utilized in the uniform state numbering plan will be in accordance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), the Florida Department of Transportation, and the National Association of Counties as referenced in the Manual of Uniform Traffic Control Devices, which is incorporated by reference under

Rule 14-15.010, F.A.C. Appropriate symbols will be employed with the road numbers for usage on the Official State Highway Map and the County General Highway Map series.

(4) Renumbering of Roads. The Florida Road Numbering Plan will generally utilize existing state road numbers. However, changes in existing road numbers will be instituted where such numbers have caused public confusion, e.g., multiple usage of the same road number in a region, or where the road numbering plan in a region might be improved by a general revision of the existing numbering scheme. In such instances, when revisions to the existing state road numbers are proposed, it shall be the policy of the Department to conduct a public hearing in accordance with ~~the intent of~~ Section 335.02, F.S. Florida Statutes.

Specific Authority 334.044(2) FS. Law Implemented 334.03, 334.044(11), 335.01, 335.02, 335.08 FS. History—New 3-18-76, Formerly 14-33.02, Amended 8-5-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gordon Morgan, Transportation Statistics Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Finance and Administration, for Stephanie Kopelousos, Interim Secretary

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

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-66
 RULE CHAPTER TITLE: Relocation Assistance Regulations

RULE NO.: 14-66.007
 RULE TITLE: Relocation Assistance Program

PURPOSE AND EFFECT: This rule chapter is being amended to include revised definitions, clarification of language, updating the incorporated regulations regarding relocation assistance, and incorporation of an application form.

SUMMARY: This is an amendment to Rule 14-66.007, F.A.C.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 339.09(2), (3), 421.55 FS.

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

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

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

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:

14-66.007 Relocation Assistance Program.

Pursuant to Sections 339.09(2) and (3), and 421.55, F.S., the Department may expend transportation tax revenues on federal and non-federal-aid projects which shall include relocation assistance and moving costs to persons displaced by transportation facilities or other related projects.

(1) The purpose of this rule is to ~~govern promulgate regulations governing~~ the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of a transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole, and to ensure that the Department implements these regulations in a manner that is efficient and cost effective. This rule shall apply to all persons displaced by any applicable transportation project on which negotiations for right-of-way acquisition begin after the effective date of this rule. The provisions of 49 C.F.R. Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs Regulations (effective October 1, 2006 ~~March 15, 1999~~), as modified herein, are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of this rule be met by the administering Agency on transportation projects or project phases:

(a) That are federalized;

(b) For which there is any anticipation or intent to federalize. Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project;

(c) That are on the State Highway System; or

(d) That are intended to be on the State Highway System.

(2) This rule does not apply to projects on or intended to be on the State Highway System, ~~which are~~ funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System.

(3) Definitions. The following definitions, as well as those stated in 49 C.F.R. Part 24, Subpart A, shall apply as used in the context of this rule:

(a) "Agency" shall mean any state, county, district, authority or municipality ~~office~~, department (including the Florida Department of Transportation), division, board, bureau,

~~office~~, commission, or other separate unit of government created or established by law and any other public or private entity, person, partnership, corporation, or business entity acting on behalf of any Agency.

(b) "Carve Out" shall mean the method used in making a typical homesite determination, whereby, that portion of the parent tract which is typical for residential use in the area is separated from the parent tract for the purpose of the replacement housing payment computation.

(c) "Department" shall mean the Florida Department of Transportation.

(d) "Direct Loss Payment" shall mean a remuneration made to displaced persons for personal property that cannot be moved or which the displaced person chooses not to move, ~~and is in the form of either of the following:~~

1. ~~On Premise Signs remuneration is limited to the lesser of the sign's depreciated reproduction cost minus proceeds from its sale, salvage value, or the costs that would be incurred to move the sign, if it could be moved. If the sign cannot be moved without violating local, state, or federal codes, payment will be limited to the sign's depreciated reproduction cost minus proceeds from its sale or salvage value.~~

2. ~~Tangible Personal Property remuneration is limited to the lesser of the fair market value of the item for continued use at the displacement site, less the proceeds from its sale, or the estimated cost of moving the item; there shall be no allowance for storage. (The Agency may determine the effort to sell an item is not necessary and when payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.)~~

(e) "Displaced Person" or "Person" shall mean anyone person who, pursuant to this rule, moves from the real property or moves his or her personal property from the real property as defined in 49 C.F.R. Part 24.2 and is used interchangeably with "displacee" and Arelocatee. Displaced person shall include an individual, partnership, corporation, association or other entity.

(f) "Displacement Dwelling" shall mean the dwelling from which a displaced person is required to move due to a transportation project.

(g) "Displacement Site" shall mean, for purposes of a non-residential fixed payment, the parent tract on which the business is operating.

(h) "Domicile" shall mean the place where a person has his or her true, fixed, permanent home and principal establishment and to which he or she has, when absent, the intention of returning.

~~(i) "Family" shall mean two or more individuals who are living together and intend to live together at the replacement dwelling.~~

~~(i)(i)~~ "Federalized Project" shall mean any project with federal participation in any project phase.

~~(j)(4)~~ “Gross Household Monthly Income” shall mean total income received for a 12 month period from sources (earned and unearned) including, such as salaries, wages, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from business. It does not include income received or earned by dependent children and full time students under 18 years of age and all other amounts, whether in cash or in-kind, paid or given to the displaced person.

~~(k)(4)~~ “Initiation of Negotiations” shall mean the date the initial written offer of just compensation is delivered by the Agency to the owner or representative of the owner to purchase real property for a project.

~~(l)(4)~~ “Major Exterior Attribute” shall mean any major appurtenant structure exterior to a residential dwelling, or an aesthetically valuable view which substantially contributes to the quality or standard of living of the displaced person(s).

~~(m)(4)~~ “Market/Economic Rent” shall mean the Agency’s determination of the reasonable income expectancy of a dwelling or other property if it were available for rent, and the rent justifiably payable for the right of occupancy of land or improvements.

~~(n)~~ “Person” shall mean any individual, family, partnership, corporation, or association.

~~(o)(4)~~ “Personal Property” shall mean, generally, moveable items not permanently affixed to and a part of the real estate, which typically can be removed without serious injury either to the real estate or to the items themselves.

~~(p)(4)~~ “Post-Move Inventory” shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and is confirmed as correct by the Agency’s representative and the displaced person(s).

~~(q)(4)~~ “Pre-Move Inventory” shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed by the displaced person(s).

~~(r)(4)~~ “Typical Homesite Determination” shall mean a determination, for replacement housing payment computation purposes, of the portion of a tract of land which is typical for residential use in the area.

(4) Advisory Services. The Agency will provide relocation advisory services in accordance with 49 C.F.R. Part 24.205.

(5) Written Notices. The following written notices will be furnished to each displaced person to provide information regarding the benefits and services available to him or her:

(a) A General Information notice shall be furnished to each displaced person as required in 49 C.F.R. Part 24, Subpart C.

(b) A 90-Day Notice will be furnished to each displaced person as delineated in 49 C.F.R. Part 24, Subpart C.

(c) A Notice of Eligibility shall be furnished to all displaced persons. The Notice of Eligibility shall:

1. Be delivered at the time of initiation of negotiations for owners, and no later than 14 days from the date of initiation of negotiations for tenants; and

2. Provide an explanation of all services and payments to which the occupant is entitled and identify the address of the nearest relocation assistance office where additional information concerning relocation assistance may be obtained.

(d) A Statement of Eligibility shall be furnished to each residential displaced person and shall include:

1. The amount of the maximum payment for which the displaced person is eligible;

2. An identification of the comparable replacement dwelling upon which such amount is based. The comparable replacement dwelling upon which the payment eligibility is based must be available to the displaced person at the time the Statement of Eligibility is delivered; and

3. A statement of the occupancy requirement necessary for obtaining the full amount of the payment.

(6) Relocation Planning. If a transportation project necessitates the relocation of any person, prior to proceeding with right-of-way negotiations, the Agency shall determine the following:

(a) Comparable replacement dwellings shall be available or provided for each displaced person and such determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues; and

(b) The relocation program provides orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R. Part 24, and these regulations.

(7) Moving and Related Expenses. Any person, family, business, farm operation, or non-profit organization which qualifies as a displaced person is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, as outlined in 49 C.F.R. Part 24, subject to the following provisions:

(a) In a residential or non-residential self-move, if the Agency questions the reasonableness of a moving expense, the Agency shall obtain an estimate of customary charges for the appropriate moving activity from a reputable moving firm. If the estimate obtained by the agency is charges submitted by the commercial moving firm are substantially less than the charges submitted by the displaced person, for the same activity, the Agency shall reimburse the lesser amount.

(b) When the cost of moving personal property from a residential or non-residential property is expected to exceed \$10,000, at least two estimates of moving costs shall be obtained by the Agency or the displaced person(s) at the Agency’s discretion. A commercial mover shall not be authorized to begin a move until such estimates have been obtained. Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed

\$10,000, at least two estimates of move costs shall be obtained by the Agency or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or an qualified Agency employee shall be sufficient at the Agency's discretion.

(c) Moves ~~that which~~ require special handling of items to be moved, or subcontracted labor, will be monitored by the Agency Department. In moves of specialty operations, such as plant nurseries or industrial plants, a specialist may be hired to provide the required monitoring. A detailed monitoring report will include:

1. Date and time of report;
2. Location, such as acquired or replacement site;
3. Number and types, ~~such as general laborer, foreman,~~ of personnel, such as general laborer or foreman, actually involved in the move, including time period each worked;
4. Equipment being used in the move;
5. Quantity of inventory moved during the monitoring period;
6. Special services performed, such as electrical, plumbing, etc., with breakdown as to work done per item, per length of time;
7. Unusual circumstances or special conditions affecting the move during the reporting period; and
8. Advisory services provided during the monitoring period.

(d) When a move is monitored, eligibility for payment shall be contingent on an executed written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;
2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement; and
3. The displaced person's list of items to be moved.

(e) The displaced person shall provide the Agency with, or allow the Agency to take, pre-move and post-move inventories. ~~The If the pre-move and post-move inventories differ, the~~ Agency will reimburse only costs associated with the actual personal property actually moved.

(f) After the displaced person receives actual direct loss payment for the items, upon request by the Agency, the displaced person shall transfer to the Agency ownership of personal property that has not been moved, sold, or traded. In the event the Agency acquires personal property as part of the real estate transaction, such personal property shall not be included in the calculation of eligible for Relocation Assistance benefits.

(g) If no effort to sell personal property is made by the displaced person(s) and the personal property is abandoned, the displaced person is entitled to neither payment for moving said personal property nor payment for direct loss upon its abandonment.

(h) A business, non-profit organization, or farm operation must provide the Agency with notice of the approximate date of the start of the move at least seven days in advance.

(i) In a non-residential move, the displaced person(s) shall not give permission to a mover to begin the move before receiving authorization from the Agency.

(j) For moves requiring special handling, complete move specifications shall be written by the displaced person(s) or the Agency, or the Agency's designee.

(k) A business may be eligible to choose a fixed payment in-lieu of payment for actual moving and related expenses, and actual reasonable reestablishment expenses, as provided by 49 C.F.R. ~~Parts 24.301 303~~ and 24.304. The displaced business is eligible for a fixed payment if the Agency determines that the business meets all qualifying criteria under 49 C.F.R. ~~Part 24.305 306~~(a) and (b).

(l) All pollutants or contaminants, as defined in Chapters 376 and 403, F.S., which are not hazardous wastes, shall not be abandoned and shall be disposed of or moved to the replacement site by the displaced person owner/operator in accordance with 49 C.F.R. and Chapters 376 and 403, F.S. those Chapters.

1. The Department shall pay the lesser of the cost of disposal or the cost to move, except in cases where materials cannot be moved in accordance with governing regulations. In such cases, the Agency will pay the cost of proper disposal. The displaced person shall be responsible for the actual disposal of such material if the displaced person(s) chooses to dispose of the material. If the displaced person(s) is not permitted to move the pollutant or contaminant, the Department shall pay the actual, reasonable cost of disposal.

~~2. If the displaced person(s) chooses to move the material to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.~~

~~3. If the applicable law prohibits the displaced person from obtaining the necessary permit to move the hazardous material to the replacement site, the Department shall pay for the cost of disposal and transportation to the disposal site. The displaced person shall be responsible for the disposal of such material.~~

~~2.4.~~ If disposal of hazardous material is a part of the normal operation of the displaced business, the Department shall not pay for the cost of such disposal. If, however, the operation maintains a schedule for the pick-up or transportation of hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department shall pay the actual, reasonable, and necessary extra costs associated with the unscheduled move.

~~(m) All underground or above-ground storage tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Chapter 376, F.S., and rules of the Department of Environmental Protection, effective December 7, 2000, governing underground or above-ground storage tanks.~~

~~1. If the displaced person(s) chooses to dispose of the tank contents, the Department shall pay the lesser of the cost of disposal or the cost to move.~~

~~2. If the displaced person(s) chooses to move the tank contents to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.~~

~~3. In cases where the owner/operator is required by Chapter 376, F.S., and/or rules of the Department of Environmental Protection, effective December 7, 2000, governing underground or above-ground storage tanks, to remove tanks, the Department will not reimburse the costs associated with such removal.~~

~~(n) While transporting any hazardous material or substance to a replacement site or disposal site the Department shall not be considered the owner or shipper of any hazardous material or substance. In no case shall the Department contract with licensed shippers for the disposal of or moving of hazardous materials nor shall the Department be noted or identified on any manifest relating to the disposal of or moving of hazardous material.~~

~~(o) Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste which is required to be disposed of in accordance with Chapter 403, F.S., and Title 40 C.F.R. Part 262, shall be disposed of at the sole cost of the individual or business before the subject site is vacated.~~

(8) Replacement Housing Payments. ~~Persons~~ Individuals and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.

(b) Typical Homesite Determination.

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant in accordance with ~~if he or she meets the~~ criteria of 49 C.F.R. Part 24, Subpart E.

1. Typical Tract for Area: If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on another typical tract, less the acquisition price of the acquired dwelling and the tract on which it is situated. If an uneconomic remnant remains after a partial taking and the owner declines to sell that remnant to the Agency, the fair market value of the remainder

will not be added to the acquisition cost of the acquired dwelling for the purposes of computing the replacement housing payment.

2. Large Tract for Area: If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite area.

3. Higher and Better Use Tract: If the acquired dwelling is located on a tract where the fair market value is established as a higher and better use than residential, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite.

4. Joint Residential/Business Use: If the acquired dwelling was part of a property that contained another dwelling unit or space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential. To determine what constitutes the typical homesite, a tract typical for residential use in the area must be used, even if a portion of that tract is used for other than residential purposes.

5. Carve-Outs of Homesites: When determining the typical homesite portion of the acquisition price, the actual price paid for the portion of the homesite in the taking area plus the value of the residential improvements in the taking area, plus any severance damages to either the remainder of the dwelling or homesite area shall be used. If damages are assigned to the entire remainder without an allocation between the remainder of the homesite and the excess land remaining, the damages shall be prorated between these remainders to establish the acquisition price of the dwelling, including the structure and land. In areas where a typical homesite cannot be determined due to differences in tract sizes within a residential area, the area actually utilized for residential purposes by the displaced person shall be used to compute the replacement housing payment. Consideration shall be given to locations of driveways and fences, outbuildings, gardens, and pools, and to the area maintained for residential usage. If all or part of areas occupied by non-residential structures must be included in order to create a homesite tract typical of the area, the typical homesite shall be figured using whatever portion of those areas are necessary. For replacement dwellings which are on tracts larger than typical for residential use in the area where the excess land is used for nonresidential purposes, the

replacement housing payment shall be calculated using the actual cost of the replacement dwelling plus the prorated portion of the site which is typical for residential use.

~~6. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.~~

(c) Displaced persons~~(s)~~ are not required to relocate to the same occupancy status (owner or tenant) as existing prior to acquisition, and may choose payment benefits for an alternate occupancy status, if eligible:

1. At the displaced person's request, a dwelling which changes the occupancy status of the displaced person(s) shall be provided, if such a dwelling is available and can be provided more economically.

2. ~~The total rental assistance payment to a 180-day owner (a person who has occupied the residence for at least 180 days prior to the Agency making an offer to purchase it) is determined by calculating the difference between the market rent and average monthly utilities costs for the acquired dwelling and the actual rent and estimated monthly utilities costs of a comparable rental dwelling available on the market. Under no circumstances would the rental assistance payment exceed the amount that could have been received if the 180-day owner remained under an ownership status. may not exceed \$5,250, unless the calculated purchase additive or mortgage interest differential payment eligibility exceeds \$22,500, in accordance with 49 C.F.R. Part 24, Last Resort Housing.~~

~~3. The replacement housing payment may not exceed the maximum amount that would have been paid had the displaced person(s) remained in the same occupancy status.~~

(d) Single Household, Multiple Occupancy: If two or more ~~displaced persons occupying eligible occupants~~ of the displacement dwelling move to separate replacement dwellings and the Agency determines only one household existed, payment shall be as follows:

1. If a comparable replacement dwelling is not available and the displaced persons are required to relocate separately, a replacement housing payment will be computed for each person separately, based on housing which is comparable to the quarters privately occupied by each individual plus the full value of the community rooms shared with other occupants.

2. If a comparable replacement dwelling is available, the displaced persons are entitled to a prorated share of the singular relocation payment allowable had they moved together to a single dwelling.

(e) Multiple Household, Multiple Occupancy: If two or more ~~displaced persons occupying eligible occupants~~ of the displacement dwelling move to separate replacement dwellings and the Agency determines that separate households had been

maintained in the displacement dwelling, the replacement housing payment computation shall be based on housing which is comparable to the quarters privately occupied by each individual plus a prorated share of the value of community rooms shared with other occupants. If two or more displaced persons occupying eligible occupants of the displacement dwelling move to a single comparable replacement dwelling, they shall be entitled to only one replacement housing payment under this subsection.

(f) Partial Ownership: When a single-family dwelling is owned by several persons, but not occupied by all of the owners, the replacement housing payment for the displaced owner-occupants is the lesser of the difference between the total acquisition price of the replacement dwelling and the amount determined by the Agency as necessary to purchase a comparable replacement dwelling or the actual cost of the replacement dwelling.

1. The displaced owner-occupants may choose a rent supplement payment instead of a purchase additive. The rent supplement shall be based on the Agency's determination of the fair market/economic rent of the displacement dwelling.

2. To receive the entire replacement housing payment, the owner-occupant must purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the replacement housing payment.

(g) A 90-day tenant or owner-occupant (persons who own or rent and occupy a dwelling for at least 90 days prior to the Agency making an offer to purchase it) displaced from a dwelling is entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E.

(h) Any displaced person eligible for a rental assistance payment, except a 180-day owner occupant, may choose to use that payment as a down payment supplement, including incidental expenses, to purchase a replacement dwelling, subject to the following:-

1. The full amount of the replacement housing payment for down-payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses. Payment shall be the amount of the down payment or percentage of the purchase price ordinarily required to obtain conventional, rather than VA or FHA, financing for the replacement dwelling in an amount that does not require private mortgage insurance ("required down payment"), not to exceed \$5,250. If the actual down payment required of the displaced person(s) exceeds the amount ordinarily required for a conventional loan, the "required down payment" shall be based upon the amount ordinarily required for a conventional loan.

2. If the actual required down payment, plus incidental expenses, exceeds the amount of rental assistance eligibility calculated and is no more than \$5,250, the payment will be increased to \$5,250. shall be for the amount of the actual

required down payment. If the actual required down payment, plus incidental expenses, is less than the amount of the rental assistance calculated, the payment shall be for the amount of the rental assistance calculated.

3. If the required down payment on the replacement dwelling exceeds \$5,250 and the rental assistance payment allowable does not exceed \$5,250, the down payment supplement shall be limited to \$5,250. If the rental assistance payment allowable exceeds \$5,250, the full amount of the rental assistance payment shall be used as the down payment supplement under the provisions of Last Resort Housing as outlined in 49 C.F.R. Part 24.

~~4. If other than conventional financing (e.g., VA or FHA) is obtained by the displaced person, he or she shall be advised that, in order to claim the maximum payment benefits, a down payment equal to that required for conventional financing, up to \$5,250, must be paid for the replacement dwelling.~~

~~4.5.~~ The full amount of the down payment assistance payment shall be applied to the purchase price of the replacement dwelling and related incidental expenses and shall be shown on an executed closing statement or similar documentation for the replacement dwelling.

~~5.6.~~ The payment to a 90-day owner-occupant shall not exceed the amount the owner would receive as a purchase additive if he or she met the 180-day occupancy requirement.

(i) 90-day occupants are eligible to ~~may~~ receive rental assistance payments as outlined in 49 C.F.R. Part 24, Subpart E.

(j) Displaced persons who are less than 90-day occupants are entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be

in occupancy at the time the Agency obtains title to the property. The displaced person will ~~can~~ be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person, or if the Agency determines that in situations where replacement housing is scarce ~~as determined by the Agency~~ and may not be available at the time the Agency obtains title to the property.

~~(k) The Agency shall inform a less than 90-day occupant that it is his or her obligation to provide verification of income. No such displaced person shall be determined to be eligible for a replacement housing payment under paragraph 14-66.007(7)(j), F.A.C., unless he or she documents income through a verifiable source, such as pay stubs, signed copies of income tax returns, an employer's statement, or a bank statement.~~

(9) Mobile Homes. ~~In addition to the requirements governing the provision of relocation payments to persons displaced from a mobile home or mobile home site as outlined in 49 C.F.R. Part 24, Subpart F, the following provisions also apply:~~

~~(a)~~ Under 49 C.F.R. Part 24, Subpart F, the term "acquired" refers to a mobile home that is either acquired as part of the real property and is included in the Agency's acquisition of the fee parcel or is purchased as personal property and not included in the acquisition of the fee parcel.

~~(a)(b)~~ If the mobile home is considered personal property, the Agency will determine whether or not the mobile home can be relocated.

~~(b)(c)~~ If the mobile home can be relocated, the owner is eligible for reimbursement for the cost to move the mobile home.

~~(c)(d)~~ If the Agency determines that the mobile home cannot be relocated, the mobile home is eligible for purchase and the Agency will make an offer to purchase, based on the fair market value of the mobile home. If the mobile home owner does not agree to sell the mobile home to the Agency and the displaced person is the owner-occupant of the mobile home, the price differential described in 49 C.F.R. Part 24, shall be the 1. ~~The~~ lesser of:

~~1.a.~~ The reasonable cost of a comparable replacement dwelling; or

~~2.b.~~ The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person;

~~3.2.~~ Minus the higher of:

a. The salvage value, or

b. The trade-in value.

~~(d)(e)~~ If the Agency determines that it is practical to relocate the mobile home, but the owner-occupant elects not to do so, then, for the purposes of calculating a price differential under 49 C.F.R. Part 24, the cost of a comparable replacement dwelling shall be the sum of:

1. The fair market value of the mobile home;

2. The cost of any necessary modifications or repairs. Necessary modifications or repairs shall mean those needed to reestablish the mobile home to its previous state prior to displacement or to make it decent, safe, and sanitary; and

3. The estimated cost to move the mobile home to a replacement site, not to exceed a distance of 50 miles. The mobile home owner-occupant still owns the mobile home and is responsible for moving it from the acquired site. If the mobile home is abandoned, the Agency may remove it from the site.

~~(e)(f)~~ If a mobile home owner-occupant retains and re-occupies a mobile home which is not decent, safe, and sanitary, the costs necessary to bring it up to decent, safe, and sanitary standards may be claimed from the available price differential or down payment supplement. The amount claimed

may not exceed the amount allowed in the replacement housing payment computation. The Agency will not disburse a payment until the mobile home meets decent, safe, and sanitary requirements set forth in 49 C.F.R., Part 24.2(a)(8) or applicable local housing standards.

~~(f)(g)~~ If the Agency acquires or purchases a mobile home as personal property, the mobile home owner shall provide, upon request, a bill of sale and a transfer of the title for the mobile home to the Agency.

(10) Claim Filing and Documentation. Each relocation payment claim shall be accompanied by complete documentation supporting expenses incurred, such as bills, receipts, and appraisals. The Agency shall ensure that each displaced person receives reasonable assistance necessary to complete and file any required claim for payment.

(a) Displaced persons shall provide the Agency with valid copies of the closing statement for the replacement dwelling or other documentation of expenses incurred in order to receive reimbursement for incidental closing expenses. Reimbursable expenses which are incurred by the origination of a new mortgage for the replacement dwelling shall be based upon the lesser of the balance of the mortgage on the acquired dwelling or the balance of the new mortgage on the replacement dwelling. Eligible expenses, except mortgage interest differential payments, are reimbursable regardless of the length of time a mortgage has been in effect on the displacement acquired dwelling.

(b) In order for a displaced person to receive reimbursement for a rent supplement, the displaced person shall provide the Agency with evidence of rent and utility costs at the displacement dwelling, rent and utility costs at the replacement dwelling, and gross monthly household income.

(c) In order to receive reimbursement for a down payment supplement the displaced person(s) shall provide the Agency with a copy of the purchase contract and a copy of the closing statement for the replacement dwelling.

(d) The ~~eligible~~ displaced person(s) shall certify that the displacement dwelling is the domicile of the displaced person(s) and the length of time he or she has occupied the displacement dwelling. The displaced person(s) shall also certify the date that the replacement dwelling was occupied and shall state that to the best of his or her knowledge, the replacement dwelling meets decent, safe, and sanitary requirements.

(e) Payments shall be made after the move is completed unless a hardship exists.

(f) When advance payments due to hardship are made, displaced persons shall demonstrate the need therefor by providing evidence thereof ~~of low funds~~, and shall certify in writing that the payment satisfies any further claim for reimbursement of items for which that claim is intended, and that the displaced person will comply with applicable provisions in the move of their personal property.

(g) Displaced persons shall provide written authorization in the application if a replacement housing payment is to be made to other parties on their behalf. If an eligible displaced person wishes the payment for moving costs to be made directly to a vendor, such request must be made in writing.

(h) If a condemnation suit has been filed, prior to receiving a replacement housing payment, the displaced person(s) must agree to a condemnation clause that has been incorporated into Department Form 575-040-14, Application and Claim for Replacement Housing Payment, Rev. 08/05, incorporated herein by reference. Copies of Form 575-040-14 are available at http://www2.dot.state.fl.us/procedural_documents/forms/forms.asp in the written claim for payment. The condemnation clause requires:

1. Upon final determination of the condemnation proceedings, the replacement housing payment shall be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of the actual price of the decent, safe, and sanitary replacement dwelling or the cost of a comparable replacement dwelling.

2. If the amount awarded exceeds the actual price of a decent, safe, and sanitary replacement dwelling or comparable replacement dwelling, the displaced person(s) shall refund to the Agency an amount equal to the amount of the excess. The refund will not exceed the full amount of the initial replacement housing payment calculation.

(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person.

~~(11) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person's eligibility for, or the amount of, a payment required under moving and related expenses, or replacement housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing notice of appeal rights in accordance with Sections 120.569 and 120.57, F.S., and Rule Chapter 28-106, F.A.C. The aggrieved person may file a request for administrative hearing.~~

~~(a) If a request for administrative hearing is not timely filed, the notice of denial shall be conclusive and final Agency action. Requests for administrative hearing must be filed within 21 calendar days of receipt of the notice of the~~

Department's or Agency's denial. A request for administrative hearing is filed when it is received by the Clerk of Agency Proceedings.

~~(b) All requests for administrative hearings shall conform to the requirements of Rule Chapter 28-106, F.A.C., and be in accordance with Chapter 120, F.S. Requests may be for a formal hearing in accordance with Section 120.57(1), F.S., or an informal hearing pursuant to Section 120.57(2), F.S. Requests for an administrative hearing shall be made in writing and filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for an administrative hearing for all other Agencies shall be made in writing and filed with the Clerk of Agency Proceedings for the Agency issuing the denial.~~

Specific Authority 334.044(2) FS. Law Implemented 339.09(2), (3), 421.55 FS. History--New 8-9-72, Formerly 14-66.07, Amended 11-24-92, 12-7-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Eddleman, Deputy Manager, Relocation Assistance/Property Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Finance and Administration, for Stephanie Kopelousos, Interim Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 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

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-20.001	Definitions
61G15-20.0015	Application for Licensure by Endorsement
61G15-20.007	Demonstration of Substantial Equivalency

PURPOSE AND EFFECT: The purpose of the amendment to these rules is to resolve difficulties in demonstrating substantial equivalence to an EAC/ABET education for non-EAC/ABET engineering degree holders, foreign or domestic.

SUMMARY: Difficulties in demonstrating substantial equivalence to an EAC/ABET education for non-EAC/ABET engineering degree holders, foreign or domestic, are resolved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) "Year" shall mean 12 months of full-time employment or a full-time academic year of graduate or undergraduate college education.

(2) "Board approved engineering programs" shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), ~~programs approved by ABET as substantially equivalent to EAC/ABET accredited programs in the United States approved by the Board of Professional Engineers as substantially equivalent to an EAC/ABET accredited engineering program pursuant to Rule 61G15-20.007, F.A.C., or~~

(b) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) above, and who either:

(i) Holds a post-baccalaureate degree from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level, or

(ii) Holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant can articulate a baccalaureate in engineering by demonstrating substantial equivalency to an EAC/ABET accredited program pursuant to subsection 61G15-20.007(2), F.A.C., or

(c) No change.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History—New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03, 3-13-05, _____.

61G15-20.0015 Application for Licensure by Endorsement.

(1) through (2) No change.

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations more than five (5) times after October 1, 1992, and/or more than three (3) times after July 1, 2004, must document compliance with Rule subsection 61G15-21.007(2), F.A.C., as a condition of eligibility for licensure by endorsement.

(4) An applicant for licensure by endorsement whose only educational deficiency under subsection 61G15-20.007(2), F.A.C., involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.

(5) The Board shall deem that an applicant for licensure by endorsement who has an engineering degree from a foreign institution has demonstrated substantial equivalency to an EAC/ABET accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.

~~(6)(5)~~ An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal ~~must establish that he or she~~ meets all current requirements for initial licensure. Such applicants, if otherwise eligible, shall be subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended _____.

61G15-20.007 Demonstration of Substantial Equivalency Foreign Degrees.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET foreign institutions shall be required to document “substantial equivalency” to an EAC/ABET accredited engineering program ~~the 2002 ABET Accreditation Yearbook for Accreditation Cycle Ended September 30, 2002 engineering criteria. This document is hereby incorporated by reference.~~

(2) In order to document and prove “substantial equivalency” to an EAC/ABET accredited engineering program, the applicant must demonstrate:

(a) 32 college credit hours of higher mathematics and basic sciences.

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.

~~2. As for~~ 2. The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and advanced chemistry or physics.

Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

(b) 16 college credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant’s native language. ~~Courses in technology and human affairs, history of technology, professional ethics and social responsibility are also acceptable.~~ Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved traditional engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

(d) No change.

(3) No change.

(4) The applicant with an engineering degree from a foreign institution must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Center for Professional Engineering Education Services, P. O. Box 720010, Miami, FL 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124. The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET

must request such an evaluation from Josef Silny & Associates, Inc., or Center for Professional Engineering Education Services.

(5) Any applicant whose only educational deficiency under subsection (2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (2).

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06,_____.

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: December 6, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.0105
RULE TITLE: Approval of Continuing Education Courses in Laws and Rules

PURPOSE AND EFFECT: Purpose and effect is to set standards for continuing education courses on Florida laws and rules governing the practice of engineering.

SUMMARY: Standards for continuing education courses on Florida laws and rules governing the practice of engineering are established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules.

Each course provider approved by the Board to conduct courses in Florida Laws and rules must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) the total number of classroom or interactive distance learning professional development hours; and

(3) Course content that includes:

(a) Rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S. made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

(d) A list of resources used to develop the course content;

(e) Application of the provisions of Chapter 471 to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(4) Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

(5) A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

(6) Continuing education course approval is valid for two (2) years from date of issue, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of expiration of course approval in order to prevent a lapse in course approval.

(7) If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Specific Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History–New _____.

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: December 5, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-37.001
RULE TITLE: Performance Standards and Measurable Outcomes

PURPOSE AND EFFECT: Purpose and effect is to describe additional responsibilities of FEMC administrative staff.

SUMMARY: Additional responsibilities of FEMC administrative staff are described.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 471.038(3)(m) FS.
LAW IMPLEMENTED: 471.038(3)(m) 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-37.001 Performance Standards and Measurable Outcomes.

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation (“FEMC”), the following performance standards and measurable outcomes are adopted:

(1) through (2) No change.

(3) FEMC shall provide status reports to the Board regarding all outstanding disciplinary cases at every other regularly scheduled meeting of the Board. The status report shall include all legally sufficient disciplinary cases until entry of a final order by the Board. Upon entry of a final order, FEMC shall notify the licensee’s employer of the action taken by the Board. FEMC shall refer all unlicensed cases to the Department within 15 days.

(4) No change.

(5) FEMC shall periodically notify the person who filed the complaint the status of the investigation every six months, including whether probable cause has been found, when the case is agendaed for consideration by the Board and the status of any administrative proceeding or appeal.

(6) through (10) No change.

(11) FEMC shall maintain the Board’s web page and update the web page within 14 days of the date the updates go into effect. Administrative complaints shall be posted no later than 30 days after the recommendation by the probable cause panel. All active disciplinary cases shall be posted on the web page, including the final action taken by the Board until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

Specific Authority 471.038(3)(m) FS. Law Implemented 471.038(3)(m) FS. History–New 11-12-02, Amended _____.

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: April 18, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.425
 RULE TITLE: Nassau Basin TMDLs

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a fecal coliform Total Maximum Daily Load (TMDL), and its allocation, for Unnamed Branch, which is located in Nassau County, in northeast Florida, near the Town of Callahan and flows directly into Alligator Creek and then into Mills Creek, which discharges into the Nassau River.

SUMMARY: The TMDL addresses the fecal coliform impairment in Unnamed Branch, which was verified as impaired due to elevated fecal coliform levels using the methodology established in Chapter 62-303, Identification of Impaired Surface Waters, Florida Administrative Code, and was included on the list of impaired waters adopted by Secretarial Order on May 3, 2006. The TMDL was developed using the "percent reduction" method and provides the percent reduction in in-stream fecal coliform concentrations needed for the branch to meet applicable water quality criteria for fecal coliform.

The proposed TMDL is a "phased" TMDL, as authorized in 403.067(6)(c), Florida Statutes. A phased TMDL, which allows for phased implementation, is appropriate because there are inadequate data available to identify the specific sources of coliform loads.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Department does not plan to prepare a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

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, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: March 14, 2007, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Twin Towers Office Building, Room 609, 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. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8431

THE FULL TEXT OF THE PROPOSED RULE IS:

Part IV. TMDLS IN THE NORTHEAST FLORIDA DISTRICT

62-304.425 Nassau Basin TMDLs.

(1) Unnamed Branch Fecal Coliform TMDL. The fecal coliform Total Maximum Daily Load for Unnamed Branch is 400 counts/100 mL, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2004 period, will require a 46% reduction at sources contributing to exceedances of the criteria.

(b) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2003 to 2004 period, will require a 46% reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(2) While the Load Allocation and Wasteload Allocation for fecal coliform have been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal coliform concentrations. However, it is not the intent of these Total maximum Daily Loads to abate natural background conditions.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.031, 403.061, 403.062, 403.067 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Brooks, Deputy Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.625
 RULE TITLE: Peace River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish Total Maximum Daily Loads (TMDLs), and their allocations, for eleven impaired waters within the Peace River Basin (Lake Cannon, Lake Howard, Lake Idylwild, Lake Jessie, Lake Lulu, Lake May, Lake Mirror, Lake Shipp, Wahneta Farms Drainage Canal, Peace River Above Bowlegs Creek, and the Peace Creek Drainage Canal).

SUMMARY: The TMDLs address the nutrient impairment in Lakes Cannon, Howard, Idylwild, Jessie, Lulu, May, Mirror, and Shipp, all of which are in the Winter Haven Southern Chain of Lakes, and the fecal coliform impairment in the Wahneta Farms Drainage Canal, the Peace River Above Bowlegs Creek, and the Peace Creek Drainage Canal. All of the subject waters were verified as impaired using the methodology established in Chapter 62-303, Identification of Impaired Surface Waters, Florida Administrative Code, and adopted by Secretarial Order on June 17, 2005. The TMDLs for the Winter Haven Southern Chain of Lakes were based on Pollutant Load Reduction Goals (PLRGs) developed by the Southwest Florida Water Management District using the Storm Water Management Model (SWMM), the MODFLOW model (a ground water model developed by the U.S. Geological Survey), and the Water Quality Analysis Simulation Program (WASP) model to determine the Total Phosphorus loading that would meet the narrative water quality criteria for nutrients in each lake. The TMDL for Wahneta Farms Drainage Canal was developed using the "percent reduction" method, and the TMDLs for the Peace River Above Bowlegs Creek and the Peace Creek Drainage Canal were developed using the "load duration curve" method. The TMDLs provide the percent reduction in in-stream fecal coliform concentrations needed for the each waterbody to meet applicable water quality criteria for fecal coliform.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Department does not plan to prepare a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

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, 403.067 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: March 14, 2007, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Twin Towers Office Building, Room 609, 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. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8431

THE FULL TEXT OF THE PROPOSED RULE IS:

Part VI. TMDLS IN THE SOUTHWEST FLORIDA DISTRICT

62-304.625 Peace River Basin TMDLs.

(1) Lake Cannon. The Total Maximum Daily Load for Lake Cannon for Total Phosphorus (TP) is 143 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 54 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 129 kg/year of TP, and

(d) The Margin of Safety is 14 kg/year of TP.

(2) Lake Howard. The Total Maximum Daily Load for Lake Howard for Total Phosphorus (TP) is 143 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 63 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 126 kg/year of TP, and

(d) The Margin of Safety is 17 kg/year of TP.

(3) Lake Idylwild. The Total Maximum Daily Load for Lake Idylwild for Total Phosphorus (TP) is 64 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 43 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 59 kg/year of TP, and

(d) The Margin of Safety is 5 kg/year of TP.

(4) Lake Jessie. The Total Maximum Daily Load for Lake Jessie for Total Phosphorus (TP) is 140 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 50 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 127 kg/year of TP, and

(d) The Margin of Safety is 13 kg/year of TP.

(5) Lake Lulu. The Total Maximum Daily Load for Lake Lulu for Total Phosphorus (TP) is 84 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 55 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 75 kg/year of TP, and

(d) The Margin of Safety is 9 kg/year of TP.

(6) Lake May. The Total Maximum Daily Load for Lake May for Total Phosphorus (TP) is 88 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 58 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 79 kg/year of TP, and

(d) The Margin of Safety is 9 kg/year of TP.

(7) Lake Mirror. The Total Maximum Daily Load for Lake Mirror for Total Phosphorus (TP) is 55 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 28 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 51 kg/year of TP, and

(d) The Margin of Safety is 4 kg/year of TP.

(8) Lake Shipp. The Total Maximum Daily Load for Lake Shipp for Total Phosphorus (TP) is 97 kilograms per year (kg/year), and is allocated as follows:

(a) The Wasteload Allocation for wastewater sources is not applicable because there are no permitted point sources authorized to discharge wastewater to the lake.

(b) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 65 percent reduction of the average TP loading for the 1990 to 1999 period.

(c) The Load Allocation for nonpoint sources is 84 kg/year of TP, and

(d) The Margin of Safety is 13 kg/year of TP.

(9) Wahneta Farms Drainage Canal. The fecal coliform Total Maximum Daily Load for Wahneta Farms Drainage Canal Creek is 400 counts/100 mL, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 1999 to 2004 period, will require a 39% reduction at sources contributing to exceedances of the criteria.

(b) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1999 to 2004 period, will require a 39% reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(10) Peace River Above Bowlegs Creek. The fecal coliform Total Maximum Daily Load for the Peace River Above Bowlegs Creek is a median of 2.29×10^{12} colonies/day under “moist conditions,” which are defined as flows ranging from 99 to 665 cubic feet per second (cfs), and a median of 1.66×10^{11} colonies/day under “dry conditions,” which are defined as flows ranging from 6.4 to 35 cfs, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department’s National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1993 to 2003 period, will require a 23% reduction at sources contributing to exceedances of the criteria during moist conditions and a 52% reduction at sources contributing to exceedances of the criteria during dry conditions.

(b) The Load Allocations for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1993 to 2003 period, will require a 23% reduction at sources contributing to exceedances of the criteria during moist conditions and a 52% reduction at sources contributing to exceedances of the criteria during dry conditions, and

(c) The Margin of Safety is implicit.

(11) Peace Creek Drainage Canal. The fecal coliform Total Maximum Daily Load for Peace Creek Drainage Canal is a median of 3.62×10^{11} colonies/day, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department’s National Pollutant Discharge Elimination System Wastewater Permitting Program is to meet applicable water quality criteria for fecal coliform.

(b) The Wasteload Allocation for discharges subject to the Department’s National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2004 period, will require a 62% reduction at sources contributing to exceedances of the criteria.

(c) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2004 period, will require a 62% reduction at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(12) While the Load Allocation and Wasteload Allocation for fecal coliform as set forth in subsections (9), (10) and (11) above have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal coliform concentrations. However, it is not the intent of these Total Maximum Daily Loads to abate natural background conditions.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Brooks, Division of Water Resource Management
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.725
RULE TITLE: Southeast Coast Basin TMDLs

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a Total Maximum Daily Load (TMDL) for fecal coliforms, and its allocation, for Wagner Creek.

SUMMARY: The TMDL addresses the fecal coliform impairment in The TMDL addresses the fecal coliform impairment in Wagner Creek, which was verified as impaired due to elevated fecal coliform levels using the methodology established in Chapter 62-303, Identification of Impaired Surface Waters, Florida Administrative Code, and was included on the list of impaired waters adopted by Secretarial Order on May 3, 2006. The TMDL was developed using the “percent reduction” method and provides the percent reduction in in-stream fecal coliform concentrations needed for the creek to meet applicable water quality criteria for fecal coliform. The proposed TMDL is a “phased” TMDL, as authorized in Section 403.067(6)(c), Florida Statutes. A phased TMDL, which allows for phased implementation, is appropriate because there is inadequate data available to identify the specific sources of coliform loads.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Department does not plan to prepare a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

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, 403.067 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: March 14, 2007, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Twin Towers Office Building, Room 609, 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. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8431

THE FULL TEXT OF THE PROPOSED RULE IS:

Part VII. TMDLS IN THE SOUTHEAST FLORIDA DISTRICT

62-304.725 Southeast Coast Basin TMDLs.

(1) Wagner Creek Fecal Coliform TMDL. The fecal coliform Total Maximum Daily Load for Wagner Creek is 400 counts/100 mL, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 1997 to 2006 period, will require an 86% reduction at sources contributing to exceedances of the criteria.

(b) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1997 to 2006 period, will require an 86% reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(2) While the Load Allocation and Wasteload Allocation for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal coliform concentrations. However, it is not the intent of these Total Maximum Daily Loads to abate natural background conditions.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.031, 403.061, 403.062, 403.067 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Brooks, Deputy Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Department of Environmental Protection

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.183	Land Disposal Restrictions
62-730.185	Standards for Universal Waste Management

62-730.200 Introduction, Scope and Procedures for Decision Making

62-730.220 Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference the changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2005 and June 30, 2006 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt changes that make state rules equivalent to and consistent with the existing federal regulations. The amendments in this notice serve that purpose.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2006, except for the optional addition of "or 267.101" to subsection (2) of the definition of "facility" in the Federal Register dated September 8, 2005 (70 FR 53419) July 1, 2005.

(2) through (5) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2006 July 1, 2005: 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 260.21; 260.23; 260.30; 260.31; 260.32; 260.33; 260.40 and 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06,_____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2006 July 1, 2005, and all appendices, with the exceptions described in paragraphs (1)(a) through (d) (e) of this section. ~~The Department adopts by reference the amendments to 40 CFR Part 261 Appendix IX in the Federal Register dated August 1, 2005 (70 FR 44150).~~

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

(d) The optional addition of "267" to 40 CFR 261.7(a)(1) in the Federal Register dated September 8, 2005 (70 FR 53419) and the optional amendments to 40 CFR 261.3(a)(2)(iv)(A), (B), (D), (F) and (G) in the Federal Register dated October 4, 2005 (70 FR 57769).

For the optional amendments in paragraphs (1)(c) and (d) of this section, the language in effect on immediately prior to the effective date of the referenced Federal Registers remains in effect. 40 CFR Part 261 [as adopted in subsection 62-730.030(1), F.A.C.] contains EPA's rules on the identification and listing of hazardous waste. No delisting is effective until it is adopted by the Department.

(2) through (4) No change.

Specific Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2006 July 1, 2005, including the Appendix with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2006 ~~July 1, 2005~~.

(2) through (3) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) The Department adopts by reference 40 CFR Part 264 revised as of July 1, 2006 ~~July 1, 2005~~, including all appendices, with the exceptions described in paragraphs (1)(a) through (c) of this section. ~~The Department adopts by reference the amendments to 40 CFR Part 264 Appendix IX in the Federal Register dated August 1, 2005 (70 FR 44150).~~

(a) through (c) No change.

(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, 2006 ~~July 1, 2005~~, including all appendices, with the exceptions described in paragraphs (2)(a) through (e) of this section.

(a) through (6) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2006 ~~July 1, 2005~~, except for the Project XL site-specific regulations in Subpart O.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of July 1, 2006 ~~July 1, 2005~~, and all appendices, with the exception of subsections (1) and (2) of this section.

(1) through (2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 1-25-89, Formerly 17-30.183, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.183, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06,_____.

62-730.185 Standards for Universal Waste Management.

(1) The Department adopts by reference 40 CFR Part 273 revised as of July 1, 2006 ~~July 1, 2005~~.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.061, 403.704, 403.721 FS. History—New 9-7-95, Amended 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

62-730.200 Introduction, Scope and Procedures for Decision Making.

(1) through (2) No change.

(3) The Department will follow the procedures set forth in these sections of 40 CFR Part 124 revised as of July 1, 2006 ~~July 1, 2005~~: 124.3(a); 124.5(a), (c), and (d), except the optional amendment to 124.5(c)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.6(a), (d), and (e) except (d)(4)(ii) through (v); 124.8(a) and (b) except (b)(3) and (b)(8); 124.10(a) except (a)(1)(i) and (a)(1)(iv) through (a)(3); 124.10(b); 124.10(c) except (c)(1)(iv) through (viii); 124.10(d) except (d)(1)(vii) through (ix) and (d)(2)(iv); 124.11; 124.12(a); and 124.17 except (b); 124.31 except for two sentences in 124.31(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendments to 124.31(a), (b) and (c) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.32 except for two sentences in 124.32(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendment to 124.32(a) in the Federal Register dated September 8, 2005 (70 FR 53419); and 124.33 except for 124.33(a), which are hereby adopted by reference. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect. Sections 124.31, 124.32, 124.33 apply to all applicants seeking construction or operation permits for hazardous waste management units.

(4) through (5) No change.

Specific Authority 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.704, 403.721, 403.722 FS. History—New 7-1-82, Formerly 17-30.20, Amended 9-23-87, 6-28-88, Formerly 17-30.200, Amended 9-10-91, 10-14-92, Formerly 17-730.200, Amended 1-5-95, 1-29-06, 4-6-06,_____.

Editorial Note: Formerly Rule 62-730.184, F.A.C.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of July 1, 2006 ~~July 1, 2005~~: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2 except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4; 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28, 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 270.51(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(2) through (11) No change.

Specific Authority 403.061, 403.087, 403.704, 403.721, 403.722 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06,_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.003 RULE TITLE: Reexamination Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to decrease the fee for the Florida laws and rules examination.

SUMMARY: The fee for the Florida laws and rules examination will be decreased to \$75.00.

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

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

SPECIFIC AUTHORITY: 456.017(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(c), (2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.003 Reexamination Fee.

The reexamination fee for only the Florida laws and rules examination is \$75.00 ~~\$200.00~~. Additional fees will be required by the examination vendor.

Specific Authority 456.017(2), 490.004(4) FS. Law Implemented 456.017(1)(c), (2) FS. History—New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, 1-10-01, 8-8-01, 2-12-04, 10-31-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-17.004 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a citation for violation of Section 456.072(1)(t), F.S. and to specify a time period for the licensee to correct a citation.

SUMMARY: The licensee shall have 30 days to correct a citation. The citation for violation of Section 456.072(1)(t), F.S., will be a \$100.00 fine.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 456.077 FS.

LAW IMPLEMENTED: 456.072(4), 456.077 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.004 Citations.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, within thirty (30) days ~~a specified period of time~~, impose whatever obligations will correct the offense, and impose the prescribed penalty. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation.

(1) through (10) No change.

(11) Violation of Section 456.072(1)(t), F.S., (for failing to identify type of license): \$100 fine.

Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077 FS. History-New 1-16-92, Amended 4-26-93, Formerly 21U-18.006,61F13-18.006, Amended 1-9-96, Formerly 59AA-17.004, Amended 11-23-97, 3-25-02, 9-21-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-500.009
RULE TITLE: Education Requirements for School Psychologists

PURPOSE AND EFFECT: To update the rule.

SUMMARY: The requirement that each applicant complete a course in medical error prevention is restored to the rule.

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

Any person who wishes to provide information regarding 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: 490.015 FS.

LAW IMPLEMENTED: 456.013, 490.005(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-500.009 Education Requirements for School Psychologists.

(1) through (3) No change.

(4) Each applicant for initial licensure as a school psychologist shall complete a course on the prevention of medical errors as required by Section 456.013(7), F.S.

Specific Authority 490.015 FS. Law Implemented 456.013, 490.005(2) FS. History-New 4-13-82, Amended 2-2-83, Formerly 21U-500.09, Amended 1-2-92, 6-21-92, Formerly 21U-500.009, 61E9-500.009, Amended 11-13-02, 12-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Love

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2006

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-3.0032
RULE TITLE: Radiologist Assistant Duties and Supervision

PURPOSE AND EFFECT: The proposed rule establishes Radiologist Assistant duties and supervision requirements.

SUMMARY: The proposed rule establishes the specific duties and supervision requirements for radiologist assistants, a new type of medical imaging personnel created in Chapter 468, Part IV, F.S. in 2006. Radiologist Assistants assist the supervising radiologist with the performance of various medical imaging procedures and other duties, under one of three different levels of supervision. The duties and levels of supervision are consistent with the guidelines of the national imaging organizations, which are incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 468.302(3)(h), 468.303 FS.

LAW IMPLEMENTED: 468.302(1), (3)(h) 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 Futch, Department of Health, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-3.0032 Radiologist Assistant Duties and Supervision.

(1) The duties that a radiologist assistant may perform, and the level of supervision which must be provided by the supervising radiologist, are specified in the "Radiologist Assistant Role Delineation – January 2005," which is herein incorporated by reference, except that:

(a) With regard to Clinical Activity #23, the radiologist assistant shall not administer radiopharmaceuticals unless the assistant is also currently certified by the department as a Nuclear Medicine Technologist.

(b) With regard to Clinical Activity #24, the radiologist assistant shall only administer medications orally while under the direct supervision of the radiologist.

(c) With regard to Clinical Activity #25, the radiologist assistant shall only monitor the patient for side effects or complications of a pharmaceutical while under the direct supervision of the radiologist.

(d) With regard to Clinical Activity #27f, the radiologist assistant shall only perform PICC (peripherally inserted central catheter) placement while under the direct supervision of the radiologist.

(e) With regard to Clinical Activity #28, the radiologist assistant may only perform those additional procedures authorized in compliance with the Radiologist Assistant Role Delineation; however, a radiologist assistant is prohibited from performing the duties specified in subsection 468.302(3)(h)2, Florida Statutes.

(2) Within 30 days of beginning work, a radiologist assistant must submit to the department a written statement from the supervising radiologist indicating the radiologist is supervising the assistant. This written statement must also contain:

(a) The date the supervisory relationship began;

(b) The full name and Florida certification number of the radiologist assistant;

(c) The full name and Florida license number of the supervising radiologist, and;

(d) The signatures of the supervising radiologist and radiologist assistant.

Within 30 days of the termination of the supervisory relationship between the radiologist and the radiologist assistant, the radiologist assistant must submit a written statement to the department indicating the termination date of the supervisory relationship.

Specific Authority 468.302(3)(h), 468.303 FS. Law Implemented 468.302(1), (3)(h) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Futch

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Passetti, Chief, Bureau of Radiation Control

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-3.011
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The rule revises the disciplinary guidelines for radiologic technologists and other radiological personnel subject to Section 468.3101, F.S.

SUMMARY: The proposed rule makes changes to recommended penalties, to mitigating and aggravating factors, and the format of the guidelines. New violations and penalties are also established. The proposed rule is a substantial revision of the discipline guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 381.0034, 468.303, 468.3101(4), 468.3101(6) FS.

LAW IMPLEMENTED: 381.0034, 468.303, 468.3101 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 Futch, Department of Health, Bureau of Radiation Control, 4052 Bald Cypress Way, Bin C21, Tallahassee, FL 32399-1741, (850)245-4266

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64E-3.011 follows. See Florida Administrative Code for present text.)

64E-3.011 Disciplinary Guidelines.

(1) When the Department finds that an applicant, employer, certificateholder or other person has committed any of the acts set forth in Section 468.3101, F.S., or has failed to comply with Section 381.0034, F.S., it shall impose appropriate penalties as recommended within the range of the disciplinary guidelines, considering that the following identification of offenses is descriptive only. Consult the full language contained in the statutes to assure comprehensive understanding of the violation. All violations are sufficient for refusal to certify an applicant. The guidelines shall be interpreted as inclusive of those penalties that fall between the minimum and the maximum authorized for the violation. When a guideline includes a period of probation, the intent is

to require performance under supervision, additional education, treatment, and/or monitoring during the probationary period. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple count violations of a provision, or violations of multiple provisions will be grounds for enhancement of penalties."PRN" refers to Professional's Resource Network, the impaired practitioner program for applicants and certificateholders under this part.

(a) Section 468.3101(1)(a), F.S.: Attempting to procure a certificate to practice radiologic technology by bribery, by fraudulent misrepresentation, or through an error of the Department.

Bribery or fraudulent misrepresentation.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> \$500 fine and one year suspension.	<u>MAXIMUM</u> \$1,000 fine and revocation.
<u>SECOND OFFENSE</u>	\$1,000 fine and revocation.	\$1,000 fine and revocation.

Department error.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> \$250 fine and one year probation with conditions.	<u>MAXIMUM</u> \$500 fine and revocation.
<u>SECOND OFFENSE</u>	\$500 fine and one year suspension.	\$1000 fine and revocation.

(b) Section 468.3101(1)(b), F.S.: Having a certificate to practice acted against by another organization or jurisdiction.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> Action consistent with the disciplinary guidelines for the offense had it initially come before the Department prior to the action that was taken elsewhere with strong consideration of the penalty that was actually imposed by the other organization or jurisdiction.	<u>MAXIMUM</u> Suspension of the certificate until the discipline by the other organization or jurisdiction is satisfied.
<u>SECOND OFFENSE</u>	Suspension of the certificate until the discipline by the other organization or jurisdiction is satisfied.	\$1,000 fine and revocation.

(c) Section 468.3101(1)(c), F.S.: Being convicted or found guilty of a crime that directly relates to the practice or the ability to practice radiologic technology or the duties of a radiologist assistant.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> \$200 fine and one year of probation with conditions.	<u>MAXIMUM</u> \$1,000 fine and revocation.
<u>SECOND OFFENSE</u>	\$350 fine and one year suspension followed by three years of probation with conditions.	\$1,000 fine and revocation.

(d) Section 468.3101(1)(d), F.S.: Being convicted or found guilty of a crime against a person.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$200 fine and one year of probation with conditions.</u>	<u>\$1,000 fine and revocation.</u>
<u>SECOND OFFENSE</u>	<u>\$350 fine and one year suspension followed by three years of probation with conditions.</u>	<u>\$1,000 fine and revocation.</u>

(e) Section 468.3101(1)(e), F.S.: Knowingly filing a false report or record or negligently failing to file a report required by law, or willfully impeding such filing.

Negligent filing or failure to file report.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine.</u>	<u>\$500 fine and three years of probation with conditions.</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and one year of probation with conditions.</u>	<u>\$1,000 fine and one year suspension followed by three years of probation with conditions.</u>

Willful filing or inducing the filing of a false report or obstructing or impeding the filing.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$500 fine and a reprimand.</u>	<u>\$1,000 fine and revocation.</u>
<u>SECOND OFFENSE</u>	<u>\$750 fine and one year suspension followed by two years of probation with conditions.</u>	<u>\$1,000 fine and revocation.</u>

(f) Section 468.3101(1)(f), F.S.: Engaging in unprofessional conduct.

Unprofessional conduct includes, but is not limited to:

1. Administering radiation or otherwise practicing radiologic technology or the duties of a radiologist assistant in a negligent manner, either by omission or commission;
2. Administering radiation without authorization from a licensed practitioner.
3. Misappropriating supplies, equipment or drugs;
4. Leaving a radiologic technology assignment before properly advising appropriate personnel;
5. Violating the confidentiality of information concerning a patient;
6. Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of radiologic technology or radiologist assistant services as it relates to human rights and dignity of the individuals;

7. Engaging in fraud, misrepresentation, or deceit in taking the certification examination;

8. Aiding and abetting the practice of radiologic technology or the duties of a radiologist assistant by any person not so certified;

9. Practicing without a clear and active certificate;

10. Impersonating any applicant or acting as proxy for the applicant in any examination required for the issuance of a certificate;

11. Impersonating another certificateholder or permitting another person to use his or her certificate; and

12. Any behavior defined as unprofessional or unethical by a national registry, board, or other jurisdiction which licenses, certifies or registers radiologic technologists or radiologist assistants.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine and a reprimand.</u>	<u>\$1,000 fine and revocation.</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and two years of probation with conditions.</u>	<u>\$1,000 fine and revocation.</u>

13. Engaging or attempting to engage in sexual misconduct, as defined in Section 456.063(1), F.S.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$250 fine, three years of probation with conditions, evaluation, and appropriate treatment and monitoring.</u>	<u>MAXIMUM</u> <u>\$1,000 fine and revocation.</u>
<u>SECOND OFFENSE</u>	<u>\$1,000 fine and revocation.</u>	<u>\$1,000 fine and revocation.</u>

(g) Section 468.3101(1)(g), F.S.: Being unable to practice radiologic technology or the duties of a radiologist assistant with reasonable skill and safety to patients.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$250 fine, three years of probation with conditions, evaluation by PRN, and compliance with PRN recommendations.</u>	<u>MAXIMUM</u> <u>\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.</u>	<u>\$1,000 fine and revocation.</u>

(h) Section 468.3101(1)(h), F.S.: Failing to report any person violating Department laws, rules, or orders.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$200 fine and reprimand.</u>	<u>MAXIMUM</u> <u>\$500 fine and three years of probation with conditions.</u>
<u>SECOND OFFENSE</u>	<u>\$300 fine and six months probation with conditions.</u>	<u>\$1,000 fine and one year suspension.</u>

(i) Section 468.3101(1)(i), F.S.: Violating Chapter 468, F.S., or any law, rule, order, or subpoena of the Department. In addition to the penalty listed, the person shall comply with the law, rule, order, or subpoena.

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$200 fine and a reprimand.</u>	<u>MAXIMUM</u> <u>\$500 fine and two years of suspension followed by two years of probation with conditions.</u>
<u>SECOND OFFENSE</u>	<u>\$300 fine and one year suspension followed by two years probation with conditions.</u>	<u>\$1,000 fine and revocation.</u>

(j) Section 468.3101(1)(j), F.S.: Employing an uncertified person to practice radiologic technology or the duties of a radiologist assistant.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$350 fine and one year of probation with conditions.</u>	<u>\$700 fine and one year suspension followed by two years of probation with conditions.</u>
<u>SECOND OFFENSE</u>	<u>\$700 fine and one year suspension with conditions.</u>	<u>\$1,000 fine and revocation.</u>

(k) Section 468.3101(1)(k), F.S.: Testing positive on a preemployment or employer-required drug screen.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine, three years probation with conditions, evaluation by PRN, and compliance with PRN recommendations.</u>	<u>\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.</u>	<u>\$1,000 fine and revocation.</u>

(l) Section 468.3101(1)(l), F.S.: Failing to report to the Department in writing within 30 days after having a certificate to practice acted against, including being denied certification, by a national registry or other jurisdiction.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$150 fine and reprimand.</u>	<u>\$250 fine and one year suspension.</u>
<u>SECOND OFFENSE</u>	<u>\$300 fine and one year suspension followed by one year of probation with conditions.</u>	<u>\$750 fine and two years of suspension.</u>

(m) Section 468.3101(1)(m), F.S.: Having been found guilty or pled guilty or nolo contendere, regardless of adjudication, to any Section 435.03 offense.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine and one year suspension followed by two years of probation with conditions.</u>	<u>\$1,000 fine and revocation.</u>
<u>SECOND OFFENSE</u>	<u>\$1,000 fine and revocation.</u>	<u>\$1,000 fine and revocation.</u>

(n) Section 468.3101(1)(n), F.S.: Failing to comply with PRN recommendations.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Evaluation by PRN, compliance with PRN recommendations, and indefinite suspension of license with periodic review until the person demonstrates to the Department the ability to resume competent practice followed by probation for three years with conditions.</u>	<u>\$1,000 fine and revocation.</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine, evaluation by PRN, compliance with PRN recommendations, and indefinite suspension of license with periodic review until the person demonstrates to the Department the ability to resume competent practice followed by probation for three years with conditions.</u>	<u>\$1,000 fine and revocation.</u>
<u>THIRD OFFENSE</u>	<u>\$1,000 fine and revocation.</u>	<u>\$1,000 fine and revocation.</u>

(o) Section 381.0034, F.S.: Failing to complete an HIV/AIDs course.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$150 fine and proof of course completion not to be counted for another biennial renewal.</u>	<u>\$250 fine, proof of course completion, a course on ethics, neither course to be counted for another biennial renewal.</u>
<u>SECOND OFFENSE</u>	<u>\$300 fine and proof of course completion not to be counted for another biennial renewal.</u>	<u>\$500 fine, proof of course completion, a course on ethics, neither course to be counted for another biennial renewal, and six months probation with conditions.</u>

(p) Section 468.3101(6), F.S.: Having a continuing education course revoked or being otherwise acted against as a continuing education provider by a national registry or other jurisdiction.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine, and the same penalty imposed by the other registry or jurisdiction.</u>	<u>\$1,000 fine, revocation of the provider, and revocation of all approved continuing education courses.</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine, and the same penalty imposed by the other registry or jurisdiction which at a minimum must include a term of suspension of the provider and his/her approved continuing education courses.</u>	<u>\$1,000 fine, revocation of the provider, and revocation of all approved continuing education courses.</u>

(2) The range of disciplinary action which the Department may impose includes any and all set forth in Section 468.3101, F.S. The Department shall take various mitigating or aggravating factors into consideration in determining the

appropriate disciplinary action to be imposed and shall state in the Final Order any factors used to deviate from the specified guidelines. The factors that may be considered are:

- (a) The danger to the public;
- (b) The number of repetitions of offenses;
- (c) The length of time since the date of the violation;

- (d) The length of time the certificateholder has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the certificateholder's livelihood;
- (h) Previous disciplinary action against the applicant or certificateholder by the department, by a national organization or registry, or by the certification authority of another jurisdiction;
- (i) Rehabilitation efforts or efforts to correct or stop violations, or the failure to correct or stop violations; and
- (j) Any other mitigating or aggravating circumstances.

(3) A certificateholder whose certificate has been suspended, or placed on probation, may file a petition or an application for reinstatement, whichever is appropriate, after the time of suspension, or probation has passed, which petition or application shall include documentation that all terms and conditions established at the time of suspension, or probation have been met.

Specific Authority ~~381.0034, 468.303, 468.3101(4), 893.11, 893.13~~ 468.3101(6) FS. Law Implemented ~~381.0034, 468.303, 468.3101(4), 893.11, 893.13~~ FS. History—New 4-10-85, Formerly 10D-74.58, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.058, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Futch
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William A. Passetti, Chief, Bureau of Radiation Control
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.011
RULE TITLE: Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized

PURPOSE AND EFFECT: The Department proposes to add new conditions that qualify as emergency medical reasons within the meaning of Section 499.012 (1)(a)2.b., F.S.

SUMMARY: The proposed rule adds three new emergency medical reasons conditions that qualify as being exempt from the definition of wholesale distribution found at Section 499.012(1)(a)2.b., F.S. The proposed rule clarifies that a state emergency medical response team location is a location that can receive a distribution of prescription drugs as a temporary

storage site during a declared state of emergency, without the distribution being a wholesale distribution within the meaning of section 499.012 (1) F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 499.012, 499.014, 499.03, 499.05 FS.

LAW IMPLEMENTED: 499.012, 499.014, 499.03, 499.05 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R.Ph., Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Bin C-04, Tallahassee, Florida 32399, (850)245 4292

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.011 Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized.

(1) The exemption from the definition of wholesale distribution in Section 499.012(1)(a)2.b., F.S., for “emergency medical reasons” includes:

(a) Transfers of a prescription drug between health care entities or from a health care entity to a retail pharmacy to alleviate a temporary shortage of a prescription drug arising from delays in or interruption of regular distribution schedules, and should not occur between the parties so as to amount to the health care entity regularly and systematically supplying that drug;

(b) Transfers of prescription drugs by a health care entity to an emergency transport vehicle which is under the direction of a medical director of an emergency medical service provider licensed under Chapter 401, F.S., for use in the treatment of persons transported to that health care entity to immediately restock a licensed vehicle or an emergency medical kit for prescription drugs used on that person or to immediately restock prescription drugs on the vehicle which become unsuitable for use. This exception does not extend to the stocking of supply inventory or for warehousing of prescription drugs used by emergency medical service providers;

(c) Emergency transfers of prescription drugs as authorized in Rule Chapter 59A-4, F.A.C., for nursing homes or Rule Chapter 64B16-28, F.A.C., of the Florida Board of Pharmacy; or

(d) Transfers of prescription drugs by a retail pharmacy to another retail pharmacy or to a health care entity to alleviate a temporary shortage, but not for the regular and systematic supplying of that prescription drug;

(e) Transfers of prescription drugs in an emergency declared pursuant to Section 252.36, F.S., until the state of emergency is lifted, under the following conditions:

1. The manufacturer, wholesaler, or other person supplying the prescription drugs is authorized by Florida law to distribute prescription drugs in or into Florida; and

2. The prescription drugs are delivered to a temporary emergency medical station, officially designated by the state emergency operation center as a Disaster Medical Assistance Team or State Medical Response Team site;

(f) Transfers of prescription drugs from a health care entity to a pharmacy or other end-user practitioner for a named patient to treat or prevent a serious medical condition when a shortage of the product is documented by the manufacturer; but does not include regular and systematic sales of prescription drugs to licensed practitioners that will be used for routine office procedures;

(g) Transfers of prescription drugs by or on behalf of the Department of Health to the medical director of an advanced life support service provider, licensed under Chapter 401 Part III F.S., and for further distribution to an emergency transport vehicle operated by the advanced life support services provider, for use in the treatment of persons in need of emergency medical services;

(h) Transfers of prescription drugs by or on behalf of the Department of Health to a health care entity authorized to purchase prescription drugs, for storage and use in the treatment of persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health;

(i) Transfers of prescription drugs by or on behalf of the Department of Health to the licensed medical director of a government agency health care entity, authorized to purchase prescription drugs, for storage and use in the treatment of persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health.

(2) The revocation of a sale or the return of a prescription drug purchased by a hospital or other health care entity, or acquired at a reduced price by or donated to a charitable institution to the manufacturer or the wholesale distributor that sold, donated, or supplied the prescription drug, is not a wholesale distribution prohibited by Section 499.005(21), F.S., provided:

(a) The hospital, health care entity or charitable institution forwards a copy of the documentation for the return to the manufacturer of the product. This documentation must at a minimum comply with the requirements of Rule 64F-12.012, F.A.C.; and

(b) The value of any credit, refund, or exchange for the returned product does not exceed the purchase price or, if a donation, the fair market price of the returned product.

(c) Prescription drugs returned or to be returned to a manufacturer or wholesale distributor must be kept under proper conditions for storage, handling, and shipping as set forth in Section 499.0121, F.S.; and written documentation showing that these conditions were or were not maintained must be provided to the manufacturer or wholesale distributor to which the prescription drugs are returned.

(3) A person authorized to possess non-dispensed prescription drugs can donate prescription drugs that are not misbranded or adulterated to a charitable organization that has been granted an exemption under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that is authorized to possess prescription drugs provided the transfer is not for sale or trade and the donor receives no financial benefit (except for tax benefits related to charitable contributions) either directly or indirectly. Records to document the transfer must comply with Section 499.0121(6), F.S., and paragraph 64F-12.008(2)(c), F.A.C.

(4) A person who uses prescription drugs for lawful research, teaching, or testing may obtain a registration number from the department to authorize acquisition of the requisite prescription drugs for this activity. The person must submit correspondence to the department explaining the conditions of the lawful research, teaching, or testing, along with a statement signed by the individual who will be responsible for the prescription drugs that the drugs will be secured, access will be restricted to authorized individuals, and that the prescription drugs are not for resale. If applicable, this correspondence should also identify the name in which purchases will be made, the specific prescription drug(s) required for the activity, the quantity which will ordinarily be purchased, the frequency of the purchases, and the name and state permit or license or permit number of suppliers of the prescription drugs. A letter and registration number will be assigned to the person which authorizes the purchase or other acquisition and possession of prescription drugs. This registration number must be included on invoices as required by Section 499.0121(6)(a), F.S.

Specific Authority 499.012, 499.014, 499.03, 499.05 FS. Law Implemented 499.012, 499.014, 499.03 FS. History—New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99, 4-17-01, 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rebecca Poston
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Rebecca Poston
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 30, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 21, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: 69A-62.021 69A-62.022	RULE TITLES: General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs Firefighter Employer Comprehensive Safety and Health Remediation Plan
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PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments identified by the Division of Fire Marshal as having a high frequency or severity of work-related injuries among its employees must also have a remediation plan, in addition to its safety and health program. These rules establish the requirements for both programs.

SUMMARY: The proposed amendments to Rule 69A-62.021, F.A.C., clarify that its provisions apply to all firefighter employers, not just those employers with a high frequency or severity of workers' compensation claims. The proposed amendments also provide a new website where a list of proposed courses can be accessed. The proposed amendment to Rule 69A-022, F.A.C., clarifies that the remediation plan for firefighter employers identified as having a high frequency or severity of workers' compensation claims must submit their remediation programs to the division for approval within one hundred twenty (120) days after receipt of notice.

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

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

SPECIFIC AUTHORITY: 633.803, 633.804, 633.805, 633.808, 633.813, 633.809, 633.821 FS.

LAW IMPLEMENTED: 633.805, 633.807, 633.808, 633.809, 633.821 FS.

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

DATE AND TIME: Monday, March 19, 2007, 1:00 p.m.

PLACE: William C. Clark Assembly Hall, Florida State Fire College, 11655 N.W. Gainesville Rd., 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: Angie Cain, (352)369-2818. 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: Walter Malo, Safety Program Manager, Bureau of Fire Standards & Training. Phone (352)369-2800

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (2) No change.

(3) Safety and Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(a) through (c) No change.

(d) Each Basic Life Support (BLS) and each Advanced Life Support (ALS) provider, as described in Rules 64E-2.002 and 64E-2.003, F.A.C., respectively, shall document that each driver has completed at least a 16-hour course of instruction on driving an authorized emergency vehicle, as defined by Section 316.003(1), F.S., which includes, at a minimum, classroom and behind-the-wheel training as outlined below:

1. No change.

2. Practical.

a. through d. No change.

e. Turn-around-steering technique; fender judgment, road position, controlled braking, controlled acceleration, understeer, oversteer and chassis set. A list of approved courses is posted on the "Firefighter Safety and Health" webpage at <http://www.fldfs.com/sfm> ~~<http://www.fsfe.ufl.edu/SafetyHealth/Notices.htm>~~ or may be obtained from the Safety Program Office of the Bureau of Fire Standards and Training at (352)369-2800. Fire Department or Training Center requests for the approval of other courses must be directed to the same office.

(e) through (m) No change.

(4) through (7) No change.

Specific Authority 633.804, 633.805, 633.808, 633.821 FS. Law Implemented 633.804, 633.805, 633.807, 633.808, 633.821 FS. History–New 9-6-04, Amended.

69A-62.022 Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Remediation Program to the division for approval within one hundred twenty (120) days after receipt of notice.

(2) through (4) No change.

Specific Authority 633.803, 633.813, 633.809 FS. Law Implemented 633.809 FS. History–New 9-6-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Walter Malo, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-167.014
RULE TITLE: Alternative Methods to Handwritten Statements

PURPOSE, EFFECT AND SUMMARY: To adopt a rule providing appropriate alternative methods for policyholders with disabilities to provide statements required by Sections 627.701(4)(d) and 627.712(6), F.S. The rule provides a procedure for an authorized guardian or attorney-in-fact to execute the handwritten statement and allowing for videotaping of a reading of the disclosure and acknowledgement by the policyholder.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.701(4), 627.712(6) FS.

LAW IMPLEMENTED: 627.701(4), 627.712(6) FS.

IF REQUESTED IN WRITING 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: March 16, 2007, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Michael.Milnes@fldfs.com.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-167.014 Alternative Methods to Handwritten Statements.

The handwritten disclosures required by Section 627.712(2), F.S., and Section 627.701(4)(d)1., F.S., may be obtained by alternative methods by those persons or policyholders who have a handicapping or disabling condition that prevents them from providing a handwritten statement. Any one or more of the following methods may be used:

(1) Obtaining through an authorized guardian or attorney-in-fact a handwritten statement in conformance with Section 627.712(2) or 627.701(4)(d)1., F.S. The insurer shall maintain on file all documentation necessary to verify that the guardian or attorney is so duly authorized to execute such handwritten statement; or

(2) Videotaping the reading of the disclosure to the policyholder and videotaping the policyholder’s verbal acknowledgement that the policyholder understands the disclosure and elects not to purchase the coverage described in the disclosure. The insurer must maintain the videotape with the records of the policyholder.

Specific Authority 624.308(1), 627.701, 627.712 FS. Law Implemented 627.701, 627.712 FS. History–New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Deputy Commissioner, Office of Insurance Regulation

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

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: RULE TITLE:

69O-170.0155 Forms

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to adopt Form OIR-B1-1790, "Certificate of True and Accurate Rate Filing", required to be filed by property insurers on or after March 1, 2007, with a rate filing made pursuant to Section 627.062, F.S. This form shall be signed, under oath, by the Chief Executive Officer or the Chief Financial Officer and the Chief Actuary.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS.

IF REQUESTED IN WRITING 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: March 16, 2007, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Michael.Milnes@fldfs.com.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

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

(k) Form OIR-B1-1790, "Certificate of True and Accurate Rate Filing", (New 03/2007).

(2) No change.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Deputy Commissioner, Office of Insurance Regulation

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

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

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5L-3 Aquaculture Best Management Practices

RULE NO.: RULE TITLE:

5L-3.004 Aquaculture Best Management Practices Manual

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule reference material in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 50, of the December 15, 2006, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

A change has been made to the referenced Aquaculture Best Management Practices Manual, January 2007 made available in draft form by contacting Kal Knickerbocker at the Division of Aquaculture or by visiting the Division's website at www.FloridaAquaculture.com.

The following change has been made to page 38 of the manual: Chapter VII. Marine Net Pens and Cages, E. Aquaculture Facility Operations and Maintenance, Best Management Practices 5th bulleted paragraph has been rewritten – Nets and moorings must be maintained in a whole and intact condition. No gear may be abandoned. Storage of nets or gear on the bottom is prohibited. Any net or gear accidentally dropped or lost during storm events that is not recovered immediately shall be tagged with a float, positioned using differential Global Positioning System, and reported to the Division of Aquaculture within 24 hours. The lost net or gear shall be recovered within 30 days of the date lost, ~~unless the Division of Aquaculture allows a longer time in an individual case, and~~ The Division of Aquaculture shall be notified on the date the net or gear is recovered.