

(m) Failure to give to person giving collateral a pre-numbered collateral receipt: \$2,000;

(n) Failure to include name and address of agency on collateral receipt: \$2,000;

(o) Failure to include name and address of surety company on collateral receipt: \$2,000;

(p) Failure to attach the affidavit accepting collateral on the Department prescribed form to the bond within 30 days of the release of the defendant: \$500;

(q) Failure to respond to Department's request for information: \$2,000;

(r) Failure to indicate name and address of referring agent on transfer bond: \$500;

(s) Failure to complete statement of surrender: \$500;

(t) Failure to keep copies of bond forfeiture documents in individual files: \$250;

(u) Failure to file notice of change of bail bond agency name, business and/or personal addresses and phone numbers with the Department: \$2,000;

(4) Licensing/Appointments:

(a) Failure to submit to Department temporary bail bond agent certified monthly employment reports: \$500;

(b) Failure to file with the Department the temporary bail bond agent appointment: \$500;

(c) Failure to notify Department about termination of appointment of temporary bail bond agent: \$1,000.

Rulemaking Authority 624.308, 648.26(1)(a) FS. Law Implemented 624.307(1), 624.308, 648.26(1)(a), 648.45, 648.46, 648.49, 648.50, 648.52, 648.525, 648.53 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Wenger, Financial Administrator, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief of Financial Officer, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-5.150	Public Use Forms

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. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated May 11, 2010, Forms DR-156, DR-156R, DR-166, and DR-185 will be changed.

Form DR-156, Florida Fuel Tax Application, has been amended as follows:

Information Page – How much is the ~~filing registration fee/license tax~~?

The ~~filing application~~ fee for a ~~retailer wholesaler~~ of alternative fuel is \$5. There is no fee for a local government user of diesel fuel or mass transit system. The ~~license tax fee~~ for each of the other license categories is \$30.

Page 4 – Bond Information

The license categories shown below usually require a bond. A wholesaler who has no import or export activity that sells only undyed diesel fuel and that is not authorized by the Department to remit fuel tax to its supplier is not required to have a bond. Please complete the information as it applies to your business to determine the bond(s) you must obtain.

Page 4 – Pollutants

Your bond will not exceed \$100,000 ~~and no bond is required if your three month tax liability is less than \$50.~~

Form DR-156R, Renewal Application for Florida Fuel/Pollutant License, has been as follows:

Page 1 – How much is the renewal ~~license tax/registration~~ fee?

The renewal ~~license tax/registration~~ fee for each of the license categories and each terminal location is \$30. A \$30 ~~registration~~ fee is not due for a pollutant license if you are also obtaining a fuel license.

Page 4 – Bond Information

The license categories shown below usually require a bond. A wholesaler who has no import or export activity that sells only undyed diesel fuel and that is not authorized by the Department to remit fuel tax to its supplier is not required to have a bond. An applicant applying for a pollutants tax license for the sole purpose of applying for refunds pursuant to Section 206.9942, F.S., of tax-paid pollutants is not required to post a bond.

Please list the information on the bonds your business currently has secured.

Form DR-166, Florida Pollutant Tax Application, has been amended as follows:

Page 1 – “Are there additional fees?”

Most applicants are required to post a bond. The bond shall equal three times the average monthly pollutants tax paid or due during the past 12 months, not to exceed \$100,000. ~~If the three month tax liability is less than \$50, we do not~~

~~require a bond.~~ New registrants should base their bond on a reasonable estimate. An applicant applying for a pollutants tax license for the sole purpose of applying for refunds pursuant to Section 206.9942, F.S., of tax-paid pollutants is not required to post a bond. . . .

Page 2 – Question 15, Instructions for Completing Form DR-166

Bonding Requirements – . . . ~~We do not require a bond if your three-month tax liability is less than \$50.~~

Page 2 – Category “Filing Tips”

When completing your application, be sure to provide: . . .

✓ A surety bond (see Question 15 on the application and detailed instructions for computing the bond amount). ~~Do not obtain a surety bond if your average monthly tax liability, multiplied by three, is less than \$50.~~ Your surety bond must be signed and accompanied by a Power of Attorney from a Florida resident agent.

Page 4 – The last sentence of category “Question 15”

Your bond will not exceed \$100,000. ~~If your three-month tax liability is less than \$50, a bond is not required.~~

Form DR-185, Application for Fuel Tax Refund Permit, has been amended as follows:

Indicate Type of Permit Requested:

- Municipality (~~see as defined in Section 206.41(4)(d) 206.86(11), Florida Statutes (F.S.)~~)
- Farmer (~~see as defined in Section 206.41(4)(c)2., F.S.~~)
The taxes paid on motor fuel placed in licensed and/or registered vehicles ~~do does~~ not qualify for a refund.
- Mass Transit System (as defined in Section 206.86(12), F.S., ~~see Section 206.41(4)(b), F.S.~~) A contract defining the activity, period, and expiration date must be included with the DR-185.
- School District (~~see as defined in Section 206.41(4)(e) 206.86(11), F.S.~~)
- Commercial Fishing Fishermen (as defined in Section 206.41(4)(c)3., F.S.) The taxes paid on motor fuel used for sport and/or pleasure fishing ~~do does~~ not qualify for a refund.
- County (~~see as defined in Section 206.41(4)(d) 206.86(11), F.S.~~)
- Private Schools (as defined in Section 1002.01(2), F.S., ~~see Section 206.41(4)(e), F.S.~~)
- Commercial Aviation Purposes (as defined in Section 206.41(4)(c)4., F.S.)

Item 5. will be amended to read:

5. The Florida Department of Revenue will may require a corporate surety bond of \$1,000 with an Application For Refund Permit for any person who violates an applicable provision of Section 206.41, F.S., or is convicted of bribery, theft, or false swearing within the preceding five years, or if the department has evidence of the applicant’s financial irresponsibility.

Subsections (3), (4), (11), and (15) of Rule 12B-5.150, F.A.C., have been changed, so that, when adopted, those subsections will read:

(3) DR-156	Florida Fuel Tax Application (R. 05/10 04/05)	_____ 04/07
(4) DR-156R	Renewal Application for Florida Fuel/Pollutant License (R. 05/10 10/05)	_____ 05/06
(11) DR-166	Florida Pollutant Tax Application (R. 05/10 03/09)	_____ 04/09
(15) DR-185	Application for Fuel Tax Refund Permit (R. 05/10 07/07)	_____ 07/07

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.020	Payment Methodology for Inpatient Hospital Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

The Notice of Rulemaking incorrectly listed the name of the agency head who approved the proposed rule as Roberta K. Bradford instead of the Agency Secretary Thomas W. Arnold. Additionally, Sections 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9118, 409.9119, Florida Statutes, were inadvertently removed from the rule as law implemented and have been added back to the rule as law implemented.

The foregoing changes do not affect the substance of the proposed rule.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation

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. 36, September 11, 2009 issue of the Florida Administrative Weekly.

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation.

(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110-252, 110-449, 111-5, 111-92, ~~and 111-118, 111-144, and 111-157,~~ and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.

(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501-8525, that are payable to an individual under Sections 443.1115 or 443.1117, Florida Statutes.

(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual's eligibility for emergency unemployment compensation.

(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. ss. 8501-8525, other than extended unemployment compensation under Section 443.1115, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History--New_____.

60BB-3.0252 Eligibility for Emergency Unemployment Compensation.

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;

(b) Have no rights to unemployment compensation under any other state or federal law;

(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

(a) Has received all regular unemployment compensation available on the qualifying benefit year; or

(b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new benefit year for regular unemployment compensation.

(3) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BB-3.0253, F.A.C.

(4) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(5) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.111, 443.151(6), 443.221(3) FS. History--New_____.

60BB-3.0253 Emergency Unemployment Compensation Individual Accounts.

(1) Establishment of Account. Persons deemed eligible under Rule 60BB-3.0252, F.A.C., will be paid from emergency unemployment compensation accounts established for each individual with respect to that individual's benefit year.

(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.

(a) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.

(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3), (4), (5), and (6) of this rule.

(3) Tier One.

(a) Tier One benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:

1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 20 times the individual's average weekly benefit amount for the benefit year.

(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).

(d) Tier One benefits may be paid only in cases in which an individual's regular unemployment compensation benefits are exhausted by the week ending May 22, 2010 ~~April 3, 2010~~.

(4) Tier Two.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier One benefits by the week ending May 29, 2010 ~~April 3, 2010~~;

2. The individual remains otherwise eligible.

(b) Amount Added to Account. The amount established in an account under this subsection will equal the lesser of:

1. 54 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 14 times the individual's average weekly benefit amount for the benefit year.

(c) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(5) Tier Three.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (4) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Two benefits by the week ending May 29, 2010 ~~April 3, 2010~~;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending May 29, 2010 ~~April 3, 2010~~, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Three benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(6) Tier Four.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (5) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Three benefits by the week ending May 29, 2010 ~~April 3, 2010~~;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending May 29, 2010 ~~April 3, 2010~~, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 6 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 8.5 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 24 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 6 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Four benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(7) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of May 29, 2010 ~~April 3, 2010~~, will continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after November 6, 2010 ~~September 4, 2010~~.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History—New_____.

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

(1) Method of Application. Individuals whose regular unemployment compensation benefits are exhausted, whose benefit year expires between July 6, 2008 and May 29, 2010 ~~April 3, 2010~~, or who are entitled to an augmentation of their emergency unemployment compensation accounts pursuant to Rule 60BB-3.0253, F.A.C., will receive notice regarding their eligibility or ineligibility for emergency unemployment compensation. Individuals who qualify for augmentation under any of the provisions set forth in subsections 60BB-3.0253(4)-(6), F.A.C., will be deemed eligible to receive these benefits without filing an application as long as they comply with the continued claims reporting requirements set forth in Rule 60BB-3.015, F.A.C. All other individuals who wish to receive emergency unemployment compensation must submit an application for benefits to the Agency for Workforce Innovation. An application may be submitted:

(a) Online by clicking on the “Internet Unemployment Compensation Claim Application (Initial Claim)” link to the Online Internet Unemployment Compensation Claim Application (11/07), or by clicking on the “Solicitud de Reclamo de Compensacion por Desempleo en el Internet (Reclamo Inicial)” link to the Online Internet Unemployment Compensation Claim Application (Spanish version) (11/07), which are incorporated by reference in paragraphs 60BB-3.029(1)(yy) and (zz), F.A.C., and which are available at www.fluidnow.com; or

(b) In writing on one of the forms listed in subsection (2) of this rule, which are hereby incorporated by reference into this rule and which are available at www.floridajobs.org/unemployment/uc_emp_claims.html.

(2) Submitting Written Applications.

(a) To submit a written application for emergency unemployment compensation under subsections (2), (3), or (4) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUC (Rev. 10/09), Application for Emergency Unemployment Compensation;

2. Form AWI-UC310EUC (S) (Rev. 10/09), Solicitud de Compensacion de emergencia por desempleo, or

3. Form AWI-UC310EUC (C) (Rev 10/09), Aplikasyon pou Aloksyon Chomaj sou Ka Dijan.

(b) To submit a written application for emergency unemployment compensation under subsections (5) or (6) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUCIII (12-09), Application for Tier III;

2. Form AWI UC310EUCIII (Sp) (12-09), Agencia para la innovacion en la fuerza de trabajo de Florida Compensacion de emergencia por desempleo; or

3. Form AWI-UCB310EUCIII (Cr) (12-09), Ajans pou Inovasyon Fos Travay “Agency for Workforce Innovation” Konpansasyon Chomaj Dijans.

(c) The applications described in paragraph (2)(b) of this rule will be mailed to:

1. All out of state claimants whose application for extended benefits was denied because the law of their state of residence did not permit payment of extended benefits; and

2. All claimants who did not qualify for extended benefits because their Tier Two benefits expired before February 27, 2009.

(d) All applications mailed pursuant to paragraph (2)(c) of this rule will be accompanied by Form AWI UC310EUCIII LTR(N) (Rev. 4/10 ~~12/09~~), Emergency Unemployment Compensation Instruction Sheet or a Form AWI UC310EUCIII LTR(S) (Rev. 4/10 ~~12/09~~), Emergency Unemployment Compensation Instruction Sheet, which are hereby incorporated by reference into this rule.

(3) Submitting Written Applications. The claimant must submit his or her application by mailing the completed form to the address set forth on the form and/or accompanying instructions, or by faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(4) Notice of Determination.

(a) Notice of ineligibility for cases in which the claimant does not meet the eligibility requirements of Rule 60BB-3.0252, F.A.C., will be mailed to the claimant on a Form AWI-UCB11-I EUC (10/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(b) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsections (2) or (3) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (11/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(c) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under paragraph (4)(b) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant:

1. On a Form AWI-UCB11 EUC-2 (4/10 ~~12/22/09~~) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant exhausts his Tier One benefits; or

2. On a Form AWI-UCB11 EUC-2R (12/09), Emergency Unemployment Compensation Tier II Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant:

a. Claimed weeks on a Florida claim for extended benefits in a state in which extended benefits are not payable;

b. Received extended benefit payments for any week ending on or after November 14, 2009; or

c. Was determined to be entitled to an additional week of Tier Two benefits under the augmentation authorized by Public Law 111-92 for any week ending on or after November 14, 2009.

(d) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsection (5) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC3 (4/10 ~~12/22/09~~) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(e) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsection (6) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC4 (4/10 ~~12/09~~), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151, 443.221(3) FS. History–New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0261	Definitions Relating to Extended Benefits
60BB-3.0262	How to Apply for Extended Benefits
60BB-3.0263	Diligent Work Search Requirements

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. 42, October 23, 2009 issue of the Florida Administrative Weekly.

60BB-3.0261 Definitions Relating to Extended Benefits. For the purposes of extended benefits payable under Section 443.1117, Florida Statutes, and Rules 60BB-3.0261 through 60BB-3.0263, F.A.C., the following definitions apply:

(1) Good job prospects: An individual has good job prospects if he or she has a definite return to work date within 4 weeks of the eligibility notices referred to in subsection 60BB-3.0263(2), F.A.C.

(2) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. 8501-8525, other than emergency unemployment compensation, trade readjustment allowance, disaster unemployment assistance, and extended unemployment compensation under Sections 443.1115 and 443.1117, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.1115, 443.1117 FS. History–New _____.

60BB-3.0262 How to Apply for Extended Benefits.

(1) Initiating a Claim for Extended Benefits. The Agency will mail a Form AWI-UC310EB (05-10 ~~10-09~~), Application for Extended Benefits (EB), which is hereby incorporated by reference into this rule, to all individuals who exhaust their available emergency unemployment compensation. This form will advise the recipient that the application for extended benefits may be filed using the form or by applying online at <http://www.floridajobs.org>. The online application report (AWI UCB-310EB-ONL (Rev. 2/10) Extended Benefit Online Application) is hereby incorporated by reference into this rule. When the individual is eligible for retroactive payment of extended benefits, the Agency will mail the claimant a Form AWI-UC310EBR (Rev 05/10) Information and Initial Claims Form for Retroactive Claims, which is hereby incorporated by reference into this rule. The Form AWI-UC310EB or Form AWI-UC310EBR may be submitted by:

(a) Mailing the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5350, Tallahassee, Florida 32314-5350.

(b) Faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(2) Notice of Determination.

(a) Notice of the Agency’s determination of an individual’s eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11 EB (05/10 ~~11/09~~), Monetary Determination/Redetermination for Extended Benefits, which is hereby incorporated by reference into this rule, when the Agency:

1. Determines that the individual is eligible for extended benefits; or

2. Determines that the individual is ineligible for extended benefits because:

a. The individual has available credits remaining on a claim for regular benefits or emergency unemployment compensation; or

b. The individual’s claim for extended benefits was previously made in relation to the wrong regular unemployment claim.

(b) Notice of the Agency’s determination of an individual’s eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11-I EB (05/10 40/09), Extended Benefits Determination of Eligibility, which is hereby incorporated by reference into this rule, when the individual:

1. Has not exhausted his or her regular benefits or emergency unemployment compensation;
2. Did not exhaust his or her regular benefits or emergency unemployment compensation during his or her eligibility period;
3. Has rights to regular or extended benefits available or is potentially eligible for such benefits under the law of any state (which shall include Puerto Rico, the U.S. Virgin Islands, or the District of Columbia); or
4. Is receiving compensation under the unemployment compensation law of Canada.

(c) Any notice mailed pursuant to this rule will be accompanied by an EB BRI (10/09), Extended Benefits Benefit Rights Information, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History–New_____.

60BB-3.0263 Diligent Work Search Requirements.

(1) Claim Certification. Every two weeks, an individual determined to be eligible for extended benefits must report his or her work search activities. The individual may satisfy this requirement by reporting online at <http://www.floridajobs.org/unemployment/EB/index.html>, and clicking on the “Claim Your Weeks” icon. The individual may also file his or her report on, or by filing an Form AWI UCB-60EB (05/10 440), Unemployment Compensation Benefit Weekly Claim Certification, or a Form AWI-UCB-60EBR (05/10) Information and Initial Claims Form for Retroactive Claims, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C. ~~The Both the~~ online work search report (AWI UCB-60EB-ONL (Rev. 52/10) Weekly Benefit Claim Certifications), the Form AWI UCB-60EB and the Form AWI UCB-60EBR are hereby incorporated by reference into this rule.

(2) Work Search Requirements. Except as provided in subsection (3) of this rule, any eligible individual must conduct at least two work search activities on separate days per week.

(3) Good Job Prospects. Individuals who have been determined to have good job prospects, as defined in subsection 60BB-3.0261(1), F.A.C.:

- (a) Are not required to seek other employment, except as provided by subsection (4) of this rule.

(b) Must list, in the Work Search Record portion of the report required in subsection (1) of this rule, the name and address of the employer to which the individual expects to report to work, and the date such work is expected to begin.

(4) Additional Reporting Requirement for Individuals with Good Job Prospects. If, after four weeks of extended benefits, an individual determined to have good job prospects remains unemployed, the Agency will mail him or her an AWI Form UCB231EB (Rev. 12/09), Unemployment Compensation Extended Benefits (EB) Eligibility Review Questionnaire, which is hereby incorporated by reference into this rule. The individual shall fill out and return this form within ten days of the mailing date, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C.

(5) Failure to Comply. Failure to comply with the requirements of this rule will result in the individual’s disqualification from receiving extended benefits until:

- (a) Four weeks have passed since the noncompliance; and
- (b) The individual has earned wages that equal four times his or her weekly benefit amount.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History–New_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.210
 RULE TITLE: Reenrollment for Good Cause and Extreme Hardship in the Voluntary Prekindergarten Education Program

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. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

Paragraph (5) of the proposed rule has been amended. See full text of the proposed rule, as revised by the proposed Notice of Change is:

60BB-8.210 Reenrollment for Good Cause and Extreme Hardship and Delayed Enrollment in the Voluntary Prekindergarten Education Program.

- (1) Definitions. As used in this rule:
 - (a) “Delayed enrollment” means recording the initial enrollment of a student in a Voluntary Prekindergarten Education Program (VPK) class after VPK instruction has begun.
 - (b) “Reenrollment” means the enrollment of a student in a new VPK program type (school-year or summer) or with a new VPK provider following the student’s removal or withdrawal from enrollment with a VPK provider after the student has attended a portion of VPK instruction.

(c) “Substantial completion” means a student has been enrolled in a VPK provider’s class for more than 70 percent of the instructional hours for the program type (school-year or summer).

(2) Reenrollment for good cause. A student may be reenrolled for good cause in the same program type (school-year or summer) in which the student was previously enrolled if all the following applies:

(a) The student has not substantially completed the VPK program;

(b) The student has not previously reenrolled for good cause or due to an extreme hardship; and

(c) The student’s parent or guardian completes the Delayed Enrollment and Reenrollment Application (Form AWI-VPK 05), dated April 9, 2010, which is hereby incorporated by reference, and submits it to the early learning coalition as documentation that the student was or is prevented from attending the VPK class. The following are examples of situations which prevent the student from attending the VPK class:

1. The illness of:

a. The student;

b. An individual living in the student’s household;

c. An individual which the student’s parent or guardian is responsible for caring for; or

d. The student’s parent, guardian, sibling, grandparent, step-parent, step-sibling, or step-grandparent.

2. A disagreement between the parent or guardian and the VPK provider or school concerning policies, practices, or procedures at the provider’s or school’s VPK program;

3. A change in the student’s residence;

4. A change in the employment schedule or place of employment of the student’s parent or guardian;

5. The VPK provider’s inability to meet the student’s health or educational needs;

6. The termination of the student’s VPK class before 70 percent of the class instructional hours is delivered;

7. The student is dismissed by a VPK provider for failure to comply with the provider’s attendance policy;

8. The provider’s designation as a low performing provider under Section 1002.67, F.S.;

9. Any condition described as an extreme hardship in (3)(c) below.

(3) Reenrollment for extreme hardship. A student may be reenrolled and reported for funding purposes as one full-time equivalent student, as defined by Section 1002.71(2), F.S., in the summer VPK program, if all the following applies:

(a) The student has not substantially completed the VPK program;

(b) The student has not previously reenrolled due to an extreme hardship or for good cause; and

(c) The student’s parent or guardian completes and submits to the early learning coalition the Delayed Enrollment and Reenrollment Application, and, where documentation is not supplied by the coalition or provider, supporting written documentation of one or more of the following:

1. The illness of the student, as documented in writing by a physician licensed under Chapter 458 or 459, F.S., if the illness would result in the student being absent from more than 30 percent of the number of hours in the program type in which the student is enrolled;

2. The provider’s misconduct or noncompliance which results in the provider’s inability to offer the VPK program, as documented by the early learning coalition;

3. The parent’s or guardian’s inability to meet the basic needs of the student, including, but not limited to, a lack of food, shelter, clothing, or transportation, as documented in writing by a federal, state, or local governmental official;

4. The provider’s inability to meet the student’s educational needs due to the student’s learning or developmental disability as documented by a federal, state, or local governmental official;

5. The provider’s inability to meet the student’s health needs as documented by a physician licensed under Chapter 458 or 459, F.S., or a federal, state, or local governmental official; or

6. Displacement of a student from his or her place of residence or closure of the student’s VPK provider as a result of a state of emergency as declared by a federal, state, or local governmental official.

(4) Additional restrictions on reenrollment.

(a) A VPK student may not be reenrolled except as described in this rule.

(b) This rule shall not be construed to allow a student to be enrolled simultaneously in multiple VPK classes.

(c) If the student is reenrolled with a coalition other than the coalition of the previous enrollment, the parent or guardian shall comply with the enrollment requirement of 60BB-8.201, F.A.C., in addition to the requirements of this rule.

(d) Each early learning coalition shall comply with the eligibility determination and enrollment procedures described in Rule 60BB-8.202, F.A.C., when reenrolling a student, except that the coalition is not required to repeat the face-to-face parent orientation session.

(5) Delayed enrollment.

(a) A VPK student may enroll in a VPK class after instruction has begun. To enroll a student in a VPK class after instruction has begun, the student’s parent or guardian shall complete the Delayed Enrollment and Reenrollment Application, and submit it to the early learning coalition. Alternatively, an early learning coalition may require a parent to complete a Child Eligibility and Enrollment Certificate

(Form AWI-VPK 02) as incorporated by reference in paragraph 60BB-8.202(1)(c), F.A.C., which has been modified to include the following provisions:

1. A verbatim reproduction of the Informed Parental Consent section of the Delayed Enrollment and Reenrollment Application;

2. A description of the number of provider’s total remaining VPK instructional hours;

3. Provider class identification number; and

4. A checkbox to be completed by the parent indicating whether the parent has previously participated in a VPK parent orientation session.

(b) The coalition shall ensure that the parent has signed either the Delayed Enrollment and Reenrollment Application or a modified Child Eligibility and Enrollment Certificate before enrolling a student in the VPK program.

(c) Each early learning coalition shall comply with the eligibility determination and enrollment procedures described in Rule 60BB-8.202, F.A.C., when enrolling a student in a VPK class in which instruction has already begun except that the coalition shall not be required to conduct the face-to-face parent orientation session for a parent who indicates on the Delayed Enrollment and Reenrollment Application or the Child Eligibility and Enrollment Certificate that he or she has previously attended an orientation session.

Rulemaking Authority 1002.71(4), 1002.75(2)(a), 1002.75(2)(i), 1002.79(2) FS. Law Implemented 1002.71(4), 1002.75(2)(a), 1002.75(2)(i) FS. History—New_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-640.100	Scope, Intent, Purpose, and Applicability
62-640.200	Definitions
62-640.210	General Technical Guidance and Forms
62-640.300	Permit Requirements
62-640.400	Prohibitions
62-640.500	Nutrient Management Plan (NMP)
62-640.650	Monitoring, Record Keeping, Reporting, and Notification
62-640.700	Requirements for Land Application of Class AA, A, and B Biosolids
62-640.850	Distribution and Marketing of Class AA Biosolids

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. 44, November 6, 2009 issue of the Florida Administrative Weekly.

The Department also provides notice that a revised Statement of Estimated Regulatory Cost (SERC) is available. On November 27, 2009, Shelley’s Septic Tanks, Inc., (Shelley’s) submitted a lower cost regulatory alternative requesting that land application sites enrolled in a Florida Dept. of Agriculture and Consumer Services Best Management Practice (BMP) program be exempt from the requirement to prepare a nutrient management plan (NMP). Pursuant to Section 120.541(1)(b), F.S., the Department revised its prior SERC to state that the Department is rejecting the alternative in favor of the proposed rule because the voluntary nature of the BMP programs would restrict the Department’s ability to approve and enforce the nutrient provisions of BMP requirements. However, after discussions with Shelly’s, the Department did make a change that would allow enrollees in a BMP program to potentially submit a NMP required by that program to the Department to satisfy the NMP requirements. This change is reflected in subsection 62-640.500(1), F.A.C., below. If you would like a copy of the revised SERC contact: Maurice Barker, FDEP, 2600 Blair Stone Rd., MS#3540, Tallahassee, FL 32399, (850)245-8614, maurice.barker@dep.state.fl.us.

62-640.100 Scope, Intent, Purpose, and Applicability.

(1) through (4) No change.

(5) Applicability.

(a) through (f) No change.

(g) Unless specifically provided otherwise in this chapter, existing facilities in Florida shall comply with the requirements of this chapter at the time of renewal of the wastewater permit. To facilitate the transition to land application site permits, for those wastewater facility permits renewed between (effective date of the rule) and January 1, 2013, the Department shall include compliance schedules to achieve compliance with the land application site permitting requirements included in Rules 62-640.300, 62-640.500, 62-640.650, 62-640.700, F.A.C., by no later than January 1, 2013. Any such renewed permits shall contain conditions for the land application of biosolids based on the provisions of Chapter 62-640, F.A.C., as amended on 3-30-98, hereby adopted and incorporated by reference, during the period of the compliance schedule. A copy of Chapter 62-640, F.A.C., as amended on 3-30-98, is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department’s District Offices. Existing facilities may choose to comply with the requirements of this chapter prior to the time specified in this rule by obtaining a permit revision under Chapter 62-620, F.A.C.

(h) through (j) No change.

(k) Requirements in this Chapter do not apply to the treatment, management, or disposal of industrial sludges, septage, or residuals resulting from industrial wastewater treatment except as provided for in paragraphs 62-640.100(6)(f) and 62-640.880(2)(c), F.A.C.

(6) No change.

62-640.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below may be taken from definitions in other rules of the Department.

(1) through (25) No change.

(26) "Industrial sludges" means all sludges that are primarily composed of materials generated through an industrial process or from an industrial wastewater activity ~~or facility.~~

(27) No change.

(28) "Liquid biosolids" means any biosolids that are less than 12% solids by weight, or that are determined to contain free liquids as defined by Method 9095B (Paint Filter Liquids Test), November 2004, as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846), January 3, 2008, 73 FR 486, which is hereby adopted and incorporated by reference and is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

(29) through (34) No change.

(35) "pH of biosolids-soil mixture" means the pH value obtained by taking a core sample of soil to at least the depth of six inches or to the depth of biosolids placement if deeper than six inches.

(36) through (39) No change.

(40) "Restricted public access" means that access to a land application site by the general public is both controlled and infrequent. Restricted public access application sites are accessible to persons authorized by the site owner, site manager, or facility permittee, such as farm personnel, wastewater facility operators, and biosolids or septage haulers provided the authorized persons are informed by the site owner, site manager, or facility permittee regarding the nature of the application site. For informational purposes, the NIOSH manual *Guidance for Controlling Potential Risks to Works Exposed to Class B Biosolids*, paragraph 62-640.210(1)(j) 62-640.210(1)(i), F.A.C., provides guidance regarding potential risks.

(41) through (51) No change.

62-640.210 General Technical Guidance and Forms.

(1) Unless specifically referenced elsewhere in this chapter, the following publications are listed for informational purposes as technical guidance to assist facilities, applicators, distributors and marketers, site managers, and site owners in

meeting the requirements of this chapter. Publications or portions of publications containing enforceable criteria are specifically referenced elsewhere in this chapter. Information in the publications listed below does not supersede the specific requirements of this chapter. Members of the public may request and obtain copies of the publications listed below by contacting the appropriate publisher at the address indicated. Copies of the publications are on file ~~with the Florida Secretary of State and the Joint Administrative Procedures Committee of the Florida Legislature.~~ Copies are also on file and available for review during normal business hours ~~at in~~ the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 ~~Department's Tallahassee offices and in the Department's district and branch offices.~~

(a) through (o) No change.

(p) Mylavarapu, R.S. and E.D. Kennelley, 2009 2002, "Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training Manual", UF/IFAS Circular 1248, <http://edis.ifas.ufl.edu/SS312>.

(2) Forms. The forms and instructions used by the Department are listed in this rule. The rule numbers are the same as the form numbers. Copies of these forms and instructions may be obtained by writing to the Bureau of Wastewater Facilities, Mail Station 3535, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, these forms are available at the Department's District Offices and from the web site for the Department's Division of Water Resource Management at www.dep.state.fl.us/water. The monitoring information reported on the forms listed below ~~in paragraphs (b) and (c)~~ may be submitted in another format, such as electronic, if requested by the permittee and if approved by the Department as being compatible with data entry into the Department's computer system. The Department adopts and incorporates by reference in this section the following forms and instructions:

(a) No change.

(b) Treatment Facility Biosolids Annual Summary, Form 62-640.210(2)(b), effective _____.

(c) through (e) No change.

62-640.300 General Requirements.

(1) No change.

(2) Treatment Facility Permit for Facilities that Land Apply Biosolids.

(a) No change.

(b) The Treatment Facility Biosolids Plan, Form 62-640.210(2)(a), effective _____, hereby adopted and incorporated by reference, shall be submitted with the permit application to identify sites where the facility's biosolids are permitted to be land applied. This form is available from the Department of Environmental Protection, Domestic

Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

(c) No change.

(3) Biosolids Application Site Permit.

(a) through (b) No change.

(c) Applicants for a permitted biosolids application site shall submit the Biosolids Site Permit Application, Form 62-640.210(2)(d), effective _____, hereby adopted and incorporated by reference, the applicable fee, and supporting documentation to the appropriate District Office of the Department or delegated local program responsible for the geographic area in which the application site is located. This form is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

1. through 2. No change.

(d) The following shall require a minor permit modification through the procedures provided in subsection 62-620.325(2), F.A.C.:

1. through 2. No change.

(e) No change.

(4) No change.

62-640.400 Prohibitions.

(1) No change.

(2) Land application of biosolids shall not result in a violation of Florida surface water quality standards pursuant to Ch. 62-302, F.A.C., or ground water standards pursuant to Ch. 62-520, F.A.C.

(3) through (10) No change.

(11) The land application of biosolids will not be authorized in the Lake Okeechobee watershed as defined in Section 373.4595(2)(j), F.S., unless the applicant for a site permit affirmatively demonstrates that the phosphorus in the biosolids will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This demonstration shall be submitted with the NMP for the site. No biosolids shall be applied to a site in the Lake Okeechobee watershed after December 31, 2012, unless the demonstration has been made. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with Rule 62-640.850, F.A.C.

(12) The land application of biosolids will not be authorized in the Caloosahatchee River and St. Lucie River watersheds as defined in Section 373.4595(2)(b) and (p), F.S., unless the applicant for a site permit affirmatively

demonstrates that the nitrogen and phosphorus in the biosolids will not add to nitrogen and phosphorus loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the St. Lucie River or Caloosahatchee River watersheds, as applicable, through products generated on the permitted application site. This demonstration shall be submitted with the NMP for the site. No biosolids shall be applied to a site in the Caloosahatchee River or St. Lucie River watersheds after December 31, 2012, unless the demonstration has been made. This prohibition does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with Rule 62-640.850, F.A.C.

(13) No person shall have more than one dry ton of unapplied Class AA biosolids or biosolids products distributed and marketed under Rule 62-640.850, F.A.C., on their property for more than seven days unless stored to prevent runoff of biosolids or stormwater that has been in contact with biosolids, violation of the odor prohibition in subsection 62-296.320(2), F.A.C., and vector attraction.

62-640.500 Nutrient Management Plan (NMP).

(1) A site-specific NMP shall be submitted to the Department with the permit application for an agricultural site. For sites enrolled and participating in a Florida Department of Agriculture and Consumer Services (FDACS) Best Management Practices (BMP) program, a conservation plan or NMP prepared for the purposes of the BMP can be submitted as the site-specific NMP if the plan meets the NMP requirements given in subsections (4) through (8) below.

(2) ~~The NMP shall be developed, or revised as necessary, in accordance with nutrient management standards and guidelines such as those from the Natural Resources Conservation Service (NRCS), the University of Florida Institute of Food and Agricultural Sciences (IFAS), or the Florida Department of Agriculture and Consumer Services (FDOACS). NMPs prepared in accordance with the USDA-NRCS-Florida Field Office Technical Guide – Nutrient Management, Code 590, September 2007, listed in paragraph 62-640.210(1)(m), F.A.C., is available to provide technical guidance in the preparation of NMPs from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices hereby adopted and incorporated by reference, be acceptable to the Department.~~

(3) The NMP shall be prepared and signed by a person certified by the NRCS for nutrient management planning or prepared, signed and sealed by a professional engineer licensed in the State of Florida ~~with expertise in the area of nutrient management planning.~~

(4) through (7) No change.

(8) The NMP for a proposed site located within the Lake Okeechobee, St. Lucie River, or Caloosahatchee River watersheds, shall also include the demonstration required by subsections 62-640.400(11) and (12), F.A.C., as applicable. Any permit issued based on such a demonstration shall require monitoring and record keeping to ensure that the demonstration continues to be valid for the duration of the permit. Documentation of compliance with the demonstration shall be submitted as part of the site annual summary submitted under paragraph 62-640.650(5)(d), F.A.C. For application sites subject to Section 373.4595, F.S., the NMP shall include the demonstration required by Section 373.4595(3)(e)6.a., Section 373.4595(4)(a)2.e., or Section 373.4595(4)(b)2.e., F.S., as applicable.

62-640.650 Monitoring, Record Keeping, Reporting, and Notification.

(1) The minimum requirements in this chapter for monitoring, record keeping, or reporting by a permittee ~~may~~ shall be increased or reduced by the Department considering any of the following depending upon site-specific requirements; ~~including~~ the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.

(2) No change.

(3) Monitoring Requirements.

(a) Biosolids Monitoring.

1. Biosolids sampling and analysis to monitor for the pathogen and vector attraction reduction requirements of Rule 62-640.600, F.A.C., and the parameters in subparagraph 62-640.650(3)(a)3., F.A.C., shall be conducted by the treatment facility in accordance with 40 CFR 503.8, and the *POTW Sludge Sampling and Analysis Guidance Document, August 1989*, which the Department adopts and incorporates by reference. This document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. In cases where disagreements exist between 40 CFR 503.8 and the *POTW Sludge Sampling and Analysis Guidance Document*, the requirements in 40 CFR 503.8 will apply.

2. through 7. No change.

(b) Soil Monitoring.

1. The site permittee shall ensure soil fertility testing is conducted in accordance with the NMP. Soil testing shall follow the procedures in the IFAS publications "Soil Testing", UF/IFAS Circular 239, September 2003, identified in paragraph 62-640.210(1)(o), F.A.C., and "Extension Soil Testing Laboratory (ESTL) Analytical Procedure and Training

Manual", UF/IFAS Circular 1248, February 2009, identified in paragraph 62-640.210(1)(p), F.A.C., which are hereby incorporated by reference. These documents are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. Results of soil fertility tests shall be included in the application site records.

2. No change.

(c) through (d) No change.

(4) Record Keeping Requirements.

(a) through (i) No change.

(j) Logs and records detailing biosolids applications to each application zone at an application site shall be maintained by the site permittee indefinitely and shall be available for inspection within seven days of request by the Department or the Delegated Local Program. At a minimum, the logs and records for the most recent six months of application shall be available for inspection at the land application site (i.e. maintained onsite). The logs and records shall include:

1. through 2. No change.

3. For each application zone, maintain Biosolids Application Site Log, Form 62-640.210(2)(e), F.A.C. effective hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices;

4. through 5. No change.

6. Any records necessary for demonstrating compliance with the demonstration submitted with the NMP for sites located within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds in accordance with subsection 62-640.500(8), F.A.C.

(5) Reporting Requirements.

(a) through (b) No change.

(c) Treatment Facility Biosolids Annual Summary. Permittees of wastewater treatment facilities or biosolids treatment facilities permitted for land application shall submit a summary of the shipment records required by paragraph 62-640.650(4)(d) and subsection 62-640.880(4), F.A.C., as applicable, to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary must be submitted on Department Form 62-640.210(2)(b), effective _____, hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. The summary shall include all biosolids shipped during the period January 1 through December 31. The summary for each year shall be submitted to the Department by February 19 of the following year.

(d) Biosolids Application Site Annual Summary. The site permittee shall submit a summary of land application activity to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary shall be submitted on Department Form 62-640.210(2)(c), effective _____, hereby adopted and incorporated by reference, and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. The summary for each year, covering the period from January 1 through December 31, shall be submitted to the Department by February 19 of the following year. The summary shall include all of the following, as applicable:

1. through 5. No change.

6. Copies of records kept in accordance with subparagraph 62-640.650(4)(j)6., F.A.C., demonstrating compliance with the demonstration submitted with the NMP for sites located within the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds in accordance with subsection 62-640.500(8), F.A.C.

(e) No change.

(6) No change.

62-640.700 Requirements for Land Application of Class AA, A, and B Biosolids.

(1) through (5) No change.

(6) General Application Site Requirements.

(a) No change.

(b) Beginning within one year of (the effective date of the rule), Class A and Class B biosolids treated by alkaline addition shall be applied by the best management practice of incorporation or injection unless the application area is located at a distance greater than one-quarter mile from the application site property line. This distance may be decreased to the setback distance provided by subparagraph 62-640.700(8)(b)2., F.A.C., if the affected adjacent property owner provides written consent.

(c) through (f) No change.

(7) No change.

(8) Setback Distances.

(a) The following setback distances shall apply to land application sites that accept either Class A or Class B biosolids ~~the biosolids are injected or incorporated into the soil.~~

1. The biosolids land application zone shall not be located closer than 1000 feet to any Class I water body, Outstanding Florida Water or Outstanding National Resource Water, or 200 feet from any other surface water of the state as defined in Section 403.031, F.S. This setback does not apply to waters owned entirely by one person other than the state, nor to canals or bodies of water used for irrigation or drainage, which are located completely within the application site and will not discharge from the application site. The setback area shall be

vegetated. The 200 foot setback distance from surface waters may be reduced to 100 feet if the biosolids are injected or incorporated into the soil.

2.~~(b)~~ The biosolids ~~residuals~~ land application zone shall not be located closer than 300 feet from any private drinking ~~potable~~ water supply well or 500 feet from any public drinking ~~potable~~ water supply well.

3. No change.

4. Biosolids shall not be stored or stockpiled at a land application site within 1320 feet of a building occupied by the general public. This distance may be decreased to the setback distance provided by subparagraph 62-640.700(8)(b)1., F.A.C., if the owner of the building provides written consent.

(b) No change.

(9) through (10) No change.

(11) Runoff Prevention Requirements.

(a) through (b) No change.

(c) Biosolids shall not be land applied on soils having a flooding frequency class of "frequent" or "very frequent", or on soils having a flooding duration class of "long" or "very long", as given in soil surveys and as defined by the NRCS in Section 618.27 of the National Soil Survey Handbook, as of October 2009, hereby adopted and incorporated by reference and available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices ~~that are frequently flooded (i.e. the soil has a flooding frequency class of "frequent" as defined by NRCS in Section 618.27 of the National Soil Survey Handbook, hereby adopted and incorporated by reference, and given in soil surveys).~~ A flooding frequency class of "frequent" or "frequently flooded" means flooding is likely to occur often under usual weather conditions; more than a 50 percent chance of flooding in any year or more than 50 times in 100 years, but less than a 50 percent chance of flooding in all months in any year.

(12) No change.

62-640.850 Distribution and Marketing of Class AA Biosolids.

The distribution and marketing of biosolids or biosolids products shall meet the requirements of this section and this chapter, but are not required to meet subsections 62-640.300(2) and (3); Rule 62-640.500; paragraphs 62-640.650(3)(b) through (d); paragraphs 62-640.650(4)(c) through (j); paragraphs 62-640.650(5)(c) through (e); paragraphs 62-640.650(6)(a), (b), (f), and (g); subsections 62-640.700(1) through (4); subsections 62-640.700(6) through (12); and Rule 62-640.800, F.A.C.

(1) No change.

(2) Distributed and marketed biosolids or biosolids products shall be distributed and marketed as a fertilizer in accordance with Chapter 576, F.S., (2009), and Chapter 5E-1,

F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, or distributed and marketed to a person or entity that will sell or give-away the biosolids or biosolids products as a fertilizer or as a component of a fertilizer subject to Chapter 576, F.S., and Chapter 5E-1, F.A.C. Copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices. For the purposes of this chapter, biosolids composts that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds, as defined in Section 373.4595, F.S., do not have to be distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance (STA) program in effect on 5-20-2010, hereby adopted and incorporated by reference. A copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

(3) Any treatment facility which produces biosolids in Florida that will be distributed and marketed or any person who delivers biosolids to Florida to be distributed and marketed shall submit the information listed in paragraph 62-640.850(3)(b), F.A.C., to the Department.

(a) No change.

(b) The information shall include:

1. The Florida fertilizer license number assigned in accordance with Florida's Commercial Fertilizer Law, Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, under which the biosolids or biosolids products will be distributed and marketed (copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices) or documentation showing proof of certification for biosolids composts enrolled in the USCC STA program in effect on 5-20-2010, hereby adopted and incorporated by reference (a copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices);

2. through 4. No change.

5. The label or information sheet to be provided at the time of distribution and marketing of the biosolids in accordance with subsection 62-640.850(5), F.A.C., Chapter 576, F.S., (2009), and Chapter 5E-1, F.A.C., 1-18-2010, both hereby adopted and incorporated by reference, as applicable (copies of Chapter 576, F.S., and Chapter 5E-1, F.A.C., are available

from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices) or equivalent information for biosolid composts certified and enrolled in the USCC STA program in effect on 5-20-2010, hereby adopted and incorporated by reference (a copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices);

6. through 7. No change.

(4) No change.

(5) In addition to any fertilizer labeling requirements of Chapter 576, F.S., and Chapter 5E-1, F.A.C., or the equivalent information for biosolids composts certified and enrolled in the USCC STA program in effect on 5-20-2010, hereby adopted and incorporated by reference (a copy of the USCC STA program document is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices), the following information must be made available to the users by the manufacturer by product labels or other means:

(a) through (b) No change.

(c) Recommendations on proper storage of the biosolids or biosolids product prior to use and a recommendation that biosolids be applied at a rate that does not exceed crop or plant nutrient needs. For distributed quantities of biosolids or biosolids products greater than one dry ton, the recommendations on proper storage shall include the prohibition language from subsection 62-640.400(13), F.A.C.

(6) No change.

(7) By February 19 of each year, any person shipping biosolids to Florida for distribution and marketing shall submit a copy of the applicable EPA facility annual biosolids report required by 40 CFR 503.18, July 1, 2009, hereby adopted and incorporated by reference, to the Department's Domestic Wastewater Section, MS #3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A copy of 40 CFR 503.18 is available from the Department of Environmental Protection, Domestic Wastewater Section, M.S. 3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or any of the Department's District Offices.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.

64B7-31.001

RULE TITLE:

Colonic Irrigation

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 1, of the

January 8, 2010, issue of the Florida Administrative Weekly. The change is due to concerns by the Joint Administrative Procedure Committee in their letter dated February 19, 2010. The rule shall now read as follows and will reflect the correct rule development date:

64B7-31.001 Colonic Irrigation.

(1) Intent.

(a) No change.

(b) The Board of Massage further finds that a significant proportion of licensees do not perform the colonic procedure and further that a significant proportion of those desiring to enter the profession do not intend to engage in the practice of colonics irrigation.

(c) No change.

(2) No change.

(3) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice shall be required to successfully complete and pass the National Board for Colon Hydrotherapy Examination (NBCHT) which is approved by the Board ~~colonic irrigation examination administered by the Department of Health.~~

(4) Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the NBCHT, ~~colonic irrigation examination administered by the Department~~ prior to resuming the practice of colonic irrigation.

(5) Any applicant for massage therapist licensure or licensed massage therapist, who in conjunction with previous massage therapist licensure was certified to practice colonics irrigation, shall be required to successfully complete and pass the NBCHT ~~colonic irrigation examination administered by the Department~~ prior to practicing colonic irrigation.

Rulemaking Specific Authority 456.036, 480.035(7), 480.041(4) FS. Law Implemented 456.036, 480.032, 480.033, 480.041(4) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, 2-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.007
RULE TITLE: Standards of Practice

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The correction is being made in response to comments received from the Joint Administrative Procedures Committee on May 20, 2010. The correction is as follows:

Although the Notice of Proposed Rulemaking stated that a Statement of Estimated Regulatory Costs (SERC) was prepared, the Notice did not summarize the SERC. The following is a summary of the SERC:

- No licensee is required to conduct initial consultations in the manor allowed by this rule. All licensees would have the option of using this method of initial consultation.
- Only rule making costs will be incurred.
- No transactional costs will be incurred.
- The proposed rule will not impact small businesses, small towns, or small cities.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THIS CORRECTION IS: Allen Hall, Executive Director, Board of Medicine: Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.704
RULE TITLE: Family-Related Medicaid Eligibility Determination Process

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. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

(1) Public assistance staff determine eligibility for Family-related Medicaid at application, when a change in conditions of eligibility is reported, or, on not greater than a 12 month cycle. The individual or the designated representative is required to assist the Department in completing the determination or redetermination of Medicaid eligibility. Qualified designated Medicaid providers determine presumptive eligibility for pregnant women. Requests for Medicaid coverage on behalf of children in care of the Department of Juvenile Justice are made on form CF-ES 2293, Child in Care Medicaid, May 2010 ~~April 2007~~ (incorporated by reference).

(2) Simplified Eligibility for Pregnant Women ~~Woman~~.

(a) The application form for a pregnant woman applying only for Medicaid and only for herself based on pregnancy is CF-ES Form 2700, Health Insurance Application for Pregnant Women ~~Woman~~, 05/2010 ~~10/2008~~ (incorporated by reference).

This form and attached information/rights and responsibilities (pages 2 & 3) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be offered to pregnant women by mail or picked up by them in health departments and other QDP sites as well as selected doctors' offices designated by each circuit/regional ACCESS Program Office.

4. A declaration of citizenship is required. The applicant's statement on the Health Insurance Application for Pregnant ~~Women~~ ~~Woman~~, CF-ES 2700, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity, if they are not subject to an exemption as specified in 42 C.F.R. 435.406 (2009) (~~2007~~) (incorporated by reference).

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04, 6-26-08, _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 24, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Hungry Howie's Pizza, Plantation, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another business.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 28, 2010, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency variance from Suzanne Vincent on behalf of C V Mclurg Building in Lakeland, FL. The petitioner is requesting a variance from Rule 3.11.3, A.S.M.E. A17.3, 1996 edition as adopted by Florida Building Code Chapter 3001.2 and paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase I and II be installed. The petitioner is requesting 2 years to raise funds and contract the work. Comments on the petition should be sent to: Mark Boutin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 30, 2010, the Board of Physical Therapy Practice, received a petition for Ming Shun-Cheng, seeking a waiver of the requirements of paragraph 64B17-3.001(4)(j), Florida Administrative Code. The Petitioner seeks a waiver of the requirement that applicants who did not receive their education in English, obtain a minimum score of 24 on the speaking portion of the TOEFL exam.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)488-0595. Comments