

**Section II
Proposed Rules**

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-18.004	Regional Training Areas
11B-18.0053	Officer Training Monies Budget and Expenditure Categories

PURPOSE AND EFFECT: To allow the reimbursement of travel expenses to a training center director’s designee for attendance at the Criminal Justice Standards and Training Commission quarterly meetings. To make housekeeping revisions.

SUMMARY: Rule 11B-18.004: Revised to update the name of training schools in the regional training areas.

Rule 11B-18.0053: Revised to allow reimbursement of travel expenses to a training center director designee for attendance at Criminal Justice Standards and Training Commission meetings.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.25(2), (4), (5) FS.

LAW IMPLEMENTED: 943.25 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: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement (FDLE), Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. FDLE, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308. 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: Donna Hunt at (850)410-8615. FDLE, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) through (4) No change.

(5) Region V.

(a) Criminal justice agencies within Nassau, Duval, Clay, Putnam, and St. Johns counties, and the State Attorney’s Office for the Fourth Judicial Circuit.

(b) Commission-certified training schools within Region V: Florida Community College Northeast Florida Criminal Justice Training and Education Center and St. Johns River Community College Criminal Justice Training Program.

(6) No change.

(7) Region VII.

(a) Criminal justice agencies within Lake, Volusia, Seminole, Orange, Osceola, Brevard, and Flagler counties, and the State Attorney’s Office for the Seventh, Ninth, and Eighteenth Judicial Circuits.

(b) Commission-certified training schools within Region VII: Brevard Community College Institute of Public Safety ~~Criminal Justice Division~~, Criminal Justice Institute at Valencia Community College, School of Emergency Services Institute at Daytona State College, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, and Seminole State ~~Community~~ College Criminal Justice Institute.

(8) Region VIII.

(a) Criminal justice agencies within Polk, Hardee, DeSoto, and Highlands counties, and the State Attorney’s Office for the Tenth Judicial Circuit.

(b) Commission-certified training schools within Region VIII: Polk State College Kenneth C. Thompson Institute of Public Safety ~~at Polk Community College~~ and South Florida Community College Criminal Justice Academy.

(9) Region IX.

(a) Criminal justice agencies within Pasco, Pinellas, Hillsborough, and Manatee counties, the Hernando County Sheriff’s Office, and the State Attorney’s Office for the Sixth and Thirteenth Judicial Circuits.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Yabor City Campus Criminal Justice Institute, Manatee Technical Law Enforcement Academy, Manatee County Sheriff’s Office Training Center, Pasco-Hernando Community College Public Service Technology Center, and St. Petersburg College Southeastern Public Safety Institute.

(10) Region X.

(a) Criminal justice agencies within Charlotte, Lee, Sarasota, Collier, Glades, and Hendry counties, and the State Attorney’s Office for the Twelfth and Twentieth Judicial Circuits.

(b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy and Southwest Florida Public Service Academy.

(11) through (13) No change.

(14) Region XIV.

(a) Criminal justice agencies within Monroe and Miami-Dade counties and the State Attorney’s Office for the Eleventh and Sixteenth Judicial Circuits.

(b) Commission-certified training schools within Region XIV: Florida Keys Community College Institute of Criminal Justice, Miami Police Training Center, Miami-Dade Police Department Metropolitan Police Institute, and Miami-Dade College School of Justice.

(15) through (16) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History–New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 9-28-09,_____.

11B-18.0053 Officer Training Monies Budget and Expenditure Categories.

(1) A distribution formula has been established by the Criminal Justice Standards and Training Commission to provide guidance to training regions regarding the expenditure of Officer Training Monies in the regions. Any deviations by a region from the distribution formula shall be approved by the Commission. The distribution formula is:

(a) through (c) No change.

(2) Category I, Administrative Expenses. Administrative Expenses shall be reasonable and an accounting of all expenditures shall be maintained.

(a) Each region shall not budget more than 5% of the total regional allocation for Administrative Expenses, notwithstanding the following exceptions for additional Officer Training Monies budgeted that exceed the 5% limitation:

1. Support of travel of Regional Training Council Chairpersons, fiscal agents, and training center directors or their designee, to Officer Training Monies workshops conducted by Commission staff; and

2. Support of travel for training center directors or designees to attend Criminal Justice Standards and Training Commission quarterly meetings.

(b) through (c) No change.

(3) through (4) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2), 943.25(2), (4), (5) FS. Law Implemented 943.25 FS. History–New 11-5-02, Amended 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:

RULE TITLES:

11B-20.001

Definitions and Minimum Requirements for General Certification of Instructors

11B-20.0017

Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To allow the delegation of specific training center director duties to a designee appointed by the training center director.

SUMMARY: Revised to allow a training center director’s designee to administer polices set by the Commission or the director, approve documents or make routine requests consistent with the Commission or director’s guidance, and represent the director at meetings.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3), (9), 943.14(3) 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: April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement (FDLE), Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt at (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

- (1) through (2) No change.
- (3) General Instructor Certification.
 - (a) No change.
 - 1. through 4. No change.
 - 5. Instructor Separation or Change of Affiliation.

- a. No change.
- b. When a training center director, ~~or~~ agency administrator, or designee separates an instructor for administrative purposes, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff or electronically transmit through the Commission's ATMS and a copy of the form shall be maintained in the Instructor's file.
- c. No change.

(b) Equivalent Instructor Training.

1. Instructor applicants who request an exemption from the required instructor training shall be evaluated by the training center director for completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies, or the training center director or designee may authorize the instructor applicant to complete only those portions of the Florida General Instructor Techniques Course for which the instructor applicant is deficient:

(4) Exemption from General Instructor Certification. An individual, The training center director is authorized to exempt an individual, from General Instructor Certification, who has a professional or technical certification or three years of experience in the specified subject matter to be instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual's qualifications by completing the Instructor Exemption, form CJSTC-82, revised November 8, 2007, hereby incorporated by reference, which shall be maintained in the course file at the training school. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(5) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History--New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 8, 2007, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Form CJSTC-84 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(1) through (3) No change.

(4) High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, once during their four-year cycle, to maintain an active certificate for each high-liability topic:

- (a) No change.
- (b) Successfully complete continuing education or training approved by the training center director, ~~or~~ agency administrator, or designee.

(5) Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, once during their four-year cycle, to maintain certification:

- (a) No change.
- (b) Successfully complete continuing education or training approved by the training center director, ~~or~~ agency administrator, or designee. Breath Test Instructors shall successfully complete the Breath Test Instructor Renewal Course.

(6) through (8) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00212	Maintenance of Officer Certification
11B-27.00213	Temporary Employment Authorization
11B-27.0022	Background Investigations
11B-27.004	Probable Cause Determination
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
11B-27.013	Canine Team Certification
11B-27.014	Implementation of the Federal Law Enforcement Officers Safety Act of 2004

PURPOSE AND EFFECT: To update procedures pertaining to the following topic(s): Dating violence and video voyeurism; Sex on duty; Public nudity; Drug testing rules and accepted testing practices; bribery and unlawful compensation or reward for official behavior felony offenses; Information for obtaining CJSTC forms; Video voyeurism misdemeanor offenses; Door-to-door neighborhood background checks; Employment Background Investigative Report form CJSTC-77; Evidentiary rules and accepted testing practices for drug testing; Unlawful taking of controlled substances; Authority for Release of Information form CJSTC-58; CMS Firearms Performance Evaluation form CJSTC-4 CMS; Procedures for compliance with the Commission’s Firearms Qualification Standard; Procedures for processing violations more than eight years old for probable cause determination hearings; Delegation of specific authority to training center director designees.

SUMMARY: Subparagraph 11B-27.0011(4)(b)1., F.A.C.: Added the new statutes for “dating violence” (Section 784.046(15), F.S.) and for “video voyeurism” (Section 810.145, F.S.) to the list of misdemeanor or criminal offenses. Subparagraph 11B-27.0011(4)(c)5., F.A.C.: Added specific sexual acts that define “sex on duty,” or at any time the officer is acting under the color of authority as a Commission-certified criminal justice officer, and is not done for a bona fide medical purpose or in the lawful performance of the officer’s duty. subparagraph 11B-27.0011(4)(c)11., F.A.C.: Added the offense of “public nudity” to the list of acts or conduct of an officer for failure to maintain good moral character and defines “public nudity.” paragraph 11B-27.0011(4)(d), F.A.C.: Added the current evidentiary rules and accepted testing practices for

drug testing listed in Section 112.0455, 440.102, or 944.474, F.S. Subsection 11B-27.0011(8), F.A.C.: Deleted rule text that discloses where individuals may obtain CJSTC forms. Rule 11B-27.002, F.A.C., and subsection 11B-27.0022(2) old (a), F.A.C.: Amended, in rule and on the Employment Background Investigative Report Form CJSTC-77 form, the requirement for door-to-door neighborhood checks from mandatory to recommended. Subsection 11B-27.00212(14), F.A.C.: Revised to require officers, who have been separated from employment or appointment for failure to complete the Commission’s Firearms Qualification Standard, to complete the required training within six months of the date the officer separated from employment or appointment, or comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to re-employment. Paragraph 11B-27.00213(2)(b), F.A.C.: Deleted the requirement on the CMS Firearms Performance Evaluation form CJSTC-4 CMS to shoot with a rifle or carbine in the “4 and 5 zone” of the B-29 reduced police silhouette target. Subsection 11B-27.0022(2) new (a), F.A.C.: Revised the Authority for Release of Information form CJSTC-58 to include new language for obtaining additional information needed to determine the good moral character of an applicant. Subsection 11B-27.0022(3), F.A.C.: Deleted the requirement for individuals to electronically submit the Employment Affidavit of Compliance form CJSTC-60 via the Commission’s Automated Training Management System. paragraph 11B-27.004(12)(a), F.A.C.: Revised to allow cases to be “no caused” when a violation has been committed more than eight years prior to Commission action at a Probable Cause Determination Hearing. Subparagraphs 11B-27.005(5)(a)16.-17., F.A.C.: Added “Bribery or unlawful compensation or reward for official behavior,” in Sections 838.015 and 838.016, F.S., to the enumerated felony offenses, absent aggravating or mitigating circumstances, with a recommended penalty of revocation. Paragraph 11B-27.005(5)(b), F.A.C.: Added “video voyeurism,” (Section 810.145, F.S.) to the enumerated misdemeanor offenses, absent aggravating or mitigating circumstances, with a recommended penalty of “Prospective suspension, and probation with counseling to revocation.” Rules 11B-27.013 and 11B-27.014, F.A.C.: Revised to allow a training center director designee to implement policies set by the Commission or the director, approve documents or make routine requests consistent with the Commission or director’s guidance, and represent the director at meetings.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.12(17), 943.13, 943.13(11), 943.13(7), 943.131, 943.132, 943.133, 943.135, 943.139, 943.1395(3), 943.1395, 943.1395(7), 943.1395(8), 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt at (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(4) For the purposes of the Criminal Justice Standards and Training Commission's implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer's failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) No change.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, 327.35, 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, ~~784.046(15)~~, 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 810.14, 810.145, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.567, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 837.012,

837.05, 837.055, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. through 3. No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. through 4 No change.

5. Engaging in oral, anal, or vaginal penetration by, or union with, the sexual organ of another person or engaging in anal or vaginal penetration by any other object sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified criminal justice officer, and not done for a bona fide medical purpose or in the lawful performance of the officer's duty.

6. through 10. No change.

11. Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another or so near thereto as to likely be seen except in any place provided or set apart for that purpose.

~~12.11.~~ Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.

~~13.12.~~ Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S.

(d) A certified officer's unlawful injection, ingestion, inhalation, or other introduction of any controlled substance, as defined in Section 893.03, F.S., into his or her body as evidenced by a drug test in accordance with Section 112.0455, 440.102, or 944.474, F.S. Testing positive for controlled substances by a urine or blood test that results in a confirmed nanogram level pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of the ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.

(5) through (7) No change.

~~(8) Forms referenced in this rule chapter may be obtained on the following web site: <http://www.fdle.state.fl.us> or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards Forms Liaison.~~

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History--New 1-7-85. Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, _____.

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

(1) through (2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. All documents collected in conjunction with the background investigation shall be available for review. The following documents shall be reviewed for completeness:

1. No change.

2. An Employment Background Investigative Report, form CJSTC-77, revised ~~August 6, 2009~~ ~~November 8, 2007~~, hereby incorporated by reference. Form CJSTC-77 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History–New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

11B-27.00212 Maintenance of Officer Certification.

(1) through (13) No change.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission’s approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer’s employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) through (b) No change.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer’s certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from

employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) of subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) through (e) No change.

(15) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History–New 11-5-02, Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09,_____.

Editorial Note: See 11B-27.0023, F.A.C.

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

(1) No change.

(2) An officer employed on a TEA, shall be excused from the firearms training requirement upon placement of a statement in the officer’s file at the employing agency. The statement shall be signed by the agency administrator confirming that the TEA-appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee’s proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised August 6, 2009 ~~October 30, 2008~~, hereby incorporated by reference, and maintained in the trainee’s file at the employing agency. Form CJSTC-4-CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. The instructor shall qualify the trainee with a handgun (revolver or semi-automatic pistol) and long gun (shotgun or semiautomatic rifle/carbine) using the Commission’s Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee’s file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

(3) through (5) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History–New 11-5-02, Amended 11-30-04, 3-27-06, 6-9-08, 9-28-09,_____.

11B-27.0022 Background Investigations.

(1) No change.

(2) The employing agency shall, at a minimum, use the following background investigation procedures:

~~(a) Conduct neighborhood checks by attempting, where practical, to have a contact interview with at least three neighbors of the applicant within the previous three years. The content of the interview shall be the same regardless of the means of the neighborhood check. The interview shall be attempted in the following order of preference: in person, by telephone, or by mail.~~

~~(a)(b)~~ Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised August 6, 2009 ~~November 8, 2007~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference. Form CJSTC-58 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

~~(b)(e)~~ Research military records. A copy of the most recently issued DD 214, or other official separation document(s) from the United States Military denoting the discharge status or a copy of the officer's current military identification, shall be maintained in the officer's file at the employing agency. The agency shall document contact with the applicant's commanding officer or designee if the applicant is currently serving on active duty or military reserve to ensure the applicant is compliant with military regulations. Wording on the documentation shall indicate the discharge was any discharge other than dishonorable. A military discharge that is other than an honorable discharge, shall be investigated by the agency. The agency shall submit a Request Pertaining to Military Record, form OMB No. 3095-0029.

~~(c)(d)~~ Verify the applicant's response regarding prior history of unlawful conduct through a Florida Crime Information Center and National Crime Information Center records and warrants check.

~~(d)(e)~~ Verify the applicant's response regarding unlawful drug use pursuant to subsection 11B-27.0011(2), F.A.C.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Registration of Employment Affidavit of Compliance form CJSTC-60. The agency shall also submit ~~or electronically transmit~~ to Commission staff ~~through the Commission's ATMS~~, a completed Employment Background Investigative Report form CJSTC-77, for each officer employed or appointed. The original form CJSTC-77 that has been signed and dated by the investigator and the agency administrator or designee shall be retained in the applicant's file.

Rulemaking Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (11) No change.

(12)(a) In cases in which the facts presented to Commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct meets the statutory criteria for Commission action, Commission staff ~~shall be authorized to~~ "no cause" the case. Commission staff ~~shall be authorized to~~ reopen a case that has been "no caused" if new evidence or witnesses become available to Commission staff. However, Commission staff shall "no cause" a violation of paragraph 11B-27.0011(4)(b) or (c), F.A.C., if the officer is alleged to have committed the violation more than eight years prior to the case being presented at a Probable Cause Determination Hearing.

(13) through (14) No change.

Rulemaking Specific 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History--New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 6-9-08, _____.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (4) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

1. through 15. No change.

- 16. Bribery (838.015, F.S.) Revocation
- 17. Unlawful compensation or reward for official behavior (838.016, F.S.) Revocation

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification.

Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

- 1. through 7. No change.
- 8. Prostitution or lewdness; Propective suspension, and voyeurism, video voyeurism (796.07, 810.14, 810.145, F.S.) probation with counseling to revocation
- 9. through 15. No change.
- (c) through (d) No change.
- (6) through (10) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

11B-27.013 Canine Team Certification.

(1) through (7) No change.

(8) Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying that the evaluator applicant has complied with the following requirements:

(a) through (b) No change.

(c) A letter of recommendation for the evaluator applicant from a training center director, ~~or~~ agency administrator, or designee.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History–New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act of 2004.

(1) through (3) No change.

(4) Issuance and Maintenance of form CJSTC-600.

(a) A request for form CJSTC-600 shall be made in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Officer Records Section.

1. No change.

2. A training school is allowed to receive up to 200 each of the CJSTC-600 form one time a month with each written request, and the request shall be made on the training school’s letterhead signed by the training center director or designee.

3. No change.

(b) through (c) No change.

(5) through (6) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History–New 3-3-08, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:

RULE TITLE:

11B-30.006

State Officer Certification

Examination General Eligibility Requirements

PURPOSE AND EFFECT: To update language pertaining to the following topic(s): Application for Officer Certification Examination form CJSTC-500 and Commission-approved criminal justice training schools.

SUMMARY: Deleted the Law Enforcement Traditional State Officer Certification Examination from the State Officer Certification Examination and updated the names of the training schools on the Application for Officer Certification Examination form CJSTC-500.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397 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: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement (FDLE), Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. 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: Donna Hunt at (850)410-8615

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) through (2) No change.

(3) "Training school" shall mean those entities that are certified by the Criminal Justice Standards and Training Commission. Training schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination, form CJSTC-500, revised August 6, 2009 November 8, 2007, hereby incorporated by reference, by completing a Training School Certification Examination Supplies Request, form CJSTC-514, revised February 7, 2002, hereby incorporated by reference. Forms CJSTC-500 and CJSTC-514 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-8602, (TDD): (850)656-9597. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section.

~~(4) All forms referenced in this rule chapter may be obtained on the following web site: <http://www.fde.state.fl.us> or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.~~

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program

PURPOSE AND EFFECT: To revise, clarify and update rule language pertaining to the following topic(s): Delegation of specific training center director duties to a designee appointed by the training center director and exemption from completing the CMS First Aid for Criminal Justice Officers Course in the CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program based on education and training experience in the United States or its territories.

SUMMARY: Rule 11B-35.001, F.A.C.: Restructured and clarified existing rule language. Revised to allow training center director designees administer polices set by the Commission or the director, approve documents or make routine requests consistent with the Commission or director's guidance, and represent the director at meetings. Rule 11B-35.003(5), F.A.C.: Revised to exempt the following individuals from completing the 40-hour CMS First Aid for Criminal Justice Officers course CJK_0031, in the CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program based on their education and training experience: Certified emergency medical technicians, certified paramedics, licensed physicians, licensed physician's assistants, registered nurses or licensed practical nurses, and Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III., who have three years experience in emergency medical care. Rule 11B-35.006, F.A.C.: Revised to update the name of advanced training program course(s).

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.17, 943.17(1)(a) 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: Tuesday, April 6, 2010, 10:00 a.m.
 PLACE: Florida Department of Law Enforcement (FDLE),
 Criminal Justice Professionalism Program, 2331 Phillips Road,
 Tallahassee, FL 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. 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: Donna Hunt at (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) through (4) No change.

(5) The training center director shall ~~ensure that provide to~~ each student is provided with a paper copy of the Commission's currently approved Basic Recruit Training Curriculum applicable to the student's enrollment prior to or at the beginning of the program.

(6) For the Florida CMS Law Enforcement Basic Recruit Training Program, Cross-Over Programs to Florida CMS Law Enforcement Basic Recruit Training Program, and CMS Law Enforcement Auxiliary Prerequisite Course effective April 1, 2008, the training center director shall:

(a) Ensure that each student is taught from and has printed class materials to include the current copy of the curriculum, Florida Statutes, Florida handbook on jury instructions, and CJSTC Course Summary. These materials are to be provided prior to or at the start of the program.

(b) ~~Ensure that Conduct~~ student role-play practicums are conducted, as required in the curriculum, and report the results on a Role-Play Practicum Check Sheet, form CJSTC-3, revised October 30, 2008 created November 8, 2007, hereby incorporated by reference. Form CJSTC-3 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-For.ms.aspx>, or by contacting Commission staff at (850)410-8615. This form shall be completed by an instructor and maintained in the course file at the training school.

(7) Training center directors shall ensure that instructors are delivering the current Commission-approved training programs in compliance with Commission rules.

(8) Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.

(9) Student academic performance in courses.

(a) through (b) No change.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director or designee is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Specialized Instructor Training, and Specified Specialized Training Program Courses, pursuant to subsection (d)1.-13. of this rule section and in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5), F.A.C.

(d) through (e) No change.

(10) through (11) No change.

(12) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(1), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in paragraph 11B-35.006(1)(b), F.A.C.

(a) No change.

(b) Each student shall attend all sessions of a training course except for absences approved by the training center director or designee. Documentation specifying the reason for the excused absence shall be maintained in the course file at the training school. ~~The training center director shall maintain in the student or course file at the training school, documentation specifying the reason for excused absence(s).~~ Students shall be responsible for class work missed during absences. The training center director or designee shall determine the content and quantity of makeup work. Documentation of the student's make-up work shall be signed by the training center director or designee and maintained in the student or course file at the training school.

(c) No change.

(13) through (15) No change.

(16) Proof of course completion. A training school ~~The training center director~~ shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program; a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. In addition to a certificate, the training school shall provide to a student, who has successfully completed a Commission-

approved Basic Recruit Training Program and will be required to pass the State Officer Certification Examination, an Examination Admission Voucher, form CJSTC-517, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-517 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

~~(17) All forms referenced in this rule chapter may be obtained on the following web site: <http://www.fdle.state.fl.us>, or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Bureau of Standards, Forms Liaison.~~

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09,_____.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration.

(1) through (2) No change.

(3) Successful completion and demonstration of proficiency skills is required for each of the following high-liability courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) through (b) No change.

(c) CMS Criminal Justice Firearms Course.

1. The CMS Criminal Justice Firearms Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of 80% on the required written end-of-course examination and demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21E Target or equivalent, at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night) and a long gun (shotgun or semiautomatic rifle/carbine). The results shall be recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised ~~October 30, 2008~~ August 6, 2009, hereby incorporated by reference. Form CJSTC-4 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

Form CJSTC-4 CMS shall be maintained in the student or course file. The B-21E target is commercially available through retailers. Form CJSTC-4 CMS shall be maintained in the student or course file.

(d) through (h) No change.

(4) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09,_____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) through (4) No change.

(5) Individuals exempt from completing the 40-hour CMS First Aid for Criminal Justice Officers course CJK 0031, in the CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program, based on education and training experience in the United States or its territories, shall complete the 111-hour CMS Law Enforcement Auxiliary Officer Prerequisite Course, pursuant to paragraph (6)(a) of this rule section, and the applicable high-liability courses pursuant to paragraphs (6)(b)-(d) of this rule section. The following individuals shall possess an active certificate or license to be eligible for the exemption:

(a) Certified emergency medical technicians who have three years experience.

(b) Certified paramedics who have three years experience.

(c) Licensed physicians, who are actively involved in emergency care and have three years experience in emergency medical care.

(d) Licensed physician's assistants, who are actively involved in emergency care and have three years experience in emergency medical care.

(e) Registered nurses or licensed practical nurses, who are actively involved in emergency care and have three years experience in emergency medical care.

(f) Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III., who have three years experience in emergency medical care.

~~(6)(5)~~ CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective April 1, 2008).

(a)	CMS Law Enforcement Auxiliary Officer Prerequisite Course	Course Number	Course Hours
1.	Law Enforcement Auxiliary Introduction	CJK_0240	27.0
2.	Law Enforcement Auxiliary Patrol and Traffic	CJK_0241	19.0
3.	Law Enforcement Auxiliary Investigations	CJK_0242	17.0
4.	Dart-Firing Stun Gun	CJK_0422	8.0
5.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
	CMS Law Enforcement Auxiliary Officer Prerequisite Course	Sub-total	111.0
(b)	CMS Criminal Justice Firearms This course shall be taught by a Commission-certified high-liability instructor at a training school or agency.	CJK_0040	80.0
(c)	CMS Criminal Justice Defensive Tactics This course shall be taught by a Commission-certified high-liability instructor at a training school or agency.	CJK_0051	80.0
(d)	CMS Law Enforcement Vehicle Operations **CMS Law Enforcement Vehicle Operations is optional and is based on employing agency requirements. If required, the course shall be taught by a Commission-certified high-liability instructor at a training school or agency. If CMS Law Enforcement Vehicle Operations is not instructed, the total program hours will be reduced to 271 hours.	CJK_0020	48.0
	CMS Law Enforcement Auxiliary Officer Program	Total	**319.0

(7)(6) Correctional Auxiliary Officer Basic Recruit Training Program number 501 (Effective January 1, 1997).

(a) through (c) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09,_____.

11B-35.006 Advanced Training Program.

(1) Commission-approved Advanced Training Program Courses were created to enhance an officer's knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C.

(a) No change.

(b) The following is a complete list of active Advanced Training Program Courses:

1. through 19. No change.

20.	074	Substance Abuse and Awareness and Education	40
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21. through 43. No change.

44.	1164	Inmate Manipulation (Effective 6/1/06 11/16/06)	40
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45. No change.

(2) through (5) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: 11C-6.004
RULE TITLE: Procedures for Requesting Criminal History Records

PURPOSE AND EFFECT: To update the rule to conform to statutory criminal history fee requirements.

SUMMARY: Revises fees for criminal history checks.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.053(3), 943.0542, 943.056 FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056 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: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Martha Wright at (850)410-8113 or marthawright@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright at (850)410-8113 or marthawright@fdle.state.fl.us, Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees.

(a) No change.

(b) As provided in subsection 943.053(3), F.S., a processing fee of ~~\$24~~ ~~\$23~~ shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender. If the Executive Director of the Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or that good cause otherwise exists, the prescribed fee may be waived or reduced, as provided in subsection 943.053(3), F.S.

(c) The processing fee charged for each subject inquired upon via the internet shall be the fee authorized for inquiries from persons in the private sector in subsection 943.053(3),

F.S. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the prescribed payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of ~~\$24~~ ~~\$8.00~~ shall be charged for each additional criminal record.

(4) No change.

~~Rulemaking Specific~~ Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright at (850)410-8113

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-7.006	Procedures on Court-Ordered Expunctions
11C-7.007	Procedures on Court-Ordered Sealings

PURPOSE AND EFFECT: To implement housekeeping changes to the State Attorney’s Endorsement on FDLE form 40-021 Application for Certification of Eligibility.

SUMMARY: The amended rule simplifies the language in the State Attorney’s endorsement section of FDLE form 40-021 Application for Certification of Eligibility.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.058(2), 943.059(2) FS.

LAW IMPLEMENTED: 943.0585, 943.059 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Louis Sloan at (850)410-7973 or louisloan@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Louis Sloan at (850)410-7973 or louisloan@fdle.state.fl.us, Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

- (a) No change.
- (b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. ~~December 2009 July 2006~~), incorporated here by reference, may be obtained from:
 - 1. through 2. No change.
 - (c) through (e) No change.
 - (2) through (6) No change.

~~Rulemaking Specific~~ Authority 943.03(4), ~~943.0585(2) 943.058(2)~~ FS. Law Implemented 943.0585 FS. History--New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08,_____.

11C-7.007 Procedures on Court-Ordered Sealings.

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application for the certificate of eligibility must include:

- (a) No change.
- (b) A completed Application for Certification of Eligibility. The subject should complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. ~~December 2009 July 2006~~) and incorporated by reference) may be obtained from:
 - 1. through 2. No change.
 - (c) through (d) No change.
 - (2) through (6) No change.

~~Rulemaking Specific~~ Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History--New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Louis Sloan at (850)410-7973

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NOS.: RULE TITLES:

11D-6.001 Definitions

11D-6.003 Procedures

PURPOSE AND EFFECT: To update the definitions and procedures as applied to the collection of specimens for the DNA Investigative Support Database and update the rule language to conform to statutory changes.

SUMMARY: The amendments revise the definitions and procedures for the collection of DNA samples to comport with technological advances relating to DNA collection and record keeping.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Lisa Bohl (850)617-1303. 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: Christopher Carney (850)617-1337 or Lisa Bohl (850)617-1303, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) “DNA sample” means a buccal or other approved biological specimen capable of undergoing DNA analysis. “Blood sample” shall mean a specimen of whole blood, at least 7 cc in volume.

(2) “Buccal Blood sample” shall mean a specimen of whole blood, at least 7 cc in volume. epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit. “Other approved biological specimen” shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE approved swab collection kit.

(3) “Other approved biological specimen” shall mean a specimen of whole blood, at least 7 cc in volume. “Offender” shall mean a person meeting any of the criteria specified in Section 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7)(a)9., 948.03(1)(n) or 948.30(1)(i), F.S.

(4) “Qualifying Offender” shall mean a person as specified in Section 943.325(2), 943.325(9), 947.1405(7)(a), or 948.30(1) F.S.”

(5) FALCON is Florida’s Integrated Criminal History System. This system allows for the biometric identification of criminal subjects.

(6) “Rapid-ID Edge Device” shall mean an electronic fingerprint device attached to “FALCON” and available to criminal justice agencies within the state. This device and accompanying software allows agencies responsible for sample collection to determine if a qualifying offender DNA sample is on file, or if collection of the sample is required.

Rulemaking Specific Authority 943.03(4), 943.325(4),(5),(17)(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 11-5-02, 3-21-07, _____.

11D-6.003 Procedures.

(1) DNA Sample collection. Blood sample collection.

(a) A qualifying offender providing DNA samples must be positively identified in the manner specified by the Oral Swab Collection Kit Instructions and Form (FDLE/FOR-005, rev. September, 2009 and incorporated by reference) prior to taking the DNA samples from such offender. A qualifying offender may also be identified through use of the Falcon Rapid-ID Edge device. The subject offender providing a blood sample must be positively identified in the manner specified by the FDLE Request for DNA Database Entry Form (FDLE/FOR-003, rev. September, 2000 and incorporated by reference) prior to taking the blood samples from such offender.

1. DNA samples submitted from qualifying offenders not identified through use of the Falcon Rapid-ID Edge device must be accompanied by a completed Swab Collection Kit form (FDLE/FOR-005). The imprinting of the offender’s left and right thumbs, by means of an inked impression, in the

spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be legible for fingerprint classification and comparison purposes. DNA samples accompanied by one or more illegible inked fingerprint impressions will be unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new DNA sample and completed form.

2. DNA Samples submitted from qualifying offenders whose identification is verified using the FALCON Rapid-ID Edge device must be accompanied by the printout and barcode generated by the application. Any required information not captured by the Falcon/Rapid-ID DNA Availability application shall be filled out on the Swab Collection Kit form (FDLE/FOR-005).

(b) When positive identification of the qualifying offender is accomplished, DNA two (2) blood samples shall be taken from the qualifying offender in the manner described in Section 943.325(3)(2), F.S.

(c) Such samples shall be taken using only the oral swab blood sample collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(d) Collection, labeling, storage, handling, and transmittal of DNA Samples shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward DNA samples to the Department within 7 working days of collection. Prior to or immediately after the taking of the samples, the FDLE Request for DNA Database Entry Form (FDLE/FOR-003) must be completed, providing all information requested on the form. The imprinting of the offender’s left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Blood samples accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new blood sample and completed form. The person taking, or witnessing the taking, of the blood samples shall certify, under oath and before a notary or a law enforcement or correctional officer, as indicated on the form, that two blood samples were in fact taken from the offender thus positively identified. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(e) Collection, labeling, storage, handling, and transmittal of other approved biological specimens shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward oral swab samples to the Department within 7 working days of collection.

~~(2) Removal of DNA Information from the DNA Database. Persons seeking removal of their DNA information from the DNA Investigative Support Database shall mail certified copies of the required documentation as described in 943.325(16) to the FDLE DNA Investigative Support Database, P. O. Box 1489, Tallahassee, Florida 32302-1489. Other approved biological specimen collection.~~

~~(a) A subject offender providing an other approved biological specimen must be positively identified in the manner specified by the Oral Swab Collection Kit Instructions (FDLE/FOR-005, May 2001, and incorporated by reference) prior to taking the other approved biological specimens from such offender.~~

~~(b) When positive identification of the offender is accomplished, approved biological specimens (oral swabs) shall be taken from the offender in the manner described in Section 943.325(2), F.S.~~

~~(c) Such samples shall be taken using only the oral swab collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.~~

~~(d) Prior to or immediately after the taking of the samples, the FDLE Oral Swab Collection Kit (FDLE/FOR-005) must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Approved biological specimens accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new approved biological specimen and completed form. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.~~

~~(e) Collection, labeling, storage, handling, and transmittal of other approved biological specimens shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward oral swab samples to the Department within 7 working days of collection.~~

~~Rulemaking Specific Authority 943.03(4), 943.325(4),(5),(17)(9)(d) FS. Law Implemented 943.325 FS. History--New 7-4-90, Amended 7-6-99, 8-22-00, 7-29-01, 11-5-02,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher Carney (850)617-1337
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NOS.: RULE TITLES:
11G-2.005 Records, Autopsy Report
11G-2.006 Practice Guidelines

PURPOSE AND EFFECT: To make housekeeping revisions and update the information required in autopsy reports and to update the Medical Examiners' Practice Guidelines.

SUMMARY: The amended rule language clarifies information required in an autopsy report; and updates the Medical Examiners' Practice Guidelines.

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

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

RULEMAKING AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13 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: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism Program 2331 Phillips Road, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Doug Culbertson, (850)410-8609. 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: Doug Culbertson, Medical Examiner Commission Staff, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, Florida 32302, Telephone (850)410-8609

THE FULL TEXT OF THE PROPOSED RULES IS:

- 11G-2.005 Records, Autopsy Report.
- (1) The District Medical Examiner shall keep among the official records:
 - (a) through (f) No change.

(2) The detailed findings of each autopsy shall be included in an autopsy report. The autopsy report shall be typed and shall only include the objective results of the examination of the body and the toxicologic samples. The circumstantial history and toxicologic correlations shall constitute a separate portion of the investigative report.

(3) No change.

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.05, Amended _____.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the “Practice Guidelines for Florida Medical Examiners, Sponsored by the Florida Association of Medical Examiners,” which publication is dated ~~11-19-2009~~ ~~8-9-2006~~ and is hereby incorporated by reference.

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History—New 7-29-01, Amended 11-30-04, 3-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Culbertson at (850)410-8609
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-1.060 Registration
PURPOSE AND EFFECT: Section 212.12(2)(d), F.S., as amended by section 25, Chapter 2007-106, L.O.F., provides that any person who, after written notice issued by the Department, intentionally fails to register the business with the Department, is liable for a specific penalty of 100 percent of any unreported or any uncollected tax or fee. The person who has received such written notice may file a written challenge to the notice in accordance with the procedures established by the Department. The purpose of this rulemaking is to provide for issuance of a notice alerting a person of the requirement to register his or her business and the procedures by which that person may timely file a written challenge to such notice. The effect of this rulemaking is to inform taxpayers of the Department’s procedures for imposing the penalties for failure to register after written notice has been issued by the Department and the procedures for timely filing a written challenge to such written notice.

SUMMARY: The proposed amendments to Rule 12A-1.060, F.A.C. (Registration): (1) provide that when a person conducting business in Florida fails or refuses to register, the Department will issue a written notice to alert that person of the requirement to register; (2) provide that to challenge the notice issued by the Department, a written challenge must be filed within 30 days of the date of the notice; (3) specify the criteria for what must be contained within a written challenge and how to file the challenge with the Department; (4) provide when the Department will authorize an extension period of 15 calendar days within which to file a written challenge to the notice; (5) provide that any person who fails to timely request an extension of time to file a challenge to the Department’s notices, or who fails to timely file a challenge, will result in forfeiture of the person’s right to challenge the notice issued by the Department; (6) provide that the Department will issue a response to a timely-filed written challenge to the notice; (7) provide that a \$100 registration fee will be imposed upon any person who waives the right to a file a written challenge to the notice, who fails to timely file a written challenge to the notice, or who fails or refuses to register after the Department has issued a response to a challenge determining that the person is required to register; and (8) provide that these procedures are for investigative purposes, as provided in Section 120.57(5), F.S.

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

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

RULEMAKING AUTHORITY: 212.12(2)(d), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.12(2), (5), (6), 212.18(3) 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: April 6, 2010, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.060 Registration.

(1) through (4) No change.

(5) PENALTIES FOR FAILURE OR REFUSAL TO REGISTER.

(a) No person shall be issued any license from any authority within the State of Florida to engage in any business activity required to be registered with the Department until such person is the holder of a valid certificate of registration.

(b) The Department is authorized to impose a \$100 registration fee for each place of business for the failure or refusal of any person to register with the Department prior to engaging in or conducting business in this state as a dealer. Persons who have failed or refused to register are those that the Department seeks to register as a result of information supplied by an informant under Section 213.30, F.S., or as a result of enforcement programs administered by the Department. In making the determination whether the \$100 registration fee shall be imposed, the Executive Director or the Executive Director's designee in the responsible process shall consider and be guided by:

1. The prior history, if any, of the applicant's compliance or noncompliance with the revenue laws administered by the Department pursuant to Section 213.05, F.S.;

2. The applicant's ability to demonstrate the exercise of ordinary care and prudence through presenting to the Department facts and circumstances indicating that a diligent attempt to meet the registration requirements of the law was made. An applicant with limited business knowledge, limited education, or limited experience with Florida tax matters may establish a basis for the existence of reasonable cause when there is reasonable doubt whether the applicant is required to register;

3. Reliance upon the erroneous advice of a competent advisor that the applicant did not meet the registration requirements. To establish a reasonable cause for noncompliance with the registration requirements, the applicant must demonstrate that advice was sought in a timely manner from the competent advisor, that all necessary information was provided to the competent advisor, and that the applicant acted in good faith on the information received from the competent advisor;

4. The applicant's ability to demonstrate reliance upon another person to comply with the registration requirements on behalf of the applicant;

5. Whether the applicant, the applicant's agent, or the applicant's employee can demonstrate that the applicant exercised ordinary care and prudence in meeting the registration requirements once the applicant had actual or constructive knowledge of the requirements.

(c)1. When a person conducting business in this state fails or refuses to register his or her business, a written notice will be issued by the Department to that person alerting the person of the requirement to register. Delivery of the written notice is by certified mail or by the use of another method that is documented by the Department as being necessary and reasonable under the circumstances. Within 30 consecutive calendar days from the date of the notice, the person who has failed or refused to register must:

a. Register the person's business by submitting an Application to Collect and/or Report Tax in Florida (Form DR-1) to the Department; or

b. File a written challenge to the notice.

2. A person who has received a written notice alerting the person of the requirement to register with the Department may file a written challenge to the notice. The written challenge must be mailed, faxed, or hand delivered within 30 consecutive calendar days of the notice. A written challenge must be made directly to the office designated in the notice and must include:

a. The person's name, address, and telephone number;

b. A statement of facts disputing the requirement to register and a description of any additional information not previously available that supports the dispute;

c. A statement explaining the law or other authority on which the taxpayer's position is based;

d. A statement whether oral presentation and argument are requested; and

e. A copy of the notice alerting the person of the requirement to register with the Department.

3. An extension of time in which to submit a written challenge may be secured by mailing, hand delivering, or faxing a written request to the office address or fax number provided in the notice. The written request for an extension to file a written challenge to the notice must be postmarked, faxed, or received by hand delivery within 30 consecutive calendars from the date of the notice. The Department will grant an extension period of 15 consecutive calendar days within which to file a written challenge to the notice.

4. If the written challenge does not contain the required information, the person will be notified in writing by the office issuing the notice that the required information must be postmarked, hand delivered, or faxed to the Department within 15 consecutive calendar days. Failure to timely submit the required information will result in forfeiture of the person's right to challenge the notice.

5. Written challenges postmarked, faxed, or received by hand delivery after 30 consecutive calendar days from the date of the notice, or after any extension period granted by the

Department to file a written challenge, will be deemed late filed, and the person will be considered to have waived their right to file a written challenge to the Department's notice.

6. If the person receiving a notice issued by the Department notifying the person of the requirement to register fails to timely file a written challenge, or fails to timely request an extension of time to file a written challenge, the person will be considered to have waived their right to file a written challenge to the Department's notice.

7. Upon receipt of a timely-filed written challenge containing the required information, the Department will issue a response.

8. Any person who fails or refuses to register a place of business after failing to file, or waiving their right to file, a written challenge to the Department's notice, or after receiving the Department's response to a written challenge to the Department's notice that determines that the person should register his or her business, will become subject to the penalties imposed under Section 212.12(2)(d), F.S., and a \$100 registration fee will be imposed upon registration with the Department.

9. Procedures outlined in this paragraph shall be for investigative purposes, as specified in Section 120.57(5), F.S.

(6) No change.

Rulemaking Authority 212.12(2)(d), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1), (2), 212.04(4), 212.0596(1), (2), 212.06(2), 212.12(2), (5), (6), 212.14(4), 212.16(1), (2), 212.18(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00, 6-19-01, 10-2-01(1), 10-2-01(1), 8-1-02, 4-17-03, 6-12-03, 6-4-08, 9-1-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on September 25, 2009 (Vol. 35, No. 45, p. 5777). No comments have been received by the Department

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NO.: 15B-2.013 RULE TITLE: Approved Speed Measuring Devices

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to incorporate those speed measuring devices that have been approved since the last revision to Rule 15B-2.013, F.A.C.

SUMMARY: Changes are being made to the Department's rule on Approved Speed Measuring Devices to incorporate those speed measuring devices that have been approved since the last revision of Rule 15B-2.013, F.A.C.

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

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

RULEMAKING AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: Friday, April 2, 2010, 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lt. Ronald W. Castleberry, Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2303

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

- (a) through (c) No change.
- (d) Kustom Electronics, Inc., or Kustom Signals, Inc.

1. through 29. No change.

30. Raptor RP-1.

- (e) through (g) No change.

(2) through (4) No change.

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a) through (c) No change.

(d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B- Model Speed Laser R, Model Speed Laser S.

Rulemaking Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. Ronald W. Castleberry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To incorporate by reference, a conservation easement form for local government when the local government is submitting a permit application involving dedication of a conservation easement to the South Florida Water Management District as a component of the Environmental Resource Permit process. The regulated public, in this case the local government, will benefit by the incorporation of this form into the District’s rules by reducing review time for both the local government and District staff reviewers and by ensuring that the form is consistent with the requirements of Section 704.06, Florida Statutes, and other conservation easement forms adopted by the District. Applicants may still propose language to address site specific characteristics because the existing rule language explicitly states that when an applicant demonstrates that project specific conditions necessitate deviation from language of the accepted

forms, alternative language shall be accepted, provided that the intent of Section 704.06, Florida Statutes, and Section 4.3.8 of the Basis of Review are met.

SUMMARY: To incorporate by reference Form No. 1318, Conservation Easement form for Local Government.

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

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

RULEMAKING AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS.

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

DATE AND TIME: April 15, 2010, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Anita Bain, Director, Environmental Resource Permitting Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866, or (561)682-6866, or by email to abain@sfwmd.gov. For procedural questions, please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320, or (561)682-6320, or by email to kruff@sfwmd.gov. A copy of the form is located on the District’s website at: my.sfwmd.gov/permitting; go to “Related Links” in the left hand column, click on “Rules, Statutes and Criteria” then click “Rulemaking/Rules Under Development”. Copies can also be obtained by contacting Kathie Ruff, Paralegal at the contact information provided above.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

The following forms and instructions are hereby incorporated by reference in this chapter and may be obtained without cost by contacting the Records Management Specialist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-8045, ext. 6436, or (561)682-6436 or at any of the District’s Service Centers. Locations and contacts for the District’s Service Centers may be obtained from the Records Management Specialist at the address and phone number provided herein or on the District’s

website at <http://www.sfwmd.gov>. These forms may also be obtained from the District’s website at <http://www.sfwmd.gov>, “What We Do”, then “Permitting/Regulation”. On the “Permitting/Regulation” page, click on “Environmental Resource Permits” then “Forms”:

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0645-G71	8-03	Table I Water Treatment Method and Losses
0645-G72	8-03	Table J Aquifer Storage and Recovery
0645-G73	8-03	Table K Water Supply System Interconnections
0779	5-92	Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/ Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification
0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification-For Projects Permitted Prior to October 3, 1995
0889	9-04	Certification of Waiver of Permit Application Processing Fee

0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	8-07	Applicant Transmittal Form for Requested Additional Information
0971	8-07	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
1109	8-03	Water Use General Permit
1189	2-06	Notice of Environmental Resource or Surface Water Management Permit
1190	1-07	Deed of Conservation Easement (Standard)
1191	1-07	Deed of Conservation Easement (Standard Passive Recreational)
1192	1-07	Deed of Conservation Easement (Standard Riparian)
1194	1-07	Deed of Conservation Easement (Third Party Standard)
1195	1-07	Deed of Conservation Easement (Third Party Passive Recreational)
1196	1-07	Deed of Conservation Easement (Third Party Riparian)
1197	1-07	Restrictive Covenant (Standard)
1318	_____	<u>Deed of Conservation Easement (Local Governments)</u>

(incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.

Rulemaking Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anita R. Bain, Director, Environmental Resource Permitting Division

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To incorporate by reference, a conservation easement form for local government use when the local government is submitting a permit application involving dedication of a conservation easement to the South Florida Water Management District as a component of the Environmental Resource Permit process. The regulated public, in this case the local government, will benefit by the

incorporation of this form into the District’s rules by reducing review time for both the local government and District staff reviewers and by ensuring that the form is consistent with the requirements of Section 704.06, Florida Statutes, and other conservation easement forms adopted by the District. Applicants may still propose language to address site specific characteristics because the existing rule language explicitly states that when an applicant demonstrates that project specific conditions necessitate deviation from language of the accepted forms, alternative language shall be accepted, provided that the intent of Section 704.06, Florida Statutes, and Section 4.3.8 of the Basis of Review are met.

SUMMARY: To incorporate by reference Form No. 1318, Conservation Easement for Local Government.

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

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

RULEMAKING AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: April 15, 2010, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Anita Bain, Director, Environmental Resource Permitting Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866, or by email to: abain@sfwmd.gov. For procedural questions please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to: kruff@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – ~~11-11-09~~”.

(b) through (k) No change.

(2) No change.

Rulemaking Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, _____.

(The following represents proposed changes to the document entitled “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – 11-11-09” incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.8 Real Property Conveyances

(a) through (b) No change.

(c) The use of Form No(s) 1190-1192, ~~and 1194-1197, and 1318, incorporated by reference~~ ~~referenced~~ in Rule 40E-1.659, F.A.C., shall constitute consistency with Section 704.06, F.S. Where the applicant demonstrates that project specific conditions necessitate deviation from language of the accepted forms, alternative language shall be accepted provided that the intent of Section 704.06, F.S., and Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District are met.

(d) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Director, Environmental Resource Permitting Division

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To delete Section 4.3.9 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (BOR), incorporated by reference in Rule 40E-4.091, F.A.C., pertaining to Mitigation Reduction Through a Melaleuca Eradication Program. The proposed rule amendment eliminates the regulatory incentive program implemented by the District, through the Environmental Resource Permitting process, that encouraged property owners to maintain their property free of melaleuca (*Melaleuca Quinquenervia*). This mitigation incentive program has never been utilized. In addition, the State of Florida passed legislation in February 2004, requiring applicants obtaining Environmental Resource Permits to utilize the Statewide Uniform Mitigation Assessment Method (UMAM) for determining mitigation requirements.

SUMMARY: To delete Section 4.3.9 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (BOR), incorporated by reference in Rule 40E-4.091, F.A.C., pertaining to Mitigation Reduction Through a Melaleuca Eradication Program.

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

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

RULEMAKING AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: April 15, 2010, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Anita Bain, Director, Environmental Resource Permitting Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866, or by email to: abain@sfwmd.gov. For procedural questions please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to: kruff@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~41-11-09~~”.

(b) through (k) No change.

(2) No change.

Rulemaking Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09,_____.

(The following represents proposed changes to the document entitled “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – 11-11-09” incorporated by reference in Rule 40E-4.091, F.A.C.)

~~4.3.9 Mitigation Reduction Through a Melaleuca Eradication Program~~

~~(a) The intent of this section is to encourage landowners to maintain their land free of exotic vegetative species by providing a regulatory incentive in the form of future reductions in required mitigation. A landowner whose property contains melaleuca (*Melaleuca quinquenervia*), may elect to participate in a melaleuca eradication program. Landowners who implement a successful melaleuca eradication program which has been approved by the District may earn a reduction in mitigation requirements up to a maximum of 50% to be used towards mitigating future wetland impacts resulting from~~

~~regulated activities undertaken on the subject property. The development and implementation of a melaleuca eradication program pursuant to this section shall not require an Environmental Resource Permit or a permit fee.~~

~~(b) In order to be eligible for the future mitigation reduction, a landowner must submit a plan to District staff for review and approval and successfully implement the melaleuca eradication program. The submitted plan must detail the extent of melaleuca coverage over the entire property, including both wetlands and uplands, for which the melaleuca eradication program is to be implemented. The plan shall differentiate between wetland communities and upland communities, and shall specify melaleuca coverages and acreages for each community type which the landowner proposes to include in the melaleuca eradication program. Each vegetative community type shall be mapped using the Florida Land Use, Cover and Forms Classification System (FLUCCS) to a minimum of Level III.~~

~~(c) The plan must include a map showing all of the landowner's property holdings which are contiguous to the property which is the subject of the melaleuca eradication program. Landowners may submit proposals to subdivide large land holdings based on phase boundaries or operational units.~~

~~(d) The melaleuca eradication plan must specify the following:~~

~~1. The methodology to be used initially to eliminate or eradicate the existing melaleuca population;~~

~~2. The subsequent management and maintenance procedures that will be undertaken on the property to ensure that:~~

~~a. The area has no living mature or sapling melaleuca trees; and~~

~~b. Less than 1% of the total land area included in the melaleuca removal program contains live melaleuca seedlings.~~

~~(e) The melaleuca eradication program must include a monitoring plan to document the success of the melaleuca eradication efforts over time. In order to be approved, the melaleuca eradication plan must provide reasonable assurances that:~~

~~1. The plan is designed to achieve a significant overall improvement of ecological conditions;~~

~~2. The plan is capable of being successfully implemented based on reasonable scientific judgement given due consideration of such factors as adjacent land uses and proximate seed sources;~~

~~3. The initial eradication methodology and subsequent management and maintenance procedures will not adversely impact wetlands, native upland habitat or listed species;~~

~~4. The plan will not eliminate melaleuca in some areas of the property while facilitating melaleuca encroachment or proliferation into other areas of the property;~~

~~5. The plan will not allow invasion by other exotic vegetation (category I and II species of trees, shrubs and vines as specified in the Florida Exotic Pest Plant Council's List of Florida's Most Invasive Species) in the areas where melaleuca has been removed.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anita R. Bain, Director, Environmental Resource Permitting Division

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.300

RULE TITLE:
State Mental Health Hospital Services

PURPOSE AND EFFECT: The purpose is to amend Rule 59G-4.300, F.A.C., to incorporate the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, January 2010, AHCA-Med Serv Form 034, January 2008, and the Florida Medicaid Provider Reimbursement Handbook, UB 04, July 2008, which is incorporated in Rule 59G-4.200, F.A.C. The amendment will clarify services provided through the per diem rate.

SUMMARY: The amendment updates fiscal agent contact information and websites; updates and clarifies services included in the per diem rates; updates and clarifies non-institutional services and excluded services; adopts new AHCA-Med Serv Form 034, Jan 2008; and updates references to Medicaid claim form UB 04.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has been prepared by the Agency.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, April 8, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

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: Patrick Rhodes at the Bureau of Medicaid Services, (850)412-4253. 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: Patrick Rhodes, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, e-mail: rhodesp@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.300 State Mental Health Hospital Services.

(1) No change.

(2) All state mental hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements must be in compliance with the provisions of the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, January 2010, ~~September 2005~~, incorporated by reference, and the AHCA-Med Serv Form 034, January 2008, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 04, July 2008, ~~Institutional-021~~, which is incorporated in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal website at ~~http://mymedicaid-florida.com~~ http://floridamedicaid.aes-inc.com. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7 Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New 5-29-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Rhodes

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-18.005 RULE TITLE: Examination Review Procedure

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to clarify circumstances under which an applicant may practice with supervision.

SUMMARY: The changes specify that all licensees passing all written portions of the examination on any attempt may practice temporarily.

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

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

RULEMAKING AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4), (5) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.0055 Supervised Cosmetology Practice Exception.

Following the completion of the ~~first~~ licensing examination by a graduate of a licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

(1) In the event an applicant obtains passing scores on ~~the first attempt of~~ both the theory and written clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.

(2) No change.

Rulemaking Authority 477.016, 477.019(4) FS. Law Implemented 477.019(4), (5) FS. History--New 11-25-98, Amended 2-25-07, 5-19-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-18.0055
 RULE TITLE: Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to clarify circumstances under which an applicant may practice with supervision.

SUMMARY: The changes specify that all licensees passing all written portions of the examination on any attempt may practice temporarily.

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

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

RULEMAKING AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4), (5) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.0055 Supervised Cosmetology Practice Exception.

Following the completion of the ~~first~~ licensing examination by a graduate of a licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

(1) In the event an applicant obtains passing scores on ~~the first attempt of~~ both the written theory and written clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.

(2) No change.

Rulemaking Authority 477.016, 477.019(4) FS. Law Implemented 477.019(4), (5) FS. History—New 11-25-98, Amended 2-25-07, 5-19-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.002
 RULE TITLE: Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees

PURPOSE AND EFFECT: The intent of the rule development is to assure that adequate resources are available in the Cosmetologist Trust Fund as required by Section 455.219, Florida Statutes.

SUMMARY: The change increases the fee for cosmetology license by \$25.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: An Estimate Regulatory Costs Statement was prepared. The Board determined that the rule amendments would have an impact on Small Businesses. The increase in the initial licensure fees will have an impact on licensed cosmetologist. The information compiled by the Office of Budget and Financial Management of the Department of Business and Professional Regulation, shows the projected numbers of licensed cosmetologist that will be impacted for the next three fiscal years:

2010 - 2011 = 8, 643
 2011 - 2012 = 8, 816
 2012 - 2013 = 8, 993

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

RULEMAKING AUTHORITY: 455.2171, 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.002 Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees.

(1) The following fees are adopted by the Board:

(a) The fee for original licensure as a cosmetologist shall be ~~fifty twenty-five~~ dollars ~~(\$50.00) (\$25.00)~~ and shall be paid by all applicants for licensure.

(b) through (f) No change.

(2) No change.

Rulemaking Specific Authority 455.2171, 477.016, 477.026 FS. Law Implemented 455.2171, 477.026(1)(b) FS. History–New 11-2-80, Amended 5-18-82, 10-1-85, Formerly 21F-24.02, Amended 9-6-87, Formerly 21F-24.002, Amended 4-13-99, 3-29-04, 5-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cosmetology Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cosmetology Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.008
RULE TITLE: Biennial Renewal Fee for Cosmetologists and Specialists

PURPOSE AND EFFECT: The intent of the rule development is to assure that adequate resources are available in the Cosmetologist Trust Fund as required by Section 455.219, F.S.

SUMMARY: The change increases the fee for renewal of cosmetology license by \$25.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: An Estimate Regulatory Costs Statement was prepared. The Board determined that the rule amendments would have an impact on Small Businesses. The increase in the initial licensure fees will have an impact on licensed cosmetologist. The information compiled by the Office of Budget and Financial Management of the Department of Business and Professional Regulation, shows the projected numbers of licensed cosmetologist that will be impacted for the next three fiscal years:

- 2010 - 2011 = 8, 643.
- 2011 - 2012 = 8, 816.
- 2012 - 2013 = 8, 993.

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

RULEMAKING AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(a), (e) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.008 Biennial Renewal Fee for Cosmetologists and Specialists.

The fee for biennial renewal of a cosmetologist’s license shall be ~~fifty twenty-five~~ dollars ~~(\$50.00) (\$25.00)~~. The fee for biennial renewal of a specialist’s registration shall be fifty dollars (\$50.00).

Rulemaking Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(a),(e) FS. History–New 11-2-80, Amended 6-3-82, 10-1-85, Formerly 21F-24.08, Amended 10-18-87, 1-10-90, Formerly 21F-24.008, Amended 8-26-96, 5-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cosmetology Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cosmetology Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.010
RULE TITLE: Delinquent License and Specialty Registration Fee

PURPOSE AND EFFECT: The intent of the rule development is to assure that adequate resources are available in the Cosmetologist Trust Fund as required by Section 455.219, F.S.

SUMMARY: This change increases the fee by \$25.00 for all licensees under Chapter 477, F.S., who are delinquent in renewing their licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: An Estimate Regulatory Costs Statement was prepared. The Board determined that the rule amendments would have an impact on Small Businesses. The increase in the initial licensure fees will have an impact on licensed cosmetologist. The information compiled by the Office of Budget and Financial Management of the Department of Business and Professional Regulation, shows the projected numbers of licensed cosmetologist that will be impacted for the next three fiscal years:

- 2010 - 2011 = 8, 643.
- 2011 - 2012 = 8, 816
- 2012 - 2013 = 8, 993

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

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 455.271(7), 477.026 (1) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.010 Delinquent License and Specialty Registration Fee.

A licensee who is delinquent in applying for renewal shall pay a delinquent fee of ~~fifty twenty-five~~ fifty dollars (\$50.00) ~~(\$25.00)~~. A registrant who is delinquent in applying for renewal shall pay a delinquent fee of fifty dollars (\$50.00). Such fee shall be in addition to the renewal.

Rulemaking Specific Authority 477.016 FS. Law Implemented 455.271(7), 477.026(1) FS. History--New 9-12-94, Amended 12-27-95, 8-26-96, 11-11-96, 5-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cosmetology Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cosmetology Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-31.001 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of the rule amendment is to define the term "manufactured materials" as it relates to hair wrapping.

SUMMARY: The new rule provides a guide or notice to hair wrappers as to the meaning of "manufactured materials" used in hair wrapping.

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

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

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.013(10) 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-31.001 Definitions.

Manufactured materials for use in hair wrapping means multi-strand cotton or polyester blend, twisted, not braided, into a single embroidery or yarn thread.

Rulemaking Authority 477.016 FS. Law Implemented 477.013(10) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cosmetology Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cosmetology Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.0061 RULE TITLE: Registration of Additional New Business Entity or Transfers

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to incorporate a registration form and list the required documentation.

SUMMARY: A registration form will be incorporated into the rule. The rule amendment will list the required documentation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 489.507(3), 489.513(1), 489.521(2), (3)(a) FS.

LAW IMPLEMENTED: 489.511(3), 489.521(2), (3)(a), (8) 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0061 Registration of Additional New Business Entity or Transfers.

(1) A registered qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application, accompanied by the application fee, to the Department.

(2) The Application for registration is form number DBPR ECLB 4452-1, effective December 2009, titled Application for Registered Electrical, Alarm System or Specialty Contractor, which is hereby incorporated by reference, copies of which may be obtained from the Board office, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771 or via the internet at http://www.myflorida.com/dbpr/pro/forms/elboard/fdocuments/registered_electrical_package_enterable.pdf.

(3) The application shall be accompanied by a statement of authority and a credit report. The requirement of a minimum net worth does not apply to registered contractors applying under this rule.

(4) If a registrant is to be a secondary qualifier for an already qualified business, the registrant does not need to submit the financial portion of the application for registration or a credit report.

Rulemaking Authority 489.507(3), 489.513(1), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-5.009 Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct statutory references.

SUMMARY: Statutory references will be corrected.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 489.507(3), 489.511(6) FS.

LAW IMPLEMENTED: 489.511(9) 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.009 Endorsement.

(1) No change.

(2) If the applicant seeking licensure by endorsement engages in contracting as a sole proprietorship, then the applicant must demonstrate that:

~~(a) If the applicant is applying pursuant to Section 489.511(5)(a), F.S., he or she meets the requirements set forth in Section 489.511, F.S. and Rule 61G6-5.003, F.A.C.; and has passed a national, regional, state or United States territorial licensing examination that is substantially equivalent to the examination given for certification in Florida. The applicant currently possesses a statewide license as an electrical contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, business reputation, and necessary experience or the educational equivalent thereof substantially similar to or more stringent than those required for licensure by Florida law and these rules; and~~

~~(b) The out-of-state license was issued upon the satisfactory completion of an examination substantially similar to or more stringent than the examination given by the Department.~~

~~(b)(e) If applicant is applying pursuant to Section 489.511(5)(6)(b), F.S., he or she must demonstrate that the criteria for issuance of the license was substantially equivalent to the certification criteria that existed in this state at the time the certification was issued.~~

(3) If the applicant seeking licensure by endorsement engages in contracting as a partnership, corporation, business trust, or other legal entity, then the applicant must demonstrate that:

(a) ~~If the applicant is applying pursuant to Section 489.511(5)(a), F.S., he or she meets the requirements set forth in Section 489.511, F.S., and Rule 61G6-5.003, F.A.C.; and has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination given for certification in Florida; or The applicant currently possesses a statewide license as an electrical contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, and business reputation substantially similar to or more stringent than those required by Florida law and these rules; and~~

~~(b) The out of state license was issued upon the satisfactory completion of an examination by the applicant's qualifying agent which examination is substantially similar to or more stringent than the examination given by the Department; and~~

~~(c) The qualifying agent of the applicant was required under the laws of the other state to possess; and~~

~~(b)(4) If applicant is applying pursuant to Section 489.511(5)(6)(b), F.S., he or she must demonstrate that the criteria for issuance of the license was substantially equivalent to the certification criteria that existed in this state at the time the certification was issued.~~

(4) through (5) No change.

Rulemaking Specific Authority 489.507(3), 489.511(6) FS. Law Implemented 489.511(9) FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.09, 21GG-5.009, Amended 2-13-97.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-8.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify fees.

SUMMARY: Various fees will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-8.001 Fees.

The following fees are prescribed by the Board:

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be two hundred dollars (\$200.00). The initial examination fee for the ~~Technical/Safety~~ examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The applicant shall pay the professional testing service directly for any test administration fee. ~~The initial examination fee for the Business Computer Based Test shall be twenty two dollars and fifty cents (\$22.50) payable to the professional testing service.~~ When the ~~computer-based testing (CBT) business portion of the~~ examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(2) through (3) No change.

(4) The fee to reinstate a null and void license shall be five hundred dollars (\$500.00).

~~(5)(4)~~ The re-examination fee for the ~~Technical/Safety~~ certification examination shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The re-examination fee for the Business Computer-Based Test shall be paid directly twenty two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) ~~business portion~~ of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

~~(6)(5)~~ No change.

~~(7)(6)~~(a) The fee to be paid for placement of a license in an inactive status shall be fifty dollars (\$50.00).

(b) The fee to be paid for the renewal of license voluntarily placed on inactive status shall be \$50.00.

(7) through (10) renumbered (8) through (11) No change.

~~(12)(14)~~ The fee for the review of the Technical/Safety ~~an~~ examination pursuant to the provisions of Chapters 455 and 489, F.S., shall be seventy-five dollars (\$75.00). The fee ~~to the professional testing service~~ for review of the Business Computer-Based Test (at the site where the original exam was taken) shall be paid directly to the professional testing service, thirty five dollars (\$35.00).

(12) through (15) renumbered (13) through (16) No change.

Rulemaking Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS. Law Implemented 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS. History—New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99, 12-27-04, 6-5-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

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.”

RULE NOS.:	RULE TITLES:
62-550.200	Definitions for Public Water Systems
62-550.310	Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels
62-550.500	General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals
62-550.514	Disinfectant Residuals and Disinfection Byproducts Monitoring Requirements
62-550.540	Monitoring of Consecutive Systems
62-550.550	Certified Laboratories and Analytical Methods for Public Water Systems
62-550.720	Recordkeeping

62-550.730	Reporting Requirements for Public Water Systems
62-550.821	Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors: Stage 1
62-550.822	Initial Distribution System Evaluations and Stage 2 Disinfection Byproducts Requirements
62-550.824	Consumer Confidence Reports
PURPOSE, EFFECT AND SUMMARY: The Department is adopting the federal Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 D/DBPR) – including new definitions in 40 CFR 141.2; minor revisions and additions to record maintenance requirements in 40 CFR 141.33; revisions to the maximum contaminant levels (MCLs) for disinfection byproducts; revisions to the Stage 1 D/DBPR requirements in 40 CFR 141, Subpart L; and revisions to the consumer confidence report requirements in 40 CFR 141, Subpart O – and is adopting federal revisions to drinking water analytical methods in 40 CFR 141. The Department also is making, where necessary, clarifications pertaining to the federal Stage 2 D/DBPR and the federal revisions to drinking water analytical methods. Rule 62-550.200, F.A.C., is being amended to incorporate the new Stage 2 D/DBPR definitions in 40 CFR 141.2. Rule 62-550.310, F.A.C., is being amended to expand the applicability of the chlorine and chloramine maximum residual disinfectant levels (MRDLs) in accordance with the Stage 2 D/DBPR; to clarify that the Stage 1 D/DBPR MCLs for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) apply until the date specified for compliance with the Stage 2 D/DBPR MCLs for TTHM and HAA5; and to specify the Stage 2 D/DBPR MCLs for TTHM and HAA5, the water systems to which these MCLs apply, and the effective dates for these MCLs. Rule 62-550.500, F.A.C., is being amended to clarify that the monitoring and compliance measurement requirements in the Stage 2 D/DBPR take precedence over the general monitoring and compliance measurement requirements in Rule 62-550.500, F.A.C.,. Rule 62-550.514, F.A.C., is being amended to expand the applicability of the chlorine and chloramine monitoring requirements in accordance with the Stage 2 D/DBPR and to clarify who must monitor, and when, for bromate, chlorite, TTHM, and HAA5 under the Stage 1 and/or Stage 2 D/DBPRs. Rule 62-550.540, F.A.C., is being amended to expand the applicability of the chlorine and chloramine monitoring requirements in accordance with the Stage 2 D/DBPR and to clarify Stage 2 D/DBPR disinfection byproduct monitoring requirements for consecutive systems. Rule 62-550.550, F.A.C., is being amended to update references to federal drinking water analytical methods and to clarify that ITS free chlorine test strips are approved for use in the determination of free chlorine. Rule 62-550.720, F.A.C., is being amended to incorporate the Stage 2 D/DBPR revisions and additions to record maintenance requirements in 40 CFR	

141.33. Rule 62-550.730, F.A.C., is being amended to add a reference to the reporting format for Stage 2 D/DBPR disinfection byproduct monitoring results. Rule 62-550.821, F.A.C., is being revised to incorporate the Stage 2 D/DBPR revisions to the Stage 1 D/DBPR requirements in 40 CFR 141, Subpart L, and to make a minor technical correction. Rule 62-550.822, F.A.C., is being added to adopt the federal Stage 2 D/DBPR and provide clarification where necessary. Rule 62-550.824, F.A.C., is being amended to incorporate the Stage 2 D/DBPR revisions to the consumer confidence report requirements in 40 CFR 141, Subpart O. Table 3 is being revised to add the Stage 2 D/DBPR MCLs for TTHM and HAA5. Tables 7 and 8 are being revised to incorporate Stage 2 D/DBPR information and to make minor technical corrections. RULEMAKING AUTHORITY: 403.853(3), 403.861(9) FS.

LAW IMPLEMENTED: 403.0877, 403.852(12), (13), 403.853, (1), (3), (4), (7), 403.854, 403.859(1), 403.861(9), (16), (17), 403.8615, 403.862 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: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, Virginia.Harmon@dep.state.fl.us

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:

DRINKING WATER STANDARDS, MONITORING, AND REPORTING

62-550.200 Definitions for Public Water Systems.

For the purpose of this chapter and Chapters 62-555 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (10) No change.

(11) "COMBINED DISTRIBUTION SYSTEM" means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

(11) through (17) renumbered (12) through (18) No change.

(19)(18) "CONSECUTIVE SYSTEM" means a public water system that buys or otherwise receives some or all of its finished water from one or more wholesale other public water systems at least 60 days per year. Delivery may be through a direct connection or through the distribution system of one or

more consecutive systems. A consecutive system is either a "community water system" or a "non community water system."

(19) through (32) renumbered (20) through (33) No change.

(34) "DUAL SAMPLE SET" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purpose of conducting an IDSE under subpart U of 40 CFR 141 as incorporated into Rule 62-550.822, F.A.C., and for the purpose of determining compliance with the TTHM and HAA5 MCLs under subpart V of 40 CFR 141 as incorporated into Rule 62-550.822, F.A.C.

(33) through (38) renumbered (35) through (40) No change.

(41) "FINISHED WATER" means water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except treatment as necessary to maintain water quality in the distribution system (e.g., booster disinfection or addition of corrosion control chemicals).

(39) through (40) renumbered (42) through (43) No change.

(44)(41) "GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with Stage 2 MCLs under paragraph 62-550.310(3)(d), F.A.C., shall be 120 days.

(45) "GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

(42) through (54) renumbered (46) through (58) No change.

(59) "LOCATIONAL RUNNING ANNUAL AVERAGE" (LRAA) means the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

(55) through (104) renumbered (60) through (109) No change.

(110)(105) "WHOLESALE SYSTEM" means a public water system that treats source water as necessary to produce finished water and then sells or otherwise delivers some or all of that finished water to another public water system at least 60 days per year. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems. A wholesale system that delivers water to a community water system is considered a community water system.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853, 403.854, 403.8615, 403.862 FS. History–New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96, 9-22-99, 8-1-00, 11-27-01, 4-3-03, 11-25-03, 10-14-04, 11-28-04, 1-17-05.

62-550.310 Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.

(These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.)

(1) No change.

(2) ~~DISINFECTANT RESIDUALS – Except for the chlorine dioxide maximum residual disinfectant level, which applies to all public water systems using chlorine dioxide as a disinfectant or oxidant, this subsection applies only to community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. Maximum residual disinfectant levels (MRDLs) are listed in Table 2, which is incorporated herein and appears at the end of this chapter. These MRDLs apply to the public water systems referenced below.~~

(a) The chlorine dioxide MRDL applies to all public water systems that add chlorine dioxide as a disinfectant or oxidant.

(b) The chlorine and chloramine MRDLs apply to all community or non-transient non-community water systems that add chlorine or chloramines to the water in any part of the drinking water treatment process.

(c) Effective [insert the effective date of these rule amendments], the chlorine and chloramine MRDLs apply to all consecutive community or consecutive non-transient

non-community water systems that do not add chlorine or chloramines but deliver water that has been treated with chlorine or chloramines.

~~(3) DISINFECTION BYPRODUCTS – This subsection applies to all community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. The Stage 1 maximum contaminant levels (MCLs) for disinfection byproducts. The disinfection byproduct maximum contaminant levels (MCLs) are listed in Table 3, which is incorporated herein and appears at the end of this chapter. These MCLs apply to the public water systems referenced below.~~

(a) The bromate MCL applies to community or non-transient non-community water systems that add ozone.

(b) The chlorite MCL applies to community or non-transient non-community water systems that add chlorine dioxide.

(c) The Stage 1 total trihalomethanes (TTHM) and haloacetic acids five (HAA5) MCLs apply to community or non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process. These Stage 1 MCLs apply until the appropriate date specified for Stage 2 compliance in paragraph (d) below.

(d) The Stage 2 TTHM and HAA5 MCLs apply to community or non-transient non-community water systems that use a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light. These Stage 2 MCLs apply beginning on the dates shown in the table below.

<u>SYSTEM TYPE</u>	<u>COMPLIANCE DATE</u>
<u>SYSTEMS THAT ARE NOT PART OF A COMBINED DISTRIBUTION SYSTEM AND SYSTEMS THAT SERVE THE LARGEST POPULATION IN A COMBINED DISTRIBUTION SYSTEM</u>	
<u>System serving 100,000 or more people</u>	<u>April 1, 2012</u>
<u>System serving 50,000 - 99,999 people</u>	<u>October 1, 2012</u>
<u>System serving 10,000 - 49,999 people</u>	<u>October 1, 2013</u>
<u>Ground water system serving less than 10,000 people or Subpart H system not treating any surface water source and serving less than 10,000 people</u>	<u>October 1, 2013</u>
<u>Subpart H system treating a surface water source and serving less than 10,000 people</u>	<u>October 1, 2013, if no <i>Cryptosporidium</i> monitoring is required under 40 CFR 141.701(a)(4) or October 1, 2014, if <i>Cryptosporidium</i> monitoring is required under 40 CFR 141.701(a)(4)</u>
<u>OTHER SYSTEMS THAT ARE PART OF A COMBINED DISTRIBUTION SYSTEM</u>	
<u>Consecutive system or wholesale system</u>	<u>At the same time as the system with the earliest compliance date in the combined distribution system</u>

(4) through (6) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History–New 11-19-87, Formerly 17-22.210, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.310, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 4-25-03, 11-28-04.

62-550.500 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.

These general requirements shall apply unless other monitoring or compliance measurement requirements are specified in Rules 62-550.511 through 62-550.540, F.A.C., or Rules 62-550.821 and 62-550.822, F.A.C.

(1) through (11) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853(1), (3), 403.859(1), 403.861(16), (17) FS. History–New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 11-28-04,_____.

62-550.514 Disinfectant Residuals and Disinfection Byproducts Monitoring Requirements.

(1) DISINFECTANT RESIDUALS.

(a) Community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C. to determine compliance with the maximum residual disinfectant levels specified in subsection 62-550.310(2), F.A.C. Also, effective _____ [insert the effective date of these rule amendments], consecutive community or consecutive non-transient non-community water systems that do not add chlorine or chloramines but that deliver water that has been treated with chlorine or chloramines shall monitor for chlorine or chloramines in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in subsection 62-550.310(2), F.A.C., for chlorine or chloramines.

(b) No change.

(2) DISINFECTION BYPRODUCTS. Community or non-transient non-community water systems that add ozone or chlorine dioxide shall monitor for bromate or chlorite, respectively, in accordance with 40 CFR 141, Subpart L, as adopted and modified under Rule 62-550.821, F.A.C. Community or non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) until the dates in paragraph 62-550.310(3)(d), F.A.C., in accordance with 40 CFR 141, Subpart L, as adopted and modified under Rule 62-550.821, F.A.C. Community or non-transient non-community water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light shall monitor for TTHM and HAA5 starting on the dates in paragraph 62-550.310(3)(d), F.A.C., in accordance with 40 CFR 141, Subpart V, as adopted and modified under Rule 62-550.822

~~adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the Stage 1 disinfection byproduct maximum contaminant levels specified in subsection 62-550.310(3), F.A.C.~~

Rulemaking Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), (7), 403.861(16), (17) FS. History–New 1-1-93, Amended 7-4-93, Formerly 17-550.514, Amended 2-7-95, 11-27-01, 11-28-04,_____.

62-550.540 Monitoring of Consecutive ~~Public Water~~ Systems.

(1) Consecutive systems shall conduct asbestos monitoring in their distribution systems in accordance with Rule 62-550.511, F.A.C.; shall conduct microbiological monitoring in their distribution systems in accordance with Rule 62-550.518, F.A.C.; shall comply with the lead and copper control requirements in Rule 62-550.800, F.A.C.; shall conduct disinfection byproduct monitoring in accordance with subsection 62-550.514(2) and Rules 62-550.821 and 62-550.822, F.A.C.; shall conduct residual disinfectant monitoring in accordance with subsection 62-550.514(1) and Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in subsection 62-550.310(2), F.A.C.; and shall conduct residual disinfectant monitoring at a remote point in their distribution systems in accordance with subsection 62-555.350(6), F.A.C, to verify that the minimum residual disinfectant concentration required by subsection 62-555.350(6), F.A.C., is being maintained throughout their distribution systems. In accordance with subparagraph 62-550.817(1)(b)2., F.A.C., consecutive systems that receive any finished water originating from a subpart H system shall comply with the distribution system residual disinfectant monitoring requirements in 40 CFR 141.74(c)(3) as adopted in subsection 62-550.817(2), F.A.C. ~~Consecutive systems that add a chemical disinfectant to the water shall conduct residual disinfectant monitoring in accordance with subsection 62-550.514(1) and Rule 62-550.821, F.A.C., and shall conduct disinfection byproduct monitoring in accordance with subsection 62-550.514(2) and Rule 62-550.821, F.A.C.~~

(2) through (5) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853(1), (3), (7), 403.861(16), (17) FS. History–New 11-19-87, Formerly 17-22.340, Amended 1-18-89, 1-1-93, Formerly 17-550.540, Amended 11-27-01, 10-14-04, 11-28-04,_____.

62-550.550 Certified Laboratories and Analytical Methods for Public Water Systems.

(1) For the purpose of determining compliance with standards and monitoring requirements other than those mentioned in subsection (2) below, samples shall be considered acceptable only if they have been analyzed by a laboratory certified in drinking water by the Department of Health to

perform such drinking water analyses with the exception that measurements for alkalinity, bromide, calcium, chlorite at entrances to distribution systems, orthophosphate, silica, specific ultraviolet absorbance, or total organic carbon may be performed by operators licensed under Chapter 62-602, F.A.C., or by persons under the direct supervision of a licensed operator, and measurements for conductivity, disinfectant residual, pH, temperature, or turbidity may be performed by operators licensed under Chapter 62-602, F.A.C., by persons under the direct supervision of a licensed operator, or by any authorized representative of the Department. Approved analytical methods shall be used and are contained in the July 1, 2009 ~~2007~~, edition of 40 CFR §§ 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, and 143.4 and Appendix A to 40 CFR 141, subpart C, and in the Federal Register, Vol. 74 ~~72~~, Number 147 ~~(47)~~, August 3, 2009 ~~March 12, 2007~~, pp. 38348-38358 ~~11199-11249~~, Vol. 69, No. 30, February 13, 2004, pp. 7156-7161, and Vol. 69, No. 164, August 25, 2004, pp. 52177—52182, all of which are incorporated herein by reference. Use of an alternative analytical technique requires written permission from the Department and the U.S. Environmental Protection Agency. The use of DPD colorimetric test kits to measure residual chlorine, chloramine, or chlorine dioxide concentration is approved. The use of the Industrial Test Systems (ITS) free chlorine test strips for the determination of free chlorine is approved.

(2) Measurements for residual disinfectant to demonstrate that TTHM and HAA5 samples were taken under normal operating conditions (see subsections 62-550.821(4) and 62-550.822(19), F.A.C.) and measurements for disinfectant residual to determine compliance with the operational requirements in subsection 62-555.350(6), F.A.C., may be performed by any authorized representative of the supplier of water or the Department; but measurements for residual chlorine shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection (1) above. Measurements for alkalinity, dissolved iron, dissolved oxygen, pH, total sulfide, or turbidity to evaluate treatment for control of copper pipe corrosion and black water (see subsection 62-555.315(5), F.A.C.) may be performed by any authorized representative of the construction permit applicant or supplier of water; but measurements for pH and field measurements for dissolved oxygen or turbidity shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection (1) above or in *Standard Methods for the Examination of Water and*

Wastewater as adopted in Rule 62-555.335, F.A.C. Measurements for residual chlorine when taking bacteriological survey or evaluation samples (see paragraphs 62-555.315(6)(b) and (c), F.A.C., and subsection 62-555.340(2), F.A.C.) may be performed by any authorized representative of the permittee, supplier of water, or Department, but shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C. Daily measurements for fluoride concentration at water treatment plants fluoridating water (see paragraph 62-555.325(3)(a), F.A.C.) may be performed by any authorized representative of the supplier of water but shall be performed using an appropriate method referenced in subsection (1) above. Measurements for disinfectant residual, pH, or temperature to determine compliance with the operational requirements under subsection 62-555.350(5), F.A.C., may be performed by any authorized representative of the supplier of water or Department; but measurements for residual chlorine, temperature, or pH shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection (1) above or in *Standard Methods for the Examination of Water and Wastewater* as adopted in Rule 62-555.335, F.A.C.

(3) through (4) No change.

Rulemaking Specific Authority 403.853(3), 403.861(9), FS. Law Implemented 403.853(1), (3), 403.861(16), (17), FS. History—New 11-19-87, Formerly 17-22-350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, 8-1-00, 11-27-01, 4-14-03, 11-28-04, 9-18-07, _____.

62-550.720 Recordkeeping.

Suppliers of water shall retain on their premises, or at a convenient location near their premises, the following records:

(1) Records of microbiological analyses and turbidity ~~bacteriological~~ analyses made under this chapter shall be kept for not less than 5 ~~five~~ years. Records of physical, chemical analyses, or and radiological analyses made under any portion of this chapter other than Rule 62-550.800, F.A.C., (including records of chemical analyses to determine compliance with maximum residual disinfectant levels) shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the information required in Rule 62-550.730, F.A.C., is included.

(2) through (6) No change.

(7) Unless specified elsewhere in this chapter, copies of monitoring plans developed pursuant to this chapter shall be kept for the same period of time as the records of analyses taken under the monitoring plan are required to be kept under subsection 62-550.720(1), F.A.C.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.861(16) FS. History—New 11-19-87, Formerly 17-22.820, Amended 1-18-89, 1-1-93, 7-4-93, Formerly 17-550.720, Amended 11-27-01, 11-28-04, _____.

62-550.730 Reporting Requirements for Public Water Systems.

Suppliers of water and DOH-certified laboratories shall report as follows:

(1) through (2) No change.

(3) Additional Reporting Formats for Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors and Enhanced Coagulation or Enhanced Softening. See subsections 62-550.821(12) and 62-550.822(18), F.A.C.

(4) No change.

Rulemaking Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12), (13), 403.853(3), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22-830, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-550.730, Amended 9-7-94, 2-7-95, 12-9-96, 8-1-00, 11-27-01, 4-3-03, 11-28-04, 1-17-05, _____.

62-550.821 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors: Stage 1.

The requirements contained in the July 1, ~~2009~~ 2003, edition of 40 CFR 141, subpart L (sections 141.130 through 141.135); ~~and the revisions to 40 CFR 141, subpart L, published on pages 3770 through 3780 of the January 16, 2001, Federal Register~~ are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 CFR 141, subpart L.

(1) In 40 CFR 141, subpart L, the term “State” shall mean “Department.” Also, references to section 141.2 shall be interpreted to mean Rule 62-550.200, F.A.C.; references to section 141.21 shall be interpreted to mean Rule 62-550.518, F.A.C.; references to section 141.23(k)(1) or 141.89(a) shall be interpreted to mean subsection 62-550.550(1), F.A.C.; references to section 141.31 shall be interpreted to mean subsection 62-550.730(1), F.A.C.; references to section 141.32, 141.32(e)(78), or 141.202 shall be interpreted to mean Rule 62-560.410, F.A.C.; ~~references to section 141.32(e)(78) shall be interpreted to mean subsection 62-560.410(6), F.A.C.;~~ references to section 141.64 ~~or 141.64(a)~~ shall be interpreted to mean subsection paragraph 62-550.310(3)(b), F.A.C.; references to section 141.65 shall be interpreted to mean subsection 62-550.310(2), F.A.C.; references to section 141.74(b)(6)(i) ~~or 141.74(c)(3)(i)~~ shall be interpreted to mean subsection 62-550.817(10) 62-550.560(2), F.A.C.; ~~references to section 141.74(c)(3)(i) shall be interpreted to mean paragraph 62-550.560(3)(d), F.A.C.;~~ references to subpart Q shall be interpreted to mean Part IV of Chapter 62-560, F.A.C.; references to subpart U or V shall be interpreted to mean Rule 62-550.822, F.A.C.; and references to section 142.16(h)(5) shall be interpreted to mean subsection 62-550.821(9), F.A.C.

(2) through (5) No change.

(6) 40 CFR 141.132(b)(1)(~~vi~~)(~~v~~) shall be interpreted to mean that, in addition to allowing systems on increased monitoring to return to routine monitoring under 40 CFR 141.132(b)(1)(~~vi~~)(~~v~~), the Department shall allow systems on increased monitoring to return to routine monitoring if their TTHM quarterly averages and HAA5 quarterly averages are less than or equal to the MCL for four (4) consecutive quarters.

(7) through (11) No change.

(12) This subsection replaces 40 CFR 141.134 and discusses reporting requirements for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors.

(a) through (c) No change.

(d) Subpart H systems using conventional filtration treatment shall report a summary of results of measurements for disinfection byproduct precursors and enhanced coagulation or softening ~~shall be submitted~~ in a format including all of the following information:

1. through 3. No change.

(13) through (17) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.852(12), 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 11-27-01, Amended 11-28-04, 1-17-05, _____.

62-550.822 Initial Distribution System Evaluations and Stage 2 Disinfection Byproducts Requirements.

The requirements contained in the July 1, 2009, edition of 40 CFR 141, subpart U (sections 141.600 through 141.605), and 40 CFR 141, subpart V (sections 141.620 through 141.629), are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 CFR 141, subparts U and V.

(1) In 40 CFR 141, subparts U and V, the term “State” shall mean “Department.” Also, references to section 141.33 shall be interpreted to mean Rule 62-550.720, F.A.C.; references to section 141.64(b)(2) shall be interpreted to mean subsection 62-550.310(3), F.A.C.; references to section 141.131, 141.131(c), 141.132, 141.132(b)(1), 141.132(b)(1)(iii), 141.132(c)(1), 141.132(d), 141.132(f), 141.133(c)(1), or 141.134(c) shall be interpreted to mean the section as adopted and modified in Rule 62-550.821, F.A.C.; and references to subpart L shall be interpreted to mean Rule 62-550.821, F.A.C.

(2) For purposes of schedule determination, compliance dates, and monitoring requirements under 40 CFR 141.600(c)(1), 141.620(c)(1) through (5), 40 CFR 141.621(a)(2), and 40 CFR 141.623(a):

(a) The number of persons served by a wholesale system includes only the number of persons served directly by the wholesale system and not the persons served by the consecutive systems that receive finished water from the wholesale system; and

(b) Consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(3) This subsection replaces 40 CFR 141.600(c)(2) and 40 CFR 141.620(c)(8). Emergency-only interconnections between wholesale systems and consecutive systems shall not be considered interconnections between systems for the purpose of the combined distribution system definition in subsection 62-550.200(11), F.A.C. All other interconnections shall be used to determine whether systems meet the combined distribution system definition in subsection 62-550.200(11), F.A.C.

(4) Under 40 CFR 141.601(c)(1) and 40 CFR 141.602(b)(1), the Department shall accept TTHM and HAA5 analytical results from subpart L compliance monitoring, standard monitoring, or system specific monitoring in any tabular or spreadsheet format.

(5) Under 40 CFR 141.602(a)(1)(ii)(F), the Department shall not reject any data or approve any monitoring schedule to replace rejected data.

(6) This subsection replaces 40 CFR 141.602(a)(2)(iii). If a system submits a model that does not fully meet the requirements under 40 CFR 141.602(a)(2), the system must correct the deficiencies so that the model fully meets the requirements under 40 CFR 141.602(a)(2) of this section. If the system fails to correct the deficiencies it must conduct standard monitoring under 40 CFR 141.601.

(7) Under 40 CFR 141.603(b)(2), the Department shall not require systems to submit any distribution system schematics or recommended subpart V compliance monitoring locations in addition to their 40/30 certifications.

(8) Under 40 CFR 141.603(b)(3), the Department shall not require systems meeting the criteria of 40 CFR 141.603(a) to conduct standard monitoring under 40 CFR 141.601 or a system specific study under 40 CFR 141.602.

(9) Under 40 CFR 141.605(b), systems shall use the number and type of monitoring locations specified in the table in 40 CFR 141.605(b) as their subpart V routine compliance monitoring locations. The Department shall not require different or additional locations.

(10) This subsection replaces 40 CFR 141.605(d). Systems shall not recommend locations other than those specified in 40 CFR 141.605(c).

(11) Under 40 CFR 141.605(e), the Department approves subpart V monitoring during any month in the third quarter of the calendar year as the equivalent of monitoring during the peak historical month for TTHM and HAA5 concentration.

(12) Footnote 1 to the table in 40 CFR 141.620(c) shall be interpreted to mean that, upon written request submitted to the Department before the compliance date established in the table, with documentation of the time needed to install capital improvements, and with documentation that the improvements

will aid in complying with MCL and operational evaluation levels, the Department shall grant the system the additional time needed up to an additional 24 months.

(13) Subpart V monitoring plans required under 40 CFR 141.622(a)(1) shall be prepared in a format containing all the following information:

(a) A cover page identifying the system and providing relevant general information, including:

1. The system name and PWS identification number;
2. A contact person and phone number;
3. The system type (community or non-transient non-community);
4. The number and type of water sources and water treatment plants; and
5. The population served by the system not including the population served by any consecutive systems that receive water from the system.

(b) Monitoring locations.

(c) Monitoring dates.

(d) Compliance calculation procedures.

(14) Under 40 CFR 141.622(b), all subpart H systems shall submit a copy of their monitoring plan to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department prior to the date the system conducts its initial monitoring under 40 CFR 141, subpart V. All other systems shall make their monitoring plan available for review during sanitary surveys conducted by the Department and shall submit the monitoring plan if requested by the Department.

(15) This subsection replaces 40 CFR 141.622(c).

(a) Systems shall modify their 40 CFR 141, subpart V, monitoring plan to reflect any of the following system changes if the change is expected to impact relative DBP levels in the distribution system:

1. Addition or removal of a water source.
2. Addition or removal of a booster disinfection station.
3. Addition or removal of a finished water storage tank.
4. Addition of a new water service area.
5. Change to the primary or residual disinfectant site or type.

(b) Systems that modify their 40 CFR 141, subpart V, monitoring plan shall do the following:

1. Ensure the modified plan replaces existing compliance monitoring locations that have the lowest LRAA with new locations that reflect the current distribution system locations where TTHM or HAA5 levels are expected to be high.

2. Ensure the modified plan includes an equal number of highest TTHM locations and highest HAA5 locations and includes the total number of monitoring locations specified in the table in 40 CFR 141.621(a)(2).

3. Provide rationale for each new highest TTHM location in the modified plan and ensure the location meets at least one of the following characteristics:

a. Location is near the ends of the distribution system, at or before the last group of customers.

b. Location is in a mixing zone where water from different sources combines within the distribution system.

c. Location is hydraulically downstream of finished water storage facilities, especially those with a common inlet and outlet, and booster disinfection.

d. Location is in a hydraulic dead-end where flow of water is low or stagnant.

4. Provide rationale for each new highest HAA5 location in the modified plan and ensure the location meets at least one of the following characteristics:

a. Location is in areas with low but existing disinfectant residual (generally, disinfectant residual levels should be consistently above 0.2 mg/L for free chlorine or 0.6 mg/L for combined chlorine).

b. Location is near the end of the distribution system, at or before the last group of customers.

c. Location is in a mixing zone where water from different sources combines within the distribution system.

d. Location is downstream of finished water storage facilities and booster disinfection.

e. Location is prior to the last fire hydrant.

5. Ensure sample locations provide geographic and hydraulic representation.

(c) Systems that modify their 40 CFR 141, subpart V, monitoring plan shall submit a copy of the modified plan to the appropriate Department of Environmental Protection District Office or Approved County Health Department prior to monitoring in accordance with the modified plan.

(16) 40 CFR 141.623(d) shall be disregarded. The Department shall return a system from reduced to routine monitoring only if the system is required to return to routine monitoring under 40 CFR 141.623(c).

(17) Under 40 CFR 141.626(b)(2)(i) and (ii), the Department shall approve in writing a system's written request to limit the scope of its operational evaluation if the request identifies the cause of the operational evaluation level exceedance. The report of limited scope need not examine any of the items in 40 CFR 141.626(b)(2) that do not relate to the identified cause of the operational evaluation level exceedance.

(18) This subsection replaces 40 CFR 141.629(a) and discusses reporting requirements for subpart V TTHM and HAA5 monitoring.

(a) Systems and laboratories shall report results, with sampling locations, of required TTHM and HAA5 analyses conducted by certified laboratories, in accordance with subsections 62-550.730(1) and (2), F.A.C. In addition, systems described in paragraphs (b) and (c) below shall report the

summary information described in paragraphs (b) and (c). Systems required to report under paragraphs (b) or (c) below shall report to the appropriate Department of Environmental Protection District Office or Approved County Health Department within ten days after the end of each quarter in which samples were collected.

(b) Subpart H systems serving 500 or more persons and systems using only ground water not under the direct influence of surface water and serving 10,000 or more persons shall report a summary of results of analyses for TTHM and HAA5 in a format including all of the following information:

1. The system name and PWS identification number.

2. A contact person and phone number, and

3. The information listed in 40 CFR 141.629(a)(1) and (2).

(c) Subpart H systems serving less than 500 persons and seeking to qualify for, or remain on, reduced TTHM/HAA5 monitoring shall report a summary of TOC information in a format including all of the following information:

1. The system name and PWS identification number.

2. A contact person and phone number, and

3. The information required by 40 CFR 141.629(a)(2).

(d) For systems that are not subject to paragraph 62-550.822(18)(b), F.A.C., the Department shall perform calculations to determine whether MCLs or operational evaluation levels were exceeded.

(19) Systems shall take all TTHM and HAA5 samples required by 40 CFR 141, subpart V, during normal operating conditions.

(a) Systems shall demonstrate that TTHM and HAA5 samples were taken during normal operating conditions by measuring, and reporting with the results of samples for TTHM and HAA5, the residual disinfectant level at the same points where, and same times when, TTHM and HAA5 samples are taken. These measurements may be performed by any authorized representative of the supplier of water or Department; but measurements for residual chlorine shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection 62-550.550(1), F.A.C. These measurements shall not be used for determining compliance with the MRDL.

(b) Systems using distribution system flushing as a means to reduce water residence time in their distribution system and manage TTHM and HAA5 levels shall, to the extent possible, take TTHM and HAA5 samples during the middle third of the time period between flushing events.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), (3), (7), 403.861(16), (17) FS. History—New

62-550.824 Consumer Confidence Reports.

These rules are intended to implement the Primary and Secondary Drinking Water Regulations that require community water systems to prepare and provide to their customers annual consumer confidence reports (CCRs) on the quality of the water delivered by the systems. In addition to the requirements of this rule, the requirements contained in the July 1, 2009, edition of 40 CFR, Subpart O (sections 151 through 155) and Appendix A to 40 CFR 141, Subpart O following regulations are adopted and incorporated herein by reference and are enforceable under this rule: ~~the July 1, 2002, edition of 40 CFR 141, Subpart O, sections 151 through 155, and Appendix A to 40 CFR 141, Subpart O; revisions to Subpart O on pages 70855 through 70857 of the November 27, 2002, Federal Register; and revisions to Subpart O on pages 73011-74047 of the December 9, 2002, Federal Register.~~ Additional information may be obtained from the USEPA's guidance

manuals *Preparing Your Drinking Water Consumer Confidence Report – Revised Guidance for Water Suppliers*, EPA 816-R-01-003, January 2001, and *Revised State Implementation Guidance for the Consumer Confidence Report (CCR) Rule*, Appendix F, EPA 816-R-01-002, January 2001, which are incorporated herein by reference.

(1) through (3) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853(3), (4), 403.861(9) FS. History–New 9-22-99, Amended 8-1-00, 11-27-01, 4-10-03,_____.

TABLE 3: [insert the effective date of these rule amendments]

~~STAGE 1~~ MAXIMUM CONTAMINANT LEVELS FOR DISINFECTION BYPRODUCTS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL (mg/L)
2950	Total Trihalomethanes (TTHM)	0.080 with compliance determined based on the RAA for the system¹ 0.080 with compliance determined based on the LRAA at each monitoring location ²
2456	Haloacetic Acids (Five) (HAA5)	0.060 with compliance determined based on the RAA for the system¹ 0.060 with compliance determined based on the LRAA at each monitoring location ²
1011	Bromate	0.010
1009	Chlorite	1.0

¹ For further details regarding compliance determinations, see 40 CFR 141.133(b)(1), which is incorporated by reference in Rule 62-550.821, F.A.C.

² For further details regarding compliance determinations, see 40 CFR 141.620(c)(7) and (d), which are incorporated by reference in Rule 62-550.822, F.A.C.

Abbreviations Used: MCL = maximum contaminant level; mg/L = milligrams per liter;-

RAA = running annual average;

LRAA = locational running annual average.

TABLE 7: MONITORING FREQUENCIES AND LOCATIONS:

[insert the effective date of these rule amendments]

CONTAMINANT OR DISINFECTANT RESIDUAL GROUP	APPLICABILITY	INITIAL OR ROUTINE MONITORING		TRIGGER THAT INCREASES MONITORING	INCREASED MONITORING		TRIGGER THAT REDUCES MONITORING	REDUCED MONITORING		MONITORING LOCATION(S)
		GWSS SYSTEMS	SUBPART H SYSTEMS		GWSS SYSTEMS	SUBPART H SYSTEMS		GWSS SYSTEMS	SUBPART H SYSTEMS	
ASBESTOS RULE 62-550.511	CWSs, NTNCWSs	1 SAMPLE EVERY 9 YEARS		SAMPLE > MCL	1 SAMPLE QUARTERLY		SYSTEM NOT SUSCEPTIBLE	NO SAMPLING REQUIRED		NOTE 1
NITRATE & NITRITE RULES 62-550.500(5) & 62-550.512	CWSs, NTNCWSs	1 SAMPLE ANNUALLY	1 SAMPLE QUARTERLY	GWSSs WITH SAMPLE ≥ 50% OF MCL	1 SAMPLE QUARTERLY		SUBPART H SYS. WITH EACH OF 4 MOST RECENT QUARTERLY SAMPLES < 50% OF MCL	---	1 SAMPLE ANNUALLY DURING QUARTER WITH HIGHEST RESULT	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	TWSs	1 SAMPLE ANNUALLY		NITRATE SAMPLE > MCL OR NITRITE SAMPLE ≥ 50% OF MCL	1 SAMPLE QUARTERLY		---	---		
INORGANICS RULES 62-550.500(5) & 62-550.513	CWSs, NTNCWSs	1 SAMPLE EVERY 3 YEARS	1 SAMPLE ANNUALLY	SAMPLE > MCL	1 SAMPLE QUARTERLY		4 FOUR CONSECUTIVE QUARTERS < MCL	SEE ROUTINE MONITORING		EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS

CHLORINE & CHLORAMINES RULES 62-550.514(1) & 62-550.821	CWSs/NTNCWSs ADDING OR DELIVERING WATER THAT HAS BEEN TREATED WITH CHLORINE OR CHLORAMINES	MULTIPLE SAMPLES MONTHLY; SEE NOTE 2		---	---	---	---	---	NOTE 2
CHLORINE DIOXIDE RULES 62-550.514(1) & 62-550.821	CWSs/NTNCWSs/ TWSs ADDING CHLORINE DIOXIDE	1 SAMPLE DAILY		SAMPLE > MCL	ADDITIONAL 3-SAMPLE SET THE FOLLOWING DAY		---	---	NOTE 3
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) - STAGE 1 MCLs STAGE 1 MCLs RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING ≥ 10,000 PERSONS	1 SAMPLE PER TREATMENT PLANT QUARTERLY	4 SAMPLES PER TREATMENT PLANT QUARTERLY	---	---	GWSs WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT QUARTERLY	NOTE 4
	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING 500 to 9,999 PERSONS	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT QUARTERLY	GWSs WITH ANNUAL AVG OF ANNUAL SAMPLES > MCL	1 SAMPLE PER TREATMENT PLANT QUARTERLY	---	GWSs WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL FOR 2 CONSECUTIVE YEARS OR ≤ 25% OF MCL FOR 1 YEAR; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	---
	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING < 500 PERSONS	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	---	AVG. OF ANNUAL SAMPLES > MCL	1 SAMPLE PER TREATMENT PLANT QUARTERLY	---	GWSs WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL FOR 2 CONSECUTIVE YEARS OR ≤ 25% OF MCL FOR 1 YEAR	---	---
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) - STAGE 2 MCLs RULES 62-550.514(2) & 62-550.822	CWSs/NTNCWSs USING A PRIMARY OR RESIDUAL DISINFECTANT OTHER THAN UV LIGHT OR DELIVERING WATER THAT HAS BEEN TREATED WITH A PRIMARY OR RESIDUAL DISINFECTANT OTHER THAN UV LIGHT	POPULATION BASED - REFER TO 40 CFR 141.621(a)(2)		MONITORING ANNUALLY OR LESS FREQUENTLY & TTHM SAMPLE > 0.080 MG/L OR HAA5 SAMPLE > 0.060 MG/L AT ANY LOCATION	DUAL SAMPLE SETS QUARTERLY AT ALL LOCATIONS		GWS WITH LRAA TTHM & HAA5 50% OF MCL AT ALL MONITORING LOCATIONS; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC 4.0 MG/L & LRAA TTHM & HAA5 50% OF MCL AT ALL MONITORING LOCATIONS	POPULATION BASED - REFER TO 40 CFR 141.623(a)	HIGHEST TTHM LOCATIONS & HIGHEST HAA5 LOCATIONS IN ACCORDANCE WITH 40 CFR 141 SUBPART V MONITORING PLAN
CHLORITE - STAGE 1 MCLs RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING CHLORINE DIOXIDE	1 SAMPLE DAILY		SAMPLE > MCL	ADDITIONAL 3-SAMPLE SET THE FOLLOWING DAY		---	---	NOTE 5
		3-SAMPLE SET MONTHLY		---	---	---	NO INDIVIDUAL ENTRY-POINT OR DIST. SYS. SAMPLE > MCL FOR 1 YEAR	3-SAMPLE SET QUARTERLY	---
BROMATE - STAGE 1 MCLs RULES 62-550.514(2)(b) & 62-550.821	CWSs/NTNCWSs ADDING OZONE	1 SAMPLE PER TREATMENT PLANT MONTHLY		---	---	ANNUAL AVG BROMATE 0.0025 MG/L BASED ON MONTHLY MEASUREMENT ≤ ANNUAL AVG SOURCE-WATER BROMIDE < 0.05 MG/L BASED UPON MONTHLY MEASUREMENT	1 SAMPLE PER TREATMENT PLANT QUARTERLY	ENTRANCE TO DIST. SYS. UNDER NORMAL OPERATING CONDITIONS	

VOLATILE ORGANICS RULES 62-550.500(5) & 62-550.515	CWSs, NTNCWSs	4 CONSECUTIVE QUARTERLY SAMPLES EVERY 3 YEARS OR, IF AUTHORIZED, 1 SAMPLE ANNUALLY; SEE NOTE 6	DETECTION OF ANY VOC AT > 0.0005 MG/L	1 SAMPLE QUARTERLY	GWSS WITH NO DETECTION OF ANY VOC DURING 3 YEARS OF ANNUAL SAMPLING	1 SAMPLE EVERY 3 YEARS	---	NOTE 7
SYNTHETIC ORGANICS RULES 62-550.500(5) & 62-550.516	CWSs/NTNCWSs SERVING > 3,300 PERSONS	4 CONSECUTIVE QUARTERLY SAMPLES EVERY 3 YEARS	DETECTION OF ANY SOC	1 SAMPLE QUARTERLY	NO DETECTION OF ANY SOC DURING INITIAL COMPLIANCE PERIOD	2 QUARTERLY SAMPLES IN THE SAME YEAR EVERY 3 YEARS	---	NOTE 7
	CWSs/NTNCWSs SERVING ≤ 3,300 PERSONS					1 SAMPLE EVERY 3 YEARS		
MICROBIOLOGICAL CONTAMINANTS RULE 62-550.518	CWSs, NTNCWSs, TWSs SERVING > 1,000 PERSONS	MULTIPLE SAMPLES MONTHLY; SEE NOTE 8	TOTAL COLIFORM POSITIVE SAMPLE	NOTE 9	---	---	---	SITES REFLECTING WATER THROUGHOUT DIST. SYS. EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	TWSs SERVING ≤ 1,000 PERSONS	2 SAMPLES QUARTERLY						
SECONDARY CONTAMINANTS RULES 62-550.500(5) & 62-550.520	CWSs	1 SAMPLE EVERY 3 YEARS	---	---	---	---	---	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
GROSS ALPHA, RADIUM-226, RADIUM-228, & URANIUM RULE 62-550.519(1)	CWSs	INITIAL MONITORING IS 4 CONSECUTIVE QUARTERLY SAMPLES; ROUTINE MONITORING IS 1 SAMPLE EVERY 3 YEARS; SEE NOTE 10	SAMPLE > MCL OR IF MONITORING ONCE EVERY 6 YEARS, A SAMPLE RESULT > 1/2 MCL OR IF MONITORING ONCE EVERY 9 YEARS, A SAMPLE RESULT DETECTION LIMIT	1 SAMPLE QUARTERLY WHEN PREVIOUS SAMPLE RESULT IS > MCL OR IF SAMPLING EVERY 9 YEARS AND THE SAMPLE IS ≤ MCL BUT > 1/2 MCL, SAMPLE EVERY 6 YEARS; OR IF SAMPLE IS DETECTION LIMIT BUT ≤ 1/2 MCL OR IF SAMPLING EVERY 6 YEARS AND THE SAMPLE IS > 1/2 MCL BUT ≤ MCL, SAMPLE EVERY 3 YEARS	AVERAGE OF INITIAL MONITORING SAMPLES OR LAST REDUCED MONITORING SAMPLE < DETECTION LIMIT	1 SAMPLE EVERY 9 YEARS	---	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
						1 SAMPLE EVERY 6 YEARS		
BETA PARTICLE & PHOTON RADIOACTIVITY RULE 62-550.519(2)	CWSs DESIGNATED AS VULNERABLE	1 SAMPLE QUARTERLY FOR GROSS BETA & 1 SAMPLE ANNUALLY FOR TRITIUM & STRONTIUM-90	SAMPLE > MCL	1 SAMPLE MONTHLY FOR GROSS BETA, TRITIUM, & STRONTIUM-90	ANNUAL AVERAGE OF GROSS BETA MINUS POTASSIUM-40 ≤ 50 pCi/L	1 SAMPLE EVERY 3 YEARS FOR GROSS BETA, TRITIUM, & STRONTIUM-90	---	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	CWSs DESIGNATED AS UTILIZING WATERS CONTAMINATED BY EFFLUENTS FROM NUCLEAR FACILITIES	QUARTERLY FOR GROSS BETA & IODINE-131 & ANNUALLY FOR TRITIUM & STRONTIUM-90; SEE NOTE 11	QUARTERLY RESULT FOR GROSS BETA OR IODINE-131 > MCL; ANNUAL RESULT FOR TRITIUM OR STRONTIUM-90 > MCL	MONTHLY FOR GROSS BETA, IODINE-131, TRITIUM, & STRONTIUM-90	ANNUAL AVERAGE OF GROSS BETA MINUS POTASSIUM-40 ≤ 15 pCi/L	EVERY 3 YEARS FOR GROSS BETA, IODINE-131, TRITIUM, & STRONTIUM-90		

Abbreviations used:

CWSs = community water systems;
 GWSS SYSTEMS = ground water systems;
 HAA5 = haloacetic acids (five);
 MCL = maximum contaminant level;
 MG/L = milligrams per liter;
 NTNCWSs = non-transient non-community water systems;
 pCi/L = picocuries per liter

SOC = synthetic organic contaminant;
 TOC = total organic carbon;
 TTHM = total trihalomethanes;
 TWSs = transient non-community water systems;
 UV = ultraviolet;
 VOC = volatile organic contaminant

NOTE 1: Systems susceptible to asbestos contamination due solely to corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur. Systems susceptible to asbestos contamination due solely to source water shall monitor at every entry point to the distribution system during normal operating conditions. Systems susceptible to asbestos contamination due to both source water

and corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

NOTE 2: Systems shall measure the residual disinfectant level at the same locations in the distribution system where, and at the same time when, total coliforms are sampled.

NOTE 3: Systems shall take routine daily samples at the entrance to the distribution system. Systems shall take additional three-sample sets in the distribution system at the following locations:

(a) If chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfectant addition/disinfection points after the entrance to the distribution system (i.e., no booster chlorination), the system shall take three samples as close to the first customer as possible at intervals of at least six hours.

(b) If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfectant addition points after the entrance to the distribution system (i.e., booster chlorination), the system shall take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible.

NOTE 4: Systems taking one sample shall take the sample at a location reflecting maximum residence time in the distribution system. Systems taking more than one sample shall take at least 25% of the samples at locations representing maximum residence time of the water in the distribution system and shall take the remaining samples at locations representing at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.

NOTE 5: Systems shall take routine daily samples at the entrance to the distribution system. Systems shall take routine monthly or additional three-set samples in the distribution system; each three-set sample shall consist of one sample at each of the following locations: a location as close to the first customer as possible, a location representative of average residence time, and a location reflecting maximum residence time in the distribution system.

NOTE 6: For initial base point monitoring, systems shall take four consecutive quarterly samples during the first three-year compliance period. If a system does not detect any VOC, it shall take one sample annually beginning with the next three-year compliance period.

NOTE 7: During the first quarter of initial base point monitoring, ~~GWSs systems~~ shall take a minimum of one sample that is representative of each well. Under all other circumstances, systems shall sample at every entry point to the distribution system during normal operating conditions.

NOTE 8: The minimum number of samples shall be as set forth in subsection 62-550.518(2), F.A.C.

NOTE 9: Systems shall conduct repeat monitoring in accordance with subsection 62-550.518(7), F.A.C., and systems that routinely collect fewer than five samples per month shall collect at least five samples during the next month the system provides water to the public.

NOTE 10: The Department shall waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the regulatory detection limit. Additionally, under the conditions described in paragraph 62-550.519(1)(c), F.A.C., historical data may be used to satisfy initial monitoring requirements. ~~Systems shall take one sample quarterly if an MCL is exceeded.~~

NOTE 11: Quarterly monitoring for gross beta shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. Annual monitoring for tritium and strontium-90 shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

TABLE 8: INITIAL OR ROUTINE MONITORING SCHEDULE					
REFERENCE SUBSECTION 62-550.500(3): [insert the effective date of these rule amendments]					
Under initial or routine monitoring, public water systems shall take required samples during the time period specified below.					
CONTAMINANT OR RESIDUAL GROUP	DISINFECTANT	COMMUNITY WATER SYSTEMS SERVING MORE THAN 3,300 PEOPLE	COMMUNITY WATER SYSTEMS SERVING 3,300 OR FEWER PEOPLE	NON-TRANSIENT NON-COMMUNITY WATER SYSTEMS	TRANSIENT NON-COMMUNITY WATER SYSTEMS
ASBESTOS RULES 62-550.500(3) & 62-550.511		FIRST YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	SECOND YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	THIRD YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	NOT REQUIRED
NITRATES AND NITRITES RULES 62-550.500(3) & 62-550.512	GROUND WATER SYSTEMS	ANNUALLY			
	SUBPART H SYSTEMS	QUARTERLY			ANNUALLY
INORGANICS RULES 62-550.500(3) & 62-550.513	GROUND WATER SYSTEMS	FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED
	SUBPART H SYSTEMS	ANNUALLY			NOT REQUIRED
CHLORINE & CHLORAMINES RULES 62-550.514(1) & 62-550.821		MONTHLY FOR SYSTEMS ADDING OR DELIVERING WATER TREATED WITH CHLORINE OR CHLORAMINES			NOT REQUIRED
CHLORINE DIOXIDE RULES 62-550.514(1) & 62-550.821		DAILY FOR SYSTEMS ADDING CHLORINE DIOXIDE			
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) - STAGE 1 MCLs, STAGE 1 MCLs RULES 62-550.500(3), 550.514(2), & 62-550.821	GROUND WATER SYSTEMS	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 10,000 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 10,000 PEOPLE	ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 10,000 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 10,000 PEOPLE	NOT REQUIRED
	SUBPART H SYSTEMS	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 500 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 500 PEOPLE		NOT REQUIRED

TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (EVE) - STAGE 2 MCLs RULES 62-550.500(3), 62-550.514(2), & 62-550.822	GROUND WATER SYSTEMS	QUARTERLY FOR SYSTEMS SERVING 10,000 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 10,000 PEOPLE	ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS	QUARTERLY FOR SYSTEMS SERVING 10,000 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 10,000 PEOPLE	NOT REQUIRED
	SUBPART H SYSTEMS	QUARTERLY	QUARTERLY FOR SYSTEMS SERVING 500 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 500 PEOPLE		
CHLORITE - STAGE 1 MCL RULES 62-550.514(2) & 62-550.821		DAILY AT ENTRANCE TO DISTRIBUTION SYSTEM & MONTHLY IN DISTRIBUTION SYSTEM FOR SYSTEMS ADDING CHLORINE DIOXIDE			NOT REQUIRED
BROMATE - STAGE 1 MCL RULES 62-550.514(2) & 62-550.821		MONTHLY FOR SYSTEMS ADDING OZONE			NOT REQUIRED
VOLATILE ORGANICS RULES 62-550.500(3) & 62-550.515		QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED
SYNTHETIC ORGANICS RULES 62-550.500(3) & 62-550.516		QUARTERLY DURING THE FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD— UNLESS REDUCED MONITORING IS AUTHORIZED	QUARTERLY DURING THE SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD— UNLESS REDUCED MONITORING IS AUTHORIZED	QUARTERLY DURING THE THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS AUTHORIZED	NOT REQUIRED
MICROBIOLOGICAL CONTAMINANTS RULES 62-550.500(3) & 62-550.518	GROUND WATER SYSTEMS	MONTHLY			MONTHLY FOR SYSTEMS SERVING > 1,000 PEOPLE & QUARTERLY FOR SYSTEMS SERVING ≤ 1,000 PEOPLE
	SUBPART H SYSTEMS	MONTHLY			
GROSS ALPHA, RADIUM-226, RADIUM-228 & URANIUM RULES 62-550.500(3) & 62-550.519		ROUTINE MONITORING OCCURS DURING FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS APPROVED	ROUTINE MONITORING OCCURS DURING SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS APPROVED	NOT REQUIRED	NOT REQUIRED
BETA PARTICLE & PHOTON RADIOACTIVITY RULES 62-550.500(3) & 62-550.519		QUARTERLY/ANNUALLY FOR SYSTEMS DESIGNATED AS VULNERABLE OR UTILIZING WATERS CONTAMINATED BY EFFLUENTS FROM NUCLEAR FACILITIES		NOT REQUIRED	NOT REQUIRED
SECONDARY CONTAMINANTS RULES 62-550.500(3) & 62-550.520		FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED	NOT REQUIRED

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-560.400
 RULE TITLE: Scope of Drinking Water Public Notification Rules

PURPOSE, EFFECT AND SUMMARY: The Department is adopting the federal Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 D/DBPR), including revisions to Appendix B to Subpart Q of 40 CFR 141, “Standard Health Effects Language for Public Notification,” and including revisions to best available technology for disinfection byproducts. Rule 62-560.400, F.A.C., is being amended to adopt and incorporate the latest version of Appendix B to Subpart Q of 40 CFR 141, “Standard Health Effects Language for Public Notification.” Table 2 in Chapter 62-560, F.A.C., is being amended to incorporate the Stage 2 D/DBPR revisions to best available technology for disinfection byproducts.

RULEMAKING AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.857 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: Virginia Harmon, Drinking Water Section, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399, Virginia.Harmon@dep.state.fl.us. SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE

DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-560.400 Scope of Drinking Water Public Notification Rules.

The following sections set forth the requirements that a supplier of water shall meet when public notification is required. In addition to the requirements described in this part, Appendix B to Subpart Q of 40 CFR 141, “Standard Health Effects Language for Public Notification,” July 1, 2009 ~~2002~~, is adopted and incorporated herein by reference and is available from the Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.857 FS. History—New 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-560.400, Amended 9-7-94, 11-27-01, 1-17-05, _____.

TABLE 2: [insert the effective date of these rule amendments]

BEST AVAILABLE TECHNOLOGY FOR DISINFECTION BYPRODUCTS	
CONTAMINANT	BEST AVAILABLE TECHNOLOGY
Total Trihalomethanes and Haloacetic Acids (five)	<p>For compliance with the Stage 1 MCLs and 40 CFR 141, subpart L, as incorporated into Rule 62-550.821, F.A.C.:</p> <ul style="list-style-type: none"> Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant <p>For compliance with the Stage 2 MCLs and 40 CFR 141, subpart V, as incorporated into Rule 62-550.822, F.A.C., by systems that disinfect their source water:</p> <ul style="list-style-type: none"> Enhanced coagulation or enhanced softening, plus GAC10 Nanofiltration with a molecular weight cutoff less than or equal to 1000 Daltons GAC20 <p>For compliance with the Stage 2 MCLs and 40 CFR 141, subpart V, as incorporated into Rule 62-550.822, F.A.C., by consecutive systems (these technologies apply only to disinfected water that consecutive systems buy or otherwise receive):</p> <ul style="list-style-type: none"> Systems serving 10,000 or more people: Improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance Systems serving less than 10,000 people: Improved distribution system and storage tank management to reduce residence time
Total Trihalomethanes	<p>Enhanced coagulation with chlorine as the primary and residual disinfectant.</p> <p>Enhanced softening with chlorine as the primary and residual disinfectant.</p> <p>GAC 10 with chlorine as the primary and residual disinfectant.</p>
Haloacetic acids (five)	<p>Enhanced coagulation with chlorine as the primary and residual disinfectant.</p> <p>Enhanced softening with chlorine as the primary and residual disinfectant.</p> <p>GAC 10 with chlorine as the primary and residual disinfectant.</p>
Bromate	Control of ozone treatment process to reduce production of bromate.
Chlorite	Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-4.002
 RULE TITLE: Application, Examination and Initial Active Status License Fee for Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify that the examination fee is established by and paid to the testing agency.

SUMMARY: Language concerning the examination fee will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensure by Examination.

(1) The fees for application, examination and initial active status licensure are:

- (a) No change.
- (b) Marriage and Family Therapy – \$100 application fee, ~~\$224 national examination fee~~ and \$105 initial licensure fee. The above-stated fees shall also be applicable to dual licensure applicants.
- (c) No change.

(2) No change.

Rulemaking Specific Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History–New 4-3-89, Amended 4-19-92, Formerly 21CC-4.002, 61F4-4.002, Amended 12-22-94, 7-6-95, 1-7-96, 3-5-96, Formerly 59P-4.002, Amended 1-25-98, 10-18-99, 8-9-00, 10-9-00, 10-15-02, 2-5-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.006
RULE TITLE: Approval of Continuing Education Providers of Hypnosis Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to revise the areas required for hypnosis continuing education.

SUMMARY: The areas required for hypnosis continuing education will be revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.006 Approval of Continuing Education Providers of Hypnosis Training Programs.

(1) No change.

(2) Continuing education hypnosis training provider status shall be approved when all the requirements of Rule 64B4-6.004, F.A.C., have been satisfied and

(a) The continuing education program required by paragraph 64B4-6.004(2)(a), F.A.C., provides education in hypnosis therapy in ~~any or~~ all of the following areas:

1. Concepts and misconceptions of hypnosis,
2. Basic relaxation techniques utilizing hypnosis,
3. Hypnotic induction techniques,
4. Contraindications to hypnosis,
5. Relationship of personality dynamics to hypnosis,
6. Relationship of psychopathology to hypnosis,
7. Relationship of ethical issues to hypnosis, and

(b) No change.

(3) No change.

Rulemaking Specific Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History–New 10-2-94, Amended 1-7-96, Formerly 59P-6.006, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 51, December 24, 2009 issue of the Florida Administrative Weekly.