

agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-24.164
 RULE TITLE: Volusia County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the Florida Intracoastal Waterway within Volusia County where necessary to manage and promote the use of this state waterway for safe and enjoyable boating. Additionally we intend to fix inconsistencies between the rule text and the map identified as Drawing A.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the Florida Intracoastal Waterway within Volusia County.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, December 14, 2011, 6:30 p.m. – 8:00 p.m.

PLACE: City of Ormond Beach Commission Chambers, 22 South Beach Street, Ormond Beach, Florida 32175

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: ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

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

**Section II
 Proposed Rules**

DEPARTMENT OF NATURAL RESOURCES

Division of Administration

RULE NOS.:	RULE TITLES:
16A-10.001	Adoption by Reference
16A-10.002	Definitions
16A-10.003	Department’s Status as a Legal Entity
16A-10.004	Standard Lease Agreement Form
16A-10.005	Multiple Leases
16A-10.006	Lease Extensions
16A-10.007	Standard Notice of Renewal
16A-10.008	Special Facilities for the Physically Disabled – Compliance with Standards
16A-10.009	Special Facilities for the Physically Disabled – Standards Waived or Modified

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is no longer required. Section 255.25, Florida Statutes, requires agencies to comply with the Department of Management Services’ Rule 60H-1.016, F.A.C.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

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: 255.21, 255.25 FS.

LAW IMPLEMENTED: 255.21, 255.25 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: December 15, 2011, 2:00 p.m.

PLACE: Conference Room 628B, Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Heather Chapman, Office Manager, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS35, Tallahassee, Florida 32399-3000. Ms. Chapman may also be reached by email to Heather.Chapman@dep.state.fl.us. or by telephone at (850)245-2242. 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: Paula Mueller, Division of Administrative Services, 3900 Commonwealth Boulevard, MS 60, Tallahassee, Florida 32399-3000, telephone number (850)245-2310 or e-mail: paula.mueller@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

16A-10.001 Adoption by Reference.

Rulemaking Specific Authority 255.25 FS. Law Implemented 255.25 FS. History–New 12-14-80, Formerly 16A-10.01, Repealed.

16A-10.002 Definitions.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.25(2) FS. History–New 12-14-80, Formerly 16A-10.02, Repealed.

16A-10.003 Department’s Status as a Legal Entity.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.25(2) FS. History–New 12-14-80, Formerly 16A-10.03, Repealed.

16A-10.004 Standard Lease Agreement Form.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.25(2)(b) FS. History–New 12-14-80, Formerly 16A-10.04, Repealed.

16A-10.005 Multiple Leases.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.25(8) FS. History–New 12-14-80, Formerly 16A-10.05, Repealed.

16A-10.006 Lease Extensions.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.25(8) FS. History–New 12-14-80, Formerly 16A-10.06, Repealed.

16A-10.007 Standard Notice of Renewal.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.25(2)(a) FS. History–New 12-14-80, Formerly 16A-10.07, Repealed.

16A-10.008 Special Facilities for the Physically Disabled – Compliance with Standards.

Rulemaking Specific Authority ~~370.02(1)~~; 255.25 FS. Law Implemented 255.21 FS. History–New 12-14-80, Formerly 16A-10.08, Repealed.

16A-10.009 Special Facilities for the Physically Disabled – Standards Waived or Modified.

Rulemaking Specific Authority 255.21~~(5)~~, 255.25(2) FS. Law Implemented 255.21~~(3), (4), (5)~~ FS. History–New 12-14-80, Formerly 16A-10.09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Kelly, Director, Division of Administrative Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NO.: 18-14.004
 RULE TITLE: Applicability

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Chapter 18-14, F.A.C., “Administrative Fines For Damaging State Lands or Products Thereof,” provides for the imposition of fines against a person who willfully damages state land, willfully damages or removes products from state land in violation of state or federal law, or knowingly refuses to comply with or willfully violates the provisions of Chapter 253, F.S. Rule 18-14.004, F.A.C., provides that an activity authorized by the Board of Trustees and conducted in conformance with Board of Trustees’ authorization is not a violation. The rule is unnecessary as the chapter is predicated on a violation of Chapter 253, F.S., or a violation of Board of Trustees’ authority.

This rule is also part of proposed amendments to the entire chapter that were published in the November 24, 2010, Florida Administrative Weekly. In January, the Governor required agencies to review their rules to determine whether any could

be repealed as unnecessary or no longer needed. The Department is now proposing to repeal 18-21.004, F.A.C. Therefore, depending on the timing of adopting the proposed rule and repeal of Rule 18-14.004, F.A.C., whichever action occurs first will determine how the other is handled. If this repeal precedes the amendments to Chapter 18-14, F.A.C., then the Department will publish a notice withdrawing Rule 18-14.004, F.A.C., from that rulemaking prior to filing those amendments for adoption.

OTHER RULES INCORPORATING THIS RULE: Chapter 18-14, F.A.C., is incorporated by specific reference in paragraph 18-21.004(7)(c), subparagraphs 18-21.008(1)(b)3. and 18-21.008(1)(b)4., F.A.C., sub-subparagraphs 18-21.008(1)(b)5.a. and 18-21.008(1)(b)5.b., F.A.C., and paragraphs 18-21.021(2)(c), 18-21.021(4)(b), and 18-21.021(6)(f), F.A.C.

EFFECT ON THOSE OTHER RULES: The amendments to Chapter 18-14, F.A.C., have no effect on the above referenced rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 253.04(2) FS.

LAW IMPLEMENTED: 253.04 FS.

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

DATE AND TIME: January 11, 2012, 8:00 a.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1027) (This rule was included in a proposed rule published 11/24/10 under OGC No. 08-0631.)

THE FULL TEXT OF THE PROPOSED RULE IS:

18-14.004 Applicability.

Rulemaking Specific Authority 253.04(2) FS. Law Implemented 253.04 FS. History—New 7-7-85, Formerly 16Q-14.04, Transferred from 16Q-14.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Herschel T. Vinyard Jr., Secretary

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2011

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-18.011	Agreements
18-18.016	Enforcement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary

SUMMARY: Repeal Rules 18-18.011 and 18-18.016, F.A.C, Biscayne Bay Aquatic Preserve, as the rule is duplicative of Florida Statutes, rendering the rule unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 258.397(4) FS.

LAW IMPLEMENTED: 258.397(3), 258.397(7), 258.46 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: TBA

PLACE: TBA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Nall, Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd., M.S. 235, Tallahassee, FL 32399-3000, telephone (850)245-2097

THE FULL TEXT OF THE PROPOSED RULES IS:

18-18.011 Agreements.

Specific Authority 258.397(4) FS. Law Implemented 258.397(3) FS. History--New 3-20-80, Formerly 16Q-18.11, 16Q-18.011, Repealed.

18-18.016 Enforcement.

Specific Authority 258.397(4) FS. Law Implemented 258.397(7), 258.46 FS. History--New 3-20-80, Formerly 16Q-18.16, 16Q-18.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Nall, Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-20.008	Inclusion of Lands, Title to Which is Not Vested in the Board, in a Preserve
18-20.009	Establishment or Expansion of Aquatic Preserves

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal ch. 18-20.008 and ch. 18-20.009, F.A.C., Florida Aquatic Preserves, as the rule is duplicative of Florida Statutes, rendering the rule unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 258.43(1) FS.

LAW IMPLEMENTED: 258.40, 258.41 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: TBA

PLACE: TBA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Nall, Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd, M.S. 235 Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

18-20.008 Inclusion of Lands, Title to Which is Not Vested in the Board, in a Preserve.

Specific Authority 258.43(1) FS. Law Implemented 258.40, 258.41 FS. History--New 2-25-81, Formerly 16Q-20.08, 16Q-20.008, Repealed.

18-20.009 Establishment or Expansion of Aquatic Preserves.

Specific Authority 258.43(1) FS. Law Implemented 258.41 FS. History--New 2-25-81, Formerly 16Q-20.09, 16Q-20.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Nall, Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd, M.S. 235, Tallahassee, FL 32399

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.: RULE TITLES:
 18-21.001 Intent
 18-21.00405 Grandfather Provisions
 18-21.0081 Grandfather Structure Applications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 18-21.001, F.A.C., sets out the intent of rule Chapter 18-21, F.A.C., repeating the Board of Trustees’ role as fiduciary to manage and control state lands. This text duplicates Sections 253.03 and 253.12, F.S., and is therefore unnecessary.

Rules 18-21.0405 and 18-21.0081, F.A.C., set out the program to register existing structures on sovereign submerged lands under the Grandfather Structure Registration program. Registration originally ended June 30, 1984, and was extended to April 1, 1991. All registered structures were required to obtain a lease by January 1, 1998. The program has ended. As a result, the rules are now unnecessary.

OTHER RULES INCORPORATING THIS RULE: There are no other chapters or rules that incorporate the rules proposed for repeal.

EFFECT ON THOSE OTHER RULES: These rules are not incorporated by other chapters or rules; therefore, there will be no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 253.03, 253.03(7), 253.77 FS., Art. X, Sec. 14, Fla. Const.

LAW IMPLEMENTED: 253.03, 253.077, 253.12 FS.

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

DATE AND TIME: January 11, 2012, 9:15 a.m., ET
PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1026)

THE FULL TEXT OF THE PROPOSED RULES IS:

18-21.001 Intent.

Rulemaking Specific Authority 253.03(7) FS., Art. X, Sec. 14, Fla. Const. Law Implemented 253.03, 253.12 FS. History–New 3-27-82, Formerly 16Q-21.01, 16Q-21.001, Amended 9-1-09, Repealed.

18-21.00405 Grandfather Provisions.

Rulemaking Specific Authority 253.03, 253.77 FS. Law Implemented 253.77 FS. History–New 3-15-90, Repealed.

18-21.0081 Grandfather Structure Applications.

Rulemaking Specific Authority 253.03(7) FS. Law Implemented 253.03, 253.077 FS. History–New 8-1-83, Formerly 16Q-21.081, 16Q-21.0081, Amended 3-15-90, 8-10-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Herschel T. Vinyard Jr., Secretary

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-108.101 Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the amount of time an inmate may spend in a dry cell as a result of a claimed inability to urinate in the presence of others and to clarify that for drugs for which there is no on-site test, the specimen shall be sent directly to the laboratory for testing.

SUMMARY: The proposed rule clarifies that for those who claim an inability to urinate in front of others, time in a dry cell is limited to one hour. The rule also clarifies that specimens shall be sent directly to the lab for testing if there does not exist an on-site test for the drug being tested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

Based on information provided by the Bureau of Substance Abuse, the rule will only affect internal operations, will not have a negative economic impact or affect small business, and is therefore not expected to require legislative ratification.

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: 944.09, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) through (2) No change.

(3) Procedures.

(a) through (c) No change.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6. In this circumstance, the inability to urinate is not treated as a medical condition, and the officer does not need to verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. However, such inmates shall be limited to up to one hour in the dry cell rather than two.

(e) Testing of urine specimens.

1. through 4. No change.

5. In instances wherein an on-site testing device does not exist for the drug being tested, the sample shall be sent directly to the lab.

5. through 7. renumbered 6. through 8. No change.

(f) through (h) No change.

Rulemaking Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, 11-28-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.101
 RULE TITLE: Incentive Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify when an inmate may be ineligible for gain time.

SUMMARY: The proposed rule clarifies when an inmate is ineligible to earn incentive gain time following receipt of a disciplinary report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

Based on analysis from the Bureau of Classification and Central Records indicating that the rule change only impacts internal operations of the Department's classification system and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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: 944.09, 944.275, 944.281 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.281, 944.801(3)(i)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: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.101 Incentive Gain Time.

(1) through (2) No change.

(3) How credited. For inmates eligible to receive consideration under this section, the following procedures shall be used.

(a) Each inmate eligible for consideration for award of incentive gain time shall receive gain time evaluations based upon his institutional adjustment as reflected in evaluations from security, work and program components, if assigned. If it becomes necessary to make corrections to the inmate's monthly security, work or program evaluations after the evaluations have already been submitted, the request for correction along with the reasons for the correction shall be submitted in writing to the department head for approval. The approved corrections shall be submitted to the classification ~~correctional probation~~ officer or his designee who shall make the necessary changes.

1. through 4. No change.

(b) The classification ~~correctional probation~~ officer or designee shall evaluate the security and performance ratings which reflect the inmate's institutional adjustment for the month. The final determination of an award of incentive gain time shall be determined by the classification ~~correctional probation~~ officer or designee and shall be based on the inmate's overall monthly activities. When the classification ~~correctional probation~~ officer or designee concurs with the preliminary base gain time recommendation being applied no modification is required. The preliminary base gain time recommendation may be modified by the classification ~~correctional probation~~ officer as reflected by the inmates overall institutional adjustment and level of work and program participation for the month. The classification ~~correctional probation~~ officer or designee may modify the preliminary base gain time recommendation upward or downward from 1 to 4 days not to exceed the maximum eligible award. Any time the classification ~~correctional probation~~ officer or designee modifies the preliminary base gain time recommendation, the reason for the modification shall be noted. These modifications will be applied to the preliminary base gain time recommendation reflective of the overall rating derived from the security and performance evaluation or security evaluation alone. Reasons for modification of the preliminary base gain time recommendation include:

1. through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating

award which can be modified by the classification ~~correctional probation~~ officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) Disciplinary or court action. An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of the rules of the Department or the laws of the State for which he is found guilty. Additionally, those inmates on escape status and detained by other agencies may not be awarded incentive gain time for the period of time out of custody even though lodged in another confinement facility. ~~Any inmate who is found guilty of a disciplinary report on or after July 15, 2009 and who is serving a sentence imposed for an offense committed on or after October 1, 1995 shall be eligible to earn incentive gain time as follows:~~

~~1. For disciplinary reports in which the final approved action is not confinement or loss of gain time or where the final recommended action is probation, pursuant to paragraph 33-601.308(3)(b), F.A.C., the inmate shall be eligible to earn incentive gain time the month following the month in which the disciplinary infraction occurred. However, if the inmate violates the probation and the original penalty meets the requirements of subparagraphs 2. and 3. below, the inmate is then subject to the limitations on earning incentive gain time as noted.~~

~~2. For disciplinary reports in which the final approved action is less than or equal to 30 days confinement or less than or equal to 30 days loss of gain time, the inmate shall not be eligible to earn incentive gain time for one month following the month in which the disciplinary infraction occurred. The one month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.~~

~~3. For disciplinary reports in which the final approved action is greater than 30 days confinement or greater than 30 days loss of gain time, or where the inmate was convicted of an offense occurring while committed to the Department of Corrections, the inmate shall not be eligible to earn incentive gain time for two months following the month in which the disciplinary infraction or offense occurred. The two month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.~~

~~4. The period of ineligibility referenced in subparagraphs 2. and 3. shall be suspended if the inmate leaves the custody of the department before completion of the period of ineligibility. The period of ineligibility will resume upon the inmate's return to department custody and will continue to run until its completion.~~

~~5. The failure to serve the confinement imposed does not alter the ineligibility of the inmate to earn incentive gain time as noted in subparagraphs 2. and 3.~~

6. The ineligibility of the inmate to earn gain time as noted in subparagraphs 2. and 3. remains in effect when, due to unavailability of gain time, unearned gain time is designated as the final approved action.

(b) through (8) No change.

Rulemaking Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History—New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.0065, Amended 7-15-09, 4-19-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.732
 RULE TITLE: Reinstatement of Suspended Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to update terminology.

SUMMARY: The proposed rule updates terminology to reflect other changes to visitation rules within Chapter 33-601, F.A.C.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

Based on analysis from the Bureau of Classification and Central Records indicating that the rule change only impacts internal operations regarding visitation and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 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: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.732 Reinstatement of ~~Revoked or~~ Suspended Visiting Privileges.

(1) The warden or designee shall approve or deny requests for reinstatement of an inmate’s suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Reinstatement of indefinitely ~~privileges~~ suspended privileges ~~for more than two years~~ shall only be considered after two years from imposition.

1. The warden or designee shall review the request, render a final decision and notify the inmate concerned.

2. Should the inmate be denied reinstatement, the inmate may not make another request for one year from the last decision requesting reinstatement.

(b) Privileges ~~Reinstatement of privileges~~ suspended for two years or less shall not be considered for reinstatement for a period of one year. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

(c) Privileges suspended for ~~Early reinstatement of suspensions of~~ one year or less shall not be considered for reinstatement until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.

(d) The warden or designee shall consider the following factors in considering whether an inmate’s visitation privileges shall be reinstated:

1. Whether reinstatement will pose a threat to the security of visiting operations, based on the inmate’s disciplinary record and classification status as determined by Rule 33-601.210, F.A.C.;

2. The severity of the offense(s) for which visiting privileges were suspended;

3. Whether reinstatement of visiting privileges will benefit the inmate’s successful reentry into society by facilitating maintenance of community and family ties.

(2) The warden or designee shall approve or deny requests for reinstatement of a visitor’s ~~revoked or~~ suspended visiting privileges ~~privilege~~. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the assigned institutional classification officer. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of indefinitely suspended ~~revoked~~ privileges shall only be considered after two years from imposition.

1. The warden or designee shall review the request, render a final decision and notify the visitor concerned.

2. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for one year from the last decision requesting reinstatement.

(b) Privileges ~~Reinstatement of privileges~~ suspended for two years or less shall not be considered for reinstatement for a period of one year. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months from the last decision requesting reinstatement.

(c) Early reinstatement of suspensions of one year and under shall not be considered ~~for reinstatement~~ until at least six months from the date of suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request.

(d) The warden or designee shall consider the following factors in considering whether an visitor’s visitation privileges shall be reinstated:

1. The severity of the offense(s) for which visiting privileges were suspended;

2. The relationship between the visitor and the inmate, such as a whether the visitor is a family member.

Rulemaking Specific Authority 944.09, ~~944.23~~ FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2011

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-6.034
RULE TITLE: Administrative Enforcement

PURPOSE AND EFFECT: This rule will be repealed.

SUMMARY: The rule repeats statutory requirements and is not mandated by statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to Section 120.54(3), F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 483.291 FS.

LAW IMPLEMENTED: 483.317, 483.32 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: January 3, 2012, 2:00 p.m. – 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, AHCA Laboratory Unit, 2727 Mahan Drive, MS #32, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-6.034 Administrative Enforcement.

Rulemaking Specific Authority 483.291 FS. Law Implemented 483.317, 483.32 FS. History–New 3-20-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Rivera

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: 59A-7.038, 59A-7.039
RULE TITLES: Administrative Hearings, Administrative Enforcement

PURPOSE AND EFFECT: These two rules within Chapter 59A-7, F.A.C., will be repealed.

SUMMARY: These two rules repeat statutory requirements and are not mandated by statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to Section 120.54(3), F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.201, 483.221 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: January 3, 2012, 1:00 p.m. – 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Rivera, AHCA Laboratory Unit, 2727 Mahan Drive, MS #32, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-7.038 Administrative Hearings.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.051 FS. History–New 11-20-94, Repealed.

59A-7.039 Administrative Enforcement.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.201, 483.221 FS. History–New 11-20-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Rivera

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-35.100 Minimum License Requirements

PURPOSE AND EFFECT: The proposed amendment would revise the uniform licensing rule on issuing licenses to more than one provider at the same physical address. Review of the law implemented cited for this rule has determined that there is not a specific statutory prohibition against issuance of more than one license at a physical address.

SUMMARY: This proposed rule will delete the prohibition against issuance of more than one license at a physical address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 408.819 FS.

LAW IMPLEMENTED: 408.810 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: December 15, 2011, 10:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, Florida 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: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)412-4339. 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: Richard Saliba, Office of General Counsel, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)412-3666

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-35.100 Minimum Licensure Requirements.

Provider location.

(1) A licensee must maintain proper authority for operation of the provider at the address of record. If such authority is denied, revoked or otherwise terminated by the local zoning or code enforcement authority, the Agency may deny or revoke an application or license, or impose sanctions.

~~(2) With the exception of federally authorized clinical laboratories, more than one license will not be issued to operate the same provider types at the identical physical or street address. Existing licensees must comply with this paragraph upon license renewal.~~

Rulemaking Authority 408.819 FS. Law Implemented 408.810 FS. History—New 7-14-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Saliba

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.008 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define a major modification as it relates to the limitation on the Phase II Firefighters’ Service exemption enacted by Chapter 2010-110, Laws of Florida, correct a statute citation, accurately reflect requirements and eliminate confusing terminology.

SUMMARY: The proposed rule defines what constitutes a major modification, as used in Section 399.02(9), Florida Statutes, which would require an elevator to comply with the Phase II Firefighters’ Service requirements. The proposed rule also amends the definitions to specify a course instructor teaches or leads a continuing education course; that current satisfactory inspections must be completed by certified elevator inspectors; state the type of renewal application that requires a current satisfactory inspection; and update a statute citation to conform to changes made by Chapter 2010-110, Laws of Florida.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 399.01, 399.02, 399.07 FS.

LAW IMPLEMENTED: 399.01, 399.02, 399.061, 399.07, 399.13 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)488-1133, E-mail: Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.008 Definitions.

When used in this rule chapter, the following terms shall have these meanings:

(1) through (4) No change.

(5) “Course instructor” means the person appointed by the course provider to teach or otherwise lead ~~actually conduct~~ an approved course.

(6) “Current satisfactory inspection” means an inspection completed by a certified elevator inspector on or after August 1 of the previous year that is the most recent annual inspection conducted ~~prior to submission of the current application for renewal~~ and that contains no violations.

(7) “Direct supervision” means a certificate of competency holder supervising an elevator helper as set forth in Section 399.01(15)(16), F.S., is within physical proximity of the person being directly supervised such that timely observation and evaluation of the work being performed is facilitated to ensure the work is completed in accordance with applicable statutory and administrative code requirements.

(8) “Major modification” as used in Section 399.02(9), F.S., means any change in the type of service, motion control, or operation control; any alteration to the controller or the

firefighters' emergency operation; or the addition of an elevator to an existing group of elevators as described in ASME A17.1, Section 8.7, as adopted by reference.

(9) "Replacement" as the term relates to alterations, means the removal of a device, component or subsystem in its entirety and installation of an equivalent device, component, or subsystem that performs in the same manner and does not require modification or a rating change to the existing equipment, add new functionality, or violate any provision of Chapter 399, F.S., this rule, or the elevator safety codes adopted in Rule 61C-5.001, F.A.C.

(10)(8) "Session" means each distinct occasion a course is conducted.

(11)(9) "Syllabus" means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.008(3), F.A.C.

Rulemaking Specific Authority 399.01, 399.02, 399.07 FS. Law Implemented 399.01(47), 399.02, 399.061, 399.07 FS. History--New 11-9-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill L. Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-5.018 Variances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to implement the statutory requirement to adopt rules regarding the process for variance requests enacted by Chapter 2010-110, Laws of Florida, and adopt an optional variance petition form.

SUMMARY: The proposed rule specifies that elevator variance requests will be processed under the variance petition requirements in Section 120.542, Florida Statutes, and provides the mailing address to submit the petition. The proposed rule also adopts an optional variance petition form and specifies bureau and elevator owner responsibilities for variance requests.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.02 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)488-1133, E-mail: Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.018 Variances.

(1) The division may grant variances from rule requirements when the applicant demonstrates the existence of a substantial hardship, as defined in Section 120.542(2), F.S.

(2) Variance requests must be submitted by petition as described in Section 120.542, F.S. and rules adopted thereunder. The division provides DBPR Form HR 5023-018, PETITION FOR VARIANCE FROM RULE, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00773>) incorporated herein by reference and effective 2010 October 14, as an optional petition for variance. A copy of DBPR Form HR 5023-18 is available on the Division of Hotels and Restaurants website at www.MyFloridaLicense.com/dbpr/hr; by e-mail to hdr.elevators@dbpr.state.fl.us; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. Each variance request must be accompanied by a copy of the certificate of operation, if issued, and supportive materials and documents providing the information necessary for rendering a decision. The applicant is responsible for demonstrating a substantial hardship exists and presenting facts relevant to and supportive of the variance request.

(3) Upon consideration of the merits of each variance request, the director or designee must either grant a variance, as requested, or deny the variance request.

(4) The owner or lessee of an elevator which has a variance approved by the division is responsible for maintaining a copy of the approved variance in the machine room at the physical location of the elevator and available for review during an elevator inspection.

Rulemaking Authority 399.02, 399.10 FS. Law Implemented 399.02 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ken Lawson, Secretary, Department of
Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 30, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-11.005 Probable Cause Determinations

PURPOSE AND EFFECT: The Board proposes the rule
amendment in order to increase the number of members on the
Probable Cause Panel.

SUMMARY: The number of members on the Probable Cause
Panel will be increased.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST AND LEGISLATIVE
RATIFICATION:

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

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

RULEMAKING AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 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: Anthony Spivey, Executive Director,
Board of Architecture and Interior Design, 1940 North Monroe
Street, Tallahassee, Florida 32399-0750

THE TEXT OF THE PROPOSED RULE IS:

61G1-11.005 Probable Cause Determinations.

Probable cause determination as to violation of Chapters 455
and 481, F.S., and rules promulgated pursuant thereto shall be
made by a probable cause panel of at least three (3) Board
members. Said members shall be appointed as a standing
probable cause committee at the first board meeting of each
calendar year and shall serve for a period of one (1) year.
Former Board members, if willing to serve, may be appointed.
Any panel must include one of the Board's former or present
consumer members if one is available, willing to serve, and
authorized by the Board Chair. All proceedings of the probable
cause panel shall be conducted in accordance with Chapters
120 and 455, F.S.

Rulemaking Specific Authority 455.225 FS. Law Implemented
455.225 FS. History—New 12-23-79, Amended 2-3-81, Formerly
21B-11.05, Amended 8-20-89, Formerly 21B-11.005, Amended
6-8-00, 7-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 21, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-15.001 Qualification for Certification

PURPOSE AND EFFECT: The Board proposes the rule
amendment to modify the language for the alternative to
experience required under Section 489.111(2)(c)1.-3., Florida
Statutes, for swimming pool/spa servicing applicants.

SUMMARY: The rule amendment will modify the language
for the alternative to experience required under Section
489.111(2)(c)1.-3., Florida Statutes, and the forty hours of
instruction.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: During the discussion of the economic
impact of this rule at its Board meeting, the Board, based upon
the expertise and experience of its members, determined that a

Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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: 489.108, 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1) through (4) No change.

(5) As an alternative to the experience required under Section 489.111(2)(c)1.-3., F.S., an applicant for certification as a swimming pool/spa servicing contractor must submit proof that he meets the requirements of Section 489.111(2)(c)6.d., F.S., by demonstrating one year of proven experience related to the scope of work of a swimming pool/spa servicing contractor as defined in Section 489.105(3)(l), F.S., performed under the supervision of a certified or registered commercial pool/spa, residential pool/spa, or pool/spa servicing contractor, and demonstrating satisfactory completion of a sixty-hour course of instruction, approved by the Board pursuant to Rule 61G4-18.004, F.A.C., and conducted by a course provider registered pursuant to Rule 61G4-18.003, F.A.C., that consists of the following:

(a) through (b) No change.

(c) Forty (40) hours of instruction utilizing the most recent edition of the Association of Pool & Spa Professionals "Service Tech Manual," National Spa and Pool Institute "Basic Pool and Spa Technology Textbook" (2001 edition), or substantially equivalent materials, and including instruction on the following topics: Structures – Pool Structures & Finishes; Spa & Hot Tub Structures, Finishes & Equipment Packs; Circulation System – Circulation & Piping; Hydraulics – Pumps, Pump Motors & Air Blowers, Filters, Heaters,

Chemical Feeders & Generators; Chemistry – Chemical Safety, Water Testing & Water Treatment; Water Treatment – Chlorine; Water Treatment – Other; Water Balance; Electrical System – Basic Electricity, Safety Requirements & Pool/Spa Electrical Equipment, Lighting, Controls, Controllers & Control Systems; Maintenance – Routine Maintenance, Season & Special Care, Covers; and Dewatering.

Rulemaking Specific Authority 489.108, 489.111 FS. Law Implemented 489.111 FS. History–New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04, 1-15-07, 6-19-07, 11-26-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.:

RULE TITLES:

61G19-6.004

Abandonment of Applications

61G19-6.007

Standard Certificates; In General

61G19-6.011

Limited Certificates

PURPOSE AND EFFECT: The rules are being repealed.

SUMMARY: The rules are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact

on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

Any person who wishes to provide information regarding 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: 468.606 FS.

LAW IMPLEMENTED: 468.607, 468.609, 468.609(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 RULES IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G19-6.004 Abandonment of Applications.

Rulemaking Specific Authority 468.606 FS. Law Implemented 468.607, 468.609 FS. History—New 5-23-94, Repealed.

61G19-6.007 Standard Certificates; In General.

Rulemaking Specific Authority 468.606 FS. Law Implemented 468.609(4) FS. History—New 5-23-94, Amended 3-17-98, Repealed.

61G19-6.011 Limited Certificates.

Rulemaking Specific Authority 468.606 FS. Law Implemented 468.609(5) FS. History—New 5-23-94, Amended 5-21-95, 8-6-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:

61G19-12.001 Delinquent Status

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

Any person who wishes to provide information regarding 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: 455.271 FS.

LAW IMPLEMENTED: 455.271 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, Building Code Administrators and Inspectors Board, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-12.001 Delinquent Status.

Rulemaking Specific Authority 455.271 FS. Law Implemented 455.271 FS. History—New 9-25-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-1.001	Membership
61J1-1.003	Chairperson
61J1-1.004	Minutes
61J1-1.005	Internal
61J1-1.006	Principal Office
61J1-1.007	Board Member Compensation
61J1-1.008	Authorized Signatures on Final Orders
61J1-1.011	Designation of Official Reporter

PURPOSE AND EFFECT: The Board proposes to repeal the rules because they duplicate what is otherwise provided for in statute or are otherwise procedural and unnecessary in nature.

SUMMARY: The rules will be repealed due to the fact that they duplicate what is otherwise provided for in statute or are otherwise procedural and unnecessary in nature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 455.207, 475.614 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.569, 455.205, 455.207, 455.207(3), 455.225, 475.613 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-1.001 Membership.

Rulemaking Specific Authority 475.614 FS. Law Implemented 455.207(3), 475.613 FS. History–New 10-15-91, Amended 11-8-92, Formerly 21VV-1.001, Repealed.

61J1-1.003 Chairperson.

Rulemaking Authority 475.614 FS. Law Implemented 455.207, 475.613 FS. History–New 10-15-91, Formerly 21VV-1.003, Amended 9-13-09, Repealed.

61J1-1.004 Minutes.

Rulemaking Specific Authority 475.614 FS. Law Implemented 120.53 FS. History–New 10-15-91, Formerly 21VV-1.004, Repealed.

61J1-1.005 Internal.

Rulemaking Specific Authority 475.614 FS. Law Implemented 120.53 FS. History–New 10-15-91, Formerly 21VV-1.005, Repealed.

61J1-1.006 Principal Office.

Rulemaking Specific Authority 475.614 FS. Law Implemented 120.53, 455.205 FS. History–New 10-15-91, Formerly 21VV-1.006, Repealed.

61J1-1.007 Board Member Compensation.

Rulemaking Specific Authority 455.207, 475.614 FS. Law Implemented 455.207, 475.613 FS. History–New 10-15-91, Formerly 21VV-1.007, Amended 3-8-95, Repealed.

61J1-1.008 Authorized Signatures on Final Orders.

Rulemaking Specific Authority 475.614 FS. Law Implemented 120.52, 120.53, 120.569, 455.225 FS. History–New 10-15-91, Formerly 21VV-1.008, Repealed.

61J1-1.011 Designation of Official Reporter.

Rulemaking Specific Authority 475.614 FS. Law Implemented 120.53(4) FS. History–New 9-22-93, Amended 9-6-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-7.008	Address of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning address of record.

SUMMARY: Clarifying language concerning address of record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.275 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE TEXT OF THE PROPOSED RULE IS:

61J1-7.008 Mailing Address of Record.

(1) Pursuant to Section 455.275(1), Florida Statutes, the board defines "~~current mailing~~ address of record" as the mailing ~~current~~ address which is used by a registrant, licensee, certificate holder or permit holder to receive mail through the United States Postal Service.

(2) Each registrant, licensee, certificate holder and permit holder is required to notify the BPR in writing of ~~the current mailing address and~~ any changes in the current mailing address of record within 10 days after the change.

Rulemaking Specific Authority 475.614 FS. Law Implemented 455.275 FS. History--New 5-14-95, Amended 3-26-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-8.002
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to include disciplinary guidelines for appraisal management company violations.

SUMMARY: Provide disciplinary guidelines for appraisal management company violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.6221(3), 475.624, 475.626, 475.6245 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE TEXT OF THE PROPOSED RULE IS:

61J1-8.002 Disciplinary Guidelines.

(1) Pursuant to Section 455.2273, F.S., the Florida Real Estate Appraisal Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapter 455 or Part II, Chapter 475, F.S. (For purposes of this rule, the term licensee shall refer to registrants, license holders ~~or~~ certificate holders, or appraisal management companies.) The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count following a Section 120.57, F.S., hearing. The brief description of each violation is provided for quick reference

and is not meant to convey all elements of any given statutory provision; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to Sections 475.624 or 475.6245, F.S., combinations of these penalties are permissible by law. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand, which may be included in the final penalty at the Board's discretion. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the probable cause panel from issuing a letter of guidance in lieu of a finding of probable cause, where appropriate.

(2) As provided in Sections 475.624 or 475.6245, F.S., the Florida Real Estate Appraisal Board may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Board may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend and satisfactorily complete continuing education courses; to submit to reexamination through the state-administered examination, which must be successfully completed; to be subject to periodic inspections and interviews by an investigator of the Department of Business and Professional Regulation.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4):

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Section 475.622(1), F.S. Failed to place the registration, license or certification number adjacent to or immediately beneath the state designation.	Up to 30 days suspension and an administrative fine of \$500.	Up to 90 days suspension and an administrative fine of \$1,000.
(b) Section 475.622(1), F.S. Failed to include the appropriate designation and number in an advertisement.	Up to 30 days suspension and an administrative fine of \$500.	Up to 90 days suspension and an administrative fine of \$1,000.
(c) Section 475.622(2), F.S. Failed to use the state registration, license or certification designation in any appraisal report.	Up to 30 days suspension and an administrative fine of \$500.	Up to 90 days suspension and an administrative fine of \$1,000.
(d) Section 455.227(1)(g), F.S., Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.	Revocation and an administrative fine up to \$5,000.	Revocation and an administrative fine of \$5,000.

<p>(e) Section 475.624(2) or 475.6245(1)(b), F.S. Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust, or Section 455.227(1)(m), F.S.</p>	<p>In the case of fraud, misrepresentation and dishonest dealing, revocation and an administrative fine up to \$5,000.</p> <p>In the case of concealment, false promises and false pretenses, 3 to 5 year suspension and an administrative fine of \$1,000.</p> <p>In the case of culpable negligence and breach of trust, \$1,000 fine to a 1 year suspension.</p>	<p>Revocation and an administrative fine of \$5,000.</p> <p>Revocation and an administrative fine of \$5,000.</p> <p>Revocation and an administrative fine of \$5,000.</p>
<p>(f) Section 475.624(3) or 475.6245(1)(c), F.S. False, deceptive or misleading advertising, or Section 455.227(1)(a), F.S.</p>	<p>\$1,000 fine to a 1 year suspension.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(g) Section 475.624(4) or 475.6245(1)(d), F.S. Violated any of the provisions of this section or any lawful order or rule issued under the provisions of this section or Chapter 455, F.S., or Section 455.227(1)(b), F.S.</p>	<p>Revocation and an administrative fine up to \$5,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(h) Section 475.624(5) or 475.6245(1)(e), F.S. Convicted or found guilty of a crime related to appraising or <u>appraisal management company activities</u> or involves moral turpitude or fraudulent or dishonest dealing, or Section 455.227(1)(c), F.S.</p>	<p>Suspension to revocation and an administrative fine up to \$2,500.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(i) Section 475.624(6) or 475.6245(1)(f), F.S. Has license disciplined or acted against or an application denied by another jurisdiction, or Section 455.227(1)(f), F.S.</p>	<p>Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction, in which the disciplinary action was originally taken, and an administrative fine of \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(j) Section 475.624(7) or 475.6245(1)(g), F.S. Impairment by drunkenness, or use of drugs or temporary mental derangement.</p>	<p>Suspension for the period of incapacity and an administrative fine up to \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>

<p>(k) Section 475.624(8) <u>or</u> 475.6245(1)(h), F.S. Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill or in a confidential capacity.</p>	<p>Suspension and an administrative fine up to \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(l) Section 475.624(9) <u>or</u> 475.6245(1)(i), F.S. Failed to give the Board written notice within 30 days after a guilty or nolo contendere plea or having been convicted of any felony.</p>	<p>5 year suspension to revocation and an administrative fine of \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(m) Section 475.624(10) <u>or</u> 475.6245(1)(j), F.S. Guilty for the second time of misconduct in the practice of real estate appraisal that demonstrates incompetent dishonest or negligent dealings with those persons with whom the licensee sustains a confidential relationship.</p>	<p>Suspension to revocation and an administrative fine up to \$5,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(n) Section 475.624(11) <u>or</u> 475.6245(1)(k), F.S. Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by state or federal law, or Section 455.227(1)(l), F.S.</p>	<p>Suspension to revocation and an administrative fine up to \$2,500.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(o) Section 475.624(12) <u>or</u> 475.6245(1)(l), F.S. Obtained a license by fraud, misrepresentation or concealment, or Section 455.227(1)(h), F.S.</p>	<p>Revocation.</p>	<p>Revocation.</p>
<p>(p) Section 475.624(13) <u>or</u> 475.6245(1)(m), F.S. Has paid money or other consideration to a member of the Board or employee of the Board to obtain a license registration or certification, or Section 455.227(1)(h), F.S.</p>	<p>Revocation.</p>	<p>Revocation.</p>
<p>(q) Section 475.624(14) <u>or</u> 475.6245(1)(n), F.S. Has violated any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice.</p>	<p>Probation up to a 1 year suspension.</p>	<p>Up to 5 year suspension to revocation and an administrative fine of \$5,000.</p>

(r) Section 475.624(15) or 475.6245(1)(o), F.S. Has failed or refused to exercise reasonable diligence in developing or preparing an appraisal report.	5 year suspension to revocation and an administrative fine of \$1,000.	Up to 5 year suspension to revocation and an administrative fine of \$5,000.
(s) Section 475.624(16) or 475.6245(1)(p), F.S. Has failed to communicate an appraisal without good cause.	\$1,000 fine to a 1 year suspension.	Up to 5 year suspension to revocation and an administrative fine of \$5,000.
(t) Section 475.624(17) or 475.6245(1)(q), F.S. Has accepted an appraisal assignment contingent upon the licensee reporting a predetermined result, analysis or opinion.	30 day suspension up to revocation.	Revocation.
(u) Section 475.624(18) or 475.6245(1)(r), F.S. Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which he operates as an appraiser.	Up to 90 days suspension and an administrative fine of \$500.	Up to 6 month suspension and an administrative fine of \$1,000.
(v) Section 475.626(1)(a), F.S. Has practiced without a valid and current license, registration or certification.	5 year suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(w) Section 475.626(1)(b), F.S. Has violated any order or rule of the Board.	Revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(x) Section 475.626(1)(d), F.S. Made a false affidavit or affirmation or gave false testimony before the Board.	Up to 5 years suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(y) Section 475.626(1)(e), F.S. Failed to comply with subpoena issued by the Department of Business and Professional Regulation, or Section 455.227(1)(q), F.S.	Up to 5 years suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(z) Section 475.626(1)(f), F.S. Obstructed or hindered the enforcement of Part II of Chapter 475, F.S., or Section 455.227(1)(r), F.S.	Up to 5 years suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(aa) Section 475.626(1)(g), F.S. Knowingly concealed information relating to violations of Chapter 475, F.S., Part II	Up to 90 days suspension and an administrative fine of \$1,000.	Up to 5 year suspension and an administrative fine of \$5,000.

(bb) Section 475.6221(3), F.S. Supervisory appraiser employed by a trainee appraiser.	Revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(cc) Section 475.6222, F.S. Failure to provide direct supervision or training of trainee appraiser.	Revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(dd) Section 455.227(1)(j), F.S. Aiding unlicensed activity	Revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(ee) Section 455.227(1)(k), F.S. Failure to perform any statutory or legal obligation.	Up to 5 years suspension and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(ff) Section 455.227(1)(n), F.S. Exercising influence on client for licensee's or third party's financial gain.	Up to 5 years suspension and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(gg) Section 455.227(1)(o), F.S. Practicing or offering to practice beyond permitted scope.	Up to a 5 year suspension and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(hh) Section 455.227(1)(p), F.S. Delegating beyond permitted scope.	Up to a 5 year suspension and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(ii) Section 455.227(1)(t), F.S. Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (more than 30 days late) .	Reprimand and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(jj) Section 475.6245(1)(s), F.S. <u>Has influenced or attempted to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or other means.</u>	<u>Revocation and an administrative fine of \$5,000.</u>	<u>Revocation and an administrative fine of \$5,000.</u>
(kk) Section 475.6245(1)(t), F.S. <u>Has altered, modified, or otherwise changed a completed appraisal report submitted by an appraiser to an appraisal management company.</u>	<u>Revocation and an administrative fine of \$5,000.</u>	<u>Revocation and an administrative fine of \$5,000.</u>
(ll) Section 475.6245(1)(u), F.S. <u>Has employed, contracted with, or otherwise retained an appraiser whose registration, license, or certification is suspended or revoked to perform appraisal services or appraisal management services.</u>	<u>Up to revocation and an administrative fine of \$5,000.</u>	<u>Revocation and an administrative fine of \$5,000.</u>

(4)(a) When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the Board by clear and convincing evidence, the Board shall be entitled to deviate from the above guidelines in imposing discipline upon a licensee. Whenever the petitioner or respondent intends to introduce such evidence to the Board in a Section 120.57(2), F.S., hearing, advance notice of no less than seven (7) days shall be given to the other party or else the evidence can be properly excluded by the Board.

(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:

1. through 6. No change.

Rulemaking Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.6221(3), 475.624, 475.626, 475.6245 FS. History—New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03, 12-4-06, 11-25-07, 1-11-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
61J1-8.005 Revocation

PURPOSE AND EFFECT: The Board proposes the rule amendment to include requirements for appraisal management companies.

SUMMARY: Requirements for appraisal management companies will be included in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 455.227, 475.614 FS.

LAW IMPLEMENTED: 455.227 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

THE TEXT OF THE PROPOSED RULE IS:

61J1-8.005 Revocation.

(1) No change.

(2) An individual whose registration, license or certification has been revoked for the above listed violation may not apply for registration for a period of five (5) years after the date of filing of the final order revoking the registration, license or certification. The applicant must meet all the requirements for initial registration as a registrant. Certification, licensure or registration will be based upon the criteria listed in Sections 475.615 and 475.624, F.S. or Sections 475.6235 and 475.6245, F.S. as applicable.

Rulemaking Specific Authority 455.227, 475.614 FS. Law Implemented 455.227(5) FS. History—New 3-26-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2011.
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-1.003 Forms and Instructions Used by the Department of Environmental Protection

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is no longer needed, because these forms are no longer used by the Department.

OTHER RULES INCORPORATING THIS RULE: Chapter 62-1 is referenced by Rules 62-4.120, 62-17.540, 62-45.060, 62-45.110, .040, 62-113.200, 62-330.200, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeals will have no substantive effect on the rule sections that cross reference chapter 62-1, F.A.C., because the forms listed in rule 62-1.003 are obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The forms identified in this rule are no longer used by the Department. As a result, the repeal of this rule will not have a regulatory cost to the public or 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: 20.25 FS.

LAW IMPLEMENTED: 120.53 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: January 11, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 E. Paul Dirac Drive (Collins Building), Large Conference Room, Tallahassee, FL 32310-3760

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 five (5) days before the workshop/meeting by contacting: Lisa Robertson at (850)488-8217. 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: Stacey Cowley, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2219 or e-mail: stacey.cowley@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-1.003 Forms and Instructions Used by the Department of Environmental Protection.

Rulemaking Specific Authority 20.25 FS. Law Implemented 120.53 FS. History--New 3-8-82, Formerly 16-7.01, 16-7.02, 16-7.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-4.060	Consultation
62-4.110	Financial Responsibility
62-4.150	Review
62-4.210	Construction Permits
62-4.220	Operation Permit for New Sources
62-4.240	Permits for Water Pollution Sources
62-4.249	Preservation of Rights
62-4.250	Water Pollution Temporary Operation Permits; Conditions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The sections proposed for repeal are either advisory in nature, repeat statutory provisions, duplicate requirements found in other rules of the agency, or are based on statutory authority that no longer exists. They are unnecessary and in some cases could create uncertainty over applicability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed repeals remove unnecessary or outdated language. There are no costs associated with removing these sections, and in some cases costs may be reduced.

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

RULEMAKING AUTHORITY: 403.021, 403.031, 403.061, 403.062, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.088, 403.091, 403.101, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 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: December 10, 2011, beginning at 10:00 am.

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, 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 48 hours before the workshop/meeting by contacting: Chris McGuire, (850)245-2291, email chris.mcguire@dep.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: Chris McGuire, Department of Environmental Protection, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, telephone (850)245-2291, email chris.mcguire@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-4.060 Consultation.

Rulemaking Specific Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History–New 5-17-72, Amended 8-31-88, Formerly 17-4.060, Repealed.

62-4.110 Financial Responsibility.

Rulemaking Specific Authority 403.061(7) FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History–New 5-17-72, Amended 8-7-73, Formerly 17-4.11, Amended 8-31-88, Formerly 17-4.110, Repealed.

62-4.150 Review.

Rulemaking Specific Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History–New 5-17-72, Formerly 17-4.15, Amended 8-31-88, Formerly 17-4.150, Repealed.

62-4.210 Construction Permits.

Rulemaking Specific Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History–New 5-17-72, Formerly 17-4.21, Amended 8-31-88, Formerly 17-4.210, Repealed.

62-4.220 Operation Permit for New Sources.

Rulemaking Specific Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088 FS. History–Formerly 17-4.05, New 3-4-70, Revised 5-17-72, Formerly 17-4.22, Amended 8-31-88, Formerly 17-4.220, Repealed.

62-4.240 Permits for Water Pollution Sources.

Rulemaking Specific Authority 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088, 403.101 FS. History–New 5-17-72, Formerly 17-4.23, Amended 8-31-88, 10-4-89, Formerly 17-4.240, Repealed.

62-4.249 Preservation of Rights.

Rulemaking Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.091, 403.101, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History–New 3-1-79; Amended 8-31-88, Formerly 17-4.249, Repealed.

62-4.250 Water Pollution Temporary Operation Permits; Conditions.

Rulemaking Specific Authority 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 403.021, 403.031, 043.061, 403.087, 403.088(5)(c) FS. History–New 5-17-72, Amended 3-26-74, Formerly 17-4.25, Amended 8-31-88, 10-4-89, Formerly 17-4.250, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Chris McGuire

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-11.003	Damages to Other Resources, Flora or Fauna

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule explains that the Department is not prevented from assessing and recovering damages to air, water or property, including animal, plant or aquatic not specifically listed in Chapter 62-11. This rule is unnecessary and merely

attempts to ensure no argument is made that Rules 62-11.001 and 62-11.002 will be construed to limit the Department's ability to recover environmental damages in other liability provisions in Chapter 403.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.061, 403.141 FS.

LAW IMPLEMENTED: 403.061, 403.141, 403.161 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: December 20, 2011, 10:00 a.m.

PLACE: 3900 Commonwealth Blvd., First Floor Conference Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Justin Wolfe, 3900 Commonwealth Blvd., MS #35, Tallahassee, FL 32399, justin.g.wolfe@dep.state.fl.us; (850)245-2214. 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: Justin Wolfe, 3900 Commonwealth Blvd. MS #35, Tallahassee, FL 32399; justin.g.wolfe@dep.state.fl.us, (850)245-2214

THE FULL TEXT OF THE PROPOSED RULE IS:

62-11.003 Damages to Other Resources, Flora or Fauna.

Rulemaking Specific Authority 403.061, 403.141 FS. Law Implemented 403.061, 403.141, 403.161, ~~403.747~~ FS. History--New 2-16-93, Formerly 17-11.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Justin Wolfe

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.011	General
62-17.031	Prohibitions, Exceptions, and Applicability
62-17.081	Supplementary Information – Cost Responsibility, Determination of Completeness of Application
62-17.093	Preliminary Statements of Issues
62-17.137	Proprietary Interest in State-Owned Lands
62-17.143	Recommended Orders, Exceptions
62-17.221	Revocation or Suspension of Certification
62-17.231	Supplemental Applications
62-17.510	General
62-17.610	Proprietary Interest in State-owned Lands

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules are being repealed because they are unnecessary to the program or because they substantially restate the statute.

OTHER RULES INCORPORATING THIS RULE: No other rules are known to incorporate these rules.

EFFECT ON THOSE OTHER RULES: NA

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 403.504(1), (2), (6), (9), 403.517(1)(a), 403.5063(2), 403.523(1) FS.

LAW IMPLEMENTED: 403.504, 403.506, 403.5063(2), 403.507(1)-(4), 403.5055, 403.508(3), (7)(d), (8), 403.509, 403.0872, 403.0885, 403.511(7), 403.512, 403.517, 403.5175, 403.521, 403.531(3)(b), 403.523(10) 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: January 11, 2012, 9:00 a.m.

PLACE: Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

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: Cindy Mulkey, 3900 Commonwealth Blvd., MS 48, Tallahassee, FL 32399-3000, (850)245-2002, Cindy.Mulkey@dep.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: Cindy Mulkey, 3900 Commonwealth Blvd., MS 48, Tallahassee, FL 32399-3000, (850)245-2002
Cindy.Mulkey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-17.011 General.

Rulemaking Specific Authority 403.504(1), 403.517(1)(a) FS. Law Implemented 403.504(2), (3), (5), 403.517, 403.5175 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.01, Amended 5-9-83, Formerly 17-17.011, Amended 2-1-99, Repealed.

62-17.031 Prohibitions, Exceptions, and Applicability.

Rulemaking Specific Authority 403.504(1) FS. Law Implemented 403.504, 403.506 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.03, Amended 5-9-83, Formerly 17-17.031, Amended 2-1-99, 2-13-08, Repealed.

62-17.081 Supplementary Information – Cost Responsibility, Determination of Completeness of Application

Rulemaking Specific Authority 403.504(1), (2), 403.5063(2) FS. Law Implemented 403.504(2), (3), 403.5063(2) FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.04(2), 17-17.20, Amended 5-9-83, Formerly 17-17.081, Amended 2-1-99, 2-13-08, Repealed.

62-17.093 Preliminary Statement of Issues.

Rulemaking Specific Authority 403.504(1) FS. Law Implemented 403.507(1), (2)(d) FS. History–New 2-1-99, Amended 2-13-08, Repealed.

62-17.137 Proprietary Interest in State Lands.

Rulemaking Specific Authority 403.504(1) FS. Law Implemented 403.509(5) FS. History–New 2-13-08, Repealed.

62-17.143 Recommended Orders, Exceptions.

Rulemaking Specific Authority 403.504(1) FS. Law Implemented 403.508(3), 403.508(7)(d), 403.509 FS. History–New 2-1-99, Amended 2-13-08, Repealed.

62-17.221 Revocation or Suspension of Certification.

Rulemaking Specific Authority 403.504(1) FS. Law Implemented 120, 403.512 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.18, Amended 5-9-83, Formerly 17-17.221, Amended 2-1-99, Repealed.

62-17.231 Supplemental Applications.

Rulemaking Specific Authority 403.504(1), (6), (9) FS. Law Implemented 403.517 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.21, Amended 5-9-83, Formerly 17-17.231, Amended 2-1-99, 2-13-08, Repealed.

62-17.510 General.

Rulemaking Authority 403.523(1) FS. Law Implemented 403.521 FS. History–New 11-20-80, Amended 6-26-84, Formerly 17-17.51, 17-17.510, Amended 5-24-10, Repealed.

62-17.610 Proprietary Interest in State-Owned Lands.

Rulemaking Authority 403.523(1) FS. Law Implemented 403.531(3)(b) FS. History–New 5-24-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Mulkey

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-18.001	General
62-18.020	Definitions
62-18.030	Instrumentation
62-18.040	Equipment Operators
62-18.050	Location of Microphone
62-18.080	Procedure for Reporting
62-18.090	Reference
62-18.500	General
62-18.510	Definitions
62-18.530	Personnel
62-18.580	Reference
62-18.700	General
62-18.710	Definitions
62-18.720	Instrumentation
62-18.730	Instrument Calibration

62-18.740	Personnel
62-18.750	Meter Operation
62-18.760	Light Trucks, Buses and Passenger Cars
62-18.770	Heavy Trucks, Truck Tractors, and Buses
62-18.780	Motorcycles and Motor-Driven Cycles
62-18.790	Exception
62-18.800	Certification
62-18.810	Data
62-18.820	Effective Date

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1083) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Federal standards requiring vehicles be manufactured to comply with exhaust noise standards supersede these rules.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 316.293(3), 403.061(7), (11), (13), 403.415(5) FS.

LAW IMPLEMENTED: 316.293(3), 403.021, 403.061, 403.415(5), (7), (8), (9) 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair

Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9023. E-mail terri.long@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9023, E-mail terri.long@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-18.001 General.

Rulemaking Specific Authority 403.061 FS. Law Implemented 316.293(3), 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History—New 11-27-74, Formerly 17-18.01, 17-18.001, Repealed.

62-18.020 Definitions.

Rulemaking Specific Authority 403.061 FS. Law Implemented 316.293(3), 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History—New 11-27-74, Formerly 17-18.02, 17-18.020, Repealed.

62-18.030 Instrumentation.

Rulemaking Specific Authority 316.293(3), 403.061(7) FS. Law Implemented 316.293, 403.061, 403.415(5), (9) FS., Chapter 74-110, Laws of Florida. History—New 1-27-74, Amended 7-19-77, Formerly 17-18.03, 17-18.030, Repealed.

62-18.040 Equipment Operators.

Rulemaking Specific Authority 403.061 FS. Law Implemented 316.293(3), 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History—New 11-27-74, Formerly 17-18.04, 17-18.040, Repealed.

62-18.050 Location of Microphone.

Rulemaking Specific Authority 403.061 FS. Law Implemented 316.293(3), 403.061, 403.415(5), (7) FS., Chapter 74-110, Laws of Florida. History—New 11-27-74, Formerly 17-18.05, 17-18.050, Repealed.

62-18.080 Procedure for Reporting.

Rulemaking Specific Authority 403.061 FS. Law Implemented 316.293(3), 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History–New 11-27-74, Formerly 17-18.08, 17-18.080, Repealed.

62-18.090 Reference.

Rulemaking Specific Authority 403.061 FS. Law Implemented 316.293(3), 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History–New 11-27-74, Formerly 17-18.09, 17-18.090, Repealed.

62-18.500 General.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History–New 11-27-74, Formerly 17-18.50, 17-18.500, Repealed.

62-18.510 Definitions.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History–New 11-27-74, Formerly 17-18.51, 17-18.510, Repealed.

62-18.530 Personnel.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History–New 11-27-74, Formerly 17-18.53, 17-18.530, Repealed.

62-18.580 Reference.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.061, 403.415(5) FS., Chapter 74-110, Laws of Florida. History–New 11-27-74, Formerly 17-18.58, 17-18.580, Repealed.

62-18.700 General.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.70, 17-18.700, Repealed.

62-18.710 Definitions.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.71, 17-18.710, Repealed.

62-18.720 Instrumentation.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.72, 17-18.720, Repealed.

62-18.730 Instrument Calibration.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.73, 17-18.730, Repealed.

62-18.740 Personnel.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.74, 17-18.740, Repealed.

62-18.750 Meter Operation.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.75, 17-18.750, Repealed.

62-18.760 Light Trucks, Buses and Passenger Cars.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.76, 17-18.760, Repealed.

62-18.770 Heavy Trucks, Truck Tractors, and Buses.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.77, 17-18.770, Repealed.

62-18.780 Motorcycles and Motor-Driven Cycles.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.78, 17-18.780, Repealed.

62-18.790 Exception.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.79, 17-18.790, Repealed.

62-18.800 Certification.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.80, 17-18.800, Repealed.

62-18.810 Data.

Rulemaking Specific Authority 403.061(7),(11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.81, 17-18.810, Repealed.

62-18.820 Effective Date.

Rulemaking Specific Authority 403.061(7), (11), 403.415 FS. Law Implemented 403.415, 403.415(8) FS. History–New 7-19-77, Formerly 17-18.82, 17-18.820, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Halpin, Director, Division of Air Resource Management
NAME OF PERSON WHO APPROVED THE PROPOSED
RULE: Herschel T. Vinyard, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-25.042	Permit Requirements for Wetland Stormwater Discharge Facilities
62-25.050	Delegation
62-25.080	General Provisions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal of the following rules in Chapter 62-25, F.A.C., Regulation of Stormwater Discharge, that the Department has determined are obsolete or otherwise no longer necessary in accordance with Executive Order 11-01:

Rule 62-25.042, F.A.C., has not been used in over 20 years. The performance standards in subsection (6) of this rule have not been affirmatively approved by the Environmental Regulation Commission in accordance with subsection (1) of this rule, and should have been repealed as of April 1, 1989. Wetlands stormwater discharge facilities can still be proposed and would be regulated under the rules adopted under Part IV of Chapter 373, F.S.

The provisions for delegating the regulation of stormwater management and discharge systems to local governments under Rule 62-25.050, F.A.C., have been superseded by Section 373.441, F.S., and Chapter 62-344, F.A.C., which now govern all delegations under Part IV of Chapter 373, F.S. Only one local government, the City of Tallahassee, ever received a partial delegation of authority to regulate certain stormwater management and discharge systems under Chapter 62-25, F.A.C., and that delegation was rescinded in 2007, at the City's request.

Rule 62-25.080, F.A.C., restates legal provisions that already exist, and will continue to exist, if this rule is repealed. This rule does not add any useful information for staff or the public, and therefore is unnecessary.

OTHER RULES INCORPORATING THIS RULE: Rule 62-25.042, F.A.C., is referenced in subsections 62-25.020(19), 62-25.020(20), and 62-25.040(1), F.A.C., and paragraph 62-25.040(7)(a), F.A.C. Those references will need to be replaced with "wetlands permitted for stormwater treatment under Rule 62-25.042, F.A.C. (May 5, 1985) or Part IV of Chapter 373, F.S." As part of the revisions to subsection 62-25.020(19), F.A.C., the reference to "Rule 62-301.400, F.A.C.," also will need to be revised to "Chapter 62-340, F.A.C.," because Chapter 62-301, F.A.C., is proposed for repeal through separate rulemaking.

Rule 62-25.042, F.A.C., also is referenced in paragraphs 62-340.700(1)(c) and (2)(a), F.A.C. Those references will need to be corrected to "excluding wetlands permitted for stormwater treatment under Rule 62-25.042, F.A.C. (May 5, 1985) or Part IV of Chapter 373, F.S." In addition, references to this rule contained in subparagraphs 40B-400.051(3)(a)3. and (3)(b)1., 40C-4.051(13)(a)3. and (b)1., 40D-4-051(12)(a)3. and (b)1., and 40E-4.0515(1)(a)3. and (b)(1), F.A.C., which are incorporated by reference in Rule 62-330.200, F.A.C., will be similarly corrected by amending Rule 62-330.200, F.A.C.

Rule 62-25.050, F.A.C., is referenced in subsection 62-25.040(1), F.A.C., and paragraph 62-25.040(7)(a), F.A.C. Those references will need to be corrected to cite to Chapter 62-344, F.A.C.

EFFECT ON THOSE OTHER RULES: With the changes proposed above, there will be no substantive affect on the other rules that cross reference the rules proposed for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.026(7), 373.043, 373.4145, 403.805(1) FS.

LAW IMPLEMENTED: 373.4145 FS.

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

DATE AND TIME: January 13, 2012, 8:00 a.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-0871)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-25.042 Permit Requirements for Wetland Stormwater Discharge Facilities.

Rulemaking Specific Authority 373.026(7), 373.043, 373.4145, 403.805(1) FS. Law Implemented 373.4145 FS. History--New 5-8-85, Formerly 17-25.042, Repealed.

62-25.050 Delegation.

Rulemaking Specific Authority 373.026(7), 373.043, 373.4145, 403.805(1) FS. Law Implemented 373.4145 FS. History--Formerly 17-4.248, Amended and Renumbered 2-1-82, Amended 1-26-84, 5-8-85, Formerly 17-25.05, 17-25.050, Repealed.

62-25.080 General Provisions.

Rulemaking Specific Authority 373.026(7), 373.043, 373.4145, 403.805(1) FS. Law Implemented 373.4145 FS. History--Formerly 17-4.248, Amended and Renumbered 1-20-82, Formerly 17-25.08, 17-25.080, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-29.001	Intent
62-29.020	Definitions
62-29.030	Application for Conceptual Agency Review
62-29.040	Permit Processing
62-29.050	Standards for Issuance or Denial of Conceptual Agency Review
62-29.060	Effect of Approval or Denial
62-29.070	Duration of Permits; Renewal
62-29.080	Modification or Revocation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Chapter 62-29, F.A.C., "Conceptual Agency Review," was amended effective October 3, 1995, to apply only within the geographic territory of the Northwest Florida Water Management District (NFWFMD), where Chapters 62-25 and 62-312, F.A.C., remained in effect under Section 373.4145, F.S. The conceptual agency review provisions of Chapter 62-29, F.A.C., had applicability there because neither Chapter 62-25 nor 62-312, F.A.C., had a conceptual approval process. However, the Environmental Resource Permit (ERP) rule Chapter 62-346, F.A.C., adopted under Section 373.4145(1)(b), F.S., within the NFWFMD effective

November 1, 2010, now regulates activities formerly regulated under Chapters 62-25 and 62-312, F.A.C., and contains provisions for an applicant to obtain a conceptual approval permit. As such, the mandate in Section 380.06(9)(b), F.S., for a conceptual approval process is now satisfied by the ERP permit program rules, and the need for Chapter 62-29, F.A.C., no longer exists. In addition, it does not appear any applicant has ever used Chapter 62-29, F.A.C., since it was originally adopted in 1986. Therefore this chapter is no longer necessary and is proposed for repeal to comply with Executive Orders 11-01 and 11-72.

OTHER RULES INCORPORATING THIS RULE: There are no other rules or chapters that incorporate any of the rules in Chapter 62-29, F.A.C.

EFFECT ON THOSE OTHER RULES: None of these rules are incorporated by other rules or chapters; therefore, there is no effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.026, 373.043, 373.044, 380.06(9) FS.

LAW IMPLEMENTED: 373.109, 373.413(4), 373.4145, 380.06(9), 403.0877 FS.

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

DATE AND TIME: January 13, 2012, 9:15 a.m., ET
PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-0872)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-29.001 Intent.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.001, Amended 7-4-95, Repealed.

62-29.020 Definitions.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.020, Amended 7-4-95, Repealed.

62-29.030 Application for Conceptual Agency Review.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.109, 373.4145, 380.06(9), 403.0877 FS. History--New 8-13-86, Formerly 17-29.030, Amended 7-4-95, Repealed.

62-29.040 Permit Processing.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.413(4), 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.040, Amended 7-4-95, Repealed.

62-29.050 Standards for Issuance or Denial of Conceptual Agency Review.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.050, Amended 7-4-95, Repealed.

62-29.060 Effect of Approval or Denial.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.060, Repealed.

62-29.070 Duration of Permits; Renewal.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.070, Repealed.

62-29.080 Modification or Revocation.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 380.06(9) FS. Law Implemented 373.4145, 380.06(9) FS. History--New 8-13-86, Formerly 17-29.080, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-43.010
RULE TITLE: Intent

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Including intent via rule is unnecessary and duplicates statutory language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.043 FS.

LAW IMPLEMENTED: 373.026, 373.453, 373.455, 373.456 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: Wednesday, January 4, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kristine Jones at (850)245-8682 or the below information. 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: Kristine Jones, Department of Environmental Protection, Bureau of Watershed Restoration, MS 3570, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8682 or e-mail: kristine.p.jones@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-43.010 Intent.

Rulemaking Specific Authority 373.043 FS. Law Implemented 373.026, 373.453, 373.455, 373.456 FS. History—New 12-7-87, Amended 2-21-90, Formerly 17-43.010, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-43.100
 RULE TITLE: Advisory Table of Approval Surface Water Priority Lists

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Including the list via rule is unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The list is not necessary for inclusion in Chapter 62-43, F.A.C.

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: 373.043, 373.453 FS.

LAW IMPLEMENTED: 373.026, 373.451, 373.453 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: Wednesday, January 4, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kristine Jones at (850)245-8682 or the below information. 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: Kristine Jones, Department of Environmental Protection, Bureau of Watershed Restoration, MS 3570, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8682 or e-mail: kristine.p.jones@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-43.100 Advisory Table of Approval Surface Water Priority Lists.

Rulemaking Specific Authority 373.043, 373.453 FS. Law Implemented 373.026, 373.451, 373.453 FS. History—New 2-21-90, Formerly 17-43.100, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-104.040
 RULE TITLE: General; Application of Funds and Criteria for Selection of Proposals and Allocation of Funds

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is unnecessary as funding for the program is no longer available.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: since funding for the program is no longer available, rule repeal will have no costs.

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

RULEMAKING AUTHORITY: 403.061(28) FS.

LAW IMPLEMENTED: 403.0615 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: Wednesday, January 4, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Frick at (850)245-7518 or the below information. 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: Tom Frick, Department of Environmental Protection, Bureau of Watershed Restoration, MS 3510, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-7518 or e-mail: thomas.frick@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-104.040 General; Application of Funds and Criteria for Selection of Proposals and Allocation of Funds.

Rulemaking Specific Authority 403.061(28) FS. Law Implemented 403.0615 FS. History--New 5-29-78, Formerly 17-1.126, Amended 6-1-84, Formerly 17-1.104, Amended 11-28-96, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-112.030
 RULE TITLE: Procedures for Certification and Agency Review

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal Rule 62-112.030, F.A.C., which established procedures for certification and coordinated agency review of development projects in the Florida Keys Area of Critical State Concern, because it is unnecessary given other statutorily authorized procedures for expedited review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 380.051 FS.

LAW IMPLEMENTED: 380.051 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: TBA

PLACE: TBA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stockwell, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., M.S. 35, Tallahassee, FL 32399-3000, telephone (850)245-2199 or email Sandra.Stockwell@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-112.030 Procedures for Certification and Agency Review.

Rulemaking Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 9-21-87, Formerly 17-112.030, Amended 11-13-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sally Mann, Director, Office of Intergovernmental Programs
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Hershel T. Vinyard Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-133.100	Policy and Purpose
62-133.200	Definitions
62-133.300	Recruitment, Screening, Training, Supervision, and Responsibility of Volunteers
62-133.400	Volunteer Services Agreements
62-133.500	Administrative Requirements
62-133.600	Standards of Conduct for Volunteers
62-133.700	Termination of Volunteer Service
62-133.800	Volunteer Benefits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is no longer needed. Section 110.503(2), Florida Statutes, requires agencies that use volunteers to comply with the Department of Management Services' uniform rule on volunteers (60L-33.006, F.A.C.).

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Repealing this unnecessary rule will not have an adverse impact or impose a regulatory burden.

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: 110.503(2) FS.

LAW IMPLEMENTED: 110.501, 110.502, 110.503, 110.504, 110.505 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: December 15, 2011, 2:00 p.m.

PLACE: Conference Room 628B, Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Heather Chapman, Office Manager, Office of General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399. Ms. Chapman may also be reached by email to Heather.Chapman@dep.state.fl.us or by telephone at (850)245-2242. 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: Ginger Daniels, Bureau of Personnel Services, 3900 Commonwealth Boulevard, MS 75, Tallahassee, Florida 32399-3000. Phone number (850)245-2431 or by e-mail to Ginger.Daniels@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-133.100 Policy and Purpose.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.503 FS. History--New 8-28-95, Repealed.

62-133.200 Definitions.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.501, 110.503 FS. History--New 8-28-95, Repealed.

62-133.300 Recruitment, Screening, Training, Supervision, and Responsibility of Volunteers.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.502, 110.503 FS. History--New 8-28-95, Repealed.

62-133.400 Volunteer Services Agreements.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.502, 110.503 FS. History--New 8-28-95, Repealed.

62-133.500 Administrative Requirements.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.503, 110.505 FS. History--New 8-28-95, Repealed.

62-133.600 Standards of Conduct for Volunteers.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.502, 110.503 FS. History--New 8-28-95, Repealed.

62-133.700 Termination of Volunteer Service.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.503 FS. History–New 8-28-95, Repealed.

62-133.800 Volunteer Benefits.

Rulemaking Specific Authority 110.503(2) FS. Law Implemented 110.503, 110.504 FS. History–New 8-28-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cynthia Kelly, Director, Division of Administrative Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-160.900
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The rule is a placeholder for forms that do not exist. There are no plans to include forms in this rule in the future.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 403.061, 403.0623 FS.
 LAW IMPLEMENTED: 373.026, 373.309, 373.409, 373.413, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 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: Wednesday, January 4, 2012, 9:00 a.m.
 PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429 or the below information. 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: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-160.900 Forms.

Rulemaking Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.853 FS. History–New 1-1-91, Amended 2-4-93, Formerly 17-160.900, Amended 3-24-96, 10-15-96, 4-9-02, Repealed.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-204.100	Purpose and Scope
62-204.200	Definitions
62-204.220	Ambient Air Quality Protection
62-204.320	Procedures for Designation and Redesignation of Areas
62-204.360	Designation of Prevention of Significant Deterioration Areas
62-204.400	Public Notice and Hearing Requirements for State Implementation Plan Revisions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1084) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The purpose of the proposed rulemaking is to update Chapter 62-204, F.A.C., to remove obsolete provisions related to ambient air quality protection and area designations. Additionally, all definitions in Rule 62-204.200, F.A.C., are currently found in Chapter 62-210.200, or are being added or revised at 62-210.200 in the pending PM2.5 rulemaking, thereby rendering this rule unnecessary.

OTHER RULES INCORPORATING THIS RULE: Rule 62-296.602, F.A.C., incorrectly references subsection 62-204.220(2), F.A.C.

EFFECT ON THOSE OTHER RULES: The effect of the repeal will be as intended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.8055 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Kelly Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9017, E-mail kelly.stevens@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900

Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Kelly Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, Telephone (850)717-9017, E-mail kelly.stevens@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-204.100 Purpose and Scope.

Rulemaking Specific Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.8055 FS. History—New 11-30-94, Amended 3-13-96, Repealed.

62-204.200 Definitions.

Rulemaking Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.8055 FS. History—New 11-30-94, Amended 3-13-96, 2-12-06, 10-6-08, Repealed.

62-204.220 Ambient Air Quality Protection.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 3-13-96, Repealed.

62-204.320 Procedures for Designation and Redesignation of Areas.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 3-13-96, Repealed.

62-204.360 Designation of Prevention of Significant Deterioration Areas.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 3-13-96, Repealed.

62-204.400 Public Notice and Hearing Requirements for State Implementation Plan Revisions.

Rulemaking Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.8055 FS. History—New 11-30-94, Amended 10-6-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
 62-210.100 Purpose and Scope
 62-210.340 Citrus Juice Processing Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1086) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The proposed rules to be repealed involve requirements for citrus juice processing facilities. There are also Federal standards for citrus juice processing facilities which supersede these rules and Section 403.08725, F.S., was repealed making these rules obsolete.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061, 403.08725 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.08725 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Jim Pennington, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, Telephone (850)717-9102, E-mail jim.pennington@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Jim Pennington, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9102, E-mail jim.pennington@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.100 Purpose and Scope.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New 2-9-93, Formerly 17-210.100, Amended 11-23-94, 1-10-07, Repealed.

62-210.340 Citrus Juice Processing Facilities.

Rulemaking Specific Authority 403.08725 FS. Law Implemented 403.08725 FS. History–New 12-17-02, Amended 11-1-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
 62-212.100 Purpose and Scope

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1087) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is unnecessary introductory language.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of

\$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.0875 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.100 Purpose and Scope.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.0875 FS. History--New 2-2-93, Formerly 17-212.100, Amended 11-23-94, 3-13-96, 5-20-97, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-213.100
RULE TITLE: Purpose and Scope

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1089) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is unnecessary introductory language.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.061, 403.0872 FS.

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

DATE AND TIME: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource

Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015. E-mail tiffany.lanh@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.100 Purpose and Scope.

Rulemaking Specific Authority 403.061, 403.0872 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Formerly 17-213.010, Amended 3-13-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-242.100	Purpose and Scope
62-242.200	Definitions
62-242.400	Standards and Procedures for Inspection of Gasoline-Fueled Vehicles; Pass/Fail Criteria
62-242.500	Standards and Procedures for Inspection of Diesel Fueled Vehicles; Pass/Fail Criteria
62-242.600	Equipment Performance Specifications
62-242.700	Tampering Inspection
62-242.800	Low Emissions Adjustment
62-242.900	Training Criteria for Motor Vehicle Emissions Inspection Personnel

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1090) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The Department of Environmental Protection adopted this rule pursuant to the Florida Clean Outdoor Air Law, Section 325.201, F.S., as an integral part of the Department's program to achieve and maintain the National Ambient Air Quality Standards for ozone, carbon monoxide, and particulate matter; and to control nuisance exhaust. This rule is obsolete as Chapter 325, F.S., was repealed and other rules have addressed the pollutants.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 325.206, 325.209, 325.212, 352.213, 403.061 FS.

LAW IMPLEMENTED: 325.202, 325.203, 325.206, 325.209, 325.212, 325.213, 403.021, 403.031, 403.061 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Jim Pennington, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400 Telephone (850)717-9102. E-mail jim.pennington@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may

be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399. Telephone (850)245-2288. E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Jim Pennington, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9102, E-mail jim.pennington@dep.state.fl.us .

THE FULL TEXT OF THE PROPOSED RULES IS:

62-242.100 Purpose and Scope.

Rulemaking Specific Authority 325.206, 325.209, 325.212, 325.213, 403.061 FS. Law Implemented 325.206, 325.209, 325.212, 325.213, 403.021, 403.031, 403.061 FS. History–New 2-20-89, Amended 3-21-91, Formerly 17-242.100, Repealed .

62-242.200 Definitions.

Rulemaking Specific Authority 325.206, 325.209, 325.212, 325.213, 403.061 FS. Law Implemented 325.202, 325.206, 325.209, 325.212, 325.213, 403.021, 403.031, 403.061 FS. History–New 2-20-89, Amended 3-21-91, 2-2-93, Formerly 17-242.200, Amended 3-13-96, Repealed .

62-242.400 Standards and Procedures for Inspection of Gasoline-Fueled Vehicles; Pass/Fail Criteria.

Rulemaking Specific Authority 325.206, 403.061 FS. Law Implemented 325.203, 325.206, 403.021, 403.061 FS. History–New 2-20-89, Amended 3-21-91, 2-2-93, Formerly 17-242.400, Repealed .

62-242.500 Standards and Procedures for Inspection of Diesel Fueled Vehicles; Pass/Fail Criteria.

Rulemaking Specific Authority 325.206, 325.212, 403.061 FS. Law Implemented 325.203, 325.206, 325.212, 403.021, 403.031, 403.061 FS. History–New 2-20-89, Amended 3-21-91, 2-2-93, Formerly 17-242.500, Repealed .

62-242.600 Equipment Performance Specifications.

Rulemaking Specific Authority 325.206, 325.212, 403.061 FS. Law Implemented 325.206, 325.212, 325.213, 403.031, 403.061 FS. History–New 2-20-89, Amended 2-14-91, 2-2-93, Formerly 17-242.600, Repealed .

62-242.700 Tampering Inspection.

Rulemaking Specific Authority 325.206, 325.209, 403.061 FS. Law Implemented 325.206, 325.209, 403.021, 403.061 FS. History–New 2-20-89, Amended 3-21-91, 2-2-93, Formerly 17-242.700, Repealed .

62-242.800 Low Emissions Adjustment.

Rulemaking Specific Authority 325.206, 325.209, 403.061 FS. Law Implemented 325.206, 325.209, 403.021, 403.061 FS. History–New 2-20-89, Amended 3-21-91, 2-2-93, Formerly 17-242.800, Repealed .

62-242.900 Training Criteria for Motor Vehicle Emissions Inspection Personnel.

Rulemaking Specific Authority 325.212, 325.213, 403.061 FS. Law Implemented 325.202, 325.212, 325.213, 403.021, 403.031, 403.061 FS. History–New 2-20-89, Amended 3-21-91, 2-2-93, Formerly 17-242.900, Repealed .

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
 NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-243.100	Purpose and Scope
62-243.200	Definitions
62-243.400	Prohibitions
62-243.600	Enforcement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1091) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rules are technology-obsolete vehicle anti-tampering requirements.

OTHER RULES INCORPORATING THIS RULE: Rule 62-243.400, F.A.C., is referenced in Rule 62-243.300, F.A.C.

EFFECT ON THOSE OTHER RULES: The rule repeals would have no impact on the referencing rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 316.2935 FS.
 LAW IMPLEMENTED: 316.2935, 316.6105, 318.18, 325.209 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9023, E-mail terri.long@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9023, E-mail terri.long@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-243.100 Purpose and Scope.

Rulemaking Specific Authority 316.2935 FS. Law Implemented 316.2935, 316.6105, 318.18, 325.209 FS. History—New 2-21-90, Amended 5-29-90, Formerly 17-243.100, Repealed.

62-243.200 Definitions.

Rulemaking Specific Authority 316.2935 FS. Law Implemented 316.2935 FS. History—New 2-21-90, Amended 5-29-90, 1-2-91, Formerly 17-243.200, Repealed.

62-243.400 Prohibitions.

Rulemaking Specific Authority 316.2935 FS. Law Implemented 316.2935 FS. History—New 2-21-90, Amended 5-29-90, 1-2-91, Formerly 17-243.400, Repealed.

62-243.600 Enforcement.

Rulemaking Specific Authority 316.2935 FS. Law Implemented 316.2935 FS. History—New 2-21-90, Amended 5-29-90, 1-2-91, Formerly 17-243.600, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
 NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-252.100	Purpose and Scope
62-252.200	Definitions
62-252.400	Gasoline Dispensing Facilities – Stage II Vapor Recovery

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1092) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The proposed rules to be repealed involve requirements for gasoline vapor control requirements for gasoline dispensing facilities. There are now Federal standards for gasoline dispensing facilities which supersede these rules, making them obsolete.

OTHER RULES INCORPORATING THIS RULE: Chapter 62-252, F.A.C, is referenced in Rule 62-210.200, F.A.C. Rule 62-252.400, F.A.C., is referenced in Rule 62-252.300, F.A.C.

EFFECT ON THOSE OTHER RULES: The rule repeals would have no impact on the referencing rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
DATE AND TIME: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9023, E-mail terri.long@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9023, E-mail terri.long@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-252.100 Purpose and Scope.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.100, Repealed.

62-252.200 Definitions.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.100, Amended 2-2-93, Formerly 17-252.200, Amended 5-9-07, Repealed.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.100, Amended 2-2-93, Formerly 17-252.400, Amended 11-23-94, 5-9-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-257.100
RULE TITLE: Purpose and Scope
PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1094) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.
SUMMARY: This rule is unnecessary introductory language.
OTHER RULES INCORPORATING THIS RULE: None
EFFECT ON THOSE OTHER RULES: None
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 376.60, 403.061 FS.

LAW IMPLEMENTED: 376.60, 403.061 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Tiffany Lanh, Florida Department of

Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-257.100 Purpose and Scope.

Rulemaking Specific Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History--New 3-31-94, Formerly 17-257.100, Amended 11-23-94, 3-24-96, 2-9-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-281.100
RULE TITLE: Purpose, Scope, and Compliance Requirements for Affected Establishments

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1095) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule is duplicative of federal standards for recycling of ozone-depleting refrigerants.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 325.223, 403.061 FS.

LAW IMPLEMENTED: 325.223 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Tiffany Lanh, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9015, E-mail tiffany.lanh@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-281.100 Purpose, Scope, and Compliance Requirements for Affected Establishments.

Rulemaking Specific Authority 325.223, 403.061 FS. Law Implemented 325.223 FS. History--New 5-1-91, Amended 4-16-92, Formerly 17-281.100, Amended 12-26-95, 9-10-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.400
RULE TITLE: Adoption of California Motor Vehicle Emission Standards

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1096) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Federal emission standards in 40 CFR 86 for light-duty vehicles are now more stringent.

OTHER RULES INCORPORATING THIS RULE: None
EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 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: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Jim Pennington, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400. Telephone (850)717-9102. E-mail jim.pennington@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Jim Pennington, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9102, E-mail jim.pennington@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-285.400 Adoption of California Motor Vehicle Emission Standards.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History--New 2-15-09, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-297.100, 62-297.520
RULE TITLES: Purpose and Scope, EPA Continuous Monitor Performance Specifications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1099) will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-297.100, F.A.C., is unnecessary introductory language, and Rule 62-297.520, F.A.C., is unnecessary because monitor performance specifications are elsewhere adopted.

OTHER RULES INCORPORATING THIS RULE: Rule 62-297.520, F.A.C., is referenced in Rules 62-296.701 and 62-296.702, F.A.C.

EFFECT ON THOSE OTHER RULES: The rules would reference a rule that no longer exists and would have to be amended in future rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: January 5, 2012, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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: Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9098, E-mail cindy.phillips@dep.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 department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida

32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us or Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9098, E-mail cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-297.100 Purpose and Scope.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.700(1)(a), 17-297.100, Amended 11-23-94, 3-13-96, Repealed.

62-297.520 EPA Continuous Monitor Performance Specifications.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--New 6-29-93, Formerly 17-297.520, Amended 11-23-94, 3-13-96, 3-2-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
 NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-301.100	Findings, Declaration and Intent
62-301.200	Definitions
62-301.400	Determination of the Landward Extent of Surface Waters of the State

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is no longer needed. Entities that qualify for grandfathering under Sections 373.4145(6)(b), 373.414 (11), (12), (13), (14), or (16), F.S., and applicants for permits from the Bureau of Mining and Minerals Regulation under Section 373.414(15), F.S., can continue to use this historic wetland delineation methodology if they so qualify, because this rule, even if repealed, will be preserved as it existed on the dates provided in the above statutory sections.

OTHER RULES INCORPORATING THIS RULE: Chapter 62-301 is referenced by rules 62-25.020, 62-113.200, 62-312.030, 62-312.045, 62-312.050, 62-312.818, 62-312.819, 62-312.822, 62-330.100, 62-340.100, 62-611.500, 62-621.303, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeals will have no substantive effect on the rule sections that cross reference Chapter 62-301, F.A.C., because this rule chapter, even if repealed, will be preserved pursuant to the grandfathering under Sections 373.4145(6)(b), 373.414 (11), (12), (13), (14), and (16), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not require ratification by the Florida Legislature, because the rules are being repealed to reduce rules that are duplicative, unnecessarily burdensome, or no longer needed.

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

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, 403.802, 403.817 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: January 12, 2012, 1:30 p.m.

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone Road, 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 five (5) days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-0872)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-301.100 Findings, Declaration and Intent.

Rulemaking Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, 403.802 FS. History—New 5-29-90, Formerly 17-301.100, Repealed.

62-301.200 Definitions.

Rulemaking Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.031, 403.061, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History—New 5-29-90, Formerly 17-302.200, Repealed.

62-301.400 Determination of the Landward Extent of Surface Waters of the State.

Rulemaking Specific Authority 403.061, 403.805 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.088, 403.802, 403.817 FS. History—Formerly 17-4.02(17), Amended 10-1-84, 10-16-84, Formerly 17-4-022, 17-3-022, 17-301.400, Amended 1-8-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-303.810

Impairment of Interstate and Tribal Waters

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is unnecessary since coordination with other states and tribes occurs without it.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: coordination with other states and tribes occurs without the need for this rule. There is no economic consequence with rule repeal.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.062, 403.067 FS.

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

DATE AND TIME: Wednesday, January 4, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429 or the below information. 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: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-303.810 Impairment of Interstate and Tribal Waters.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History--New 6-10-02, Repromulgated 1-2-07, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.200
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: There is only one sentence in the entire rule and it only cross-references actual definitions in Section 403.031, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule duplicates definitions in Section 403.031, F.S., and is not needed. There are no costs that would result with rule repeal.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

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

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

DATE AND TIME: Wednesday, January 4, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jan Mandrup-Poulsen at (850)245-8448 or the below information. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Department of Environmental Protection, Bureau of Watershed Restoration, MS 3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: jan.mandrup-poulsen@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.200 Definitions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.031, 403.061, 403.062, 403.067 FS. History--New 5-24-01, Repeulgated 12-22-04, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-305.900
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The rule is unnecessary as the single form identified in the rule is already incorporated into the rule chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: there are no costs associataed with repealing this rule since the form referenced in the rule is incorporated elsewhere in the rule chapter.

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: 201.15(8), 403.890(1)(b) FS.
 LAW IMPLEMENTED: 201.15(8), 403.890(1)(b) 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: Wednesday, January 4, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kristine Jones at (850)245-8682 or the below information. 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: Kristine Jones, Department of Environmental Protection, Bureau of Watershed Restoration, MS 3570, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: kristine.p.jones@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-305.900 Forms.

Rulemaking Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History--New 10-29-08, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-312.010	Scope of Part I
62-312.020	Definitions
62-312.030	Jurisdiction
62-312.040	Jurisdictional Declaratory Statements
62-312.045	Jurisdictional Intent
62-312.050	Exemptions
62-312.060	Procedures to Obtain a Permit
62-312.065	Additional Requirements and Procedures for Concurrent Review of Related Applications
62-312.070	Short Form Applications for Certain Dredging or Filling
62-312.080	Standards for Issuance or Denial of a Permit
62-312.082	Duration of Permits

62-312.085	Periodic Review of Permits		Municipal Governments for the
62-312.090	Emergency Classification and Procedures		Construction of Freshwater Fish Attractors
62-312.100	Modification of Permits	62-312.815	General Permit for Ski Jumps and Slalom Courses
62-312.200	Scope of Part II		
62-312.210	Procedures to Obtain a Long-Term Permit	62-312.816	General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings and Bridges of Artificial Waterways
62-312.220	Standards for Issuance or Denial of a Long-Term Permit		
62-312.300	Intent	62-312.817	General Permit for the Construction of Aerial Pipeline Crossings of Certain Waters
62-312.310	Definitions		
62-312.320	Incorporation of Mitigation into the Permit Application Process	62-312.818	General Permit for Subaqueous Utility Crossings of Artificial Waterways
62-312.330	Mitigation Proposals		
62-312.340	Evaluation of Mitigation Proposals		
62-312.350	Determination of Success for Mitigation Projects	62-312.819	General Permit for the Limited Dredging of Sediment for Aquatic Plant Management Purposes
62-312.360	Pre-Construction Mitigation		
62-312.370	Restrictions on Property Use	62-312.822	General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities
62-312.380	Release from Responsibility		
62-312.390	Financial Responsibility		
62-312.800	Scope of Part V	62-312.823	General Permit for Floating Vessel Platforms and Floating Boat Lifts
62-312.801	General Permit to U.S. Forest Service for Minor Works Within National Forests in Florida	62-312.824	General Permit to Municipalities to Pave Existing Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway
62-312.803	General Permit for Installation or Maintenance of Boat Ramps		
62-312.804	General Permit for Riprap		
62-312.805	General Permit for Headwalls and Culverts Associated with a Stormwater Discharge Facility	62-312.825	General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities
62-312.806	General Permit to the Florida Department of Transportation for Minor Works Within FDOT Rights-of-Way or Easements		
62-312.807	General Permit for the Construction of Artificial Reefs		
62-312.808	General Permit for Certain Piers and Associated Structures		
62-312.809	General Permit to the Florida Department of Transportation for Minor Bridge Construction		
62-312.810	General Permit to Perform Prospecting Activities for Phosphate Minerals		
62-312.811	General Permit for Temporary Dragline Crossings of Waterways		
62-312.812	General Permit for Low Water Crossings		
62-312.813	General Permit for the Installation of Fences		
62-312.814	General Permit to Florida Game and Fresh Water Fish Commission, U.S. Forest Service, and County and		

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal all of the rules in Chapter 62-312, F.A.C., "Dredge and Fill Activities," except Rules 62-312.400 through 62-312.470, F.A.C. (Part IV Additional Criteria for Dredging and Filling Within Outstanding Florida Waters in Monroe County), and 62-312.900, because they are no longer necessary. The reason why each rule is no longer needed is provided below.

In general, all of Chapter 62-312, F.A.C., except Part IV, is applicable only to the following: 1) those activities previously permitted or subject to a pending, complete, wetland resource permit application at the time the rules implementing the environmental resource permit (ERP) program under Part IV of Chapter 373, F.S., became effective (October 3, 1995, except within the "the Panhandle" [the geographical territory of the Northwest Florida Water Management District], and November 1, 2010, within the Panhandle when the "Phase 2

ERP rules” adopted under Section 373.4145(1)(b), F.S., were adopted); 2) those activities subject to the “grandfathering” provisions of Sections 373.414(11), (12), (13), (14), and (16), F.S.; and 3) those mining activities that qualify to use the provisions of Section 373.414(15), F.S. Entities who qualify for those provisions will be able to continue to use the rules proposed for repeal below, because Sections 373.414(11) through (16), F.S., specifically preserve the rules that existed under Section 403.91 through 403.929, 1984 Supplement to the Florida Statutes 1983, as amended, and Section 373.4145(6), F.S., specifically preserves the rules governing dredging and filling as they existed under Section 373.4145, F.S., 1994.

For the reason stated above, the following rules are proposed for repeal because they are no longer necessary: Rules 62-312.010, 62-312.030, 62-312.045, 62-312.050, 62-312.060, 62-312.065, 62-312.070, 62-312.080, 62-312.082, 62-312.085, 62-312.090, 62-312.100, 62-312.200, 62-312.210, 62-312.220, 62-312.300, 62-312.310, 62-312.320, 62-312.330, 62-312.340, 62-312.350, 62-312.360, 62-312.370, 62-312.380, and 62-312.390 F.A.C.

Subsections 62-312.020(5), (8), (9), (14), (15), (16) and (19), F.A.C., can be repealed for the same reason stated above. In addition, subsections 62-312.020(1) through (4), (6), (7), (10), (11), (12), (13), (17) and (18), F.A.C., can be repealed because they are repetitive of statutory definitions. For these reasons, all of Rule 62-312.020, F.A.C., can be repealed.

Provisions of Rule 62-312.340, F.A.C., relating to ratios applicable to mitigation also can be repealed because they are superseded by the Uniform Mitigation Assessment Method in Chapter 62-345, F.A.C., except as provided in subsections 62-345.100(6) and (7), F.A.C., which preserve the rules in effect before the effective date of Chapter 62-345, F.A.C. (February 2, 2004) for the specified activities.

The “Scope of General Permits” in Rule 62-312.800, F.A.C., and the general permits in Rules 62-312.801, 62-312.803, 62-312.804, 62-312.805, 62-312.806, 62-312.807, 62-312.808, 62-312.809, 62-312.810, 62-312.811, 62-312.812, 62-312.816, 62-312.817, 62-312.818, 62-312.822, 62-312.823, 62-312.825, F.A.C., are now obsolete; they have been superseded by analogous noticed general permits in Chapter 62-341, F.A.C. The general permit in Rule 62-312.814, F.A.C., is obsolete because the methodology it authorized for constructing freshwater fish attractors is no longer commonly used. The general permit in Rule 62-312.815, F.A.C., is obsolete; an analogous noticed general permit does not exist for ski jumps and ski slalom courses because the Department concluded at the time the ERP rules were adopted in 1995 that these activities could cause more than minimal adverse individual and cumulative effects to wetlands and other surface waters and needed to be evaluated on a case-by-case basis. The general permit in Rule 62-312.819, F.S., has been superseded by the exemption in Section 403.813(1)(r), F.S. The general

permit in Rule 62-312.824, F.A.C., has been superseded by the Noticed General Permit in Rule 62-341.448, F.S. (for municipalities within the NFWFMD) and the exemption in Section 403.813(2)(t), F.S. (for counties within the NFWFMD, in accordance with Section 373.4145(3)(e), F.S.). For these reasons, the above rules can be repealed.

OTHER RULES INCORPORATING THIS RULE: Sub-sub-subparagraph 62-4.050(4)(e)7.a.(1), F.A.C.; sub-subparagraphs 62-4.050(4)(e)1.a., b., c., and d., and 4.a. and b., 62-312.050(4)(e)8.a. and b., 62-302.700(9)(i)11.m., 62-302.700(9)(i)13.c., 19.b., 29.d., and 41.i., F.A.C.; subparagraphs 62-4.070(4)(e)6., 62-4.242(2)(f)2., 62-302.700(9)(a)(i)5., 62-302.700(9)(i)12., 13., 15., 17., 22., and 38., and 62-346.071(1)(j)a., F.A.C.; subsections 62-29.050(3), 62-110.107(1), (3), and (5), 62-302.300(17), 62-312.400(1), 62-341.900(3), 62-343.050(2), and 62-346.020(2), F.A.C.; and Rules 62-25.060, 62-330.100, 62-342.200, F.A.C.

EFFECT ON THOSE OTHER RULES: The effect must be determined on a case-by-case basis, as discussed below. Some of the above, such as those in Rule 62-302.700, F.A.C., include references to Chapter 62-312, F.A.C., rules with specific dates of incorporation by reference; those rules will not need to be amended, because the version of the Chapter 62-312, F.A.C., rules that existed on those dates will not be affected by these repeals. Rule 62-302.700, F.A.C., and subsection 62-312.400(1), F.A.C., contain references to terms defined in Rule 62-312.020, F.A.C., that need to be revised to cite to other rule or statutes that define those terms. Rules 62-4.050, 62-110.107, and 62-302.300, F.A.C., and subsections 62-343.050(2) and 62-346.020(2), F.A.C., include Chapter 62-312, F.A.C., references that need to be retained so that persons relying on the “grandfathering” provisions of Sections 373.414(11) through (16), F.S., and Section 373.4145(6), F.S., will know the fee to pay and licensing requirements for the needed permit applications or notices; however, those references may need to be revised to add the date of the Chapter 62-312, F.A.C., rules that existed prior to their repeal. Similarly, Rule 62-342.200, F.A.C., and paragraph 62-342.750(1)(c), refer to the success criteria in Rule 62-312.350, F.A.C., that need to be retained but revised to add the date of the Chapter 62-312, F.A.C., rules that existed prior to their repeal, so that mitigation bankers can continue to rely on those criteria. Rule 62-25.060, F.A.C., contains references to previously repealed rules in Chapter 62-312, F.A.C., and subsection 62-110.107(1), F.A.C., references subsection 62-312.006(5), F.A.C., which does not exist; those references will be removed or corrected through technical amendments. Subsection 62-29.050(3), F.A.C., contains references to existing and repealed Chapter 62-312, F.A.C., rules; however, those deficiencies will be cured if Chapter 62-29, F.A.C., is repealed, as is proposed through separate rulemaking. Subsection 62-110.107(3), contains a reference to the general permit intent provisions in Rule 62-312.800, F.A.C., that will

need to be deleted. Subparagraph 62-346.071(1)(j)a., F.A.C., references a general permit in Rule 62-312.824, F.A.C., that has been replaced by the noticed general permit in Rule 62-341.448, F.A.C., that will have to be revised to remove that reference. Rule 62-330.100, F.A.C., provides that Rule 62-312.020, F.A.C., (definitions proposed for repeal) and Rules 62-312.400 through .470, F.A.C., (special provisions to protect the Outstanding Florida Waters in Monroe County that are not being repealed) are to be used in conjunction with rules of the water management districts that are incorporated by reference in Rule 62-330.200, F.A.C.; the reference to Rule 62-312.020, F.A.C., will need to be updated to cite to other rules or statutes that define the applicable terms; the reference to Rules 62-312.400 through .470, F.A.C., does not need to be amended. Rules of the water management districts incorporated by reference in Rule 62-330.200, F.A.C., that include references to rules in Chapter 62-312, F.A.C., proposed for repeal may need to be amended in Rule 62-330.200, F.A.C., to correct those citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.026, 373.043, 373.044, 373.118, 373.406, 373.414(11)-(16), 373.4145, 403.805(1), 403.813(1), 403.813(1)(t), 403.814(1) FS.

LAW IMPLEMENTED: 120.53(1), 120.60, 161.041, 161.055, 253.03, 253.04, 253.123, 253.124, 253.77, 258.42, 258.43, 373.026, 373.042, 373.043, 373.046, 373.118, 373.403, 373.409, 373.413, 373.414, 373.414(9), (11), (12), (12)(a), (13), (14), (15), (16), 373.4145, 373.416, 373.418, 373.422, 373.423, 373.426, 373.427, 373.4275, 403.031, 403.061, 403.062, 403.087, 403.803, 403.0875, 403.088, 403.161, 403.812, 403.813, 403.813(1), 403.813(1)(t), 403.814, 403.815, 403.816, 403.817, 403.911, 403.912, 403.913, 403.914, 403.918, 403.918-.921, 403.919, 403.921, 403.922, 403.923, 403.924, 403.925, 403.927, 403.929, 403.931 FS., Section 9, Chapter 84-79, Laws of Florida.

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

DATE AND TIME: January 12, 2012, 9:00 a.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1062)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-312.010 Scope of Part I.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.416, 373.418, 403.061, 403.813, 403.814 FS. History—New 12-10-84, Amended 8-7-85, Formerly 17-12.010, 17-312.010, Amended 10-3-95, Repealed.

62-312.020 Definitions.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.031, 403.061, 403.803, 403.911, 403.912 FS. History—New 12-10-84, Amended 8-30-88, 3-26-89, Formerly 17-12.020, Amended 11-16-92, Formerly 17-312.020, Repealed.

62-312.030 Jurisdiction.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.031, 403.061, 403.813, 403.817, 373.414 FS. History—New 12-10-84, Amended 3-26-89, Formerly 17-12.030, Amended 12-7-93, Formerly 17-312.030, Amended 8-7-95, Repealed.

62-312.040 Jurisdictional Declaratory Statements.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.817, 403.912, 403.913, 403.914 FS. History—New 10-16-84, Amended 3-26-89, Formerly 17-12.040, Amended 3-12-90, 9-8-92, Formerly 17-312.040, Repealed.

62-312.045 Jurisdictional Intent.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.031, 403.061, 403.062, 403.087, 403.912 FS., Section 9, Chapter 84-79, Laws of Florida. History–New 12-10-84, Amended 3-26-89, Formerly 17-12.045, 17-312.045, Repealed.

62-312.050 Exemptions.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.031, 403.061, 403.161, 403.812, 403.813, 403.912, 403.913, 403.918 FS. History–New 12-10-84, Amended 11-11-85, 8-30-88, 3-26-89, Formerly 17-12.050, Amended 3-12-90, 7-11-90, 4-12-92, Formerly 17-312.050, Repealed.

62-312.060 Procedures to Obtain a Permit.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.813, 403.912, 403.913, 403.919, 403.921, 403.922, 403.923, 403.927 FS. History–New 10-16-84, Amended 8-28-85, 1-3-89, 3-26-89, Formerly 17-12.060, 17-312.060, Amended 8-16-98, Repealed.

62-312.065 Additional Requirements and Procedures for Concurrent Review of Related Applications.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 120.60, 161.041, 161.055, 253.03, 253.77, 258.42, 258.43, 373.414(11)-(16), 373.4145, 373.427, 373.4275, 403.061 FS. History–New 10-12-95, Repealed.

62-312.070 Short Form Applications for Certain Dredging or Filling.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.813, 403.911, 403.912 FS. History–New 10-16-84, Amended 3-26-89, Formerly 17-12.090, Amended 3-12-90, 4-12-92, Formerly 17-312.070, Repealed.

62-312.080 Standards for Issuance or Denial of a Permit.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.042, 373.403, 373.413, 373.414(11)-(16), 373.4145, 373.416, 373.426, 403.031, 403.061, 403.815, 403.912, 403.913, 403.918, 403.919 FS. History–New 12-10-84, Amended 10-15-86, 3-26-89, Formerly 17-12.070, Amended 10-13-92, Formerly 17-312.080, Repealed.

62-312.082 Duration of Permits.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.816, 403.912, 403.921 FS. History–New 10-16-84, Formerly 17-12.072, Amended 3-26-89, 12-17-90, Formerly 17-312.082, Repealed.

62-312.085 Periodic Review of Permits.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.912, 403.921 FS. History–New 10-16-84, Amended 3-26-89, Formerly 17-12.075, 17-312.085, Repealed.

62-312.090 Emergency Classification and Procedures.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.912 FS. History–New 10-16-84, Amended 3-26-89, Formerly 17-12.080, 17-312.090, Repealed.

62-312.100 Modification of Permits.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.912, 403.919, 403.921, 403.922, 403.923, 403.924, 403.925, 403.927, 403.929 FS. History–New 10-16-84, Amended 3-26-89, Formerly 17-12.100, 17-312.100, Repealed.

62-312.200 Scope of Part II.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.416, 373.418, 403.061 FS. History–New 12-10-84, Amended 3-26-89, Formerly 17-12.200, 17-312.200, Amended 10-3-95, Repealed.

62-312.210 Procedures to Obtain a Long-Term Permit.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414, 373.4145, 403.815 FS. History–New 10-16-84, Amended 3-26-89, Formerly 17-12.210, 17-312.210, Amended 8-16-98, Repealed.

62-312.220 Standards for Issuance or Denial of a Long-Term Permit.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.031, 403.061, 403.912, 403.913, 403.918, 403.919 FS. History–New 12-10-84, Amended 3-26-89, Formerly 17-12.220, 17-312.220, Repealed.

62-312.300 Intent.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.416, 373.418, 403.061 FS. History–New 1-3-89, Formerly 17-12.300, 17-312.300, Amended 10-3-95, Repealed.

62-312.310 Definitions.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918 FS. History–New 1-3-89, Formerly 17-12.310, 17-312.310, Repealed.

62-312.320 Incorporation of Mitigation into the Permit Application Process.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918, 403.919, 403.921 FS. History–New 1-3-89, Formerly 17-12.320, 17-312.320, Repealed.

62-312.330 Mitigation Proposals.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918 FS. History–New 1-3-89, Formerly 17-12.330, 17-312.330, Repealed.

62-312.340 Evaluation of Mitigation Proposals.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918, 403.919, 403.921 FS. History–New 1-3-89, Formerly 17-12.340, 17-312.340, Repealed.

62-312.350 Determination of Success for Mitigation Projects.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918 FS. History–New 1-3-89, Formerly 17-12.350, 17-312.350, Repealed.

62-312.360 Pre-Construction Mitigation.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918 FS. History–New 1-3-89, Formerly 17-12.360, 17-312.360, Repealed.

62-312.370 Restrictions on Property Use.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918, 403.919, 403.921 FS. History–New 1-3-89, Formerly 17-12.370, 17-312.370, Repealed.

62-312.380 Release from Responsibility.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.912, 403.913, 403.918, 403.921 FS. History–New 1-3-89, Formerly 17-12.380, 17-312.380, Repealed.

62-312.390 Financial Responsibility.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.912, 403.913, 403.918, 403.921 FS. History–New 1-3-89, Formerly 17-12.390, 17-312.390, Repealed.

62-312.800 Scope of Part V.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.416, 373.418, 403.061, 403.813, 403.814 FS. History–New 3-26-89, Formerly 17-12.800, 17-312.800, Amended 10-3-95, Repealed.

62-312.801 General Permit to U.S. Forest Service for Minor Works Within National Forests in Florida.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 253.123, 253.124, 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817 FS. History–New 7-8-82, Formerly 17-4.55, 17-4.550, Amended 3-26-89, Formerly 17-12.801, 17-312.801, Repealed.

62-312.803 General Permit for Installation or Maintenance of Boat Ramps.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 253.123, 253.124, 373.414(11)-(16), 474.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817 FS. History–New 7-8-82, Formerly 17-4.57, 17-4.570, Amended 3-26-89, Formerly 17-12.803, 17-312.803, Repealed.

62-312.804 General Permit for Riprap.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 253.123, 253.124, 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817 FS. History–New 7-8-82, Formerly 17-4.58, 17-4.580, Amended 3-26-89, Formerly 17-12.804, 17-312.804, Repealed.

62-312.805 General Permit for Headwalls and Culverts Associated with a Stormwater Discharge Facility.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 253.123, 253.124, 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817 FS. History–New 7-8-82, Formerly 17-4.59, 17-4.590, 17-12.805, 17-312.805, Repealed.

62-312.806 General Permit to the Florida Department of Transportation for Minor Works Within FDOT Rights-of-Way or Easements.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817, 403.912, 403.913, 403.918–921, 403.931 FS. History–New 4-26-84, Formerly 17-4.66, 17-4.660, Amended 1-1-89, 3-26-89, Formerly 17-12.806, Amended 7-11-90, 1-29-91, Formerly 17-312.806, Repealed.

62-312.807 General Permit for the Construction of Artificial Reefs.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 253.123, 253.124, 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817 FS. History–New 4-26-84, Formerly 17-4.68, 17-4.680, 17-12.807, 17-312.807, Repealed.

62-312.808 General Permit for Certain Piers and Associated Structures.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 253.123, 253.124, 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817 FS. History–New 4-26-84, Formerly 17-4.69, 17-4.690, Amended 3-26-89, Formerly 17-12.808, 17-312.808, Repealed.

62-312.809 General Permit to the Florida Department of Transportation for Minor Bridge Construction.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.817, 403.912, 403.913, 403.918, 403.931 FS. History–New 7-11-90, Amended 1-29-91, Formerly 17-312.809, Repealed.

62-312.810 General Permit to Perform Prospecting Activities for Phosphate Minerals.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.750, 17-12.810, 17-312.810, Repealed.

62-312.811 General Permit for Temporary Dragline Crossings of Waterways.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.760, 17-12.811, 17-312.811, Repealed.

62-312.812 General Permit for Low Water Crossings.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.770, 17-12.812, 17-312.812, Repealed.

62-312.813 General Permit for the Installation of Fences.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.780, 17-12.813, 17-312.813, Repealed.

62-312.814 General Permit to Florida Game and Fresh Water Fish Commission, U.S. Forest Service, and County and Municipal Governments for the Construction of Freshwater Fish Attractors.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.790, 17-12.814, 17-312.814, Repealed.

62-312.815 General Permit for Ski Jumps and Slalom Courses.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Amended 10-28-87, Formerly 17-4.800, 17-12.815, 17-312.815, Repealed.

62-312.816 General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings and Bridges of Artificial Waterways.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.810, Amended 3-26-89, Formerly 17-12.816, 17-312.816, Repealed.

62-312.817 General Permit for the Construction of Aerial Pipeline Crossings of Certain Waters.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 9-3-86, Formerly 17-4.820, 17-12.817, Amended 11-27-91, Formerly 17-312.817, Repealed.

62-312.818 General Permit for Subaqueous Utility Crossings of Artificial Waterways.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.814, 403.912, 403.913, 403.918, 403.919 FS. History–New 11-16-89, Formerly 17-312.818, Repealed.

62-312.819 General Permit for the Limited Dredging of Sediment for Aquatic Plant Management Purposes.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.062, 403.087, 403.813, 403.814, 403.817, 403.912, 403.913 FS. History–New 12-17-90, Formerly 17-312.819, Repealed.

62-312.822 General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.814 FS. History–New 1-19-94, Formerly 17-312.822, Repealed.

62-312.823 General Permit for Floating Vessel Platforms and Floating Boat Lifts.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1), 403.813(1), 403.814(1) FS. Law Implemented 253.04, 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.813(1), 403.814(1) FS. History–New 8-4-05, Repealed.

62-312.824 General Permit to Municipalities to Pave Existing Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

Rulemaking Specific Authority 373.414(11)-(16), 373.4145, 403.805(1), 403.813(1)(t) FS. Law Implemented 373.414(11)-(16), 373.4145, 403.061, 403.087, 403.088, 403.813(1)(t), 403.814, 403.817, 403.912, 403.913, 403.918 - .921, 403.931 FS. History–New 3-15-07, Repealed.

62-312.825 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.

Rulemaking Specific Authority 373.026, 373.043, 373.044, 373.118, 373.406, 373.4145 FS. Law Implemented 373.026, 373.043, 373.046, 373.118, 373.403, 373.413, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426 FS. History–New 12-5-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-341.603	General Permit for Non-nursery Cultivation and Wild Collection of Aquatic Plants

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal of Rule 62-341.603, F.A.C., “General Permit for Non-nursery Cultivation and Wild Collection of Aquatic Plants.” This noticed general permit references outdated rules of the Florida Fish & Wildlife Conservation Commission. Non-nursery cultivation and wild collection of aquatic plants is now administered by the Department of Agriculture and Consumer Services under Sections 369.20 through 369.255, F.S., and Chapter 5B-64, F.A.C. The Department’s records indicate no one has ever used this NGP; it has been substantively replaced by the exemptions in Sections 403.813(1)(r) and (u), F.S. The rule may be repealed because it is outdated and unnecessary.

OTHER RULES INCORPORATING THIS RULE: There are no references to Rule 62-341.603, F.A.C., in other rules of the Department.

EFFECT ON THOSE OTHER RULES: The rule proposed for repeal is not incorporated by other chapters or rules and therefore, the repeal will not affect any other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS.

LAW IMPLEMENTED: 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418 FS.

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

DATE AND TIME: January 13, 2012, 10:30 a.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1063)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-341.603 General Permit for Non-nursery Cultivation and Wild Collection of Aquatic Plants.

Rulemaking Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418 FS. History--New 10-3-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-342.300
RULE TITLE: Use of a Mitigation Bank

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal Rule 62-342.300, F.A.C., "Use of a Mitigation Bank," that is no longer necessary because similar language already exists in section 10.3.1.2 of the "Department of Environmental Protection and Northwest Florida Water Management District Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental)," incorporated by reference in Rule 62-346.010, F.A.C., and in the Basis of Review/Applicant's Handbook of the following water management districts: section 12.3.1.2 in the Suwannee River Water Management District's "Environmental Resource Permit Applicant's Handbook – May 2002," incorporated by reference in subsection 40B-400.091(1), F.A.C. (July 1, 2007); section 12.3.1.2 in the St. John's River Water Management District's "Applicant's Handbook: Management and Storage of Surface Waters," effective December 27, 2010, incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C. (December 27, 2010); section 3.3.1.2 in the Southwest Florida Water Management District's "Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, December 8, 2010," incorporated by reference in subsection 40D-4.091(1), F.A.C. (December 8, 2010); and section 4.3.1.2 in the South Florida Water Management District's "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, effective date July 4, 2010," incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C. (July 4, 2010). Those sections are more applicable to users of the mitigation banks (applicants who propose

otherwise unpermissible adverse impacts to wetlands or other surface waters) than to the mitigation bankers (who are the focus of Chapter 62-342, F.A.C.).

OTHER RULES INCORPORATING THIS RULE: This rule is not referenced in any other rule or chapter.

EFFECT ON THOSE OTHER RULES: There are no other rules that incorporate Rule 62-342.300, F.A.C.; therefore, there will be no effect from the repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.4136(11) FS

LAW IMPLEMENTED: 373.4135, 373.4136 FS

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

DATE AND TIME: January 13, 2012, 1:30 p.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee

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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1064)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-342.300 Use of a Mitigation Bank.

Rulemaking Specific Authority 373.4136(11) FS. Law Implemented 373.4135, 373.4136 FS. History—New 2-2-94, Formerly 17-342.300, Amended 5-21-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-343.010 RULE TITLE: Policy and Purpose

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal the “Policy and Purpose” section of Chapter 62-343, F.A.C., Environmental Resource Permit Procedures, that is no longer necessary. This rule informs readers of its relationship to other rule chapters, including advising applicants that fees required by the rule are located in Chapter 62-4, F.A.C. While this rule is helpful to the public, it is not critical that it remain. It does not impose any regulatory requirements or costs. Most of its useful text is already contained in Rule 62-343.020, F.A.C., and is therefore duplicative of that rule.

OTHER RULES INCORPORATING THIS RULE: There are no other chapters or rules that incorporate Rule 62-343.010, F.A.C.

EFFECT ON THOSE OTHER RULES: This rule is not incorporated by other chapters or rules; therefore, there will be no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.026(7), 373.043, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.421, 373.426 FS.

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

DATE AND TIME: January 13, 2012, 3:30 p.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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 hours before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1065)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-343.010 Policy and Purpose.

Rulemaking Specific Authority 373.026(7), 373.043, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.421, 373.426 FS. History—New 7-4-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-344.900 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal of the following rule in Chapter 62-344, F.A.C., Delegation of the Environmental Resource Program to Local Governments, that the Department has determined is obsolete or otherwise no longer necessary in accordance with Executive Order 11-01.

Repeal Rule 62-344.900, which incorporates by reference a form that is only a suggested format and is not needed. This entire rule section can be repealed.

OTHER RULES INCORPORATING THIS RULE: There are no other rules or chapters that incorporate Rule 62-344.900, F.A.C.

EFFECT ON THOSE OTHER RULES: This rule is not incorporated by other rules or chapters; therefore, this repeal will have no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.441 FS.

LAW IMPLEMENTED: 373.441 FS.

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

DATE AND TIME: January 11, 2012, 1:30 p.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and

Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486 or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1065)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-344.900 Forms.

Rulemaking Specific Authority 373.441 FS. Law Implemented 373.441 FS. History—New 8-29-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-346.091	Documents Incorporated by Reference
62-346.900	Environmental Resource Permit Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal two rules in Chapter 62-346, F.A.C., Environmental Resource Permitting in Northwest Florida, that are not necessary. Rule 62-346.091, F.A.C., is helpful to the public in that it provides a consolidated list of documents that are incorporated by reference in other sections of Chapter 62-346, F.A.C. In accordance with Section 120.54, F.S., documents are incorporated by reference in the rule where they are first identified. Rule 62-346.091, F.A.C., does not directly incorporate any documents, therefore the listing of documents in this rule is not essential.

Rule 62-346.900, F.A.C., lists 17 forms that are incorporated by reference in other sections of Chapter 62-346, F.A.C., as a convenient way to identify for the public all the forms that are applicable to Chapter 62-346, F.A.C. However, for the same reason described above, this rule is unnecessary.

OTHER RULES INCORPORATING THIS RULE: There are no other rules or chapters that incorporate either of the rules in Chapter 62-346, F.A.C., proposed for repeal.

EFFECT ON THOSE OTHER RULES: Neither of these rules is incorporated by other rules or chapters and therefore, there will be no effect from these repeals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 373.026, 373.026(7), 373.043, 373.044, 373.046, 373.113, 373.118, 373.4145, 373.416, 373.418, 373.421, 403.805(1) FS.

LAW IMPLEMENTED: 373.019, 373.026, 373.042, 373.409, 373.0421, 373.043, 373.046, 373.109, 373.413, 373.117, 373.118, 373.403, 373.409, 373.413, 373.4132, 373.414, 373.141(9), 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.421, 373.4211, 373.423, 373.426, 373.428, 373.429, 373.433, 373.436, 373.439, 380.06, 380.06(9), 403.0877, 403.813(1), 403.813(2) FS.

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

DATE AND TIME: January 11, 2012, 3:30 p.m., ET

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone 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: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. (OGC No. 11-1067)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-346.091 Documents Incorporated by Reference.

Rulemaking Authority 373.026, 373.043, 373.044, 373.046, 373.113, 373.4145, 373.416, 373.418, 373.421, 403.805(1) FS. Law Implemented 373.026, 373.042, 373.409, 373.0421, 373.043, 373.046, 373.413, 373.4132, 373.141(9), 373.4142, 373.4145, 373.416, 373.418, 373.423, 373.426, 373.428, 373.433, 373.436, 373.439, 380.06(9), 403.813(1) FS. History—New 10-1-07, Amended 11-1-10, Repealed.

62-346.900 Environmental Resource Permit Forms.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4145, 373.418, 373.421, 403.805(1) FS. Law Implemented 373.019, 373.026, 373.109, 373.117, 373.118, 373.403, 373.409, 373.413, 373.4132, 373.414, 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.421, 373.4211, 373.423, 373.426, 373.428, 373.429, 380.06, 403.0877, 403.813(2) FS. History—New 10-1-07, Amended 11-1-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-503.101
RULE TITLE: Scope of the Rule

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-503.101, F.A.C., provides the scope and description of the remainder of the rules in Chapter 62-503, F.A.C., related to the State Revolving Fund Loan Program. This rule is purely informational and does not contain any requirements and therefore is unnecessary.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: Pursuant to the Department's review under Executive Order 11-01, the repeal of this unnecessary rule does not have any adverse impacts or impose regulatory costs.

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

RULEMAKING AUTHORITY: 403.1835 FS.

LAW IMPLEMENTED: 403.1835 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: December 15, 2011, 1:00 p.m.

PLACE: 2600 Blair Stone Rd., Room 611, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tim Banks, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8360, Timothy.banks@dep.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: Tim Banks, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8360; Timothy.banks@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-503.101 Scope of the Rule.

Rulemaking Specific Authority 403.1835(5)(a) FS. Law Implemented 403.1835 FS. History--New 7-29-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Banks

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-505.100 Scope

62-505.850 Exception to Program Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-505.100 provides the scope and description of the remainder of the rules in Chapter 62-505, related to small community wastewater facilities grants. This rule is purely informational and does not contain any requirements and is therefore unnecessary. Rule 62-505.850, F.A.C., provides for exceptions to the requirements of Chapter 62-505, F.A.C., during the first year of implementation of rule amendments that were effective in January 2007. This rule is no longer applicable because the timeframe established in the rule has passed. The repeal of these rules will have no adverse effects on the rule or affected entities.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of these unnecessary rules does not have any adverse impacts or impose regulatory costs.

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

RULEMAKING AUTHORITY: 403.1835(10) FS.

LAW IMPLEMENTED: 403.1835(3)(d), 403.1838 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: December 15, 2011, 1:00 p.m.

PLACE: 2600 Blair Stone Rd, Room 611, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tim Banks, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8360, Timothy.banks@dep.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: Tim Banks, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8360, Timothy.banks@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-505.100 Scope.

Rulemaking Specific Authority 403.1835(10) FS. Law Implemented 403.1835(3)(d), 403.1838 FS. History–New 1-25-07, Repealed.

62-505.850 Exception to Program Requirements.

Rulemaking Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History–New 1-25-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Banks
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-521.100
 RULE TITLE: Scope and Intent of Wellhead Protection

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is informational only. No other rules incorporate this rule, and this rule does not affect any other rules outside Chapter 62-521, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of this rule is a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.062 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: January 6, 2012, 10:00 a.m.

PLACE: Bob Martinez Building, Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Linda Ann Clemens, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399, Telephone: (850)245-8647, e-mail: linda.clemens@dep.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: Linda Ann Clemens, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399, Telephone: (850)245-8647, e-mail: linda.clemens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-521.100 Scope and Intent of Wellhead Protection

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.021, 403.062 FS. History–New 7-13-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donnie McClaugherty, P.G.
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-524.720, 62-524.730
 RULE TITLES: Fees for New Potable Water Wells in Delineated Areas, Inspections of New Potable Water Wells in Delineated Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These two rules are duplicative of Florida Statute 403.062. No other rules incorporate these rules and these rules do not affect other rules outside Chapter 62-524, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of these rules are a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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: 373.309 FS.

LAW IMPLEMENTED: 373.309, 373.319 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: January 6, 2012, 10:00 a.m.

PLACE: Bob Martinez Building, Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: David James, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8648, e-mail: david.james@dep.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: David James, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8648, e-mail: david.james@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-524.720 Fees for New Potable Water Wells in Delineated Areas

Rulemaking Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309 FS. History–New 5-16-89, Amended 3-3-92, Formerly 17-524.720, Repealed _____.

62-524.730 Inspections of New Potable Water Wells in Delineated Areas

Rulemaking Specific Authority 373.309, 403.061, 403.062 FS. Law Implemented 373.309, 373.319 FS. History–New 5-16-89, Formerly 17-524.730, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donnie McClaugherty, P.G.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-528.360	Prohibition of Hazardous Waste Injection
62-528.500	General Criteria for Class IV Wells
62-528.520	Waste Analysis For Class IV Wells
62-528.530	Ground Water Monitoring and Response for Class IV Wells
62-528.540	Closure and Post-Closure Requirements for Class IV Wells
62-528.550	Financial Requirements for Class IV Wells

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-528.360, F.A.C., is repetitive of Rule 62-528.400, which also prohibits hazardous waste injection. There are no Class IV wells in Florida and new Class IV wells are prohibited. Therefore, Rules 62-528.500, 62-528.520, 62-528.530, 62-528.540 and 62-528.550, F.A.C., are no longer needed. When Rule 62-528.530, F.A.C., is repealed, there will be no monitoring requirements for Class IV wells; however, there are no Class IV wells in Florida. Otherwise, no rules incorporate the six rules proposed here for repeal, and these rules do not affect any other rules outside Chapter 62-528, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of these rules are a result of the Department's review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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: 373.309, 403.061, 403.087, 403.704, 403.721 FS.

LAW IMPLEMENTED: 373.308, 403.021, 403.061, 403.062, 403.087, 403.161, 403.702, 403.721, 403.722, 403.727 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: January 6, 2012, 10:00 a.m.

PLACE: Bob Martinez Building, Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Joe Habersfeld, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, phone: (850)245-8655; e-mail: joe.habersfeld@dep.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: Joe Habersfeld, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8655, e-mail: joe.habersfeld@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-528.360 Prohibition of Hazardous Waste Injection.

Rulemaking Specific Authority 373.309, 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 373.308, 403.021, 403.061, 403.062, 403.087, 403.161, 403.721, 403.7222, 403.727 FS. History–New 8-10-95, Repealed.

62-528.500 General Criteria for Class IV Wells.

Rulemaking Specific Authority 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.702, 403.721 FS. History–New 4-1-82, Formerly 17-28.41, 17-28.410, 62-28.410, Amended 8-10-95, Repealed.

62-528.520 Waste Analysis for Class IV Wells.

Rulemaking Specific Authority 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.702, 403.721 FS. History–New 4-1-82, Formerly 17-28.43, 17-28.430, 62-28.430, Amended 8-10-95, Repealed.

62-528.530 Ground Water Monitoring and Response for Class IV Wells.

Rulemaking Specific Authority 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.0877, 403.702, 403.721 FS. History–New 4-1-82, Amended 5-8-85, Formerly 17-28.44, 17-28.440, 62-28.440, Amended 8-10-95, 6-24-97, Repealed.

62-528.540 Closure and Post-Closure Requirements for Class IV Wells.

Rulemaking Specific Authority 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.0877, 403.702, 403.721 FS. History–New 4-1-82, Amended 8-30-82, Formerly 17-28.45, 17-28.450, 62-28.450, Amended 8-10-95, 6-24-97, Repealed.

62-528.550 Financial Requirements for Class IV Wells.

Rulemaking Specific Authority 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 403.021, 403.061, 403.062, 403.087, 403.702, 403.721 FS. History–New 4-1-82, Formerly 17-28.46, 17-28.460, 62-28.460, Amended 8-10-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donnie McLaugherty, P.G.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-531.390
 RULE TITLE: Exemptions from Water Well Contractor Licensing Requirement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rulemaking repeals exemptions and procedures that already exist in Florida Statute 373.309. No other rules incorporate this rule, and this rule does not affect any other rules outside Chapter 62-531, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of this rule is a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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: 373.043, 373.309 FS.

LAW IMPLEMENTED: 373.326 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: January 6, 2012, 10:00 a.m.

PLACE: Bob Martinez Building, Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David James, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8648; e-mail: david.james@dep.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: David James, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8648, e-mail: david.james@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-531.390 Exemptions from Water Well Contractor Licensing Requirement.

Rulemaking Specific Authority 373.043, 373.309 FS. Law Implemented 373.326 FS. History—New 5-25-89, Formerly 17-531.390, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donnie McClaugherty, P.G.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-532.900
RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rulemaking repeals a forms section containing forms previously referenced in Rules 62-532.400 and 62-532.410, F.A.C. Rule 62-524.700, F.A.C., mentions that the forms in 62-532 should be used, but does not specifically reference them. No other rules incorporate this rule, and this rule does not affect any other rules outside Chapter 62-524, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of this rule is a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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: 373.309 FS.

LAW IMPLEMENTED: 373.309, 373.313, 373.316 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: January 6, 2012, 10:00 a.m.

PLACE: Bob Martinez Building, Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David James, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8648; e-mail: david.james@dep.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: David James, P.G., Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, phone: (850)245-8648; e-mail: david.james@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-532.900 Forms.

Rulemaking Specific Authority 373.309 FS. Law Implemented 373.309, 373.313, 373.316 FS. History—New 10-7-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donnie McClaugherty, P.G.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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
62-550.340	Small System Compliance Technologies
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 Public Water 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
62-550.800	Control of Lead and Copper

62-550.817	Additional Requirements for Subpart H Water Systems
62-550.821	Disinfectant Residuals, Disinfection Byproducts (Stage 1), and Disinfection Byproduct Precursors
62-550.822	Initial Distribution System Evaluations and Stage 2 Disinfection Byproducts Requirements
62-550.824	Consumer Confidence Reports
62-550.828	Ground Water Rule

PURPOSE, EFFECT AND SUMMARY: The Department is adopting three U.S. Environmental Protection Agency (USEPA) drinking water rules – the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, and the Ground Water Rule. Also, the Department is updating all of the dated USEPA regulation references in Chapter 62-550, F.A.C.

RULEMAKING AUTHORITY: 403.8055, 403.853(3), 403.861(9) FS.

LAW IMPLEMENTED: 403.0877, 403.852(12), (13), 403.853, 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, FL 32399-2400, (850)245-8630, 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 ENVIRONMENTAL REGULATION COMMISSION, ADMINISTRATIVE ASSISTANT, DEP, MS 35, 3900 COMMONWEALTH BOULEVARD, TALLAHASSEE, FL 32399-3000. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.200 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) “ACTION LEVEL” is the concentration of lead or copper in water specified in 40 C.F.R. §141.80(c) (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C., the Code of Federal Regulations, title 40, part 141, Section 80(c) (1995) (abbreviated as 40 C.F.R. part 141.80(e)) which determines, in some cases, the treatment requirements

contained in 40 C.F.R. Part 141, Subpart I (July 1, 2011 ~~1995~~), which is incorporated by reference in Rule 62-550.800, F.A.C., that a system is required to complete.

(2) through (4) No change.

(5) “BAG FILTERS” are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside. (40 C.F.R. §141.2 (July 1, 2011))

(6) “BANK FILTRATION” is a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s). (40 C.F.R. §141.2 (July 1, 2011))

(5) through (7) renumbered (7) through (9) No change.

(10) “CARTRIDGE FILTERS” are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside. (40 C.F.R. §141.2 (July 1, 2011))

(8) through (10) renumbered (11) through (13) No change.

(14) “COMBINED DISTRIBUTION SYSTEM” is the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water. (40 C.F.R. §141.2 (July 1, 2011))

(11) through (14) renumbered (15) through (18) No change.

(19)(~~15~~) “COMPREHENSIVE PERFORMANCE EVALUATION (CPE)” is a thorough review and analysis of a treatment plant’s performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant’s capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purpose of compliance with Subparts P and T of 40 C.F.R. Part 141 (which are incorporated by reference in paragraphs 62-550.817(3)(a) and (b), F.A.C.), the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance, evaluation of major unit processes, identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report. (40 C.F.R. §141.2 (July 1, 2011)) “COMPREHENSIVE PERFORMANCE EVALUATION” means as defined in 40 CFR 141.2 (revised as of July 1, 2004).

(16) through (17) renumbered (20) through (21) No change.

(~~22~~)(18) “CONSECUTIVE SYSTEM” is a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems. (40 C.F.R. §141.2 (July 1, 2011)) “CONSECUTIVE SYSTEM” means a public water system that buys or otherwise receives some or all of its finished water from one or more other public water systems at least 60 days per year. A consecutive system is either a “community water system” or a “non-community water system.”

(19) through (22) renumbered (23) through (26) No change.

(~~27~~)(23) “CT” or “CTcalc” is the product of “residual disinfectant concentration” (C) in mg/L determined before or at the first customer, and the corresponding “disinfectant contact time” (T) in minutes, i.e., “C” x “T”. If a public water system applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or “total inactivation ratio.” In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). “CT_{99.9}” is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT_{99.9} for a variety of disinfectants and conditions appear in Tables 1.1 – 1.6, 2.1, and 3.1 of 40 C.F.R. §141.74(b)(3) (which is incorporated by reference in subsection 62-550.817(2), F.A.C.). (CTcalc)/(CT_{99.9}) is the inactivation ratio. The sum of the inactivation ratios, or total inactivation ratio shown as [(CTcalc)/(CT_{99.9})] is calculated by adding together the inactivation ratio for each disinfection sequence. A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts. (40 C.F.R. §141.2 (July 1, 2011)) “CT or CTCALC” means as defined in 40 CFR 141.2 (revised as of July 1, 2004).

(24) through (32) renumbered (28) through (36) No change.

(37) “DUAL SAMPLE SET” is 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 C.F.R. Part 141 (which is incorporated by reference in 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 C.F.R. Part 141 (which is incorporated by reference in Rule 62-550.822, F.A.C.). (40 C.F.R. §141.2 (July 1, 2011))

~~(38)~~~~(33)~~ “EFFECTIVE CORROSION INHIBITOR RESIDUAL,” for the purpose of 40 C.F.R. Part 141, Ssubpart I (July 1, 2011 ~~1995~~) only, which is incorporated by reference in Rule 62-550.800, F.A.C., means a concentration sufficient to form a passivating film on the interior walls of a pipe.

(34) through (38) renumbered (39) through (43) No change.

~~(44)~~ “FINISHED WATER” is 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). (40 C.F.R. §141.2 (July 1, 2011))

~~(45)~~~~(39)~~ “FIRST DRAW SAMPLE” means a one-liter sample of tap water, collected in accordance with 40 C.F.R. ~~part~~ §141.86(b)(2) (July 1, 2011 ~~1995~~), which is incorporated by reference in Rule 62-550.800, F.A.C., that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

(40) renumbered (46) No change.

~~(47)~~ “FLOWING STREAM” is a course of running water flowing in a definite channel. (40 C.F.R. §141.2 (July 1, 2011))

~~(48)~~~~(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 40 C.F.R. Part 141, Subpart V (Stage 2) MCLs under 40 C.F.R. §141.64(b)(2) (which is incorporated in sub-subparagraph 62-550.310(3)(b)2.a., F.A.C.), shall be 120 days. (40 C.F.R. §141.2 (July 1, 2011)) ~~“GAC 10” 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.~~

~~(49)~~ “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. (40 C.F.R. §141.2 (July 1, 2011))

(42) through (50) renumbered (50) through (58) No change.

~~(59)~~ “LAKE/RESERVOIR” refers to a natural or man made basin or hollow on the Earth’s surface in which water collects or is stored that may or may not have a current or single direction of flow. (40 C.F.R. §141.2 (July 1, 2011))

~~(60)~~~~(51)~~ “LARGE SYSTEM,” for the purpose of 40 C.F.R. Part 141, Ssubpart I (July 1, 2011 ~~1995~~) only, which is incorporated by reference in Rule 62-550.800, F.A.C., means a water system that serves more than 50,000 people.

(52) through (54) renumbered (61) through (63) No change.

~~(64)~~ “LOCATIONAL RUNNING ANNUAL AVERAGE” (LRAA) is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters. (40 C.F.R. §141.2 (July 1, 2011))

(55) through (58) renumbered (65) through (68) No change.

~~(69)~~~~(59)~~ “MEDIUM SYSTEM,” for the purpose of 40 C.F.R. Part 141, Ssubpart I (July 1, 2011 ~~1995~~) only, which is incorporated by reference in Rule 62-550.800, F.A.C., means a water system that serves greater than 3,300 and less than or equal to 50,000 people.

~~(70)~~ “MEMBRANE FILTRATION” is a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis. (40 C.F.R. §141.2 (July 1, 2011))

(60) through (63) renumbered (71) through (74) No change.

~~(75)~~~~(64)~~ “OPTIMAL CORROSION CONTROL TREATMENT,” for the purpose of 40 C.F.R. Part 141, Ssubpart I (July 1, 2011 ~~1995~~) only, which is incorporated by reference in Rule 62-550.800, F.A.C., means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while ensuring that the treatment does not cause the system to violate any national primary drinking water regulations.

(65) through (66) renumbered (76) through (77) No change.

~~(78)~~ “PLANT INTAKE” refers to the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant. (40 C.F.R. §141.2 (July 1, 2011))

(67) through (69) renumbered (79) through (81) No change.

~~(82)~~ “PRESEDIMENTATION” is a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant. (40 C.F.R. §141.2 (July 1, 2011))

(70) through (77) renumbered (83) through (90) No change.

~~(91)~~~~(78)~~ “SERVICE CONNECTION,” as used in the definition of “public water system,” does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if: ~~“SERVICE CONNECTION” means as defined in 40 CFR 141.2 (revised as of July 1, 2002).~~

(a) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

(b) The State determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

(c) The State determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations. (40 C.F.R. §141.2 (July 1, 2011)).

~~(92)(79)~~ “SERVICE LINE SAMPLE” means a one-liter sample of water collected in accordance with 40 C.F.R. part §141.86(b)(3); (July 1, 2011 1995), which is incorporated by reference in Rule 62-550.800, F.A.C., that has been standing for at least 6 hours in a service line.

(80) through (81) renumbered (93) through (94) No change.

~~(95)(82)~~ “SMALL SYSTEM,” for the purpose of 40 C.F.R. Part 141, Ssubpart I (July 1, 2011 1995) only, which is incorporated by reference in Rule 62-550.800, F.A.C., means a water system that serves 3,300 people or less.

~~(96)(83)~~ “SOURCE WATER SAMPLE” for the purpose of 40 C.F.R. Part 141, Ssubpart I (July 1, 2011 1995) only, which is incorporated by reference in Rule 62-550.800, F.A.C., means a sample that is collected at an entry point to the distribution system and is representative of a source of supply after treatment.

(84) through (98) renumbered (97) through (111) No change.

(112) “TWO-STAGE LIME SOFTENING” is a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration. (40 C.F.R. §141.2 (July 1, 2011))

~~(113)(99)~~ “UNCOVERED FINISHED WATER STORAGE FACILITY” is a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere. (40 C.F.R. §141.2 (July 1, 2011)) ~~“UNCOVERED FINISHED WATER STORAGE FACILITY” means a tank, reservoir, or other facility used to store water that will undergo no further treatment except residual disinfection and is open to the atmosphere.~~

(100) through (104) renumbered (114) through (118) No change.

~~(119)(405)~~ “WHOLESALE SYSTEM” is a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems. (40 C.F.R. §141.2 (July 1, 2011)) ~~“WHOLESALE SYSTEM” means a public water system that sells or otherwise delivers finished water to another public~~

~~water system at least 60 days per year. A wholesale system that delivers water to a community water system is considered a community water system.~~

Rulemaking Specific Authority 403.8055, 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.

(a) Maximum residual disinfectant levels (MRDLs) are as follows:

<u>DISINFECTANT RESIDUAL</u>	<u>MRDL</u>
<u>Chlorine</u>	<u>4.0 mg/L (as Cl₂)</u>
<u>Chloramines</u>	<u>4.0 mg/L (as Cl₂)</u>
<u>Chlorine Dioxide</u>	<u>0.8 mg/L (as ClO₂)</u>

(40 C.F.R. § 141.65(a) (July 1, 2011))

(b) Compliance dates – community water systems and non-transient non-community water systems. (40 C.F.R. §141.65(b) (July 1, 2011))

1. Subpart H systems serving 10,000 or more persons must comply with paragraph (a) above beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with paragraph (a) above beginning January 1, 2004. (40 C.F.R. §141.65(b)(1) (July 1, 2011))

2. If you are a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, you must comply with analytical and monitoring requirements for chlorine and chloramines in 40 C.F.R. §141.131(c) and §141.132(c)(1) (which are incorporated by reference in subsection 62-550.550(1), F.A.C., and Rule 62-550.821, F.A.C.) and the compliance requirements in 40 C.F.R. §141.133(c)(1) (which is incorporated by reference in Rule 62-550.821, F.A.C.) beginning April 1, 2009, and report

monitoring results under 40 C.F.R. §141.134(c) (which is incorporated by reference in Rule 62-550.821, F.A.C.). (40 C.F.R. §141.624 (July 1, 2011))

(c) Compliance dates – transient non-community water systems. Subpart H systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004. (40 C.F.R. §141.65(b)(2) (July 1, 2011))

(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 are listed in Table 3, which is incorporated herein and appears at the end of this chapter.

(a) Bromate and chlorite. (40 C.F.R. §141.64(a) (July 1, 2011))

1. The maximum contaminant levels (MCLs) for bromate and chlorite are as follows:

<u>DISINFECTION BYPRODUCT</u>	<u>MCL</u>
<u>Bromate</u>	<u>0.010 mg/L</u>
<u>Chlorite</u>	<u>1.0 mg/L</u>

(40 C.F.R. §141.64(a) (July 1, 2011))

2. Compliance dates for community water systems and non-transient non-community water systems. Subpart H systems serving 10,000 or more persons must comply with subparagraph 1. above beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with subparagraph 1. above beginning January 1, 2004. (40 C.F.R. §141.64(a)(1) (July 1, 2011))

(b) Total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5). (40 C.F.R. §141.64(b) (July 1, 2011))

1. Subpart L (Stage 1) – running annual average compliance. (40 C.F.R. §141.64(b)(1) (July 1, 2011))

a. Compliance dates for community water systems and non-transient non-community water systems. Subpart H systems serving 10,000 or more persons must comply with this sub-subparagraph beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this sub-subparagraph beginning January 1, 2004. All systems must comply with these maximum contaminant levels (MCLs) as a running annual

average until the date specified for 40 C.F.R. Part 141, Subpart V (Stage 2), compliance in 40 C.F.R. §141.620(c) (which is incorporated by reference in Rule 62-550.822, F.A.C.).

<u>DISINFECTION BYPRODUCT</u>	<u>MCL</u>
<u>TTHM</u>	<u>0.080 mg/L</u>
<u>HAA5</u>	<u>0.060 mg/L</u>

(40 C.F.R. §141.64(b)(1)(i) (July 1, 2011))

b. The regulations in 40 C.F.R. Part 141, Subpart L (as incorporated in Rule 62-550.821, F.A.C.) establish criteria under which community water systems and non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet MCLs in 40 C.F.R. §141.64 (which is incorporated in subsection 62-550.310(3), F.A.C.). (40 C.F.R. §141.130(a)(1) (July 1, 2011))

2. Subpart V (Stage 2) – locational running annual average (LRAA) compliance. (40 C.F.R. §141.64(b)(2) (July 1, 2011))

a. Compliance dates for community water systems and non-community water systems. The subpart V maximum contaminant levels (MCLs) for TTHM and HAA5 must be complied with as an LRAA at each monitoring location beginning the date specified for 40 C.F.R. part 141, subpart V, compliance in 40 C.F.R. §141.620(c) (which is incorporated by reference in Rule 62-550.822, F.A.C.).

<u>DISINFECTION BYPRODUCT</u>	<u>MCL</u>
<u>TTHM</u>	<u>0.080 mg/L</u>
<u>HAA5</u>	<u>0.060 mg/L</u>

(40 C.F.R. §141.64(b)(2)(i) (July 1, 2011))

b. The regulations in 40 C.F.R. Part 141, Subpart V (which is incorporated by reference in Rule 62-550.822, F.A.C.), establish monitoring and other requirements for achieving compliance with maximum contaminant levels based on LRAAs for TTHM and HAA5. You are subject to these requirements if your system is a community water system or a non-transient non-community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light. (40 C.F.R. §141.620(a) and (b) (July 1, 2011))

(4) through (6) No change.

Rulemaking Specific Authority 403.8055, 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.

62-550.340 Small System Compliance Technologies.

(1) The United States Environmental Protection Agency (US EPA) has published a list of “Small System Compliance Technologies.” These technologies are suggested by US EPA as being affordable methods that systems serving from 25 to 10,000 persons should consider when searching for ways to deal with certain contaminants.

(a) A list of small systems compliance technologies for radionuclides and limitations on their use are contained in the July 1, ~~2011, 2003~~ edition of 40 C.F.R. ~~CFR~~ §141.66(h), which is adopted and incorporated herein by reference.

(b) A list of small system compliance technologies for arsenic and limitations on their use are contained in the July 1, ~~2011, 2003~~ edition of 40 C.F.R. ~~CFR~~ §141.62(d), which is adopted and incorporated herein by reference.

(2) No change.

Rulemaking Specific Authority ~~403.8055, 403.861(9)~~ FS. Law Implemented 403.852(12), 403.853(1) FS. History–New 4-14-03, Amended 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 Rule 62-550.821, F.A.C. or Rule 62-550.822, F.A.C.

(1) through (11) No change.

Rulemaking Specific Authority ~~403.8055, 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) No change.

(b) If you are a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, you must comply with monitoring requirements for chlorine and chloramines in 40 C.F.R. §141.132(c)(1) (which is incorporated by reference in Rule 62-550.821, F.A.C.) beginning April 1, 2009. (40 C.F.R. §141.624 (July 1, 2011))

~~(c)(b)~~ No change.

(2) DISINFECTION BYPRODUCTS.

(a) No change.

(b) The regulations in 40 C.F.R. Part 141, Subpart V (which is incorporated by reference in Rule 62-550.822, F.A.C.) establish monitoring requirements for achieving compliance with maximum contaminant levels based on locational running annual averages for total trihalomethanes and haloacetic acids (five). You are subject to these requirements if your system is a community water system or a non-transient non-community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light. (40 C.F.R. §141.620(a) and (b) (July 1, 2011))

Rulemaking Specific Authority 403.8055, 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) No change.

(2) If you are a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, you must comply with monitoring requirements for chlorine and chloramines in 40 C.F.R. §141.132(c)(1) (which is incorporated by reference in Rule 62-550.821, F.A.C.) beginning April 1, 2009. (40 C.F.R. §141.624 (July 1, 2011))

(3) The regulations in 40 C.F.R. Part 141, Subpart V (which is incorporated by reference in Rule 62-550.822, F.A.C.) establish monitoring requirements for achieving compliance with maximum contaminant levels based on locational running annual averages for total trihalomethanes and haloacetic acids (five). You are subject to these requirements if your system is a community water system or a non-transient non-community water system that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light. (40 C.F.R. §141.620(a) and (b) (July 1, 2011))

(2) through (5) renumbered (4) through (7) No change.

Rulemaking Specific Authority ~~403.8055, 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, ~~2011-2007~~, edition of 40 C.F.R. §§ 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, 141.402, 141.704,

and 143.4 and Appendix A to 40 C.F.R. Part 141, Subpart C, and in the *Federal Register*, Vol. 72, No. 47, March 12, 2007, pp. 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.

(2) through (4) No change.

Rulemaking Specific Authority 403.8055, 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 analyses made pursuant to the chapter shall be kept for not less than 5 years (40 C.F.R. §141.33(a) (July 1, 2011)). ~~Records of bacteriological analyses made under this chapter shall be kept for not less than 5 years.~~ Records of other physical, chemical, or 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) 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 plan are required to be kept under subsection (1) of this section, except as specified elsewhere in this chapter. (40 C.F.R. §141.33(f) (July 1, 2011))

Rulemaking Specific Authority 403.8055, 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 subsection 62-550.821(12), F.A.C., and Rule 62-550.822, F.A.C.

(4) Reporting Formats for the Control of Lead and Copper. Analytical results for samples taken pursuant to this chapter shall be reported in a format that includes all of the required information described below. If laboratory analysis reports are submitted without all of the required information as set forth below, the submittal will be rejected.

(a) Lead and Copper Tap Samples. The information submitted by the certified laboratory for the analysis of lead and copper tap samples shall include, at a minimum:

1. through 10. No change.

11. Specify whether the sample is part of the minimum number of samples selected under ~~the July 1, 2000, edition of 40 C.F.R. CFR §141.86(c) (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C.~~ or is an ADDITIONAL sample taken under ~~the July 1, 2000, edition of 40 C.F.R. CFR §141.86(e) (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C.~~

12. Specify the rank of the sample result for lead or copper and list results in ascending order in accordance with ~~the July 1, 2000, edition of 40 C.F.R. CFR §141.80(c)(3)(i) (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C.~~

13. through 18. No change.

(b) No change.

(c) Reporting Format for Water Quality Parameters. The results submitted by systems for the analysis of water quality parameters required under ~~the July 1, 2000, edition of 40 C.F.R. CFR §141.87 (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C.~~ shall be reported in the following format:

1. Format Header.

a. through h. No change.

i. The number of sampling sites required under ~~the July 1, 2000, edition of 40 C.F.R. CFR §141.87(a)(2) (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C.~~

j. No change.

2. Format Table.

a. through b. No change.

c. The measured value of the water quality parameters and dosage rates required to be analyzed under ~~the July 1, 2000, edition of 40 C.F.R. CFR §141.87 (July 1, 2011), which is incorporated by reference in Rule 62-550.800, F.A.C.~~

Rulemaking Authority 403.8055, 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.

62-550.800 Control of Lead and Copper.

The requirements contained in the July 1, ~~2011~~ 2008, edition of 40 C.F.R. Part CFR 141, Subpart I (Sections 80 through 91), are adopted and incorporated herein by reference and are

enforceable under this rule. The following are clarifications to the requirements in 40 C.F.R. Part CFR 141, Subpart I (Sections 80 through 91).

(1) through (4) No change.

Rulemaking Authority 403.8055, 403.861(9) FS. Law Implemented 403.853 FS. History—New 12-9-96, Amended 8-1-00, 11-27-01, 10-1-10,_____.

62-550.817 Additional Requirements for Subpart H Water Systems.

The requirements for subpart H systems in this section apply to all subpart H systems except where noted in this section and are in addition to the requirements applicable to all public water systems found elsewhere in Chapters 62-550, 62-555, and 62-560. Subparagraph 62-550.817(1)(b)2., and paragraphs 62-550.817(11)(e) ~~62-550.817(10)(e)~~ and 62-550.817(13)(b) ~~62-550.817(12)(b)~~, F.A.C., apply only to consecutive systems that receive any finished water originating from a subpart H system. In addition to the requirements of this section, the standards and criteria contained in the regulations adopted in subsections 62-550.817(1), (2), ~~and~~ (3), and (4), F.A.C., are adopted by reference and enforceable under these rules. A subpart H system is considered to be in compliance with the requirements of this section if it meets all the requirements set forth in this section. A subpart H system is considered to be out of compliance with the requirements of this section if it does not meet all the requirements set forth in this section.

(1) Scope of Requirements.

(a) These rules are intended to implement the National Primary Drinking Water Regulations related to the disinfection and filtration of surface water and ground water under the direct influence of surface water, and the recycle of fluids referenced in 40 C.F.R. CFR §141.76(a) (July 1, 2011 ~~2002~~), which is incorporated by reference in subparagraph 62-550.817(1)(a)2., F.A.C., by subpart H systems that employ conventional filtration or direct filtration treatment.

1. No change.

2. Recycle provisions. In addition to the requirements of this chapter, the standards and criteria contained in the July 1, ~~2011 2002~~, edition of 40 C.F.R. CFR §141.76 are adopted by reference and enforceable under this rule.

(b) No change.

(2) Filtration and Disinfection. In addition to the requirements of this chapter, the standards and criteria contained in the July 1, ~~2011 2002~~, edition of 40 C.F.R. CFR §§ 141.13, 141.22, 141.70(a), 141.70(b)(2) ~~(b)(2)~~, 141.70(c) ~~(c)~~, 141.70(d) ~~(d)~~, 141.70(e) ~~(e)~~, 141.71(b)(6), 141.72, 141.72(a), 141.72(b)(1), 141.72(b)(2) ~~(2)~~, 141.72(b)(3)(i) ~~(3)(i)~~, 141.73, 141.74, and 141.75 are adopted by reference and enforceable under this rule. However, 40 C.F.R. CFR §141.72(b)(3)(ii) is not adopted.

(a) through (b) No change.

(3) Enhanced filtration and disinfection requirements.

(a) For subpart H systems serving 10,000 or more people.

1. In addition to the requirements of this chapter, the requirements contained in the July 1, 2011 edition of the Code of Federal Regulations, Title 40, Part 141, Subpart P, Sections 170 and 172 through 175, ~~revised as of July 1, 2002,~~ are adopted by reference and enforceable under this rule. 40 C.F.R. CFR §141.171 is not adopted under this rule.

2. No change.

(b) For subpart H systems serving fewer than 10,000 people. In addition to the requirements of this chapter, the requirements contained in the July 1, 2011, edition of the Code of Federal Regulations, Title 40, Part 141, Subpart T, Sections 141.500 through ~~141.501 501,~~ 141.503 503, ~~141.510 510~~ through 141.511 511, ~~141.530 530,~~ 141.532 532 through 141.536 536, ~~141.540 540~~ through 141.544 544, ~~141.550 550~~ through 141.553 553, ~~141.560 560~~ through 141.564 564, and 141.570 570 through 141.571 571, ~~revised as of July 1, 2004,~~ are adopted by reference and enforceable under this rule. 40 C.F.R. CFR §§ 141.502, 141.520 520 through 141.522, 522 and 141.531 531, and 40 C.F.R. CFR §142.16(j)(2)(i) are not adopted under this rule. ~~The requirements adopted in this paragraph contained in the Code of Federal Regulations, Title 40, Part 141, Subpart T shall be effective starting January 1, 2005, except where otherwise noted.~~

(4) Enhanced Treatment for *Cryptosporidium* (Long Term 2 Enhanced Surface Water Treatment Rule). In addition to the requirements of this chapter, the requirements contained in the July 1, 2011, edition of the Code of Federal Regulations, Title 40, Part 141, Subpart W, Sections 141.700 through 141.723 are adopted by reference and enforceable under this rule, except the following regulations are not adopted under this rule: 40 C.F.R. §§ 141.700(b)(3), 141.701(a)(2), 141.701(a)(5), 141.701(a)(6), 141.701(d)(2), 141.703(b)(2), 141.712, 141.713(b), 141.713(e), 141.715(a)(2), 141.720(d)(2)(iii), and 141.721(d).

(4) through (8) renumbered (5) through (9) No change.

~~(10)(9)~~ Approving Alternative Filtration Technologies Pursuant to 40 C.F.R. CFR §§ 142.16(g)(2)(iv) and 142.16(j)(2)(iv) (July 1, 2011 ~~2002~~).

(a) through (c) No change.

(10) through (12) renumbered (11) through (13) No change.

~~(14)(13)~~ Public notification requirements for the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), of Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) requirements. In addition to the requirements in Part IV of Chapter 62-560, F.A.C., the following public notification requirements ~~contained in the revisions to Table 1 to 40 CFR 141.202, 40 CFR 141.203, Appendix A to 40 CFR 141 Subpart~~

~~Q, and Appendix B to 40 C.F.R. 141 Subpart Q on pages 1836-1838 of the January 14, 2002, Federal Register are adopted by reference and enforceable under this rule.:~~

~~(a) In the July 1, 2011, edition of 40 C.F.R. §141.202, the Tier 1 public notice requirements pertaining to violation of the SWTR, IESWTR, or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation.~~

~~(b) In the July 1, 2011, edition of 40 C.F.R. §141.203(b)(3), the consultation requirements pertaining to violation of the SWTR, IESWTR, or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.~~

~~(c) The July 1, 2011, edition of 40 C.F.R. §141.211.~~

~~(15)(14) No change.~~

~~Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), (3) FS. History--New 4-3-03, Amended 5-28-03, 11-25-03, 10-14-04, 1-17-05.~~

62-550.821 Disinfectant Residuals, Disinfection Byproducts (Stage 1), and Disinfection Byproduct Precursors. The requirements contained in the July 1, ~~2011~~ 2003, edition of 40 C.F.R. Part ~~CFR~~ 141, ~~S~~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 C.F.R. Part ~~CFR~~ 141, ~~S~~subpart L.

(1) through (17) No change.

~~Rulemaking Specific Authority 403.8055, 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, 2011, edition of 40 C.F.R. Part 141, Subpart U (Sections 141.600 through 141.605), and 40 C.F.R. Part 141, Subpart V (Sections 141.620 through 141.629) are adopted and incorporated herein by reference and are enforceable under this rule, except 40 C.F.R. §141.623(d) is not adopted or incorporated in this rule.

~~Rulemaking Authority 403.8055, 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 following regulations are adopted and incorporated herein by reference and are enforceable under this rule: the July 1, ~~2011~~ 2002, edition of 40 C.F.R. Part ~~CFR~~ 141, Subpart O, Sections 151 through 155, except for 40 C.F.R. §141.153(h)(6)(ii), and Appendix A to 40 C.F.R. Part ~~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.~~ 40 C.F.R. §141.153(h)(6)(ii) is not adopted or incorporated in this rule. Additional information may be obtained from the USEPA's guidance manuals *Preparing Your Drinking Water Consumer Confidence Report - Revised Guidance for Water Suppliers, 2nd Revision: EPA 816-R-09-011 EPA 816-R-01-003, April 2010* ~~January 2001~~, and *Revised State Implementation Guidance for the Consumer Confidence Report (CCR) Rule, Appendix F, EPA 816-R-09-010 EPA 816-R-01-002, April 2010* ~~January 2001~~, which are incorporated herein by reference.

(1) through (3) No change.

~~Rulemaking Specific Authority 403.8055, 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.~~

62-550.828 Ground Water Rule.

(1) The requirements contained in the July 1, 2011, edition of 40 C.F.R. Part 141, Subpart S (Sections 141.400 through 141.405), are adopted and incorporated herein by reference and are enforceable under this rule, except the following regulations are not adopted or incorporated in this rule: 40 C.F.R. §§ 141.400(c)(5), 141.402(e)(2), 141.402(f), and 141.403(a)(7)(iii).

(2) In addition to the public notification requirements in Part IV of Chapter 62-560, F.A.C., the following public notification requirements are adopted and incorporated herein by reference and are enforceable under this rule:

(a) In the July 1, 2011, edition of 40 C.F.R. §141.202, the Tier 1 public notice requirements pertaining to detection of *E. coli*, enterococci, or coliphage in source water samples required under 40 C.F.R. §§ 141.402(a) and 141.402(b) (July 1, 2011), which are incorporated by reference in subsection 62-550.828(1), F.A.C.

(b) In the July 1, 2011, edition of 40 C.F.R. §141.203, the Tier 2 public notice requirements pertaining to failure to take corrective action or failure to maintain at least 4-log treatment of viruses before or at the first customer under 40 C.F.R. §141.403(a) (July 1, 2011), which is incorporated by reference in subsection 62-550.828(1), F.A.C.

~~Rulemaking Authority 403.8055, 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), (3), (4), (7), 403.861(16), (17) FS. History--New.~~

**TABLE 3
STAGE 1 MAXIMUM CONTAMINANT LEVELS FOR
DISINFECTION BYPRODUCTS**

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL (mg/L)
2950	Total Trihalomethanes (TTHM)	0.080
2456	Halooacetic Acids (Five) (HAA5)	0.060
1011	Bromate	0.010
1009	Chlorite	1.0

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

TABLE 7: MONITORING FREQUENCIES AND LOCATIONS ([insert the effective date of these rule amendments])

See 40 C.F.R. Part 141, Subpart V, which is incorporated by reference in Rule 62-550.822, F.A.C., for Stage 2 disinfection byproducts monitoring frequencies and locations.

No change to the table, abbreviations used, or NOTES.

TABLE 8: INITIAL OR ROUTINE MONITORING SCHEDULE ([insert the effective date of these rule amendments])

REFERENCE SUBSECTION RULE 62-550.500(3), F.A.C.

Under initial or routine monitoring, public water systems shall take required samples during the time period specified below. See 40 C.F.R. Part 141, Subpart V, which is incorporated by reference in Rule 62-550.822, F.A.C., for the Stage 2 disinfection byproducts routine monitoring schedule.

No change to the table.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-550.400	General Requirements for Unregulated Contaminants
62-550.590	Public Water System Monitoring Information and Monitoring Schedule

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-550.400 relates to community and non-transient, non-community public water systems and the requirement that monitoring be conducted for unregulated contaminants. The US EPA administers the rules related to unregulated contaminants, and directs systems on when and how to sample for these constituents; therefore, this rule is unnecessary. Rule 62-550.590 notes that monitoring information and schedules for monitoring are included in Tables 7 and 8 within the Chapter. These tables are referenced

elsewhere in the Chapter; therefore, this rule contains information that is duplicative and unnecessary. No other rules incorporate these rules, and these rules do not have an effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of these rules are a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.853 (3), 403.861(9), (16), (17) FS.

LAW IMPLEMENTED: 403.853 (1), (3), (7), 403.861(16), (17) 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: January 6, 2012, 10:00 a.m.

PLACE: Bob Martinez Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jennifer E. C. Porter, P.E. Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8635, Jennifer.porter@dep.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: Jennifer E. C. Porter, P.E. Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8635, Jennifer.porter@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.400 General Requirements for Unregulated Contaminants.

Rulemaking Specific Authority 403.861(9), (16), (17), FS. Law Implemented 403.853(1), (3), (7), FS. History–New 1-18-89, Amended 5-7-90, 1-1-93, Formerly 17-550.400, Amended 8-1-00, Repealed.

62-550.590 Public Water System Monitoring Information and Monitoring Schedule.

Rulemaking Specific Authority 403.853(3), 403.861(9), FS. Law Implemented 403.853(1), (3), 403.861(16), (17), FS. History–1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-550.590, Amended 9-7-94, 8-1-00, 11-27-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer E. C. Porter, P.E.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-560.400	Scope of Drinking Water Public Notification Rules
62-560.410	Public Notification – Primary Standards
62-560.430	Public Notification – Secondary Standards
62-560.440	Public Notification for Unregulated Contaminants
62-560.610	Best Available Technology for Achieving Compliance with a Maximum Contaminant Level or Maximum Residual Disinfectant Level

PURPOSE, EFFECT AND SUMMARY: The Department is adopting three U.S. Environmental Protection Agency (USEPA) drinking water rules – the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, and the Ground Water Rule. Also, the Department is updating all of the dated USEPA regulation references in Chapter 62-560, F.A.C.

RULEMAKING AUTHORITY: 403.8055, 403.861(9) FS.

LAW IMPLEMENTED: 403.0877, 403.853, 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, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, FL 32399-2400, (850)245-8630, 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

ENVIRONMENTAL REGULATION COMMISSION, ADMINISTRATIVE ASSISTANT, DEP, MS 35, 3900 COMMONWEALTH BOULEVARD, TALLAHASSEE, FL 32399-3000. 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, ~~the following requirements and appendices are Appendix B to Subpart Q of 40 CFR 141, “Standard Health Effects Language for Public Notification,” July 1, 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.~~

(1) In the July 1, 2011, edition of 40 C.F.R. §141.202, the Tier 1 public notice requirements pertaining to violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation.

(2) In the July 1, 2011, edition of 40 C.F.R. §141.202, the Tier 1 public notice requirements pertaining to detection of E. coli, enterococci, or coliphage in source water samples required under 40 C.F.R. §§ 141.402(a) and 141.202(b) (July 1, 2011), which are incorporated by reference in subsection 62-550.828(1), F.A.C.

(3) In the July 1, 2011, edition of 40 C.F.R. §141.203, the Tier 2 public notice requirements pertaining to failure to take corrective action or failure to maintain at least 4-log treatment of viruses before or at the first customer under 40 C.F.R. §141.403(a) (July 1, 2011), which is incorporated by reference in subsection 62-550.828(1), F.A.C.

(4) In the July 1, 2011, edition of 40 C.F.R. §141.203(b)(3), the consultation requirements pertaining to violation of the SWTR, IESWTR, or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(5) The July 1, 2011, edition of 40 C.F.R. §141.211.

(6) The July 1, 2011, edition of Appendix A to Subpart Q of 40 C.F.R. Part 141, “National Primary Drinking Water Regulation Violations and Other Situations Requiring Public Notice.”

(7) The July 1, 2011, edition of Appendix B to Subpart Q of 40 C.F.R. Part 141, “Standard Health Effects Language for Public Notification.”

Rulemaking Specific Authority 403.8055, 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.

62-560.410 Public Notification – Primary Standards.

(1) through (5) No change.

(6) The supplier of water shall include in the notice the applicable language on potential adverse health effects for those contaminants and disinfectants found in Appendix B to Subpart Q of 40 C.F.R. Part CFR 141, “Standard Health Effects Language for Public Notification,” (July 1, 2011 ~~2002~~), which is incorporated by reference in Rule 62-560.400, F.A.C., and found in subparagraph 62-550.824(1)(c)5., F.A.C.

(7) through (11) No change.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.857 FS. History–New 11-19-87, Formerly 17-22.910, Amended 1-18-89, 1-3-91, 1-1-93, 7-4-93, Formerly 17-560.410, Amended 9-7-94, 11-27-01, 1-17-05.

62-560.430 Public Notification – Secondary Standards.

(1) No change.

(2) The notice shall contain the standard language found in the July 1, 2011, edition of 40 C.F.R. CFR §141.208(c), July 1, 2003, adopted herein by reference.

(3) No change.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.857 FS. History–New 11-19-87, Formerly 17-22.915, Amended 1-18-89, 5-7-90, 5-23-91, 1-1-93, 7-4-93, Formerly 17-560.430, Amended 9-7-94, 11-27-01, 1-17-05.

62-560.440 Public Notification for Unregulated Contaminants.

(1) The requirements of this section only apply to public water systems that are required to monitor for unregulated contaminants as prescribed in 40 C.F.R. CFR §141.40; (July 1, 2011 ~~2003~~).

(2) No change.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.857 FS. History–New 1-18-89, Amended 1-1-93, Formerly 17-560.440, Amended 9-7-94, 1-17-05.

62-560.610 Best Available Technology for Achieving Compliance With a Maximum Contaminant Level or Maximum Residual Disinfectant Level.

(1) through (2) No change.

(3) The Administrator of the U.S. Environmental Protection Agency, pursuant to section 1412 of the Federal Safe Drinking Water Act, hereby identifies the following as the best technology, treatment techniques, or other means available

for achieving compliance with the maximum contaminant levels for bromate and chlorite identified in 40 C.F.R. §141.64(a) (which is incorporated in subparagraph 62-550.310(3)(a)1., F.A.C.):

<u>DISINFECTION BYPRODUCT</u>	<u>BEST AVAILABLE TECHNOLOGY</u>
<u>Bromate</u>	<u>Control of ozone treatment process to reduce production of bromate</u>
<u>Chlorite</u>	<u>Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels</u>

(40 C.F.R. §141.64(a)(2) (July 1, 2011)) ~~The technologies listed in Table 2 are Best Available Technology for achieving compliance with the maximum contaminant levels for disinfection byproducts listed in subsection 62-550.310(3), F.A.C.~~

(4) The Administrator of the U.S. Environmental Protection Agency, pursuant to section 1412 of the Federal Safe Drinking Water Act, hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) identified in 40 C.F.R. §141.64(b)(1)(i) (which is incorporated in sub-subparagraph 62-550.310(3)(b)1.a., F.A.C.):

<u>DISINFECTION BYPRODUCT</u>	<u>BEST AVAILABLE TECHNOLOGY</u>
<u>TTHM and HAA5</u>	<u>Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant</u>

(40 C.F.R. §141.64(b)(1)(ii) (July 1, 2011))

(5) The Administrator of the U.S. Environmental Protection Agency, pursuant to section 1412 of the Federal Safe Drinking Water Act, hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) identified in 40 C.F.R. §141.64(b)(2)(i) (which is incorporated in sub-subparagraph 62-550.310(3)(b)2.a., F.A.C.) for all systems that disinfect their source water:

<u>DISINFECTION BYPRODUCT</u>	<u>BEST AVAILABLE TECHNOLOGY</u>
<u>TTHM and HAA5</u>	<u>Enhanced coagulation or enhanced softening, plus GAC10; or nanofiltration with a molecular weight cutoff 1000 Daltons; or GAC20</u>

(40 C.F.R. §141.64(b)(2)(ii) (July 1, 2011))

(6) The Administrator of the U.S. Environmental Protection Agency, pursuant to section 1412 of the Federal Safe Drinking Water Act, hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant

levels for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) identified in 40 C.F.R. §141.64(b)(2)(i) (which is incorporated in sub-subparagraph 62-550.310(3)(b)2.a., F.A.C.) for consecutive systems and applies only to the disinfected water that consecutive systems buy or otherwise receive:

DISINFECTION BYPRODUCT	BEST AVAILABLE TECHNOLOGY
TTHM and HAA5	Systems serving 10,000: Improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance Systems serving < 10,000: Improved distribution system and storage tank management to reduce residence time

(40 C.F.R. §141.64(b)(2)(iii) (July 1, 2011))

(4) through (6) renumbered (7) through (9) No change.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.0877, 403.853 FS. History—New 11-19-87, Formerly 17-22.510, Amended 1-18-89, 1-3-91, 1-1-93, 1-26-93, Formerly 17-560.610, Amended 11-27-01, 4-14-03, _____.

TABLE 2

BEST AVAILABLE TECHNOLOGY FOR DISINFECTION-BYPRODUCTS

CONTAMINANT	BEST AVAILABLE TECHNOLOGY
Total Trihalomethanes	Enhanced coagulation with chlorine as the primary and residual disinfectant. Enhanced softening with chlorine as the primary and residual disinfectant. GAC 10 with chlorine as the primary and residual disinfectant.
Haloacetic acids (five)	Enhanced coagulation with chlorine as the primary and residual disinfectant. Enhanced softening with chlorine as the primary and residual disinfectant. GAC 10 with chlorine as the primary and residual disinfectant.
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 ENVIRONMENTAL PROTECTION

RULE NOS.: 62-601.400
62-601.830

RULE TITLES: Sampling and Testing Methods
Noncompliance Fees for Failure to Submit Reports

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-601.400, F.A.C., regarding sampling and testing methods for Domestic wastewater facilities, is being repealed because it is no longer necessary as subsection 62-601.400(1) and paragraph 62-601.400(1)(a), F.A.C., are out-of-date and have been superseded by subsection 62-620.610(18), F.A.C. The procedures for approval of alternative techniques discussed in paragraph 62-601.400(1)(b), F.A.C., are addressed in Rule 62-160.330, F.A.C. Subsection 62-601.400(2), F.A.C., is out of date and its topic, approved test procedures, is addressed in Chapters 62-160 and 62-620, F.A.C., and Rule 62-4.246, F.A.C. Subsection 62-601.400(3), F.A.C., is out-of-date and its topic, laboratory certification, is addressed in Rule 62-160.300, F.A.C. Rule 62-601.830, F.A.C., is being repealed because the rule is unnecessary, out-of-date and no longer used. The Department uses Section 403.121, F.S., (commonly called the Environmental Litigation Reform Act) to establish noncompliance fees for failure to submit reports.

OTHER RULES INCORPORATING THIS RULE: Rules 62-699.311(2), 62-110.104(10), and 62-528.425(1)(f), F.A.C., incorporate references to Rule 62-601.400, F.A.C. No other rules incorporate Rule 62-601.830, F.A.C.

EFFECT ON THOSE OTHER RULES: There is no effect on other rules; the out-of-date references to Rule 62-601.400, F.A.C., in Rules 62-699.311(2), 62-110.104(10), and 62-528.425(1)(f), F.A.C., should be updated to include the current rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of these unnecessary rules will not cause any adverse impacts or impose regulatory costs.

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

RULEMAKING AUTHORITY: 403.051, 403.061, 403.0625, 403.088 FS.

LAW IMPLEMENTED: 403.051, 403.061(13), 403.061(15), 403.088 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: January 6, 2012, 10:00 a.m.
 PLACE: 2600 Blair Stone Road, Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606. 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: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us; (850)245-8606

THE FULL TEXT OF THE PROPOSED RULES IS:

62-601.400 Sampling and Testing Methods.

Rulemaking Specific Authority 403.051, 403.061, 403.0625, 403.088 FS. Law Implemented 403.051, 403.061(13), 403.0625, 403.088 FS. History--New 1-1-75, Amended 6-10-76, Formerly 17-19.04, Amended 9-13-89, Formerly 17-19.040, Amended 1-30-91, 5-31-93, Formerly 17-601.400, Amended 12-24-96, Repealed.

62-601.830 Noncompliance Fees for Failure to Submit Reports.

Rulemaking Specific Authority 403.051, 403.061, 403.088 FS. Law Implemented 403.051, 403.061(15), 403.088, 403.121(3) FS. History--New 1-29-91, Formerly 17-601.830, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mark P. Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-602.880	Consecutive Public Water System Operator Licenses
62-602.900	Forms for the Operator Certification Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome or no longer necessary.

SUMMARY: Repeal Rule 62-602.880, F.A.C., Consecutive Public Water System Operator Licenses, because the license type no longer exists. Effective October 15, 2007, the Department ceased issuing any new, nor renewed any existing,

consecutive public water system operator licenses. All Consecutive System Operator licensees had their licenses converted and reissued as a Level 4 water distribution system operator license.

Repeal Section 62-602.900, F.A.C., Forms for the Operator Certification Program, because the forms are incorporated elsewhere in 62-602, F.A.C., and the section is unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of these rules are a result of the Department's review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.869 FS.

LAW IMPLEMENTED: 403.872 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: December 15, 2011, 1:00 p.m. or soon thereafter

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 611, Tallahassee, Florida 32399-2400

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: Ronald McCulley, (850)245-8384; Ronald.McCulley@dep.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: Ronald McCulley, Program Administrator, Operator Certification Program, (850)245-8384, Ronald.McCulley@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-602.880 Consecutive Public Water System Operator Licenses.

Rulemaking Specific Authority 403.869, 403.872 FS. Law Implemented 403.1842, 403.872 FS. History–New 2-6-02, Amended 10-15-07, Repealed.

62-602.900 Forms for the Operator Certification Program.

Rulemaking Specific Authority 403.869 FS. Law Implemented 403.876 FS. History–New 12-30-99, Amended 2-6-02, 10-15-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark P. Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-604.120 RULE TITLE: Variations from Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-604.120, F.A.C., regarding variations from requirements of Ch. 62-604, is being repealed because the rule is repetitive of Rules 62-4.243 and 62-110.104, F.A.C., and no longer necessary.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 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: January 6, 2012, 10:00 a.m.

PLACE: 2600 Blair Stone Rd., Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606. 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: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606

THE FULL TEXT OF THE PROPOSED RULE IS:

62-604.120 Variations from Requirements.

Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History–New 11-27-89, Formerly 17-604.120, Amended 12-26-96, 11-6-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark P. Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-610.426	Edible Crops
62-610.478	Construction Dust Control
62-610.479	Aesthetic Purposes
62-610.490	Permitting Concept

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-610.426, F.A.C., concerning the irrigation of edible crops with reuse water is being repealed because it is no longer necessary as the rule is repetitive of paragraph 62-610.100(9)(c), F.A.C., and Part III of Chapter 62-610, F.A.C. Rule 62-610.478, F.A.C., regarding the use of

reclaimed water for dust control is being repealed because it is unnecessary since the rule does not provide additional requirements on the use of reclaimed water for construction dust control to those included in paragraph 62-610.100(9)(l), subsection 62-610.450(1), and subparagraph 62-610.810(2)(h)1., F.A.C. Rule 62-610.479, F.A.C., regarding the use of reclaimed water for aesthetic purposes is being repealed because the rule is unnecessary since it does not provide additional requirements on the use of reclaimed water for aesthetic purposes to those included in paragraph 62-610.100(9)(l), subsection 62-610.450(1), subsection 62-610.471(8), and subparagraph 62-610.810(2)(h)1., F.A.C., or Chapter 62-650, F.A.C. Rule 62-610.490, F.A.C., regarding permitting is being repealed because the rule is unnecessary as it is repetitive of paragraph 62-610.320(1)(b) and Rule 62-610.800, F.A.C.; Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility, which is adopted by reference in subsection 62-620.910(2), F.A.C.; and the Department's Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., which is adopted by reference in paragraph 62-620.100(3)(p), F.A.C.

OTHER RULES INCORPORATING THIS RULE: Rule 62-610.469, F.A.C., incorporates references to Rule 62-610.479, F.A.C. No other rules incorporate Rules 62-610.426, 62-610.478, or 62-610.490, F.A.C.

EFFECT ON THOSE OTHER RULES: There is no effect on other rules; the reference to 62-610.479, F.A.C., in Rule 62-610.469, F.A.C., should be updated to include the appropriate rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of these unnecessary rules will not have an adverse impact or impose regulatory costs.

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

RULEMAKING AUTHORITY: 403.051, 403.061, 403.064, 403.087 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 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: January 6, 2012, 10:00 a.m.

PLACE: 2600 Blair Stone Rd., Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606. 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: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606

THE FULL TEXT OF THE PROPOSED RULES IS:

62-610.426 Edible Crops.

Rulemaking Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.426, Amended 1-9-96, Repealed.

62-610.478 Construction Dust Control.

Rulemaking Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.478, Repealed.

62-610.479 Aesthetic Purposes.

Rulemaking Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.479, Amended 1-9-96, Repealed.

62-610.490 Permitting Concept.

Rulemaking Specific Authority 403.051, 403.061, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088 FS. History—New 4-4-89, Formerly 17-610.490, Amended 1-9-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark P. Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
 62-620.400 Permit Application Requirements
 62-620.715 Conditions for All General and
 Generic Permits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-620.400, F.A.C., regarding permit application requirements is being repealed because the rule is unnecessary as it is informational only and simply references other Department rules and the Department's Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., which is adopted by reference in paragraph 62-620.100(3)(p), F.A.C. Rule 62-620.715, regarding conditions for general and generic permits is being repealed because the rule is unnecessary as it is informational only and simply references other Department rules.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of these unnecessary rules will not have an adverse impact or impose regulatory costs.

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

RULEMAKING AUTHORITY: 403.061, 403.087, 403.0885, 403.814 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885, 403.814 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: January 6, 2012, 10:00 a.m.

PLACE: 2600 Blair Stone Rd., Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399; sharon.sawick@dep.state.fl.us; (850)245-8606. 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: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399; sharon.sawick@dep.state.fl.us; (850)245-8606

THE FULL TEXT OF THE PROPOSED RULES IS:

62-620.400 Permit Application Requirements.

Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.051, 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 10-23-00, Repealed _____.

62-620.715 Conditions for All General and Generic Permits.

Rulemaking Specific Authority 403.087, 403.0885, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.814 FS. History--New 11-29-94, Amended 12-24-96, 10-23-00, 12-23-04, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark P. Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
 62-625.100 Scope/Intent/Purpose

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-625.100, F.A.C., provides the scope, intent and purpose of Chapter 62-625, F.A.C., regarding the Pretreatment requirements for wastewater facilities. This rule is being repealed because it is unnecessary as the rule is merely informational.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of this unnecessary rule will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.061(7), (31), 403.0885 FS.

LAW IMPLEMENTED: 403.0885 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: January 6, 2012, 10:00 a.m.

PLACE: 2600 Blair Stone Rd., Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606. 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: Sharon L. Sawicki, 2600 Blair Stone Rd., Tallahassee, FL 32399, sharon.sawick@dep.state.fl.us, (850)245-8606

THE FULL TEXT OF THE PROPOSED RULE IS:

62-625.100 Scope/Intent/Purpose.

Rulemaking Specific Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885 FS. History--New 11-29-94, Amended 5-10-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark P. Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-660.820	General Permit for Fish Farms
62-660.821	General Permit for Marine Bivalve Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rules 62-660.820 and 62-660.821, F.A.C., are older rules that create general permits for construction and operation of fish farms and marine bivalves (aquaculture facilities). The Department of Environmental Protection no longer has statutory authority for these general permits. Pursuant to Sections 597.004 and 403.0885(5), F.S., the authority to regulate aquaculture activities has transferred to the Florida Department of Agriculture and Consumers Services (FDACS). These types of facilities are now covered under FDACS Aquaculture Certification.

OTHER RULES INCORPORATING THIS RULE: Rule 62-660.820 is referenced in paragraph 62-344.500(2)(g), F.A.C. Rule 62-660.821 is referenced in Rule 62-344.500, F.A.C.

EFFECT ON THOSE OTHER RULES: Repeal of Rules 62-660.820 and 62-660.821, F.A.C., is not expected to have any effect on Rules 62-344.500 and 62-341.602, F.A.C., because fish farms are now covered under the FDACS Aquaculture Certification. However these citations will need to be corrected.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of these unnecessary rules will not have an adverse impact or impose a regulatory cost.

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

RULEMAKING AUTHORITY: 403.051, 403.0877, 403.814 FS.

LAW IMPLEMENTED: 120.55, 403.051, 403.0877, 403.814 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: January 6, 2012, 10:00 a.m.
 PLACE: 2600 Blair Stone Rd., Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Allen Hubbard, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8590, allen.hubbard@dep.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: Allen Hubbard, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8590; allen.hubbard@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-660.820 General Permit for Fish Farms.

Rulemaking Specific Authority 403.051, 403.0877, 403.814 FS. Law Implemented 120.55, 403.051, 403.0877, 403.814 FS. History—New 4-30-92, Amended 4-14-94, Formerly 17-660.820, Amended 12-24-96, Repealed.

62-660.821 General Permit for Marine Bivalve Facilities

Rulemaking Specific Authority 403.051, 403.0877, 403.814 FS. Law Implemented 120.55, 403.051, 403.0877, 403.814 FS. History—New 3-8-93, Formerly 17-660.821, Amended 12-24-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Hubbard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-672.100	General
62-672.620	Assessment of Existing Perimeter Earthen Dikes
62-672.720	Assessment of Existing Phosphogypsum Stacks

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 62-672.100, F.A.C., is being repealed as it only describes the intent of the rule and is informational only and not essential for implementation of the provisions of Chapter 62-672, F.A.C. Rule 62-672.620, F.A.C., requires the owners of phosphogypsum stack systems to assess the existing perimeter earthen dikes of such systems and specifies a deadline for the assessments that has now expired. Since the activities have been completed within the expired timeframe, the rule is no longer applicable and is being repealed. Rule 62-672.720, F.A.C., requires owners of existing phosphogypsum stack to assess the safety and stability of the stack and specifies a deadline for completion of the assessments that has now expired. Since the activities have been completed within the expired timeframe, the rule is no longer applicable and is being repealed.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: No Effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department's review under Executive Order 11-01 the repeal of these unnecessary rules will not have any adverse impacts or impose regulatory costs.

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

RULEMAKING AUTHORITY: 403.061(22), 403.4155 FS.

LAW IMPLEMENTED: 403.061(22), 403.4155 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: January 11, 2012, 9:00 a.m.
 PLACE: Bureau of Mining and Minerals Regulation, Conference Room 124A, 2051 East Paul Dirac Drive, Tallahassee, FL 32310

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: Vishwas Sathe; 13051 N Telecom Parkway, Temple Terrace, FL 33637, (813)632-7600,

Vishwas.Sathe@dep.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: Vishwas Sathe; 13051 N Telecom Parkway, Temple Terrace, FL 33637; (813)632-7600; Vishwas.Sathe@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-672.100 General.

Rulemaking Specific Authority 403.061(22), 403.4155 FS. Law Implemented 403.061(22), 403.4155 FS. History–Revised 12-8-72, Formerly 17-9.01, 17-9.001, 17-672.100, Amended 6-28-99, Repealed.

62-672.620 Assessment of Existing Perimeter Earthen Dikes.

Rulemaking Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History–New 6-28-99, Amended 7-19-06, Repealed.

62-672.720 Assessment of Existing Phosphogypsum Stacks.

Rulemaking Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History–New 6-28-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-708.100	Intent
62-708.300	Applicability
62-708.500	Public Disclosure of the Full Cost of Solid Waste Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: There is no statutory authority granting rulemaking authority for Rule 62-708.100, F.A.C. in Sections 403.704, F.S., or 403.7049, F.S. Although Rule 62-708.300 and Rule 62-708.500, F.A.C., are authorized by sections 403.704, F.S., and 403.7049, F.S., they are not mandated by statute and there will be no adverse consequences if they are repealed. These rules were created to provide clarification to the regulated public, but they are not necessary.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes to rules 62-708.100 and 62-708.300 remove unnecessary and outdated language. There are no costs associated with removing these sections. The proposed changes to rule 62-708.500 will remove an unneeded requirement that applied to local governments. Removing this section will reduce costs for local governments. Thus, the proposed rules are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 403.704, 403.7049 FS.

LAW IMPLEMENTED: 403.7049 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: January 10, 2012, 8:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Tedder (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8735, or email at Richard.Tedder@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-708.100 Intent.

Rulemaking Specific Authority 403.061, 403.704, 403.7049 FS. Law Implemented 403.7049 FS. History–New 12-19-89, Formerly 17-708.100, Repealed.

62-708.300 Applicability.

Rulemaking Specific Authority 403.061, 403.704, 403.7049 FS. Law Implemented 403.7049 FS. History–New 12-19-89, Amended 11-11-90, Formerly 17-708.300, Repealed.

62-708.500 Public Disclosure of the Full Cost of Solid Waste Management.

Rulemaking Specific Authority 403.061, 403.704, 403.7049 FS. Law Implemented 403.7049 FS. History–New 12-19-89, Formerly 17-708.500, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Tedder
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary,
Florida Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-710.300
RULE TITLE: Applicability
PURPOSE AND EFFECT: The purpose and effect of the
proposed rule amendment will be to repeal rules identified
during the comprehensive rule review required by Executive
Order 11-01 as duplicative, unnecessarily burdensome, or no
longer necessary.

SUMMARY: Although Rule 62-710.300, F.A.C., is authorized
by Sections 403.061, F.S., 403.704, F.S., and 403.767, F.S., it is
not mandated by statute and there will be no adverse
consequences if it is repealed. The rule was created to provide
clarification to the regulated public, but it is not necessary.

OTHER RULES INCORPORATING THIS RULE: None.
EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: The proposed change removes the
explanation of the chapter’s applicability. There are no costs
associated with removing the section. Thus, the proposed rule
is not expected to require legislative ratification pursuant to
subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 403.061, 403.704, 403.767
FS.

LAW IMPLEMENTED: 403.703, 403.75, 403.754, 403.760,
403.767, 403.769 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: January 19, 2012, 11:00 a.m.

PLACE: Florida Department of Environmental Protection,
2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this workshop/meeting is asked to advise the
agency at least 48 hours before the workshop/meeting by
contacting: Julie Rainey (contact information provided below).
If you are hearing or speech impaired, please contact the
agency using the Florida Relay Service, 1(800)955-8771
(TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Julie Rainey, Department of
Environmental Protection, MS 4560, 2600 Blair Stone Road,
Tallahassee, Florida 32399-2400, telephone (850)245-8713, or
email at Julie.C.Rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-710.300 Applicability.

Rulemaking Specific Authority 403.061, 403.704, 403.767 FS. Law
Implemented 403.703, 403.75, 403.754, 403.760, 403.767, 403.769
FS. History–New 6-9-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julie Rainey.

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary,
Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-711.700
RULE TITLE: Closing of Waste Tire Sites

PURPOSE AND EFFECT: The purpose and effect of the
proposed rule amendment will be to repeal rules identified
during the comprehensive rule review required by Executive
Order 11-01 as duplicative, unnecessarily burdensome, or no
longer necessary.

SUMMARY: Although Rule 62-711.700, F.A.C., is authorized
by Sections 403.704, F.S., and 403.717, F.S., it is not mandated
by statute and there will be no adverse consequences if it is
repealed. The rule was created to deal with a statutory
provision that was eliminated by section 19 of Chapter
2007-184, Laws of Florida.

OTHER RULES INCORPORATING THIS RULE: None.
EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: The proposed change removes an
unnecessary requirement. There are no costs associated with
removing this section, and in some cases there may be a
reduction in costs. Thus, the proposed rule is not expected to
require legislative ratification pursuant to subsection
120.541(3), F.S.

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

RULEMAKING AUTHORITY: 403.704, 403.717 FS.
LAW IMPLEMENTED: 403.717 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: January 10, 2012, 9:00 a.m.
 PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Tedder (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8735, or email at Richard.Tedder@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-711.700 Closing of Waste Tire Sites.

Rulemaking Specific Authority 403.704, 403.717 FS. Law Implemented 403.717 FS. History—New 2-19-89, Amended 11-7-90, 2-28-94, Formerly 17-711.700, Amended 3-22-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Tedder

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-716.100	Intent
62-716.200	Definitions
62-716.400	Specific Recycling and Education Grant Application and Matching Requirements
62-716.410	Recycling and Education Grant Eligibility Requirements
62-716.420	Recycling and Education Grant Special Requirements
62-716.430	Use of Recycling and Education Grant Funds
62-716.440	Allocation of Recycling and Education Grant Funds
62-716.510	Use of Small County Grant Funds

62-716.610	Allocation of Waste Tire Grant Funds
62-716.620	Use of Waste Tire Grant Funds
62-716.700	Litter Control and Prevention Grants

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: There is no current statutory authority granting rulemaking authority for Rules 62-716.100, 62-716.400, 62-716.410, 62-716.420, 62-716.430, 62-716.440 and 62-716.700, F.A.C., in Sections 403.704, F.S., or 403.7095, F.S. The Recycling and Education Grant Program and the Litter Control and Prevention Grant Program in section 403.7095, F.S., were eliminated by Chapter 2010-143, Laws of Florida. Although Rule 62-716.200, F.A.C., is authorized by section 403.7095, F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule was created to provide clarification to the regulated public, but none of the definitions are essential and several restate section 403.7095, F.S. Although Rules 62-716.510, 62-716.610 and 62-716.620, F.A.C., are authorized by Sections 403.704, F.S., and 403.7095, F.S., they are not mandated by statute and there will be no adverse consequences if they are repealed. The rules were created to provide clarification to the regulated public, are not necessary, and the Small County Grant Program and the Waste Tire Grant Program were significantly amended by Chapter 2010-143, Laws of Florida.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes remove outdated requirements and other unnecessary procedures from the rule. There are no costs associated with removing these sections. Thus, the proposed rules are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.704, 403.7095 FS.

LAW IMPLEMENTED: 403.706, 403.7095 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: January 10, 2012, 10:00 a.m.
 PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Ron Henricks (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ron Henricks, Department of Environmental Protection, MS 4570, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8717 or email at Ron.Henricks@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-716.100 Intent.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Formerly 17-716.100, Amended 11-16-94, Repealed.

62-716.200 Definitions.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Formerly 17-716.200, Amended 11-16-94, Repealed.

62-716.400 Specific Recycling and Education Grant Application and Matching Requirements.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Amended 7-14-91, Formerly 17-716.400, Amended 11-16-94, Repealed.

62-716.410 Recycling and Education Grant Eligibility Requirements.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Amended 7-14-91, Formerly 17-716.410, Amended 11-16-94, Repealed.

62-716.420 Recycling and Education Grant Special Requirements.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Amended 7-14-91, Formerly 17-716.420, Amended 11-16-94, 2-20-96, Repealed.

62-716.430 Use of Recycling and Education Grant Funds.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Formerly 17-716.430, Amended 11-16-94, Repealed.

62-716.440 Allocation of Recycling and Education Grant Funds.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.706, 403.7095 FS. History–New 5-16-89, Formerly 17-716.440, Repealed.

62-716.510 Use of Small County Grant Funds.

Rulemaking Specific Authority 403.704, 403.7095 FS. Law Implemented 403.7095 FS. History–New 5-16-89, Formerly 17-716.510, Repealed.

62-716.610 Allocation of Waste Tire Grant Funds.

Rulemaking Specific Authority 403.704, 403.7095, 403.716 FS. Law Implemented 403.7095, 403.716 FS. History–New 5-16-89, Formerly 17-716.610, Amended 11-16-94, Repealed.

62-716.620 Use of Waste Tire Grant Funds.

Rulemaking Specific Authority 403.704, 403.7095, 403.719 FS. Law Implemented 403.7095, 403.719 FS. History–New 5-16-89, Formerly 17-716.620, Amended 11-16-94, 2-20-96, Repealed.

62-716.700 Litter Control and Prevention Grants.

Rulemaking Specific Authority 403.704 FS. Law Implemented 403.4131 FS. History–New 11-16-94, Amended 2-20-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ron Henricks

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-722.600
RULE TITLE: Procedures for Registration and Reporting

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: There is no statutory authority granting rulemaking authority for Rule 62-722.600, F.A.C., in Sections 403.704, F.S. or 403.7046, F.S.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed change removes from the rule several procedural requirements for which there is no statutory authority. There are no costs associated with removing this section. Thus, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 403.704, 403.7046 FS.
 LAW IMPLEMENTED: 403.7046 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: January 10, 2012, 11:00 a.m.
 PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ron Henricks (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Henricks, Department of Environmental Protection, MS 4570, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8717 or email at Ron.Henricks@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-722.600 Procedures for Registration and Reporting.

Rulemaking Specific Authority 403.061, 403.7046 FS. Law Implemented 403.7046 FS. History—New 1-1-95, Amended 12-17-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Henricks
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.001	Declaration and Intent
62-730.100	Availability of Information
62-730.231	Newly Regulated Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although Rules 62-730.001, 62-730.100 and 62-730.231, F.A.C., are authorized by Sections 403.704, F.S., 403.721, F.S., 403.722, F.S., 403.8055, F.S., and 403.814, F.S., they are not mandated by statute and there will be no adverse

consequences if they are repealed. The rules were created to provide clarification to the regulated public, but they are not necessary.

OTHER RULES INCORPORATING THIS RULE:

Rule 62-730.210(2)(p), F.A.C., Definitions
 Rule 62-740.300(1)(a), F.A.C., Management Practice for Recovery Facilities

EFFECT ON THOSE OTHER RULES:

Rule 62-730.210(2)(p), F.A.C., Definitions. No effect because the Division of Waste Management plans to revise the rule to delete the citation.

Rule 62-740.300(1)(a), F.A.C., Management Practice for Recovery Facilities. No effect because the Division of Waste Management plans to revise the rule to delete the citation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes remove unnecessary and duplicative information. There are no costs associated with removing the sections. Thus, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 403.704, 403.721, 403.722, 403.8055, 403.814 FS.

LAW IMPLEMENTED: 403.111, 403.704 403.72, 403.721, 403.722, 403.73, 403.8055 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: January 19, 2012, 12:00 Noon
 PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Julie Rainey (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8713 or email at Julie.C.Rainey@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.001 Declaration and Intent.

Rulemaking Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History - New 5-28-81; Amended 9-8-81, 12-6-81, 3-4-82, 5-19-83, 1-5-84, 7-22-85; Formerly 17-30.01, 17-30.001, Formerly 17-730.001, Amended 1-29-06, Repealed.

62-730.100 Availability of Information.

Rulemaking Specific Authority 403.704, 403.722 FS. Law Implemented 403.111, 403.704, 403.722, 403.73 FS. History - New 7-9-82; Formerly 17-30.31; Amended 9-23-87, 6-28-88, Formerly 17-30.310, Amended 10-7-93, Formerly 17-730.310, 62-730.310, Amended 1-29-06, Repealed.

62-730.231 Newly Regulated Facilities.

Rulemaking Specific Authority 403.704, 403.722, 403.814 FS. Law Implemented 403.704, 403.722, 403.8055 FS. History - New 9-23-87; Amended 6-28-88, Formerly 17-30.231, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.231, Amended 1-5-95, 1-29-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julie Rainey

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-731.020	Definitions
62-731.050	Grants; General Specifications
62-731.060	Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards
62-731.062	Expanded Local Hazardous Waste Management Program Grant Eligibility and Standards
62-731.064	Award of Grant Funds

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although Rules 62-731.020, 62-731.050, 62-731.060, 62-731.062 and 62-731.064, F.A.C., are authorized by Sections 403.061, F.S., 403.721, F.S., 403.7225, F.S., 403.7226, F.S., and 403.7234, F.S., they are not mandated by statute and there will be no adverse consequences if they are repealed. The rules were created to provide clarification to the regulated public, but they are not necessary.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes remove duplicative and unnecessary information. There are no costs associated with removing the sections. Thus, the proposed rules are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, 403.721, 403.7225, 403.7226, 403.7234 FS.

LAW IMPLEMENTED: 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.7238, 403.7265, 403.74 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: January 19, 2012, 1:00 p.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Julie Rainey (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8713 or email at Julie.C.Rainey@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-731.020 Definitions.

Rulemaking Specific Authority 403.061, 403.721 FS. Law Implemented 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.7238, 403.7265, 403.74 FS. History—New 2-9-84, Formerly 17-31.02, 17-31.020, Amended 8-8-94, Formerly 17-731.020, Repealed.

62-731.050 Grants; General Specifications.

Rulemaking Specific Authority 403.061, 403.721 FS. Law Implemented 403.704, 403.7225, 403.7234, 403.7238, 403.7265, 403.74 FS. History—New 2-9-84, Amended 1-27-85, Formerly 17-31.05, 17-31.050, Amended 8-8-94, Formerly 17-731.050, Amended 3-15-95, Repealed.

62-731.060 Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards.

Rulemaking Specific Authority 403.061, 403.721 FS. Law Implemented 403.704, 403.7225, 403.7234, 403.7265, 403.74 FS. History--New 2-9-84, Formerly 17-31.06, 17-31.060, Amended 8-8-94, Formerly 17-731.060, Repealed.

62-731.062 Expanded Local Hazardous Waste Management Program Grant Eligibility and Standards.

Rulemaking Specific Authority 403.061, 403.721 FS. Law Implemented 403.704, 403.7238, 403.74 FS. History--New 8-8-94, Formerly 17-731.062, Amended 3-15-95, Repealed.

62-731.064 Award of Grant Funds.

Rulemaking Specific Authority 403.061, 403.721 FS. Law Implemented 403.704, 403.7225, 403.7234, 403.7238, 403.7265, 403.74 FS. History--New 8-8-94, Formerly 17-731.064, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Rainey

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-737.100	Purpose and Intent
62-737.710	Requirements for Reverse Distribution Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: There is no statutory authority granting rulemaking authority for Rule 62-737.100, F.A.C., in Section 403.7186, F.S. Although Rule 62-737.710 is authorized by Sections 403.061, F.S., and 403.7186, F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule was created to provide clarification to the regulated public, but it is not necessary.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes remove an "intent" section for which there is no statutory authority. They also remove unnecessary requirements and procedures from

the rule. There are no costs associated with removing these sections. Thus, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, 403.7186 FS.

LAW IMPLEMENTED: 403.7186, 403.721 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: January 10, 2012, 12:00 Noon

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jack Price (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack Price, Department of Environmental Protection, MS 4570, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8751 or email at John.L.Price@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-737.100 Purpose and Intent.

Rulemaking Specific Authority 403.061, 403.7186 FS. Law Implemented 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98, Repealed.

62-737.710 Requirements for Reverse Distribution Programs.

Rulemaking Specific Authority 403.061, 403.7186 FS. Law Implemented 403.7186, 403.721 FS. History--New 5-10-95; Amended 5-20-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Price

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-740.010
 RULE TITLE: Declaration of Intent

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although Rule 62-740.010, F.A.C., is authorized by Sections 376.303, F.S., and 403.721, F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule was created to provide clarification to the regulated public, but it is not necessary.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed change removes a statement of intent for the chapter. There are no costs associated with removing the section. Thus, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 376.303, 403.721 FS.

LAW IMPLEMENTED: 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 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: January 19, 2012, 2:00 p.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Julie Rainey (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8713 or email at Julie.C.Rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-740.010 Declaration of Intent.

Rulemaking Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History–New 12-18-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Rainey

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-761.510
 RULE TITLE: Performance Standards for Category-A and Category-B Storage Tank Systems

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although Rule 62-761.510, F.A.C., is authorized by section 376.303, F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule is no longer applicable as it applies to old standards that have been phased out.

OTHER RULES INCORPORATING THIS RULE:

Paragraph 62-252.300(1)(d), F.A.C., Gasoline Dispensing Facilities – Stage I Vapor Recovery

Paragraph 62-252.400(1)(b), Gasoline Dispensing Facilities – Stage II Vapor Recovery

Subparagraph 62-761.700(1)6.a & 62-761.700(2), F.A.C., Repairs, Operation & Maintenance of Storage Tank Systems

EFFECT ON THOSE OTHER RULES:

Paragraph 62-252.300(1)(d), F.A.C., Gasoline Dispensing Facilities – Stage I Vapor Recovery. Division of Air plans to update citation from Rule 62-510 to Rule 52-500, FAC.

Paragraph 62-252.400(1)(b), Gasoline Dispensing Facilities – Stage II Vapor Recovery. No effect because Division of Air has scheduled this rule for repeal.

Subparagraph 62-761.700(1)6.a & 62-761.700(2), F.A.C., Repairs, Operation & Maintenance of Storage Tank Systems. No effect, citation will be deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed change removes expired requirements making this language unnecessary. There are no costs associated with removing the section. Thus, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 376.303 FS.

LAW IMPLEMENTED: 376.303-.3072 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: January 19, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bill Burns (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Burns, Department of Environmental Protection, MS 4525, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8842, or email at Bill.Burns@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-761.510 Performance Standards for Category-A and Category-B Storage Tank Systems.

Rulemaking Specific Authority 376.303 FS. Law Implemented 376.303-.3072 FS. History—New 12-10-90, Amended 5-4-92, Formerly 17-761.510, Amended 9-30-96, 7-13-98, 6-21-04, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Burns

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-769.900
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although Rule 62-769.900, F.A.C., is authorized by Section 376.305(6) and 376.3072, F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule was created to provide clarification to the regulated public, but it is not necessary.

OTHER RULES INCORPORATING THIS RULE:

Rule 62-769.800(3)5 and 62-769.800(4)(b), F.A.C.

EFFECT ON THOSE OTHER RULES:

Rule 62-769.800(3)5. and 62-769.800(4)(b), F.A.C. No effect on repealing Rule 62-769.900, F.A.C., as these other rules are scheduled for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The section being repealed is for forms that are no longer required or necessary. For the public's convenience, the remaining optional forms are being maintained on the Department's website. Thus, there are no costs associated with the repeal of this section. Therefore, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 376.305(6), 376.3072 FS.

LAW IMPLEMENTED: 376.305, 376.3072 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: January 19, 2012, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bill Burns (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Burns, Department of Environmental Protection, MS 4525, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8842, or email at Bill.Burns@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-769.900 Forms.

Rulemaking Specific Authority 376.303, 376.3072 FS. Law Implemented 376.305, 376.3072 FS. History—New 2-27-89, Amended 2-20-91, Formerly 17-769.999, Amended 2-22-93, Formerly 17-769.900, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill Burns
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

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

RULEMAKING AUTHORITY: 376.303, 376.3071, 376.3072 FS.

LAW IMPLEMENTED: 376.301, 376.305, 376.3071, 376.3072 FS.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-773.100	Introduction and Scope
62-773.200	Definitions
62-773.300	Auditing
62-773.350	Limitations
62-773.400	Cost and Completion Schedule Estimate
62-773.500	Program Tasks
62-773.600	Reimbursement of Capital Expense Items
62-773.650	Reimbursement Incentives
62-773.700	Application for Reimbursement
62-773.750	Reimbursement Application Review
62-773.800	Reimbursement Schedule
62-773.900	Forms

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: January 19, 2012, 8:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Charles Williams (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles Williams, Department of Environmental Protection, MS 4540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8863 or email at Charles.Williams@dep.state.fl.us.

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The entire Chapter 62-773, F.A.C., Reimbursement for Petroleum Contamination Site Cleanup, while originally mandated by Florida Statutes, is no longer necessary. Per subsections 376.3071(12), F.S., and 376.30711(1), F.S., the reimbursement program ended for new claims after January 3, 1997. All reimbursement claims have been processed and all payments have been made.

OTHER RULES INCORPORATING THIS RULE:

Paragraph 62-769.800(4)(a), F.A.C., Abandoned Tank Restoration Program

EFFECT ON THOSE OTHER RULES:

Paragraph 62-769.800(4)(a), F.A.C., Abandoned Tank Restoration Program. No effect with repealing Chapter 62-773, F.A.C., because Paragraph 62-769.800(4)(c), F.A.C., is also scheduled for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule chapter is being repealed because this program ended January 3, 1997, pursuant to Sections 376.3071(12) and 376.30711, F.S. There are no more reimbursement applications pending before the agency and all claims have been paid. Additionally, there are no costs associated with this repeal. Therefore, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-773.100 Introduction and Scope.

Rulemaking Specific Authority 376.303, 376.305, 376.3071, 376.3072 FS. Law Implemented 376.305, 376.3071, 376.3072 FS. History—New 5-3-88, Formerly 17-73.001, Amended 12-10-89, 6-25-91, 4-22-93, Formerly 17-773.100, Amended 8-11-98, Repealed.

62-773.200 Definitions.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.020, Amended 12-10-89, 6-25-91, 4-22-93, Formerly 17-773.200, Amended 8-11-98, Repealed.

62-773.300 Auditing.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Formerly 17-73.030, Amended 6-25-91, 4-22-93, Formerly 17-773.300, Repealed.

62-773.350 Limitations.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.301, 376.3071, 376.3072 FS. History—New 5-3-88, Formerly 17-73.040, Amended 12-10-89, 6-25-91, 12-31-91, 4-22-93, Formerly 17-773.350, Amended 8-11-98, Repealed.

62-773.400 Cost and Completion Schedule Estimate.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.050, Amended 12-10-89, 6-25-91, 4-22-93, Formerly 17-773.400, Repealed.

62-773.500 Program Tasks.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.060, Amended 12-10-89, 6-25-91, 4-22-93, Formerly 17-773.500, Repealed.

62-773.600 Reimbursement of Capital Expense Items.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.070, Amended 12-10-89, 6-25-91, 4-22-93, Formerly 17-773.600, Repealed.

62-773.650 Reimbursement Incentives.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 6-25-91, Amended 12-31-91, 4-22-93, Formerly 17-773.650, Repealed.

62-773.700 Application for Reimbursement.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.080, Amended 12-10-89, 6-25-91, 4-22-93, Formerly 17-773.700, Amended 8-11-98, Repealed.

62-773.750 Reimbursement Application Review.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.090, Amended 12-10-89, 4-22-93, Formerly 17-773.750, Repealed.

62-773.800 Reimbursement Schedule.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Formerly 17-73.100, Amended 12-10-89, 4-22-93, Formerly 17-773.800, Repealed.

62-773.900 Forms.

Rulemaking Specific Authority 376.303, 376.3071, 376.3072 FS. Law Implemented 376.3071, 376.3072 FS. History—New 5-3-88, Amended 10-5-88, Formerly 17-73.999, Amended 6-25-91, 4-22-93, Formerly 17-773.900, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Williams
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-780.110
RULE TITLE: Purpose, Intent and General Principles

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although Rule 62-780.110, F.A.C., is authorized by subsection 376.30701(2), F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule was created to provide clarification to the regulated public, but it is not necessary.

OTHER RULES INCORPORATING THIS RULE: None
EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule is being repealed because it is not mandated by statute and there will be no adverse consequences if it is repealed. Additionally, there are no costs associated with this repeal. Therefore, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 376.30701 FS.
LAW IMPLEMENTED: 376.30701 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: January 10, 2012, 1:00 p.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brian Dougherty (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brian Dougherty, Department of Environmental Protection, MS 4535, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-7503, or email at Brian.Dougherty@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-780.110 Purpose, Intent and General Principles.

Rulemaking Specific Authority 376.30701 FS. Law Implemented 376.30701 FS. History--New 4-17-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian Dougherty
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-788.100	Applicability and Limitations
62-788.200	Definitions
62-788.300	Application Process
62-788.400	Eligibility Determination
62-788.900	Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Although the entire rule Chapter 62-788, F.A.C., is authorized by Section 376.30781, F.S., it is not mandated by statute and there will be no adverse consequences if it is repealed. The rule chapter was created to provide clarification to the regulated public, but it is not necessary.

OTHER RULES INCORPORATING THIS RULE: None
EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule chapter is being repealed because it is not mandated by statute and there will be no adverse consequences if it is repealed. Additionally, there are no costs associated with this repeal. Therefore, the proposed rule is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 376.30781 FS.
LAW IMPLEMENTED: 376.30781 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: January 10, 2012, 2:00 p.m.
PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Teresa Booeshaghi (contact information provided below). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Teresa Booeshaghi, Department of Environmental Protection, MS 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8933, or email at Teresa.Booeshaghi@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-788.100 Applicability and Limitations.

Rulemaking Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History--New 3-31-99, Repealed.

62-788.200 Definitions.

Rulemaking Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History--New 3-31-99, Repealed.

62-788.300 Application Process.

Rulemaking Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History--New 3-31-99, Repealed.

62-788.400 Eligibility Determination.

Rulemaking Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History--New 3-31-99, Repealed.

62-788.900 Forms.

Rulemaking Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History--New 3-31-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Booeshaghi
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Florida Department of Environmental Protection
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-807.100	Purpose
62-807.300	Prohibitions and Applicability
62-807.310	Public Service Commission's Determination of Need
62-807.420	Application Distribution, Schedule
62-807.430	Notice of Application Filing
62-807.440	Determination of Sufficiency, Withdrawal

- 62-807.450 Preliminary Statement of Issues
- 62-807.480 Agency Reports
- 62-807.490 Arrangement for Certification Hearing Locations, Notice
- 62-807.500 Analysis by the Department; Conditions
- 62-807.520 Reminder Notice
- 62-807.540 Certification Hearing — Subject Matter, Procedures, Participants
- 62-807.590 Corridor, Notice of Corridor Review, Enforcement
- 62-807.630 Revocation or Suspension of Certification
- 62-807.640 Termination of Certification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: These rules are being repealed because they are unnecessary to the program or because they substantially restate statutory language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 403.9404(1), (2) FS.

LAW IMPLEMENTED: 403.9401-9425 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: January 11, 2012, 1:00 p.m.

PLACE: Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

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: Cindy Mulkey, 3900 Commonwealth Blvd., MS 48, Tallahassee, FL 32399-3000, (850)245-2002, Cindy.Mulkey@dep.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: Cindy Mulkey, 3900 Commonwealth Blvd., MS 48, Tallahassee, FL 32399-3000, (850)245-2002, Cindy.Mulkey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-807.100 Purpose.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.9401-9425 FS. History–New 8-12-93, Formerly 17-807.10, Repealed.

62-807.300 Prohibitions and Applicability.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.9405 FS. History–New 8-12-93, Formerly 17-807.300, Repealed.

62-807.310 Public Service Commission’s Determination of Need.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.941(2), 403.9422 FS. History–New 8-12-93, Formerly 17-807.310, Repealed.

62-807.420 Application Distribution, Schedule.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.9407 FS. History–New 8-12-93, Formerly 17-807.420, Repealed.

62-807.430 Notice of Application Filing.

Rulemaking Specific Authority 403.9404(1), (2) FS. Law Implemented 403.9411(1), 403.9414 FS. History–New 8-12-93, Formerly 17-807.430, Repealed.

62-807.440 Determination of Sufficiency, Withdrawal.

Rulemaking Specific Authority 403.9404(1), (2) FS. Law Implemented 403.9409 FS. History–New 8-12-93, Formerly 17-807.440, Repealed.

62-807.450 Preliminary Statement of Issues.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.941(1) FS. History–New 8-12-93, Formerly 17-807.450, Repealed.

62-807.480 Agency Reports.

Rulemaking Specific Authority 403.9404(1),(2) FS. Law Implemented 403.941(2) FS. History–New 8-12-93, Formerly 17-807.480, Repealed.

62-807.490 Arrangement for Certification Hearing Locations, Notice.

Rulemaking Specific Authority 403.9404(1),(2) FS. Law Implemented 403.9411(1) FS. History–New 8-12-93, Formerly 17-807.490, Repealed.

62-807.500 Analysis by the Department, Conditions.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.941(3) FS. History–New 8-12-93, Formerly 17-807.500, Repealed.

62-807.520 Reminder Notice.

Rulemaking Specific Authority 403.9404(1), (2) FS. Law Implemented 403.9411(1)(c) FS. History–New 8-12-93, Formerly 17-807.520, Repealed.

62-807.540 Certification Hearing – Subject Matter, Procedures, Participants.

Rulemaking Specific Authority 403.9404(1), (2) FS. Law Implemented 403.9411, 403.9414, 403.9415(4) FS. History–New 8-12-93, Formerly 17-807.540, Repealed.

62-807.590 Corridor, Notice of Corridor.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 119, 403.94055, 403.9417 FS. History–New 8-12-93, Formerly 17-807.590, Repealed.

62-807.630 Review, Enforcement.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.9419 FS. History–New 8-12-93, Formerly 17-807.630, Repealed.

62-807.640 Revocation or Suspension of Certification.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.9425 FS. History–New 8-12-93, Formerly 17-807.640, Repealed.

62-807.650 Termination of Certification.

Rulemaking Specific Authority 403.9404(1) FS. Law Implemented 403.9416 FS. History–New 8-12-93, Formerly 17-807.650, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Mulkey, Program Administrator

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Beaches and Coastal Systems**

RULE NO.: 62B-33.007 RULE TITLE: Structural and Other Requirements Necessary for Permit Approval

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as no longer necessary.

SUMMARY: This rule repeal reflects changes to the Florida Statutes [Section 161.053(21), F.S., Effective March 1, 2002], incorporating structural design requirements, contained in Rule 62B-33.007, F.A.C., into the Florida Building Code (Section 3109) for structures located seaward of the coastal construction control line

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule repeal will not increase regulatory cost because it eliminates duplicative regulation.

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: 161.053 FS.

LAW IMPLEMENTED: 161.052(2), 161.053 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: December 14, 2011, 2:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems, 4708 Capital Circle, N.W., 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 7 days before the workshop/meeting by contacting: Rosaline Beckham, Environmental Specialist, (850)488-7815, e-mail rosaline.beckham@dep.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: Rosaline Beckham, Environmental Specialist, (850)488-7815, e-mail rosaline.beckham@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

Rulemaking Specific Authority 161.053 FS. Law Implemented 161.052(2), 161.053 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98, 8-27-00, 12-31-01, 6-13-04, 5-31-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Thomasson, P.E., Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NO.: 62B-49.003
RULE TITLE: Policy

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as no longer necessary.

SUMMARY: Repeal section to remove redundancy in the rule chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule repeal will not raise regulatory cost because it eliminates a duplicative rule.

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: 161.055, 373.427 FS.

LAW IMPLEMENTED: 161.041, 161.055, 373.427 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: December 14, 2011, 9:00 a.m.

PLACE: Bureau of Beaches and Coastal Systems, 4708 Capital Circle, N.W., 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 7 days before the workshop/meeting by contacting: Debbie Bohlen, Operations Review Specialist, (850)488-7816, e-mail debbie.bohlen@dep.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: Debbie Bohlen, Operations Review Specialist, (850)488-7816, e-mail debbie.bohlen@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62B-49.003 Policy.

Rulemaking Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Thomasson, P.E., Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NO.: 62C-30.001
RULE TITLE: General

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is not needed and is not mandated by statute.

OTHER RULES INCORPORATING THIS RULE: Chapter 62C-30 is referenced by Rules 62-528.120, 62C-25.001, 62C-25.002 and 62C-26.003, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeal will have no substantive effect on the rule sections that cross reference Chapter 62C-30, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce unnecessary regulatory costs.

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: 377.22 FS.

LAW IMPLEMENTED: 377.21, 377.22, 377.24, 377.241, 377.242, 377.243, 377.371 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: January 11, 2012, 1:00 p.m.

PLACE: Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive (Collins Building), Large Conference Room, Tallahassee, Florida 32310-3760

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 five (5) days before the workshop/meeting by contacting: Ed Garrett at (850)245-8496. 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: Ed Garrett, Department of Environmental Protection, Bureau of Mining and Minerals Regulation, MS 715, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217 or e-mail: ed.garrett@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62C-30.001 General.

Rulemaking Specific Authority 377.22 FS. Law Implemented 377.21, 377.22, 377.24, 377.241, 377.242, 377.243, 377.371 FS. History—New 11-26-81, Formerly 16C-30.01, Amended 6-4-89, 5-12-93, Formerly 16C-30.001, Amended 3-24-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NOS.:	RULE TITLES:
62C-36.007	Confidentiality and Availability of Records
62C-36.012	Violations, Injunctive Relief and Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is duplicative of statutory language and is thus not needed.

OTHER RULES INCORPORATING THIS RULE: Chapter 62C-36 is referenced by Rules 62-660.820, 62C-35.003, 62C-35.004, and 62C-39.013, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeals will have no substantive effect on the rule sections that cross reference Chapter 62C-36, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not require ratification by the Florida Legislature because the rules are being repealed to reduce rules that are duplicative, unnecessarily burdensome, or no longer needed.

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: 378.404 FS.

LAW IMPLEMENTED: 120.69, 378.404, 378.406, 378.408, 378.409 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: January 11, 2012, 1:00 p.m.

PLACE: Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive (Collins Building), Large Conference Room, Tallahassee, Florida 32310-3760

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 five (5) days before the workshop/meeting by contacting: Howard Hayes at (850)488-8217. 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: Howard Hayes, Department of Environmental Protection, Bureau of Mining and Minerals Regulation, MS 715, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217 or e-mail: howard.hayes@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-36.007 Confidentiality and Availability of Records.

Rulemaking Specific Authority 378.404 FS. Law Implemented 378.406 FS. History–New 7-16-87, Formerly 16C-36.007, Repealed.

62C-36.012 Violations, Injunctive Relief and Penalties.

Rulemaking Specific Authority 378.404 FS. Law Implemented 120.69, 378.404, 378.408, 378.409 FS. History–New 7-16-87, Formerly 16C-36.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NOS.:	RULE TITLES:
62C-37.007	Confidentiality and Availability of Records
62C-37.012	Violations, Injunctive Relief and Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is duplicative of statutory language and is thus not needed.

OTHER RULES INCORPORATING THIS RULE: Chapter 62C-37 is referenced by Rule 62C-39.013, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeals will have no substantive effect on the rule section that cross references chapter 62C-37, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not require ratification by the Florida legislature, because the rules are being repealed to reduce rules that are duplicative, unnecessarily burdensome, or no longer needed.

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: 378.404, 378.406, 378.601 FS.

LAW IMPLEMENTED: 120.69, 378.404, 378.406, 378.408, 378.409, 378.601 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: January 11, 2012, 1:00 p.m.

PLACE: Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive (Collins Building), Large Conference Room, Tallahassee, Florida, 32310-3760

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 five (5) days before the workshop/meeting by contacting: Howard Hayes at (850)488-8217. 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: Howard Hayes, Department of Environmental Protection, Bureau of Mining and Minerals Regulation, MS 715, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217 or e-mail: howard.hayes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-37.007 Confidentiality and Availability of Records.

Rulemaking Specific Authority 378.404, 378.406, 378.601 FS. Law Implemented 378.406, 378.601 FS. History–New 2-22-87, Formerly 16C-37.007, Repealed.

62C-37.012 Violations, Injunctive Relief and Penalties.

Rulemaking Specific Authority 378.404, 378.601 FS. Law Implemented 120.69, 378.404, 378.408, 378.409, 378.601 FS. History–New 2-22-87, Formerly 16C-37.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

RULE NOS.:	RULE TITLES:
62C-38.007	Confidentiality and Availability of Records
62C-38.012	Violations, Injunctive Relief, and Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is duplicative of statutory language and is thus not needed.

OTHER RULES INCORPORATING THIS RULE: Chapter 62C-38 is referenced by Rule 62C-39.013, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeals will have no substantive effect on the rule section that cross references Chapter 62C-38, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not require ratification by the Florida legislature, because the rules are being repealed to reduce rules that are duplicative, unnecessarily burdensome, or no longer needed.

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: 378.404 FS.

LAW IMPLEMENTED: 378.406, 378.408, 378.409 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: January 11, 2012, 1:00 p.m.

PLACE: Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Large Conference Room, Tallahassee, Florida, 32310-3760

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 five (5) days before the workshop/meeting by contacting: Howard Hayes at (850)488-8217. 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: Howard Hayes, Department of Environmental Protection, Bureau of Mining and Minerals Regulation, MS 715, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217 or e-mail: howard.hayes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-38.007 Confidentiality and Availability of Records.

Rulemaking Specific Authority 378.404 FS. Law Implemented 378.406 FS. History–New 3-19-87, Amended 11-29-90, Formerly 16C-38.007, Repealed.

62C-38.012 Violations, Injunctive Relief and Penalties.

Rulemaking Specific Authority 378.404 FS. Law Implemented 378,408, 378.409 FS. History–New 3-19-87, Amended 11-29-90, Formerly 16C-38.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NOS.:	RULE TITLES:
62C-39.007	Confidentiality and Availability of Records
62C-39.012	Violations, Injunctive Relief, and Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is duplicative of statutory language and is thus not needed.

OTHER RULES INCORPORATING THIS RULE: Chapter 62C-39 is referenced by Rules 62-660.820, 62C-35.003, and 62C-35.004, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed repeals will have no substantive effect on the rule sections that cross reference Chapter 62C-39, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not require ratification by the Florida legislature, because the rules are being repealed to reduce rules that are duplicative, unnecessarily burdensome, or no longer needed.

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: 378.404 FS.

LAW IMPLEMENTED: 120.69, 378.406, 378.408, 378.409 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: January 11, 2012, 1:00 p.m.

PLACE: Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive (Collins Building), Large Conference Room, Tallahassee, Florida 32310-3760

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 five (5) days before the workshop/meeting by contacting: Howard Hayes at (850)488-8217. 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: Howard Hayes, Department of Environmental Protection, Bureau of Mining and Minerals Regulation, MS 715, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217 or e-mail: howard.hayes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-39.007 Confidentiality and Availability of Records.

Rulemaking Specific Authority 378.404 FS. Law Implemented 378.406 FS. History–New 1-19-89, Formerly 16C-39.007, Repealed.

62C-39.012 Violations, Injunctive Relief and Penalties.

Rulemaking Specific Authority 378.404 FS. Law Implemented 120.69, 378.408, 378.409 FS. History–New 1-19-89, Formerly 16C-39.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Thomasson, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

RULE NOS.:	RULE TITLES:
62N-16.027	Form: Request for Reimbursement for Damage
62N-16.035	Transfers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal two rules in Chapter 62N-16, F.A.C., Pollutant Discharge Act, that are no longer necessary. Rule 62N-16.027, F.A.C., Form: Request for Reimbursement for Damage, will be repealed due to the fact that the rule is not mandated by statute. Furthermore, Rule 62N-16.020, F.A.C., Reimbursement of Damage Claims, which is the rule this form applies to, has been repealed, thereby making Rule 62N-16.027, F.A.C., outdated and unnecessary. Rule

62N-16.035, F.A.C., Transfers, will be repealed due to the fact that this rule is not mandated by statute. Furthermore, Rule 62N-16.035, F.A.C., is not being used by the Department and therefore unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of these rules are a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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: 376.07 FS.

LAW IMPLEMENTED: 376.041, 376.12 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: December 19, 2011, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room 743D, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

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: Gareth Leonard, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, telephone (850)245-2222, or e-mail: Gareth.Leonard@dep.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: Gareth Leonard, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, telephone (850)245-2222, or e-mail: Gareth.Leonard@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62N-16.027 Form: Request for Reimbursement for Damage.

Rulemaking Specific Authority 376.07 FS. Law Implemented 376.12 FS. History–New 11-5-80, Formerly 16N-16.27, Amended 6-17-92, Formerly 16N-16.027, Repealed.

62N-16.035 Transfers.

Rulemaking Specific Authority 376.07 FS. Law Implemented 376.041 FS. History–New 3-2-93, Formerly 16N-16.035, Amended 10-17-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory L. Gibson, Assistant Director, Division of Law Enforcement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

RULE NO.: RULE TITLE:

62N-30.001 Retirement Award

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Repeal the rule in Chapter 62N-30, F.A.C., Retirement Award, that is no longer necessary. Rule 62N-30.001, F.A.C., Retirement Award, will be repealed due to the fact that the rule is not mandated by statute. Furthermore, Rule 62N-30.001, F.A.C., is not being used by the Department because it is outdated and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The repeal of this rule is a result of the Department’s review pursuant to EO 11-01 and will not have an adverse impact or impose a regulatory cost.

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: 112.193 FS.

LAW IMPLEMENTED: 112.193 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: December 19, 2011, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room 743D, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

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: Gareth Leonard, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, telephone (850)245-2222, or e-mail: Gareth.Leonard@dep.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: Gareth Leonard, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, telephone (850)245-2222, or e-mail: Gareth.Leonard@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62N-30.001 Retirement Award.

Rulemaking Specific Authority 112.193 FS. Law Implemented 112.193 FS. History–New 2-10-81, Formerly 16N-30.01, 16N-30.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory L. Gibson, Assistant Director, Division of Law Enforcement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of State Lands

RULE NO.:	RULE TITLE:
62Q-15.013	Management and Sale of RICO Lands

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome or no longer necessary.

SUMMARY: This rule provides for the management and sale of RICO parcels owned by the Board of Trustees of the Internal Improvement Trust Fund. Because the Board of Trustees no longer owns any RICO parcels and parcels are no longer being forfeited to the state under the Florida RICO Act (ss. 895.01-895.09, F.S.), the rule may be repealed. After repeal of this rule, if the Board of Trustees does acquire a future parcel under the RICO Act, management and disposition of that parcel would be governed by Section 253.03(12), F.S., and Chapter 18-2, F.A.C., and the distribution of the sales proceeds would be governed by Section 253.03(12), F.S.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

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: 253.03(7) FS.

LAW IMPLEMENTED: 253.03(7), (12) 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: January 18, 2012, 10:00 a.m.

PLACE: Conference Room A, First Floor, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Karri MacInnes, Government Operations Consultant I, Division of State Lands, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 100, Tallahassee, FL 32399-3000, telephone: (850)245-2555, email: karri.macinnes@dep.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: Karri MacInnes, Government Operations Consultant I, Division of State Lands, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS100, Tallahassee, FL 32399-3000, telephone: (850)245-2555, email: karri.macinnes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62Q-15.013 Management and Sale of RICO Lands.

Rulemaking Specific Authority 253.03(7) FS. Law Implemented ~~253.03(7), (12) 253.03(7), (13), (15)~~ FS. History–New 2-4-86, Formerly 16Q-15.013, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clay Smallwood, Division Director, Division of State Lands
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003
 RULE TITLE: Active License Renewal Fees
 PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce the fees paid by pharmacists.

SUMMARY: The fee paid by pharmacist will be reduced.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 456.036, 465.005, 465.008, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.008, 465.0125, 465.0126, 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1003 Active License Renewal Fees.

(1) The biennial license renewal fee for an active pharmacist license shall be \$200 ~~\$250~~ plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) through (4) No change.

Rulemaking Authority 456.036, 465.005, 465.008, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.008, 465.0125, 465.0126, 465.014 FS. History–New 1-11-05, Amended 2-24-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103
 RULE TITLE: Continuing Education Credits; Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify course approval requirements and to provide for additional credits for pharmacy technicians.

SUMMARY: Course approval requirements will be clarified; additional credits for pharmacy technicians will be provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.103 Continuing Education Credits; Renewal.

(1) Prior to biennial renewal of pharmacist licensure, a licensee shall complete no less than 30 hours of approved courses of continued professional pharmaceutical education within the 24 month period prior to the expiration date of the license. The following conditions shall apply.

(a) through (g) No change.

(h) Continuing education may consist of post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other educational opportunities which advance the practice of the profession of pharmacy if approved by the Board. A course shall be approved prior to completion and will be evaluated by the Tripartite Committee using the standards found in Rule 64B16-26.601, F.A.C. Individuals must submit requests for course approval at least 45 days in advance of the program or course by completing the approved application form DOH/MQA/PH 112, (Rev 3/02), entitled Board of Pharmacy Course Approval application, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or from the website located at <http://www.doh.state.fl.us/mqa/pharmacy>. Individuals seeking course approval must attach to the application a detailed program outline, overview or syllabus which describes the educational content, objectives and faculty qualifications.

(i) through (m) No change.

(2) through (3) No change.

(4) Prior to renewal a registered pharmacy technician shall complete no less than twenty (20) hours of Board approved continuing education in the course work specified in Rule 64B16-26.355, F.A.C., within the 24 month period prior to the expiration date of the pharmacy technician registration.

(a) through (e) No change.

(f) Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

1. The registrant must sign in with the Executive Director or designee of the Board before the meeting day begins;

2. The registrant must remain in continuous attendance;

3. The registrant cannot receive continuing education credit for attendance at a board meeting if required to appear before the board; and

4. The maximum continuing education hours allowable per biennium under this paragraph shall be ten (10).

(g)(f) At least four (4) of the required 20 hours must be obtained either at a live seminar, a live video teleconference, or through an interactive computer-based application.

Rulemaking Authority 456.033, 465.009 FS. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05, 5-26-09, 5-27-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.206

RULE TITLE: Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a new rule for endorsement candidates that are foreign trained.

SUMMARY: A new rule for endorsement candidates that are foreign trained will be created.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The

Board has determined that this rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.206 Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates).

An applicant for licensure by endorsement for a foreign graduate must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy located outside the United States and have met the requirements listed in Rule 64B16-26.2031, Florida Administrative Code.

(1) All applications for licensure by endorsement must be made on form DH-MQA 1196, effective October 2010, Pharmacist Licensure by Endorsement Application and Instructions (Foreign Graduates), which is incorporated by reference, and shall be accompanied with a non-refundable endorsement application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850)488-0595 to request a form or download the form from the Board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

(2) The applicant must submit proof that one of the following requirements has been met:

(a) Two years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding five (5) years. To prove that the applicant has two years of active practice, the applicant must submit Form DH-MQA 1196, Item 4, Licensure Verification Form to the licensing authority of the state of licensure. It is the applicant's responsibility to ensure that the licensing authority completes the form and returns it to the Board. If the applicant meets the requirements of this paragraph, proof of completion of 30 hours of Florida Board of Pharmacy approved continuing education obtained in the two calendar years immediately preceding application, must also be submitted. Adequate proof consists of a letter from the

provider or a certificate of completion, which contains the course title, course number and the number of hours completed.

(b) Passing of postgraduate training at a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education. The applicant must provide the Board with a transcript directly from the school of instruction.

(c) Successful completion of an internship meeting the requirements of Rule 64B16-26.2033, F.A.C. within the immediately preceding two (2) years. To prove that the applicant has successfully completed the internship, the applicant must submit Form DH-MQA 1196, Item 3, Internship Work Experience Form (Form B). The applicant's supervising pharmacist must sign this form.

(3) The applicant must provide proof of completion of 500 hours of supervised work activity in the State of Florida as provided by Section 465.007(1)(b)2., F.S. The supervised work activity program experience shall be documented on form DH-MQA, 1153, "Foreign Pharmacy Graduate Registered Intern Work Activity Manual," effective January 2010. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850)488-0595 to request a form or download the form from the Board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. Further, no supervised work activity program shall be approved for any applicant until said applicant has obtained the passing score of the Foreign Pharmacy Graduate Equivalency Exam as provided in Section 465.007, F.S.

(4) The applicant must submit proof of completion of a board-approved course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention and patient safety. For applicants who apply within one year following the receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the board as an educational course under this subsection, provided such course work is no less than 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention and patient safety as evidenced by a letter attesting to subject matter from an official of the university.

(5) All requirements for licensure by endorsement must be met within one (1) year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(6) Applicants applying under the provisions of Section 465.0075, F.S., must have obtained a passing score on the licensure examination as described in subsection 64B16-26.200(1), F.A.C.

(7) Applicants applying under the provisions of Section 465.0075, F.S., shall cause the National Association of Boards of Pharmacy, or other similar organization to issue a transfer of

Pharmaceutical Licensure Certificate showing examination date, examination results, status of licensure, disciplinary actions and licensure status.

(8) Applicants deemed qualified for licensure by endorsement shall be required to complete the Multistate Pharmacy Jurisprudence Examination – Florida Version. Passing scores of this examination may be used upon reapplication only if the examination was completed within three (3) years of the reapplication.

Rulemaking Authority 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.002 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.601
RULE TITLE: Standards for Approval of Continuing Education Courses and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify and update the requirements for seeking approval of CE courses.

SUMMARY: The requirements for seeking approval of CE courses will be clarified and updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.009 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.601 Standards for Approval of Continuing Education Courses and Providers.

(1) Providers seeking board approval for General Continuing Education courses shall meet each of the following:

(a) Complete the approved application form DOH/MQA/PH109, (Rev. 02/09), entitled Board of Pharmacy Provider Approval application, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or from the website located at [tap://www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy) and submit a fee of \$150.00.

(b) There shall be a visible, continuous, and identifiable authority charged with the administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background, education, training and experience.

(c) All continuing education offerings conducted by the provider shall meet the standards outlined in subsection (3).

(d) Submit licensee continuing education course completion credits in the electronic continuing education tracking system in accordance with Section 456.025(7), F.S.

(2) Providers seeking approval of a single course or program shall meet each of the following:

(a) Complete the application DOH/MQA/PH111, (Rev. 02/09), entitled Individual Request for Approval of Continuing Education, which is incorporated by reference, and which may be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or from the website located at <http://www.doh.state.fl.us/mqa/pharmacy>.

(b) There shall be a visible, continuous, and identifiable authority charged with the administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background, education, training and experience.

(c) All continuing education offerings under this section shall meet the standards outlined in subsection (3).

(d) All continuing education offerings shall be submitted to the Tripartite Committee for review and approval at least 45 days in advance of the program or course.

(e) All approved continuing education offerings under this section are valid for one biennium.

~~(3)(1)~~ Each continuing education offering shall ~~proposal for program or course approval submitted by a qualified provider must~~ contain a detailed outline of the content of said program or course ~~on forms which will be provided by the Board of Pharmacy upon request, and shall must~~ build upon Standards of Practice and a basic course or courses offered in the curricula of accredited colleges or schools of pharmacy. ~~Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee-approved educational methods.~~

~~(2)~~ All offerings shall ~~must~~ meet the following standards:

(a) Education Content Development.

1. No change.

2. Continuing education offerings for pharmacists shall be designed to reflect the educational needs of the pharmacist and build on the standards for practice and courses in the curricula of accredited colleges or schools of pharmacy.

3. Continuing education offerings for registered pharmacy technicians shall be designed to reflect the educational needs of the pharmacy technician and build on the standards for practice and courses in the curricula of Board-approved training programs for registered pharmacy technicians.

~~4.3.~~ No change.

(b) Methods of Delivery.

1. through 2. No change.

(c) Program Faculty Qualifications.

1. through 3. No change.

(d) Facilities.

1. No change.

(e) Evaluation. The provider must make provision for evaluation of the participants' attainment of the stated learner objectives through in-process activities that provide a measurable demonstration of the learner's achievement(s).

~~1.2.~~ The provider must develop and employ an evaluation mechanism for the purpose of allowing the participant to assess his/her achievement of personal objectives.

~~2.3.~~ The provider shall develop and employ an evaluation mechanism that will assess the effectiveness of the learning experiences, instructional methods, facilities, and resources used for the offering.

(f) Contact Hour Criteria.

1. The number of contact hours or Continuing Education Units (CEU) shall be determined by the provider in advance of the offering subject to approval by the committee and awarded upon the successful completion of the entire planned education experience.

2. Providers shall adhere to a uniform quantitative system of measurement for continuing education credit based on the contact hour which is defined as 50-60 minutes of participation or its equivalent. The CEU is defined as 10 contact hours in an

organized continuing pharmacy education activity under responsible sponsorship, capable direction and qualified instruction.

(g) Record Keeping.

1. Records of ~~single-course individual~~ offerings shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education offerings as outlined in the rules.

2. No change.

3. Records shall be maintained by the provider for a minimum of four (4) ~~three (3)~~ years.

~~(3)~~ Providers seeking board approval shall meet each of the standards outlined herein:

~~(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules:~~

~~(b) There shall be a visible, continuous, and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.~~

(4) All programs approved by the Accreditation Council on Pharmacy Education (ACPE) are ~~for continuing education for pharmacists may be~~ deemed approved by this Board for general continuing education hours ~~for pharmacists~~.

(5) ~~Entities or individuals who wish to become~~ Approved providers of continuing education must submit an initial approval fee of \$150 and provide information to demonstrate compliance with the requirements of this rule. A provider seeking to renew approved provider status shall pay a renewal fee of \$150. The renewal period for approved providers shall run concurrent with the pharmacist licensure renewal period. Approved providers will be subject to the audit provided for in Rule 64B16-26.600, F.A.C. and must maintain compliance with these audit requirements.

~~(6) Entities or individuals applying for approval of an individual program shall submit a fee of \$50 and the individual program shall only be approved for one biennium and provide information to demonstrate compliance with this rule.~~

Rulemaking Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.009 FS. History—New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended 1-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 14, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.100
RULE TITLE: Pharmacy Permits – Applications and Permitting

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide a single rule for permitting of pharmacies by combining the permitting rules into one rule and to incorporate new applications.

SUMMARY: A new rule will be created to provide a single rule for permitting of pharmacies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.100 Pharmacy Permits – Applications and Permitting.

This section addresses the application and permitting requirements of business establishments regulated under Chapter 465, F.S. Any establishment that is required to have a permit shall apply to the board for the appropriate permit on forms indicated in this rule. Applications and forms referenced in this section may be accessed or downloaded from the

board's website at <http://www.doh.state.fl.us/mqa/pharmacy> or may be obtained by contacting the Board of Pharmacy, at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850)488-0595. Inquiries regarding the status of the application or license verification may be obtained at <http://www.FLHealthsource.com>. The application must be accompanied with a \$250 initial permit fee, payable to the Board.

(1) All Permits: A permit is valid only for the name and address to which it is issued. The name in which the permit is issued must be the name in which the company is doing business, i.e., the name that appears on purchase and sales invoices.

(a) A permit shall be issued only to a single entity at a single location. The service provided by the permit shall be consistent with the issued permit. A single location shall be defined as:

1. A contiguous area under the control of the permit holder. For purposes of this rule, a public thoroughfare will be considered to have not broken the area of contiguity, and

2. An area not more than one half (1/2) mile from the central location of the permit.

(b) The name in which a permit is issued may be changed upon notification to the board. To change the name in which a permit is issued the person or establishment must file with the board an original Form DH-MQA 1227 "Pharmacy Permit Name Change Form" effective December 2010, which is incorporated by reference herein, and is available on the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

(c) Each applicant must file with the board a legible set of fingerprint cards and a \$48 fee for each person who submits an application meeting the requirements in Section 465.022(3), F.S. An applicant may register demographic information and purchase fingerprint cards (FD-258) at <http://www.fldoh.sofn.net/>. If an applicant chooses not to purchase a fingerprint card, the applicant must make sure the police or agency that rolls the fingerprints uses a FD-258 fingerprint card. A Non-Resident Pharmacy Registration applicant is not required to submit a legible set of fingerprints upon application.

(d) Passing an on-site inspection is a prerequisite to issuance of a new permit, whether based on an initial application, change of ownership, or change of address. At the time of the on-site inspection, the board inspector will document the applicant's compliance with all applicable rules and statutes.

(e) Each applicant must attach to the application the applicant's written policies and procedures for preventing controlled substance dispensing based on fraudulent representations or invalid practitioner-patient relationships.

(2) Community Pharmacy Permit as authorized by Section 465.018, F.S., is required for every location where medicinal drugs are compounded, dispensed, stored, or sold or where

prescriptions are filled or dispensed on an outpatient basis. Applicants for a community pharmacy permit must complete an application for a permit using an original Form DH-MQA 1214, "Community Pharmacy Permit Application and Information," effective October 2011 which is incorporated by reference herein.

(a) Applicants for a Community Pharmacy Permit must:

1. Comply with all permitting requirement found in paragraph (1) of this rule; and

2. Designate a prescription department manager as required by Section 465.018, Florida Statutes;

(b) The permittee and the newly designated prescription department manager shall notify the board within 10 days of any change in the prescription department manager using an original Form DH-MQA PH10, "Prescription Department Manager Change," effective December 2010, which is incorporated by reference herein.

(3) Institutional Pharmacy Permits as authorized by Section 465.019, F.S., is required for any location in any health care institution where medicinal drugs are compounded, dispensed, stored or sold. Applicants for a Institutional Pharmacy permit must complete an application for a permit using an original Form DH-MQA 1215, "Institutional Permit Application and Information," effective December 2010, which is incorporated by reference herein.

(a) Applicants for an Institutional Pharmacy Permit must:

1. Comply with all permitting requirement found in paragraph (1) of this rule; and

2. Designate a consultant pharmacist of record as required by Section 465.019, Florida Statutes;

(b) The Board shall be notified in writing within 10 days of any change in the consultant pharmacist of record using an original Form DH-MQA 1184, "Consultant Pharmacist of Record Change Form," effective December 2010, which is incorporated by reference herein.

(4) Nuclear Pharmacy Permit as authorized by Section 465.0193, F.S., is required for every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. Applicants for a Nuclear Pharmacy permit must complete an application for a permit using an original Form DH-MQA 1218, "Nuclear Pharmacy Permit Application and Information," effective December 2010, which is incorporated by reference herein.

(a) Applicants for an Nuclear Pharmacy Permit must:

1. Comply with all permitting requirement found in subsection (1) of this rule; and

2. Designate a nuclear pharmacist of record as required by Section 465.0193, Florida Statutes;

(b) The permittee and the newly designated prescription department manager shall notify the board within 10 days of any change in the prescription department manager using an

original Form DH-MQA PH10, "Prescription Department Manager Change," effective December 2010, which is incorporated by reference herein.

(5) Special Pharmacy Permits as authorized in Section 465.0196, F.S., is required for any location where medicinal drugs are compounded, dispensed, stored, or sold and which are not a community pharmacy, institutional pharmacy, nuclear pharmacy or internet pharmacy. Applicants for a Special-Limited Community, Special-Parenteral and Enteral, Special- Closed System Pharmacy, Special-End Stage Renal Disease (ESRD), Special-Parenteral/Enteral Extended Scope, and Special- Assisted Living Facility (ALF) permits must complete an application for a permit using an original Form DH-MQA 1220, "Special Pharmacy Permit Application and Information," effective December 2010, which is incorporated by reference herein.

(a) Applicants for a Special Pharmacy Permit must:

1. Comply with all permitting requirement found in paragraph (1) of this rule; and

2. Designate a prescription department manager or consultant pharmacist of record as required by Section 465.0196, Florida Statutes;

(b) The permittee and the newly designated prescription department manager shall notify the board within 10 days of any change in the prescription department manager using an original Form DH-MQA PH10, "Prescription Department Manager Change," effective December 2010, which is incorporated by reference herein.

(c) The Board shall be notified in writing within 10 days of any change in the consultant pharmacist of record using an original Form DH-MQA 1184, "Consultant Pharmacist of Record Change Form," effective December 2010, which is incorporated by reference herein.

(d) The Board recognized the following types of Special Pharmacy permits:

1. Special Limited Community Permit may be obtained by an Institutional Class II Pharmacy that dispenses medicinal drugs to employees, medical staff, emergency room patients, and other patients on continuation of a course of therapy.

2. Special Parenteral and Enteral Permit is required to provide parenteral (IV), enteral, and cytotoxic pharmacy services to outpatients. The applicant must be compliant with the Standard for Compounding Sterile Preparations found in Rule 64B16-27.797, F.A.C. Special-Parenteral and Enteral Pharmacy Permits may stand-alone or be used in conjunction with a Community Pharmacy or Special-Closed System Pharmacy Permit. The permittee must provide 24-hour telephone accessibility.

3. Special Closed System Pharmacy Permit is not open to the public and prescriptions are individually prepared for dispensing utilizing closed delivery systems, for ultimate consumers in health care institutions including nursing homes, jails, ALF's, Intermediate Care Facility/Mentally Retarded

(ICF-MR's) or other custodial care facilities when defined by AHCA rules which the Board may approve. This permit may not provide medications to in-patients in a hospital.

4. Special Pharmacy – End Stage Renal Disease (ESRD) Permit is a type of special pharmacy which is limited in scope of pharmacy practice to the provision of dialysis products and supplies to persons with chronic kidney failure for self-administration at the person's home or specified address.

5. Special Pharmacy – Parenteral/Enteral Extended Scope Permit is required for pharmacies to compound patient specific parenteral/enteral preparations in conjunction with institutional pharmacy permits, provided requirements set forth herein are satisfied.

6. Special-Assisted Living Facility (ALF) Permit is an optional facility license for those Assisted Living Facilities providing a drug delivery system utilizing medicinal drugs provided in unit dose packaging.

(6) Internet Pharmacy Permit as authorized by Section 465.0197, F.S., is required for any location not otherwise licensed or issued a permit under this chapter, within or outside this state that uses the Internet to communicate with or obtain information from consumers and uses the information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. Applicants for an Internet Pharmacy permit must complete an application for a permit using an original Form DH-MQA 1220, "Special Pharmacy Permit Application and Information," effective December 2010, which is incorporated by reference herein.

(a) Applicants for an Internet Pharmacy Permit must:

1. Comply with all permitting requirement found in paragraph (1) of this rule; and

2. Designate a prescription department manager or consultant pharmacist of record as required by Section 465.0197, Florida Statutes;

(b) As set forth in Section 465.0197, F.S., the permittee shall notify the board within 30 days of any change of location, corporate officers, and the pharmacist serving as the prescription department manager using an original Form DH-MQA PH10, "Prescription Department Manager Change," effective December 2010, which is incorporated by reference herein.

(7) Non-Resident Pharmacy Registration as authorized by Section 465.0156, F.S., is required for those pharmacies located outside the state and which ships, mails, or delivers a dispensed medicinal drug into this state. Applicants for a Non-Resident Registration must complete an application for a registration using an original Form DH-MQA 1217, "Non-Resident Pharmacy Permit Application and Information," effective December 2010, which is incorporated by reference herein. Applicants for registration as a non-resident pharmacy must comply with all requirements found in Section 465.0156, F.S.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.101
RULE TITLE: Prescription Area Accessible to Inspection

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the performance of pharmacy inspections.

SUMMARY: The performance of pharmacy inspections will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.017, 465.022 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.101 Prescription Area Accessible to Inspection.

(1) The prescription department compounding room or any other place where prescriptions are compounded, filled, processed, accepted, dispensed, or stored in each pharmacy shall be so situated and located that authorized agents and employees of the Department or other persons authorized by law to enter and inspect, can observe and survey the confines of said department, room or area and can enter into said department, room or area after identifying themselves, for the purpose of inspection at a reasonable hour or when the practice of the profession of pharmacy is being carried on, as defined in Section 465.003, F.S., without having been previously detained or announced. Such inspection may be routinely conducted at any time by authorized agents of the Department to determine whether Chapter 465, F.S., or provisions of these rules have been violated or for other lawful purposes, and need not be in response to a complaint filed with the Department. There shall be a minimum of one (1) inspection per year except as otherwise provided herein or directed by the Board.

(a) A pharmacy shall be inspected twice during the first year of operation.

(b) A pharmacy which has had passing inspections for the most current three years, and no discipline during the most current three years shall be inspected every two years.

(c) A pharmacy which fails to obtain a passing inspection or which is disciplined during the two year inspection cycle will be inspected annually until it achieves passing inspections for the most current three years, and no discipline during the most current three years as setforth in this subsection.

(2) No change.

Rulemaking Specific Authority 465.005, 465.022 FS. Law Implemented 465.017, 465.022 FS. History—Amended 5-19-72, 11-2-81, Formerly 21S-1.01, 21S-1.001, Amended 7-31-91, Formerly 21S-28.101, 61F10-28.101, 59X-28.101, Amended 5-4-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.1081
RULE TITLE: Regulation of Daily Operating Hours
PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a way for a pharmacy to be open less than 40 hours a week.

SUMMARY: New language will provide for a pharmacy to be open less than 40 hours per week.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.1081 Regulation of Daily Operating Hours.

Any person who receives a community pharmacy permit pursuant to Section 465.018, F.S., and commences to operate such an establishment shall keep the prescription department of the establishment open for a minimum of forty (40) hours per week ~~and a minimum of five (5) days per week~~. The Board hereby approves exceptions to the requirements noted above and permits closing of the prescription department for the following holidays: New Year’s Day, Memorial Day, Fourth of July (Independence Day), Labor Day, Veterans’ Day, Thanksgiving, Christmas and any bona fide religious holiday provided that notice of such closing is given in a sign as set forth herein. A sign in block letters not less than one inch in height stating the hours the prescription department is open each day shall be displayed either at the main entrance of the establishment or at or near the place where prescriptions are dispensed in a prominent place that is in clear and unobstructed view. The prescription department manager may petition the Board in writing to operate the prescription department for less than forty (40) hours per week, but no less than twenty (20) hours per week. Prior to approving reduced hours, the Board may require the prescription department manager to appear before the Board to explain in detail the services that will be performed. Any pharmacy open less than 40 hours shall have a

policy and procedure that provides a mechanism for access to a pharmacist during the time the pharmacy is not open for the remainder of the forty hour week. Any pharmacy that is not open 40 hours a week, must post the days and hours that the pharmacy is open and the information for after-hours access. Any pharmacy open less than 40 hours shall also have a policy and procedure for transferring a prescription pursuant to Rule 64B16-27.105, F.A.C. or receiving an emergency dose pursuant to Section 465.0275, F.S. during the time the pharmacy is open less than 40 hours.

Rulemaking Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1) FS. History–New 4-10-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.303
 RULE TITLE: Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide an easier method for destruction of controlled substances.

SUMMARY: New language will provide for an easier method for destruction of controlled substances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 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: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.303 Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

(1) No change.

(2) Permittees are required to complete a United States Drug Enforcement Administration (D.E.A.) Form 41. This form, at the time of destruction, shall be witnessed and signed by the prescription department manager or the consultant pharmacist of record and D.E.A. agent, or a Department inspector. This method of destruction does not require prior approval from D.E.A., but does require that a copy of the completed and witnessed D.E.A. Form 41 be mailed to D.E.A. immediately after destruction.

(3) Another method of destruction shall be conducted by at least two persons who are either a licensed pharmacist, physician or nurse, or requires the prescription department manager for the permit, one other pharmacist, and a sworn law enforcement officer or any combination thereof, to serve as the witnesses. A copy of the completed D.E.A. Form 41 and a letter providing the proposed date of destruction, the proposed method of destruction and the names and titles of the proposed witnesses must be received by D.E.A. at least two weeks prior to the proposed date of destruction which shall constitute a request for destruction. The drugs may not be destroyed until D.E.A. grants approval of the request for destruction. A copy of the completed and witnessed D.E.A. Form 41 shall be mailed to D.E.A. immediately after destruction.

(4) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.018 FS. History–New 4-21-87, Formerly 21S-19.003, Amended 7-31-91, Formerly 21S-28.303, 61F10-28.303, Amended 1-30-96, Formerly 59X-28.303, Amended 2-5-07, 10-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-30.003 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and citations.

SUMMARY: Violations and citations will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (g) No change.

(h) Using in the compounding of \$250 fine. Completion of an approved CE prescription, or furnishing upon of an approved CE prescription, an ingredient or course in the article different in any manner prevention of from the ingredient or article medication errors or no prescribed, except as authorized less than 8 hours.

in Section 465.019(6) or 465.025, F.S.; or dispensing a medication with dosage instructions different in any way than

prescribed, provided that the medication was not used or ingested.

~~1. No allegation of harm or ill effects is present;~~

~~2. The licensee has no prior disciplinary history; and~~

~~3. The event did not result in or pose a significant threat to the health and safety of the patient or the public.~~

The penalty shall be a letter of concern, payment of costs, and completion of an approved continuing education course in the prevention of medication dispensing errors, of no less than eight (8) hours:

(i) Tendering a check payable to \$100 fine plus the Board of Pharmacy or to the payment of the Department of Health that is check within 30 days. dishonored by the Institution upon which it is drawn

(j) Failing to comply with the \$500 Educational course requirements for Human immunodeficiency virus and Acquired immune deficiency syndrome (HIV/AIDS), or medical errors

(k) Failure to correct \$250 Minor violation as listed in Rule 64B16-30.002, F.A.C.

(l) Failure to retain continuing \$250 education records

(4) No change.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be applied. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section ~~456.073~~ 455.225, F.S., shall apply.

Rulemaking Specific Authority 456.073, 456.077, 465.005 FS. Law Implemented 456.077 FS. History--New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, 1-2-02, 8-26-02, 1-12-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011