

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-6.001 Minimum Standards of Physical Therapy Practice.

(1) Definitions – For purposes of this rule only, the words and phrases listed below are defined in the following manner:

- (a) through (e) No change.
- ~~(f) Supervision of temporary permit holders — Direct Supervision by a licensed physical therapist.~~
- (g) through (j) renumbered (f) through (i) No change.
- (2) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 483.021(6),(9),(10),(11), 486.123, 486.125(1)(b),(d),(e),(f),(i),(j), 486.135, 486.151(1)(d) FS. History—New 8-6-84, Formerly 21M-9.30, Amended 9-22-87, Formerly 21M-9.030, Amended 9-5-90, 3-5-92, 3-24-93, Formerly 21MM-6.001, 61F11-6.001, Amended 8-16-95, Formerly 59Y-6.001, Amended 1-8-98, 1-11-99,

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE CHAPTER TITLE: Preservation of Native Flora of Florida

RULE CHAPTER NO.: 5B-40

RULE TITLE: Regulated Plant Index

RULE NO.: 5B-40.0055

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes to the Regulated Plant Index Rule as a result of public meetings conducted by the Endangered Plant Advisory Council.

SUMMARY: This amendment revises the Regulated Plant Index. Twelve species will be added to the endangered list, Isoetes engelmannii will be removed from the endangered list and Carex chapmanii will be moved from the endangered list to the threatened list.

SPECIFIC AUTHORITY: 570.07(23), 581.185(4),(9),(11) FS.

LAW IMPLEMENTED: 570.07(13), 581.185(4),(9),(11) FS.

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

TIME AND DATE: 10:00 a.m., February 13, 2004

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-40.0055 Regulated Plant Index.

(1) No change.

- 1. *Acacia angustissima* (prairie acacia).
- ~~2.~~ 1. *Acacia choriophylla* (tamarindillo).
- ~~3.~~ 2. *Acacia tortuosa* (poponax) Presumed Extirpated.
- ~~4.~~ 3. *Actaea pachypoda* (baneberry).
- ~~5.~~ 4. *Adiantum melanoleucum* (fragrant maidenhair fern).
- ~~6.~~ 5. *Adiantum tenerum* (brittle maidenhair fern).
- ~~7.~~ 6. *Aeschynomene pratensis* (meadow jointvetch).
- ~~8.~~ 7. *Ageratum littorale* (Cape Sable whiteweed).
- ~~9.~~ 8. *Agrimonia incisa* (harvest-lice).
- ~~10.~~ 9. *Aletris bracteata* (bracted colicroot).
- ~~11.~~ 10. *Alvaradoa amorphoides* (alvaradoa).
- ~~12.~~ 11. *Amorpha crenulata* (Miami lead plant).
- ~~13.~~ 12. *Anemia wrightii* (parsley fern).
- ~~14.~~ 13. *Aquilegia canadensis* (columbine).
- ~~15.~~ 14. *Arabis canadensis* (sicklepod).
- ~~16.~~ 15. *Argusia gnaphalodes* (sea-lavender).
- ~~17.~~ 16. *Argythamnia blodgettii* (Blodgett’s wild-mercury).
- ~~18.~~ 17. *Aristolochia pentandra* (Marsh’s dutchman’s pipe).
- ~~19.~~ 18. *Aristolochia tomentosa* (pipevine).
- ~~20.~~ 19. *Arnica acaulis* (leopard’s-bane).
- ~~21.~~ 20. *Arnoglossum album* (white-flowered Plantain).
- ~~22.~~ 21. *Asclepias curtissii* (Curtiss’s milkweed).
- ~~23.~~ 22. *Asclepias viridiflora* (green-flower milkweed).
- ~~24.~~ 23. *Asimina tetramera* (four-petal pawpaw).
- ~~25.~~ 24. *Asplenium auritum* (auricled spleenwort) (fern).
- ~~26.~~ 25. *Asplenium dentatum* (slender spleenwort).
- ~~27.~~ 26. *Asplenium monanthes* (San Felasco spleenwort).
- ~~28.~~ 27. *Asplenium pumilum* (dwarf spleenwort).
- ~~29.~~ 28. *Asplenium serratum* (bird’s-nest spleenwort).
- ~~30.~~ 29. *Asplenium verecundum* (delicate spleenwort).
- ~~31.~~ 30. *Aster hemisphericus* (aster).
- ~~32.~~ 31. *Aster spinulosus* (pinewoods aster).
- ~~33.~~ 32. *Baccharis dioica* (broom-bush) Presumed Extirpated.
- ~~34.~~ 33. *Balduina atropurpurea* (purple balduina).
- 35. *Baptisia calycosa* (Canby’s wild indigo).

- ~~36.34~~: *Baptisia megacarpa* (Apalachicola wild-indigo).  
~~37.35~~: *Basiphyllaea corallicola* (Carter's orchid).  
~~38.36~~: *Bigelovia nuttallii* (Nuttall's rayless goldenrod).  
~~39.37~~: *Blechnum occidentale* (sinkhole fern).  
~~40.38~~: *Bonamia grandiflora* (Florida bonamia).  
~~41.39~~: *Bourreria cassinifolia* (little strongback).  
~~42.40~~: *Bourreria radula* (rough strongbark).  
~~43.41~~: *Bourreria succulenta* (bodywood).  
~~44.42~~: *Brassia caudata* (spider orchid).  
~~45.43~~: *Brickellia cordifolia* (Flyr's nemesis).  
~~46.44~~: *Brickellia mosieri* (Brickell-bush).  
~~47.45~~: *Bulbophyllum pachyrrachis* (rat-tail orchid).  
~~48.46~~: *Burmannia flava* (Fakahatchee burmannia).  
~~49.47~~: *Caesalpinia major* (yellow nicker).  
~~50.48~~: *Caesalpinia pauciflora* (fewflower holdback).  
~~51.49~~: *Calamintha georgiana* (Georgia calamint).  
~~52.50~~: *Callirhoe papaver* (poppy mallow).  
~~53.51~~: *Calopogon multiflorus* (many-flowered grass-pink).  
~~54.52~~: *Calycanthus floridus* (sweet shrub).  
~~55.53~~: *Calyptanthes zuzygium* (myrtle of the river).  
~~56.54~~: *Calystegia catesbaeiana* (Catesby's bindweed).  
~~57.55~~: *Campanula robinsiae* (Chinsegut bellflower).  
~~58.56~~: *Campylocentrum pachyrrhizum* (leafless orchid).  
~~59.57~~: *Campyloneurum angustifolium* (narrow swamp fern).  
~~60.58~~: *Campyloneurum costatum* (tailed strap fern).  
~~61.59~~: *Campyloneurum latum* (wide strap fern).  
~~62.60~~: *Canella winterana* (wild cinnamon).  
~~61~~: *Carex chapmanii* (Chapman's sedge).  
~~63.62~~: *Carex microdonta* (little-tooth sedge).  
~~64.63~~: *Cassia keyensis* (Key cassia).  
~~65.64~~: *Catesbaea parviflora* (dune lily-thorn).  
~~66.65~~: *Catopsis berteroniana* (airplant).  
~~67.66~~: *Catopsis floribunda* (many-flowered airplant).  
~~68.67~~: *Catopsis nutans* (nodding catopsis).  
~~69.68~~: *Celosia nitida* (West Indian cock's-comb).  
~~70.69~~: *Celtis iguanaea* (Iguana hackberry).  
~~71.70~~: *Celtis pallida* (spiny hackberry).  
~~72.71~~: *Centrosema arenicola* (sand butterfly pea).  
~~73.72~~: *Cereus robinii* (tree cactus).  
~~74.73~~: *Chamaesyce cumulicola* (sand dune spurge).  
~~75.74~~: *Chamaesyce deltoidea* (rockland spurge).  
~~76.75~~: *Chamaesyce garberi* (Garber's spurge).  
~~77.76~~: *Chamaesyce porteriana* (Porter's spurge).  
~~78.77~~: *Cheilanthes microphylla* (southern lip fern).  
~~79.78~~: *Chionanthus pygmaeus* (pygmy fringe-tree).  
~~80.79~~: *Chrysopsis cruiseana* (Cruise's golden-aster).  
~~81.80~~: *Chrysopsis floridana* (Florida's golden-aster).  
~~82.81~~: *Chrysopsis godfreyi* (Godfrey's golden-aster).  
~~83.82~~: *Cienfuegosia yucatanensis* (yellow-hibiscus).  
~~84.83~~: *Cissampelos pareira* (Pareira brava) Presumed Extirpated.  
~~85.84~~: *Cladonia perforata* (Florida perforate cladonia).  
~~86.85~~: *Clitoria fragrans* (pigeon wings).  
~~87.86~~: *Colubrina arborescens* (greenheart).  
~~88.87~~: *Colubrina cubensis* (colubrina).  
~~89.88~~: *Colubrina elliptica* (soldierwood).  
~~90.89~~: *Conradina brevifolia* (short-leaved rosemary).  
~~91.90~~: *Conradina etonia* (etonia rosemary).  
~~92.91~~: *Conradina glabra* (Apalachicola rosemary).  
~~93.92~~: *Corallorhiza odontorhiza* (autumn coralroot).  
~~94.93~~: *Cordia globosa* (Curacao bush).  
~~95.94~~: *Coreopsis integrifolia* (dye-flower).  
~~96.95~~: *Cornus alternifolia* (pagoda dogwood).  
~~97.96~~: *Cranichis muscosa* (moss orchid).  
~~98.97~~: *Crataegus phaenopyrum* (Washington thorn).  
~~99.98~~: *Croomia pauciflora* (croomia).  
~~100.99~~: *Crotalaria avonensis* (Avon Park harebells).  
~~101.100~~: *Croton humilis* (pepperbush).  
~~102.101~~: *Cryptotaenia canadensis* (honestwort).  
~~103.102~~: *Ctenitis sloanei* (Florida tree fern/red-hair comb fern).  
~~104.103~~: *Ctenitis submarginalis* (brown-hair comb fern).  
~~105.104~~: *Ctenium floridanum* (Florida toothache grass).  
~~106.105~~: *Cucurbita okeechobeensis* (Okeechobee gourd).  
~~107.106~~: *Cupania glabra* (cupania).  
~~108.107~~: *Cuphea aspera* (tropical waxweed).  
~~109.108~~: *Cynoglossum virginianum* (wild comfrey).  
~~110.109~~: *Cyperus floridanus* (Florida flatsedge).  
~~111.110~~: *Cyperus fuliginosus* (limestone flatsedge).  
~~112.111~~: *Cyrtopodium punctatum* (cowhorn or cigar orchid).  
~~113.112~~: *Dalbergia brownii* (Brown's Indian rosewood).  
~~114.113~~: *Dalea carthagenensis* (Florida prairie clover).  
~~115.114~~: *Deeringothamnus pulchellus* (white squirrel-banana).  
~~116.115~~: *Deeringothamnus rugelii* (yellow squirrel-banana).  
~~117.116~~: *Delphinium carolinianum* (Carolina larkspur).  
~~118.117~~: *Dennstaedtia bipinnata* (cuplet fern).  
~~119.118~~: *Desmodium ochroleucum* (trailing tick-trefoil).  
~~120.119~~: *Dicerandra christmanii* (Christmann's mint).  
~~121.120~~: *Dicerandra cornutissima* (Robin's mint).  
~~122.121~~: *Dicerandra frutescens* (Lloyd's mint).  
~~123.122~~: *Dicerandra immaculata* (Olga's mint).  
~~124.123~~: *Dicerandra thinicola* (Titusville balm).  
~~125.124~~: *Digitaria pauciflora* (Florida pineland crabgrass).  
~~126.125~~: *Dirca palustris* (leatherwood).

- ~~127.126.~~ *Dodecatheon meadia* (shooting-star).  
~~128.127.~~ *Dodonaea elaeagnoides* (Keys hopbush).  
~~129.128.~~ *Drosera filiformis* (dew-thread).  
~~130.129.~~ *Drypetes diversifolia* (milkbark).  
~~131.130.~~ *Echinacea purpurea* (purple coneflower).  
~~132.~~ *Echinodorus floridanus* (Florida burhead).  
~~133.131.~~ *Eleocharis rostellata* (beaked spikerush).  
~~134.132.~~ *Eltroplectris calcarata*.  
~~135.133.~~ *Encyclia boothiana* (*Epidendrum boothianum*) (dollar orchid).  
~~136.134.~~ *Encyclia cochleata* (Florida clamshell orchid).  
~~137.135.~~ *Encyclia pygmaea* (dwarf epidendrum).  
~~138.136.~~ *Epidendrum acunae* (Acuna's epidendrum).  
~~139.137.~~ *Epidendrum anceps* (dingy-flowered epidendrum).  
~~140.138.~~ *Epidendrum difforme* (umbelled epidendrum).  
~~141.139.~~ *Epidendrum nocturnum* (night-scented epidendrum).  
~~142.140.~~ *Epidendrum rigidum* (rigid epidendrum).  
~~143.141.~~ *Epidendrum strobiliferum* (matted epidendrum).  
~~144.142.~~ *Epigaea repens* (trailing arbutus).  
~~145.143.~~ *Eragrostis tracyi* (Sanibel lovegrass).  
~~146.144.~~ *Eriocaulon nigrobacteatum* (dark-headed hatpins).  
~~147.145.~~ *Eriogonum floridanum* (scrub buckwheat).  
~~148.146.~~ *Ernodea cokeri* (one-nerved ernodea).  
~~149.147.~~ *Eryngium cuneifolium* (scrub eryngium).  
~~150.148.~~ *Erythronium umbilicatum* (dimpled dogtooth-violet).  
~~151.149.~~ *Eugenia confusa* (redberry eugenia).  
~~152.150.~~ *Eugenia rhombea* (red stopper).  
~~153.151.~~ *Euonymus atropurpureus* (burning bush).  
~~154.152.~~ *Eupatorium frustratum* (Cape Sable thoroughwort).  
~~155.153.~~ *Eupatorium villosum* (Keys thoroughwort).  
~~156.154.~~ *Euphorbia commutata* (wood spurge).  
~~157.155.~~ *Euphorbia telephioides* (spurge).  
~~158.156.~~ *Evolvulus convolvuloides* (dwarf bindweed).  
~~159.157.~~ *Evolvulus grisebachii* (Grisebach's bindweed).  
~~160.158.~~ *Exostema caribaeum* (Caribbean princewood).  
~~161.159.~~ *Forestiera godfreyi* (Godfrey's swamp privet).  
~~162.160.~~ *Fothergilla gardenii* (dwarf witch-alder).  
~~163.161.~~ *Galactia smallii* (Small's milkpea).  
~~164.162.~~ *Galeandra beyrichii* (helmet orchid).  
~~165.163.~~ *Gentiana pennelliana* (wiregrass gentian).  
~~166.164.~~ *Goodyera pubescens* (downy rattlesnake orchid).  
~~167.165.~~ *Gossypium hirsutum* (wild cotton).  
~~168.166.~~ *Govenia utriculata* (Gowen's orchid).  
~~169.167.~~ *Guaiacum sanctum* (lignum vitae).  
~~170.168.~~ *Guzmania monostachia* (Fuch's bromeliad).  
~~171.169.~~ *Gyminda latifolia* (West Indian falsebox).  
~~172.170.~~ *Habenaria distans* (distans habenaria).  
~~173.171.~~ *Harperocallis flava* (Harper's beauty).  
~~174.172.~~ *Harrisia eriophora* (Indian River prickly-apple).  
~~175.173.~~ *Harrisia gracilis* (West coast prickly-apple).  
~~176.174.~~ *Hasteola robertiorum* (Gulf hammock indian-plantain).  
~~177.175.~~ *Helianthus carnosus* (flatwoods sunflower).  
~~178.176.~~ *Heliotropium fruticosum* (Key West heliotrope).  
~~179.177.~~ *Hepatica nobilis* (= *Hepatica americana*) (liverleaf).  
~~180.178.~~ *Hexalectris spicata* (crested coral-root).  
~~181.179.~~ *Hibiscus poeppigii* (Poeppig's rosemallow).  
~~182.180.~~ *Hippomane mancinella* (manchineel).  
~~183.181.~~ *Hybanthus concolor* (green violet).  
~~184.182.~~ *Hydrangea arborescens* (wild hydrangea).  
~~185.183.~~ *Hymenocallis godfreyi* (Godfrey's spiderlily).  
~~186.184.~~ *Hymenocallis henryae* (Mrs. Henry's spiderlily).  
~~187.185.~~ *Hypelate trifoliata* (inkwood).  
~~188.186.~~ *Hypericum cumulicola* (Highlands scrub hypericum).  
~~189.187.~~ *Hypericum edisonianum* (Edison ascyrum).  
~~190.188.~~ *Hypericum lissophloeus* (smooth-barked St. Johns-wort).  
~~191.189.~~ *Illicium parviflorum* (star anise).  
~~192.190.~~ *Indigofera keyensis* (Keys' indigo).  
~~193.191.~~ *Ionopsis utricularioides* (delicate ionopsis orchid).  
~~194.192.~~ *Ipomoea microdactyla* (wild-potato morning-glory).  
~~195.193.~~ *Ipomoea tenuissima* (rocklands morning-glory).  
~~196.~~ *Isoetes appalachiana* (Appalachian quillwort).  
~~197.~~ *Isoetes boomii* (Boom's quillwort).  
~~194.~~ *Isoetes engelmannii* (Engelmann's quillwort).  
~~198.~~ *Isoetes hyemalis* (winter quillwort).  
~~199.195.~~ *Isopyrum biternatum* (false rue-anemone).  
~~200.196.~~ *Isotria verticillata* (whorled pogonia).  
~~201.197.~~ *Jacquemontia havanensis* (Havana clustervine).  
~~202.198.~~ *Jacquemontia pentantha* (skyblue clustervine).  
~~203.199.~~ *Jacquemontia reclinata* (beach jacquemontia).  
~~204.200.~~ *Juncus gymnocarpus* (Coville's rush).  
~~205.201.~~ *Justicia cooleyi* (Cooley's justicia).  
~~206.202.~~ *Justicia crassifolia* (thick-leaved water-willow).  
~~207.203.~~ *Kosteletzkya depressa* (white fen).  
~~208.204.~~ *Lantana canescens* (hammock shrub verbena).  
~~209.205.~~ *Lantana depressa* (pineland lantana).  
~~210.206.~~ *Lechea divaricata* (spreading pinweed).  
~~211.207.~~ *Lechea lakelae* (Lakela's pinweed).  
~~212.208.~~ *Leiphaimos parasitica* (parasitic ghostplant).  
~~213.209.~~ *Leochilus labiatus* (lipped orchid).

- ~~214.210.~~ *Lepanthopsis melanantha* (tiny orchid).  
~~215.211.~~ *Lepuropetalon spathulatum* (little-people).  
~~216.~~ *Liatris gholsonii* (Bluff's blazing-star).  
~~217.212.~~ *Liatris ohlingerae* (scrub blazing-star).  
~~218.213.~~ *Liatris provincialis* (Godfrey's blazing-star).  
~~219.214.~~ *Licaria triandra* (licaria).  
~~220.215.~~ *Lilium iridollae* (panhandle lily).  
~~221.216.~~ *Lilium michauxii* (Carolina lily).  
~~222.217.~~ *Lilium superbum* (Turk's-cap lily).  
~~223.218.~~ *Lindera melissifolia* (pondberry) Presumed Extirpated.  
~~224.219.~~ *Lindera subcoriacea* (bog spicebush).  
~~225.220.~~ *Linum arenicola* (sand flax).  
~~226.221.~~ *Linum carteri* (Everglades flax).  
~~227.~~ *Linum macrocarpum* (big-seed flax).  
~~228.222.~~ *Linum westii* (West's flax).  
~~229.223.~~ *Liparis nervosa* (tall twayblade).  
~~230.224.~~ *Litsea aestivalis* (pond-spice).  
~~231.225.~~ *Lobelia boykinii* (Boykin's lobelia).  
~~232.226.~~ *Lomariopsis kunzeana* (climbing holly-fern).  
~~233.227.~~ *Lupinus aridorum* (McFarlin's lupine).  
~~234.228.~~ *Lycopodium dichotomum* (hanging clubmoss).  
~~235.229.~~ *Lythrum curtissii* (Curtis' loosestrife).  
~~236.230.~~ *Lythrum flagellare* (lowland loosestrife).  
~~237.231.~~ *Macbridea alba* (white birds-in-a-nest).  
~~238.232.~~ *Macradenia lutescens* (Trinidad macradenia).  
~~239.233.~~ *Macranthera flammea* (hummingbird-flower).  
~~240.234.~~ *Magnolia acuminata* (cucumber-tree).  
~~241.235.~~ *Magnolia ashei* (Ashe's magnolia).  
~~242.236.~~ *Magnolia pyramidata* (pyramid magnolia).  
~~243.237.~~ *Magnolia tripetala* (umbrella magnolia).  
~~244.238.~~ *Malaxis unifolia* (green adder's-mouth orchid).  
~~245.239.~~ *Marshallia obovata* (Barbara's buttons).  
~~246.240.~~ *Marshallia ramosa* (Barbara's buttons).  
~~247.241.~~ *Matelea alabamensis* (Alabama spiny pod).  
~~248.242.~~ *Matelea baldwyniana* (Baldwin's spiny pod).  
~~249.243.~~ *Matelea flavidula* (yellow-flowered spiny pod).  
~~250.244.~~ *Matelea floridana* (Florida spiny pod).  
~~251.245.~~ *Matelea pubiflora* (sandhill spiny pod).  
~~252.246.~~ *Maxillaria crassifolia* (hidden orchid).  
~~253.247.~~ *Maxillaria parviflora* (minnie-max).  
~~254.248.~~ *Medeola virginiana* (Indian cucumber).  
~~255.249.~~ *Microgramma heterophylla* (climbing vine fern).  
~~256.250.~~ *Minuartia godfreyi* (Godfrey's sandwort).  
~~257.251.~~ *Monotropa hypopithys* (pine-sap).  
~~258.252.~~ *Monotropsis reynoldsiae* (pygmy-pipes).  
~~259.253.~~ *Nemastylis floridana* (celestial lily).  
~~260.254.~~ *Neurodium lanceolatum* (ribbon fern).  
~~261.255.~~ *Nolina brittoniana* (Britton's bear-grass).  
~~262.256.~~ *Nymphaea jamesoniana* (Jameson's water lily).  
~~263.257.~~ *Ocimum campechianum* (ocimum).  
~~264.258.~~ *Okenia hypogaea* (burrowing four-o'clock).  
~~265.259.~~ *Oncidium bahamense* (dancing-lady orchid).  
~~266.260.~~ *Oncidium floridanum* (Florida oncidium).  
~~267.261.~~ *Oncidium luridum* (mule-ear orchid).  
~~268.262.~~ *Ophioglossum palmatum* (hand fern).  
~~269.263.~~ *Opuntia corallicola* (semaphore cactus).  
~~270.264.~~ *Opuntia triacantha* (Keys Joe-jumper).  
~~271.265.~~ *Oxypolis greenmanii* (giant water-dropwort).  
~~272.266.~~ *Pachysandra procumbens* (Allegheny-spurge).  
~~273.267.~~ *Panicum abscissum* (cut-throat grass).  
~~274.268.~~ *Parnassia caroliniana* (Carolina grass-of-Parnassus).  
~~275.269.~~ *Parnassia grandifolia* (grass-of-Parnassus).  
~~276.270.~~ *Paronychia chartacea* (papery whitlow-wort).  
~~277.271.~~ *Passiflora multiflora* (white-flowered passionvine).  
~~278.272.~~ *Passiflora pallens* (pineland passionvine).  
~~279.273.~~ *Passiflora sexflora* (goat's foot leaf).  
~~280.274.~~ *Pavonia paludicola* (swampbush).  
~~281.275.~~ *Pellaea atropurpurea* (hairy cliff-brake fern).  
~~282.276.~~ *Peperomia amplexicaulis* (clasping peperomia).  
~~283.277.~~ *Peperomia glabella* (cypress peperomia).  
~~284.278.~~ *Peperomia humilis* (peperomia).  
~~285.279.~~ *Peperomia magnoliifolia* (spathulate peperomia).  
~~286.280.~~ *Peperomia obtusifolia* (Florida peperomia).  
~~287.281.~~ *Peperomia rotundifolia* (round peperomia).  
~~288.282.~~ *Pharus glaber* (creeping leafstalk grass).  
~~289.283.~~ *Phoradendron rubrum* (mahogany mistletoe).  
~~290.284.~~ *Phyla stoeadifolia* (southern matchsticks).  
~~291.285.~~ *Phyllanthus leibmannianus* (pine woods dainties).  
~~292.286.~~ *Physocarpus opulifolius* (ninebark).  
~~293.287.~~ *Picramnia pentrandra* (Florida bitterbush).  
~~294.288.~~ *Pilosocereus bahamensis* (Bahamian treecactus).  
~~295.289.~~ *Pinguicula ionantha* (Panhandle butterwort).  
~~296.290.~~ *Pinguicula primuliflora* (primrose-flowered butterwort).  
~~297.291.~~ *Pisonia rotundata* (devil's smooth claws).  
~~298.292.~~ *Pityopsis flexuosa* (Florida golden-aster).  
~~299.293.~~ *Platanthera clavellata* (green rein orchid).  
~~300.294.~~ *Platanthera integra* (orange rein orchid).  
~~301.295.~~ *Pleopeltis astrolepis* (star-scaled fern).  
~~302.296.~~ *Pleurothallis gelida* (frosted orchid).  
~~303.297.~~ *Podophyllum peltatum* (mayapple).  
~~304.298.~~ *Poinsettia pinetorum* (Everglades poinsettia).  
~~305.299.~~ *Polygala lewtonii* (Lewton's polygala).  
~~306.300.~~ *Polygala smallii* (tiny polygala).  
~~307.301.~~ *Polygonella basiramia* (tufted wireweed).  
~~308.302.~~ *Polygonella myriophylla* (sandlace).

- ~~309.303.~~ *Polygonum meisnerianum* (Mexican tear-thumb).
- ~~310.304.~~ *Polymnia laevigata* (Tennessee leaf-cup).
- ~~311.305.~~ *Polypodium dispersum* (widespread polypody).
- ~~312.306.~~ *Polypodium plumula* (plume polypody).
- ~~313.307.~~ *Polypodium ptilodon* (swamp plume polypody).
- ~~314.308.~~ *Polyrrhiza lindenii* (ghost orchid).
- ~~315.309.~~ *Polystachya concreta* (pale-flowered polystachya).
- ~~316.310.~~ *Ponthieva brittoniae* (Mrs. Britton's shadow witch).
- ~~317.311.~~ *Potamogeton floridanus* (Florida pondweed).
- ~~318.312.~~ *Prescottia oligantha* (small-flowered orchid).
- ~~319.313.~~ *Prunus geniculata* (scrub plum).
- ~~320.314.~~ *Pseudophoenix sargentii* (Sargent's cherry palm).
- ~~321.315.~~ *Psychotria ligustrifolia* (Bahama wildcoffee).
- ~~322.316.~~ *Remirea maritima* (beach-star).
- ~~323.317.~~ *Rhexia parviflora* (Apalachicola meadow-beauty).
- ~~324.318.~~ *Rhipsalis baccifera* (mistletoe cactus).
- ~~325.319.~~ *Rhododendron alabamense* (Alabama azalea).
- ~~326.320.~~ *Rhododendron austrinum* (Florida flame azalea).
- ~~327.321.~~ *Rhododendron chapmanii* (Chapman's rhododendron).
- ~~328.322.~~ *Rhus michauxii* (Michaux's sumac) Presumed Extirpated.
- ~~329.323.~~ *Rhynchosia swartzii* (Swartz' snoutbean).
- ~~330.324.~~ *Rhynchospora crinipes* (hairy peduncled beakrush).
- ~~331.325.~~ *Phynchospora megaplumosa* (hairy spikelet beakrush).
- ~~332.326.~~ *Ribes echinellum* (Miccosukee gooseberry).
- ~~333.327.~~ *Roystonea elata* (Florida royal palm).
- ~~334.328.~~ *Rudbeckia nitida* (St. John's-Susan).
- ~~335.329.~~ *Rudbeckia triloba* (a browneyed Susan).
- ~~336.330.~~ *Ruellia noctiflora* (night-flowering wild-petunia).
- ~~337.331.~~ *Salix eriocephala* (heart-leaved willow).
- ~~338.332.~~ *Salix floridana* (Florida willow).
- ~~339.333.~~ *Salvia urticifolia* (nettle-leaved sage).
- ~~340.334.~~ *Sarracenia leucophylla* (white-top pitcher-plant).
- ~~341.335.~~ *Savia bahamensis* (Bahama maidenbush).
- ~~342.336.~~ *Schaefferia frutescens* (Florida boxwood).
- ~~343.337.~~ *Schisandra coccinea* (bay star vine).
- ~~344.338.~~ *Schizachyrium niveum* (scrub bluestem).
- ~~345.339.~~ *Schizachyrium sericatum* (silky bluestem).
- ~~346.340.~~ *Schizaea germanii* (ray fern).
- ~~347.~~ *Schoenolirion croceum* (yellow sunnybell).
- ~~348.341.~~ *Schwalbea americana* (chaff-seed).
- ~~349.342.~~ *Scleria lithosperma* (Keys' nutrush).
- ~~350.343.~~ *Scutellaria floridana* (Florida skullcap).
- ~~351.344.~~ *Scutellaria havanensis* (Havana skullcap).
- ~~352.345.~~ *Selaginella eatonii* (pygmy spikemoss).
- ~~353.346.~~ *Setaria chapmanii* (coral panic grass).
- ~~354.347.~~ *Sideroxylon alachuense* Anderson (Clark's Buckthorn).
- ~~355.348.~~ *Sideroxylon lycioides* (gopherwood buckthorn).
- ~~356.349.~~ *Sideroxylon thornei* (Thorne's buckthorn).
- ~~357.~~ *Silene caroliniana* (California catchfly).
- ~~358.350.~~ *Silene polypetalata* (fringed pink).
- ~~359.351.~~ *Silene virginica* (fire pink).
- ~~360.352.~~ *Sphenomeris clavata* (wedgelet fern).
- ~~361.353.~~ *Sphenostigma coelestinum* (Bartram's ixia).
- ~~362.354.~~ *Spigelia gentianoides* (gentian pinkroot).
- ~~363.355.~~ *Spigelia loganioides* (Levy pinkroot).
- ~~364.356.~~ *Spiranthes adnata* (pelexia).
- ~~365.357.~~ *Spiranthes brevilabris* (small ladies'-tresses).
- ~~366.358.~~ *Spiranthes costaricensis* (Costa Rican ladies'-tresses).
- ~~367.359.~~ *Spiranthes elata* (tall neottia).
- ~~368.360.~~ *Spiranthes ovalis* (lesser ladies'-tresses).
- ~~369.361.~~ *Spiranthes polyantha* (Ft. George ladies'-tresses).
- ~~370.362.~~ *Spiranthes torta* (southern ladies'-tresses).
- ~~371.363.~~ *Stachydeoma graveolens* (mock pennyroyal).
- ~~372.364.~~ *Stachys crenata* (shade betony).
- ~~373.~~ *Stachys lythroides* (hyssop-leaved hedgenettle).
- ~~374.365.~~ *Stachys tenuifolia* (narrow-leaved betony).
- ~~375.366.~~ *Staphylea trifolia* (bladder nut).
- ~~376.~~ *Stenanthium gramineum* (eastern featherbells).
- ~~377.367.~~ *Stewartia malacodendron* (silky camellia).
- ~~378.368.~~ *Strumpfia maritima* (pride-of-Big-Pine).
- ~~379.369.~~ *Stylisma abdita* (hidden stylisma).
- ~~380.370.~~ *Stylosanthes calcicola* (Everglades pencilflower).
- ~~381.371.~~ *Taxus floridana* (Florida yew).
- ~~382.372.~~ *Tectaria fimbriata* (least halberd fern).
- ~~383.373.~~ *Tephrosia angustissima* (hoary pea).
- ~~384.374.~~ *Thalictrum cooleyi* (Cooley's meadow rue).
- ~~385.375.~~ *Thalictrum thalictroides* (Rue-anemone).
- ~~386.376.~~ *Thelypteris grandis* (Collier County maiden fern).
- ~~387.377.~~ *Thelypteris patens* (grid-scale maiden fern).
- ~~388.378.~~ *Thelypteris reptans* (creeping star-hair fern).
- ~~389.379.~~ *Thelypteris reticulata* (lattice-vein fern, cypress fern).
- ~~390.380.~~ *Thelypteris sclerophylla* (stiff star-hair fern).
- ~~391.381.~~ *Thelypteris serrata* (dentate lattice-vein fern).
- ~~392.382.~~ *Thrinax morrisii* (brittle thatch palm).

- ~~393.383~~. *Thrinax radiata* (Florida thatch palm).
- ~~394.384~~. *Tillandsia fasciculata* (common or stiff-leaved wild-pine).
- ~~395.385~~. *Tillandsia pruinosa* (fuzzy-wuzzy or hoary air-plant).
- ~~396.386~~. *Tillandsia utriculata* (giant wild-pine).
- ~~397.387~~. *Torreya taxifolia* (Florida torreyia).
- ~~398.388~~. *Tournefortia hirsutissima* (chiggery grapes).
- ~~399.389~~. *Trema lamarckianum* (Lamarck's trema).
- ~~400.390~~. *Trichomanes holopterum* (entire-winged bristle fern).
- ~~401.391~~. *Trichomanes krausii* (Kraus's bristle fern).
- ~~402.392~~. *Trichomanes lineolatum* (lined bristle fern).
- ~~403.393~~. *Trichomanes punctatum* (Florida bristle fern).
- ~~404.394~~. *Trichostigma octandrum* (hoop vine).
- ~~405.395~~. *Trillium lancifolium* (lance-leaved wake-robin).
- ~~406.396~~. *Triphora craigheadii* (Craigheads's orchid).
- ~~407.397~~. *Triphora latifolia* (wide-leaved triphora).
- ~~408.398~~. *Tropidia polystachya* (young-palm orchid).
- ~~409.399~~. *Uvularia floridana* (Florida merrybells).
- ~~410.400~~. *Vallesia antillana* (tear shrub).
- ~~411.401~~. *Vanilla barbellata* (worm-vine orchid).
- ~~412.402~~. *Vanilla dilloniana* (Dillon's vanilla).
- ~~413.403~~. *Vanilla mexicana* (unscented vanilla).
- ~~414.404~~. *Vanilla phaeantha* (leafy vanilla).
- ~~415.405~~. *Veratrum woodii* (false hellebore).
- ~~416.406~~. *Verbena maritima* (coastal vervain).
- ~~417.407~~. *Verbena tampensis* (Tampa vervain).
- ~~418.408~~. *Vicia ocalensis* (Ocala vetch).
- ~~419.409~~. *Viola tripartita* (yellow violet).
- ~~420.410~~. *Warea amplexifolia* (clasping warea).
- ~~421.411~~. *Warea carteri* (Carter's mustard).
- ~~422.412~~. *Xanthorhiza simplicissima* (yellow-root).
- ~~423.413~~. *Xyris chapmanii* (Chapman's yellow-eyed-grass).
- ~~424.414~~. *Xyris isoetifolia* (quillwort yellow-eyed-grass).
- ~~425.415~~. *Xyris longisepala* (Karst pond yellow-eyed-grass).
- ~~426.416~~. *Yucca gloriosa* (moundlily yucca).
- ~~427.417~~. *Zanthoxylum americanum* (prickly-ash).
- ~~428.418~~. *Zanthoxylum coriaceum* (leathery prickly-ash).
- ~~429.419~~. *Zanthoxylum flavum* (yellowheart).
- ~~430.420~~. *Zigadenus leimanthoides* (coastal death camas).
- ~~431.421~~. *Ziziphus celata* (scrub ziziphus).
- (b) Threatened Plant List. The following plants shall be included in the Threatened Plant List:
- Acanthocereus pentagonus* (barbed-wire cactus).
  - Acoelorrhaphe wrightii* (Everglades palm).
  - Acrostichum aureum* (golden leather fern).
  - Andropogon arctatus* (pine-woods bluestem).
  - Angadenia berteroi* (pineland golden trumpet).
  - Arnoglossum diversifolium* (Indian-plantain).
  - Asclepias viridula* (green milkweed).
  - Athyrium filix-femina* (southern lady fern).
  - Baptisia hirsuta* (hairy wild-indigo).
  - Baptisia simplicifolia* (scare-weed).
  - Bletia purpurea* (pine-pink orchid).
  - Byrsonima lucida* (locust berry).
  - Calamintha ashei* (Ashe's calamintha).
  - Calamintha dentata* (toothed savory).
  - Calamovilfa curtissii* (Curtis' sandgrass).
  - Calyptanthus pallens* (pale lidflower).
  - Carex baltzellii* (Baltzell's sedge).
  - Carex chapmanii* (Chapman's sedge).
  - ~~19.18~~. *Chamaesyce pergamena* (rocklands spurge).
  - ~~20.19~~. *Chaptalia albicans* (white sunbonnets).
  - ~~21.20~~. *Chrysophyllum oliviforme* (satin leaf).
  - ~~22.21~~. *Cleistes divaricata* (spreading pogonia).
  - ~~23.22~~. *Coccothrinax argentata* (silver palm).
  - ~~24.23~~. *Coelorachis tuberculosa* (piedmont joint grass).
  - ~~25.24~~. *Conradina grandiflora* (large-flowered rosemary).
  - ~~26.25~~. *Crossopetalum ilicifolium* (Christmas berry).
  - ~~27.26~~. *Crossopetalum rhacoma* (rhacoma).
  - ~~28.27~~. *Cynanchum blodgettii* (Blodgett's swallowwort).
  - ~~29.28~~. *Digitaria dolichophylla* (Caribbean crabgrass).
  - ~~30.29~~. *Drosera intermedia* (water sundew).
  - ~~31.30~~. *Drypetes lateriflora* (Guiana plum).
  - ~~32.31~~. *Erithralis fruticosa* (blacktorch).
  - ~~33.32~~. *Eulophia ecristata* (non-crested eulophia).
  - ~~34.33~~. *Garberia heterophylla* (garberia).
  - ~~35.34~~. *Harrisella filiformis* (threadroot orchid).
  - ~~36.35~~. *Hartwrightia floridana* (hartwrightia).
  - ~~37.36~~. *Hexastylis arifolia* (heartleaf wild ginger).
  - ~~38.37~~. *Ilex amelanchier* (serviceberry holly).
  - ~~39.38~~. *Ilex krugiana* (Krug's holly).
  - ~~40.39~~. *Jacquemontia curtissii* (pineland jacquemontia).
  - ~~41.40~~. *Jacquinia keyensis* (joewood).
  - ~~42.41~~. *Kalmia latifolia* (mountain laurel).
  - ~~43.42~~. *Lachnocaulon digynum* (Panhandle bogbutton).
  - ~~44.43~~. *Lechea cernua* (scrub pinweed).
  - ~~45.44~~. *Leitneria floridana* (corkwood).
  - ~~46.45~~. *Lilium catesbaei* (Catesby lily).
  - ~~47.46~~. *Listera australis* (southern twayblade).
  - ~~48.47~~. *Lobelia cardinalis* (cardinal flower).
  - ~~49.48~~. *Lupinus westianus* (Gulfcoast lupine).
  - ~~50.49~~. *Malus angustifolia* (crabapple).
  - ~~51.50~~. *Manilkara jaimiqui* (wild dilly).
  - ~~52.51~~. *Matelea gonocarpos* (angle pod).
  - ~~53.52~~. *Maytenus phyllanthoides* (Florida mayten).
  - ~~54.53~~. *Melanthera parvifolia* (small-leaved melanthera).

- ~~55.54.~~ *Myrcianthes fragrans* (Simpson's stopper).  
~~56.55.~~ *Najas filifolia* (slender naiad).  
~~57.56.~~ *Nephrolepis biserrata* (giant sword fern).  
~~58.57.~~ *Nolina atopocarpa* (Florida beargrass).  
~~59.58.~~ *Opuntia stricta* (shell mound prickly-pear).  
~~60.59.~~ *Panicum nudicaule* (naked-stemmed panic grass).  
~~61.60.~~ *Phoebanthus tenuifolius* (pineland false sunflower).  
~~62.61.~~ *Physostegia godfreyi* (Apalachicola dragonhead).  
~~63.62.~~ *Pinckneya bracteata* (fever-tree).  
~~64.63.~~ *Pinguicula caerulea* (blue-flowered butterwort).  
~~65.64.~~ *Pinguicula lutea* (yellow-flowered butterwort).  
~~66.65.~~ *Pinguicula planifolia* (swamp butterwort).  
~~67.66.~~ *Pithecellobium keyense* (Keys' blackbead).  
~~68.67.~~ *Platanthera blephariglottis* (white-fringed orchid).  
~~69.68.~~ *Platanthera ciliaris* (yellow-fringed orchid).  
~~70.69.~~ *Platanthera cristata* (crested fringed orchid).  
~~71.70.~~ *Platanthera flava* (gypsy-spikes).  
~~72.71.~~ *Platanthera nivea* (snowy orchid).  
~~73.72.~~ *Pogonia ophioglossoides* (rose pogonia).  
~~74.73.~~ *Polygonella macrophylla* (large-leaved jointweed).  
~~75.74.~~ *Prunus myrtifolia* (West Indian cherry).  
~~76.75.~~ *Psidium longipes* (mangrove berry).  
~~77.76.~~ *Pteris bahamensis* (Bahama ladder brake fern).  
~~78.77.~~ *Pycnanthemum floridanum* (Florida mountain-mint).  
~~79.78.~~ *Quercus arkansana* (Arkansas oak).  
~~80.79.~~ *Reynosia septentrionalis* (Darling plum).  
~~81.80.~~ *Rhexia salicifolia* (Panhandle meadow beauty).  
~~82.81.~~ *Rhynchosia parvifolia* (small-leaf snoutbean).  
~~83.82.~~ *Rhynchospora stenophylla* (narrow-leaf beakrush).  
~~84.83.~~ *Sachsia bahamensis* (Bahama sachsia).  
~~85.84.~~ *Sarracenia minor* (hooded pitcher plant).  
~~86.85.~~ *Sarracenia psittacina* (parrot pitcher plant).  
~~87.86.~~ *Sarracenia purpurea* (decumbent pitcher plant).  
~~88.87.~~ *Sarracenia rubra* (red-flowered pitcher plant).  
~~89.88.~~ *Scaevola plumieri* (inkberry).  
~~90.89.~~ *Senna mexicana* (Chapman's sensitive plant).  
~~91.90.~~ *Smilax havanensis* (Everglades greenbrier).  
~~92.91.~~ *Solanum donianum* (mullein nightshade).  
~~93.92.~~ *Spermacoce terminalis* (false buttonweed).  
~~94.93.~~ *Spiranthes laciniata* (lace-lip ladies' tresses).  
~~95.94.~~ *Spiranthes longilabris* (long-lip ladies' tresses).  
~~96.95.~~ *Spiranthes tuberosa* (little pearl-twist).  
~~97.96.~~ *Stenorrhynchos lanceolatus* (leafless beaked orchid).  
~~98.97.~~ *Swietenia mahagoni* (mahogany).  
~~99.98.~~ *Tectaria heracleifolia* (broad halberd fern).  
~~100.99.~~ *Tephrosia mohrii* (pineland hoary-pea).  
~~101.100.~~ *Tetrazygia bicolor* (tetrazygia).  
~~102.101.~~ *Thelypteris augescens* (abrupt-tipped maiden fern).  
~~103.102.~~ *Tillandsia balbisiana* (inflated & reflexed wildpine).  
~~104.103.~~ *Tillandsia flexuosa* (twisted or banded air plant).  
~~105.104.~~ *Tillandsia valenzuelana* (soft-leaved wildpine).  
~~106.105.~~ *Tipularia discolor* (crane-fly orchid).  
~~107.106.~~ *Tragia saxicola* (rocklands noseburn).  
~~108.107.~~ *Triphora trianthophora* (three-birds orchid).  
~~109.108.~~ *Tripsacum floridanum* (Florida tripsacum).  
~~110.109.~~ *Verbesina chapmanii* (Chapman's crownbeard).  
~~111.110.~~ *Xyris scabrifolia* (Harper's yellow-eyed grass).  
~~112.111.~~ *Zephyranthes atamasco* (rainlily).  
~~113.112.~~ *Zephyranthes simpsonii* (Simpson's zephyr-lily).  
~~114.113.~~ *Zephyranthes treatiae* (Treat's zephyr-lily).
- (c) Commercially Exploited Plant List. – The following plants shall be included in the Commercially Exploited Plant List:
1. *Encyclia tampensis* (butterfly orchid).
  2. *Epidendrum conopseum* (green-fly orchid).
  3. *Lycopodium cernuum* (= *Palhinhaea cernua*) (nodding club-moss).
  4. *Osmunda cinnamomea* (cinnamon fern).
  5. *Osmunda regalis* (royal fern).
  6. *Rhapidophyllum hystrix* (needle palm).
  7. *Rhododendron canescens* (pink azalea).
  8. *Zamia spp.* (all native species) (coontie).
- (2) Adherence to section 4 of the Endangered Species Act: The Endangered Species Act (1973 as amended) promulgated by the United States Congress classifies species of plants as endangered or threatened and places certain limitations on removal of these plants from the wilds:
- (a) Those plants listed as endangered under section 4 of the Federal Endangered Species Act of 1973 as amended are restricted in movement and handling under this Rule to conform with the regulations of the Endangered Species Act, and rules and regulations of the United States Department of the Interior regarding endangered plants. Those plants listed as endangered on the federal list, and known to be established in Florida, are:
1. *Amorpha crenulata* (Miami lead plant).
  2. *Asimina tetramera* (scrub pawpaw, four-petal pawpaw).
  3. *Campanula robinsiae* (Chinsegut bellflower).
  4. *Cereus eriophorus* (fragrant prickly-apple).
  5. *Cereus robinii* (tree cactus).
  6. *Chionanthus pygmaeus* (pygmy fringe-tree).
  7. *Chrysopsis floridana* (Florida's golden-aster).
  8. *Cladonia perforata* (Florida perforate cladonia).
  9. *Conradina brevifolia* (Short-leaved rosemary).
  10. *Conradina etonia* (Etonia rosemary).
  11. *Conradina glabra* (Apalachicola rosemary).

12. *Crotalaria avonensis* (Avon Park harebells).
13. *Cucurbita okeechobeensis* ssp. *okeechobeensis* (Okeechobee gourd).
14. *Deeringothamnus pulchellus* (white squirrel-banana).
15. *Deeringothamnus rugelii* (yellow squirrel-banana).
16. *Dicerandra christmanii* (Christmann's mint).
17. *Dicerandra cornutissima* (Robin's mint).
18. *Dicerandra frutescens* (Lloyd's mint).
19. *Dicerandra immaculata* (Olga's mint).
20. *Eryngium cuneifolium* (scrub eryngium).
21. *Euphorbia deltoidea* (= *Chamaesyce deltoidea*) (Rockland spurge).
22. *Galactia smallii* (Small's milkpea).
23. *Harperocallis flava* (Harper's beauty).
24. *Hypericum cumulicola* (Highlands scrub hypericum).
25. *Jacquemontia reclinata* (beach jacquemontia).
26. *Justicia cooleyi* (Cooley's justicia).
27. *Liatris ohlingerae* (scrub blazing star).
28. *Lindera melissifolia* (pondberry).
29. *Lupinus aridorum* (McFarlin's lupine).
30. *Nolina brittoniana* (Britton's beargrass).
31. *Polygala lewtonii* (Lewton's polygala).
32. *Polygala smallii* (tiny polygala).
33. *Polygonella basiramia* (tufted wireweed).
34. *Polygonella myriophylla* (sandlace).
35. *Prunus geniculata* (scrub plum).
36. *Rhododendron chapmanii* (Chapman's rhododendron).
37. *Rhus michauxii* (Michaux's sumac).
38. *Schwalbea americana* (chaff seed).
39. *Silene polypetala* (fringed pink).
40. *Spigelia gentianoides* (gentian pinkroot).
41. *Thalictrum cooleyi* (Cooley's meadow rue).
42. *Torreya taxifolia* (Florida torreya).
43. *Warea amplexifolia* (clasping warea).
44. *Warea carteri* (Carter's mustard).
45. *Ziziphus celata* (scrub ziziphus).

(b) Those plants listed as threatened under section 4 of the Federal Endangered Species Act of 1973 as amended are restricted in movement and handling under this rule to conform with the regulations of the Endangered Species Act, and rules and regulations of the United States Department of the Interior regarding threatened plants. Those plants listed as threatened on the federal list, and known to be established in Florida, are:

1. *Bonamia grandiflora* (Florida bonamia).
2. *Clitoria fragrans* (pigeon wings).
3. *Eriogonum longifolium* var. *gnaphalifolium* (= *Eriogonum floridanum*) (scrub buckwheat).
4. *Euphorbia garberi* (= *Chamaesyce garberi*) (Garber's spurge).
5. *Euphorbia telephioides* (Telephus spurge).

6. *Macbridea alba* (white birds-in-a-nest).
7. *Paronychia chartacea* (papery whitlow-wort).
8. *Pinguicula ionantha* (Godfrey's butterwort).
9. *Ribes echinellum* (Miccosukee gooseberry).
10. *Scutellaria floridana* (Florida skullcap).

Specific Authority 570.07(23), 581.185 FS. Law Implemented 570.07(13), 581.185 FS. History—New 12-3-91, Amended 9-20-93, 5-21-96, 12-10-96, 1-7-98, 10-5-98, 9-20-00, 2-13-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2003

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Definitions	40C-9.021
Acquisition Procedures; Negotiations	40C-9.041
Appraisals	40C-9.061
Disposition of Surplus Land	40C-9.081
Land Management Plans	40C-9.110
Land Management Review Team	40C-9.115
Access to and Closures of District	
Conservation Easements	40C-9.117
Plants or Animal Removal, Destruction, or Harassment	40C-9.210
Commercial Fishing	40C-9.290
Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft	40C-9.320
Concessions	40C-9.330
Unauthorized Facilities or Structures	40C-9.340
Special Use Authorization	40C-9.360
District Leases	40C-9.370



PURPOSE AND EFFECT: Miscellaneous revisions to Chapter 40C-9, Florida Administrative Code, pertaining to the acquisition and management of water management lands.

SUMMARY: Acquisition and management of water management lands so as to define district conservation easements; modification of the definition of "Mobility Impaired Persons" to comply with current law; specification of the manner in which public access is provided for certain conservation easement lands; delegation to staff of authority to enter into Special Use Authorizations, and, under specified circumstances, leases of District lands; removal of one-year restriction on Special Use Authorizations, and other editorial or minor revisions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.139, 373.1391 FS.

LAW IMPLEMENTED: 259.105, 373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

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

TIME AND DATE: Following the regularly scheduled Regulatory/Governing Board Meeting, which begins at 1:00 p.m., April 13, 2004

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-9.021 Definitions.

When used herein:

(1) through (2) No change.

(3) "Conservation Easement" means an easement in real property whereby the District is the dominant tenant for the purposes of the easement but does not own the underlying fee title. A Conservation Easement will place restrictions upon utilization of the property by the underlying fee owner and may include a grant to the District of affirmative rights of utilization in the property, including the right to permit public access. Any utilization for public access shall not exceed the express grant of the Conservation Easement, and may be further limited by the District through the establishment of site-specific policies regarding public utilization.

(3) through (5) renumbered (4) through (6) No change.

~~(7)(6)~~ "District Land" means any real property in which the District has an equitable or legal interest that allows the District to possess, or control regulate entry upon, or limit or engage in specific uses of the property. District Land includes Conservation Easements.

(7) through (9) renumbered (8) through (10) No change.

~~(11)(10)~~ "Mobility impaired persons" means a person having a State of Florida Mobility-Impaired eligibility Certification (Florida Physician's Certification) administered through the Florida Fish and Wildlife Conservation Commission eligible for a disabled person exemption parking permit pursuant to section 320.0848, Florida Statutes.

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

Specific Authority 373.044, 373.113, 373.139, 373.1391 FS. Law Implemented 259.105, 373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59 FS. History--New 6-15-82, Amended 1-16-94, 5-11-94, 7-30-01, \_\_\_\_\_.

40C-9.041 Acquisition Procedures; Negotiations.

(1) through (2) No change.

(3) The District shall obtain at least one certified written appraisal pursuant to Rule 40C-9.061, Florida Administrative Code, or written estimate of value, as follows:-

(a) For lands where staff estimates the value to be less than \$50,000, a written estimate of value may be prepared by staff in lieu of a certified appraisal;

(b) For any lands that are acquired with acquisition moneys released by the Department of Environmental Protection, the District shall obtain at least one certified appraisal.

(4) through (5) No change.

(6) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) No change.

(b) A file shall "Negotiation Report" may be maintained prepared and forwarded to Legal Counsel, which shall summarize such negotiations, including the amount of offer made by the District, and any counter-offer made by the property owner.

(c) In the event an offer is accepted, the District shall:

1. No change.

2. When necessary, Request Legal Counsel to prepare a resolution by requesting the Governing Board requesting the Department of Environmental Protection to release the necessary funds pursuant to Chapter 62-402, Florida Administrative Code, if applicable.

(d) When a negotiated settlement cannot be readily attained, and staff determines that acquisition is necessary, staff shall prepare a memorandum, an authorized officer shall send a Memorandum to Legal Counsel which shall include:

1. A request for resolution to institute eminent domain proceedings.
2. Identification of parcels by title memorandum number.
3. Legal interest or estate considered for acquisition.

(e) The District may accept donations of land. In such event the provisions of this subsection shall be followed, except that appraisals may be waived upon concurrence of both the landowner and the District. The District shall not accept a donation unless it has received or obtained the following:

1. A Phase I environmental site assessment;
2. Title insurance; and
3. A description of the boundary that is adequate to serve the District's needs, which may include a surveyed legal description.

(7) No change.

Specific Authority 373.044, 373.113, 373.139 FS. Law Implemented 259.105, 373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.199, 373.59 FS. History—New 6-15-82, Amended 7-30-01, \_\_\_\_\_.

40C-9.061 Appraisals.

~~(1) All lands to be acquired, except donations, shall be appraised by at least one real estate appraiser.~~

~~(1)(2) The District's contract with non-staff appraisers shall substantiate that each Prior to contracting with the District, each appraiser selected shall submit an affidavit substantiating that such appraiser has no vested or fiduciary interest in the property to be appraised, except for the professional fee.~~

~~(2)(3) The After a contract between the District and the appraiser has been executed, District shall transmit all pertinent data to the appraiser regarding the assignment.~~

(3) Certified appraisals shall be reviewed by the District to ensure that they meet the Uniform Standards of Professional Appraisal Practice in accordance with Section 475.628, Florida Statutes.

(4) Appraisal information shall be presented to the Governing Board concurrently with the presentation of the proposed purchase agreement. An appraisal shall be approved by the Governing Board prior to negotiations with a landowner, provided however, that the Executive Director may approve appraisals for negotiations, subject to the condition

~~that such approval be ratified by the Governing Board at its next meeting, or unless such approval is delegated by the Governing Board.~~

Specific Authority 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 6-15-82, Amended 7-30-01, \_\_\_\_\_.

40C-9.081 Disposition of Surplus Land.

The District may sell or exchange District Land in accordance with the applicable procedures set forth in Sections 373.089 and 373.139, Florida Statutes. All District Lands proposed for surplus shall be declared surplus by the Governing Board in accordance with the applicable requirements of Sections 373.056 and 373.089 prior to sale. Proceeds from the sale or exchange of District Land shall be utilized in accordance with the applicable requirements of Sections 373.089 and 373.139, Florida Statutes.

~~(1) The District may sell or exchange District lands. District lands are considered surplus when:~~

- ~~(a) They are not required for District or project purposes pursuant to Sections 373.59 Florida Statutes.~~
- ~~(b) They have no possible or future utility in the land management program of the District.~~
- ~~(c) They have been declared surplus by the Governing Board.~~

~~(2) All funds received from the sale of surplus lands shall be used to purchase other lands meeting the criteria in Section 373.59, Florida Statutes.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.056, 373.089, 373.139, 373.199, 373.59 FS. History—New 6-15-82, Amended 7-30-01, \_\_\_\_\_.

40C-9.110 Land Management Plans.

(1) The District shall develop plans for the management of District lands, excluding District Lands upon which District office facilities are located.

(2) through (4) No change.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, 7-30-01, \_\_\_\_\_.

40C-9.115 Land Management Review Team.

(1) The District shall establish and implement a land management review team in accordance with Section 373.591, Florida Statutes, to evaluate whether public conservation, preservation, and recreation lands are being appropriately managed, based on the approved land management plan for each specific property.

(2) through (3) No change.

(4) The District staff shall provide an annual written report to the Governing Board by October 1 of each year, identifying the properties that have been reviewed by the management review team and the review team's findings.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59, 373.591 FS. History—New 7-30-01, Amended \_\_\_\_\_.

40C-9.117 Access to and Closure of Conservation Easements.

Not all Conservation Easements permit public access. For Conservation Easements that permit public access, such access shall be limited to trails and entry points designated by signs, and to those uses designated by sign or brochure at designated entry points.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59, 373.591 FS. History—New \_\_\_\_\_.

40C-9.210 Plants or Animal Removal, Destruction, or Harassment.

All plants and animals on District Lands are protected. Removing, destroying, or harassing animals or plants from or on District Lands is prohibited except for authorized research efforts, authorized hunting, gathering, and fishing, as authorized by a permit or Special Use Authorization, or District-initiated removals associated with reforestation, control of exotic or nuisance species, or other land management activities. However, the sale or harvest of wetland trees and plants is prohibited on all District Lands except for District-initiated removals associated with land management activities.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, 7-30-01, \_\_\_\_\_.

40C-9.290 Commercial Fishing.

Commercial ~~f~~ishing, except for District-initiated activities, is prohibited on all District Lands, unless authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History—New 1-16-94, Amended 5-11-94, \_\_\_\_\_.

40C-9.320 Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft.

(1) Motorized vehicles that are licensed for Florida highway use are allowed on District Lands. All-terrain, off-road, or other motorized vehicles not licensed for Florida highway use are prohibited on all District Lands except as follows:

- (a) No change.
- (b) By Special Use Authorization issued by the Executive Director or Designee Governing Board pursuant to Rule 40C-9.360, F.A.C., which shall be limited to three ~~one~~ Special Use Authorizations per calendar year District-wide, and shall have a duration not to exceed two days; or
- (c) By Special Use Authorization issued by the Executive Director or Designee Governing Board for the purpose of leading guided all-terrain vehicle tours on property designated by the District, pursuant to Rule 40C-9.360, F.A.C. No more

than six Special Use Authorizations shall be granted per calendar year. Said Special Use Authorizations shall have a duration not to exceed one year. Each guided tour shall be limited to no more than 12 people and the vehicles involved shall be limited to those commonly referred to as “4-wheelers” and shall have low ground pressure tires so as to minimize impacts to existing vegetation.

- (2) through (8) No change.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.083, 373.088, 373.093, 373.096, 373.099, 373.139, 373.0391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended. 5-11-94, 7-30-01, \_\_\_\_\_.

40C-9.330 Concessions.

The District encourages the development of retail sales or rentals that provide services or goods that assist the public in using District Lands at locations adjacent to or near District Lands as opposed to being located on District Lands. However, the District recognizes that, in certain instances, concessions could be located on District Lands to serve the interests of the public and assist the District in providing for public uses of District Lands while managing these lands in an environmentally acceptable manner. Therefore, the District ~~may shall~~ enter into a negotiated agreement contract, pursuant to the District’s contracting procedures as set forth in chapter 40C-1, F.A.C., to establish and operate a concession on District Lands if:

- (1) through (5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History—New 1-16-94, Amended 5-11-94, \_\_\_\_\_.

40C-9.340 Unauthorized Facilities or Structures.

- (1) No change.
- (2) Any unauthorized facility or structure discovered on District Lands shall be removed according to the following procedure:
  - (a) through (b) No change.
  - (c) If the owner of the unauthorized facility or structure fails to remove such facility or structure within 30 days after posting of the District notice, the District shall remove such facility or structure from the District Land or claim such facility or structure as District property. The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.0391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, 7-30-01, \_\_\_\_\_.

40C-9.360 Special Use Authorization.

- (1) A person shall apply for a Special Use Authorization to use District Lands in a manner not otherwise specifically provided for in this chapter, ~~if~~
  - (a) ~~The requested use will last for one year or less; and~~

~~(b) The requested use does not involve the permanent alteration of any District land or placing any structure or facility on any District land for more than one year.~~

(2) To receive a Special Use Authorization the applicant must provide reasonable assurance that:

(a) The requested use will not involve the permanent alteration of any District Land or the permanent placement of any structure on District Land;

(a) through (h) renumbered (b) through (i) No change.

(3) No change.

~~(4) Except as provided in paragraph 40C-9.320(1)(b), F.A.C.,~~ The Governing Board delegates to the Executive Director or Designee the authority to issue or revoke Special Use Authorizations pursuant to this section.

(5) Any person may apply for a Special Use Authorization according to the following procedure:

(a) No change.

(b) If the requested use will create a substantial risk of liability to the District, the applicant can mitigate the substantial risk of liability by:

1. Providing proof of liability and property damage coverage insurance naming the District as an insured in an amount sufficient to cover the cost of the potential liability ~~which is posed to the District;~~ or

2. Providing waivers or releases ~~of or~~ liability sufficient to eliminate the potential liability ~~which is posed to the District.~~

~~(c) The application will be reviewed by the District staff Land Management Staff and the Land Resource Committee for compliance with the criteria listed in subsection 40C-9.360(2), F.A.C., who The Land Management Staff and the Land Resource Committee shall then issue a recommendation regarding the application to the Executive Director or Designee, to the Governing Board if the use is requested pursuant to paragraph 40C-9.320(1)(b) or (c), F.A.C. The staff recommendation shall set forth the recommended term for the Special Use Authorization, which may be based upon a term of one year or less, and may be renewable for up to five years. All Special Use Authorizations shall be revocable at will by the District.~~

(d) through (e) No change.

(f) If a requested use applied for under paragraph 40C-9.320(1)(b), F.A.C., satisfies the criteria in this section, and if the District has not reached the limit for issued no other Special Use Authorization for a use under paragraph 40C-9.320(1)(b), F.A.C., during the same calendar year, the Executive Director or Designee may Governing Board shall issue the Special Use Authorization. If a requested use applied for under paragraph 40C-9.320(1)(b), F.A.C., does not satisfy the criteria in this section, or if the District has reached the limit for previously issued a Special Use Authorizations for a use under paragraph 40C-9.320(1)(b), F.A.C., during the same calendar year, the Governing Board shall deny the Special Use Authorization shall be denied.

(g) No change.

(6) through (8) No change.

Specific Authority 373.044, 373.083, 373.113, 373.1391 FS. Law Implemented 373.083, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History--New 1-16-94, Amended 5-11-94, 7-30-01,\_\_\_\_\_.

40C-9.370 District Leases.

~~(1) A person shall apply for a District Lease to use District Lands in a manner which is not specifically provided for in this chapter, and which is not eligible for a Special Use Authorization. Additionally, a person shall apply for a District Lease to use District lands if the use constitutes an agricultural activity or is of such a nature as to requires a legal interest in the District Land.~~

(2) A District Lease may shall only be granted only when the purpose of the lease is consistent with the land management plan for such District Land, and otherwise consistent with the statutory criteria applicable to the acquisition of such District Land. The lease shall include such terms and conditions as are considered to be in the best interest of the District. Leases shall be restricted to the minimum interest necessary to conduct the desired activity.

(3) No change.

(4) The Governing Board delegates to the Executive Director or Designee the authority to enter into leases of District Land where: (1) the use of District Land to be authorized by the lease is explicitly included within a management plan that has been approved by the Governing Board; (2) the total estimated lease revenue is less than \$100,000; and (3) the period of the lease does not exceed five years. However, staff may submit any proposed lease to the Governing Board for approval when staff determines that entering into the lease may generate significant public interest.

~~(5)(4) Review of a~~ Applications for District Leases will comply with be reviewed by the Governing Board pursuant to the requirements of Section 373.093, F.S.

~~(6)(5) If required, the District shall publish notice of its intent to grant a District Lease in a newspaper in the county in which the District Land is situated pursuant to the requirements of Section 373.093, F.S.~~

~~(7)(6) No change.~~

Specific Authority 373.044, 373.083, 373.113, 373.0391 FS. Law Implemented 373.056, 373.083, ~~373.088,~~ 373.093, 373.096, 373.099, 373.199, 373.139, 373.1391, 373.199, 373.1401, 373.59 FS. History--New 1-16-94, Amended 5-11-94, 7-30-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stanley Niego, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4153, Suncom 860-4153

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

## DEPARTMENT OF MANAGEMENT SERVICES

### State Technology Office

RULE TITLE: Rural County Grants

RULE NO.: 60DD-1.002

PURPOSE AND EFFECT: The Board proposes the new rule to address rural county grants.

SUMMARY: A new rule will be added to address the eligibility and general conditions of applications for rural county grants.

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

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

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(c) FS.  
LAW IMPLEMENTED: 365.173(2)(c) 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: Winston Pierce, Executive Director, Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 60DD-1.002 Rural County Grants.

The Wireless 911 Rural County Grant program is an annual grant provided for the purpose of assisting rural counties, as defined by s. 365.172(3)(o), F.S., with the installation and maintenance of an Enhanced 911 system.

(1) Eligibility. Any county with a population of fewer than 75,000 is eligible to apply. The county must be currently assessing the full \$0.50/month fee provided in s. 365.171(13), F.S.

#### (2) General conditions.

(a) Each rural county applying for Rural County Grant funds shall complete and submit W Form 1A, "Application for the Wireless 911 Rural County Grant Program," effective X/2003, which is incorporated herein by reference and which may be obtained from the Wireless 911 Board office at the following address:

State of Florida Wireless 911 Board  
ATTN: Administrative Assistant  
4050 Esplanade Way  
Building 4030 – Suite 335V  
Tallahassee, Florida 32399-0950.

The applicant county must submit the grant application to the Wireless 911 Board before March 1.

(b) The Wireless 911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) Applications for grants for each item over \$25,000 must be accompanied by at least three written competitive quotes. The Wireless 911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding.

(d) Priorities for awarding of grants will be determined by the Board.

(e) The Wireless 911 Board will approve funding salary requests on an annual basis.

(f) No grant money will be awarded to be used for the purpose of paying call-takers' salaries.

(g) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 1A as requested and indicated.

(h) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All Wireless 911 Rural County Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the Wireless 911 Board.

(i) Grantee counties must submit quarterly reports to the Wireless 911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 15 days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. A final report must be submitted to the Wireless 911 Board no more than 45 days after completion of the grant, detailing the activities, expenditures of the funds, and the ways in which the needs identified in the grant application were met. The final report must be accompanied by supporting documentation.

(j) Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the Wireless 911 Board on a pro-rata basis.

(k) The Wireless 911 Board will adjust the funds awarded to a rural county based upon eligibility of requested items, institutional knowledge of Board members, published quotes, increased effectiveness of grant funds, minimum allowable specifications for performing the needed 9-1-1 function, or other documented factors.

(l) Applications must be postmarked by March 1 and must be mailed to the Board office.

(3) The Rural County Grant program will operate on the following schedule:

Counties submit applications: by March 1  
Wireless 911 Board evaluates applications: March – April  
Board votes on applications at regularly scheduled meetings: April – May  
Board sends notification of award and issues checks to counties approved for funding: before June 30

Specific Authority 365.172(6)(a)12., 365.173(2)(c) FS. Law Implemented 365.173(2)(c) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wireless 911 Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wireless 911 Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**  
**Division of Facilities Management and Building**  
**Construction**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Leases for Real Property	60H-1
RULE TITLES:	RULE NOS.:
Definitions	60H-1.001
Standard Lease Agreement Form	60H-1.003
Escalation Clauses	60H-1.006
Right-to-Terminate Clause Required	60H-1.007
Leases of 5,000 Square Feet or More	60H-1.015
Turnkey (Lease) Construction Program	60H-1.017
Prior Approval of Space Need	60H-1.022
Evaluation of Responses	60H-1.029
Rental Rate Guidelines for Privately Owned Space	60H-1.030

PURPOSE AND EFFECT: To amend and clarify the procedures for the procurement and negotiation of leases of 5,000 square feet or more of privately owned building space to State agencies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 255.249(4)(b),(e), 255.25(2)(c) FS.  
 LAW IMPLEMENTED: 255.25(2),(3),(4) FS.

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

TIME AND DATE: 2:00 p.m., February 20, 2004  
 PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Capital Circle Office Complex, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (ACT): Pursuant to the provisions of the Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Julie Shaw, (850)487-3423. Persons with hearing or speech impairments should contact the agency by calling (850)410-0684.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Holley, Deputy Director of Legislative Affairs, Department of Management Services, 4050 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950, (850)487-9887

THE FULL TEXT OF THE PROPOSED RULES IS:

60H-1.001 Definitions.

For the purposes of this Chapter, each of these words shall have the following meaning:

- (1) through (11) No change.
- (12) Response – Any responsive reply to a competitive solicitation.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.25(2), 255.503 FS. History–New 8-11-75, Amended 8-27-75, 4-25-79, Formerly 13D-7.01, Amended 3-18-86, Formerly 13M-1.001, Amended \_\_\_\_\_.

60H-1.003 Standard Lease Agreement Form.

(1) All agency leases shall be on the Department of Management Services’ Standard Lease Form (FM Form 4054, effective August 11, 1975, as revised May, 2001 and January, 2004, incorporated by reference in this rule).

(2) No provision of the Standard Lease Agreement may be changed or additional covenants or conditions added thereto without the prior written approval of the Division’s director except for articles relating to lessor furnishing janitorial services, replacing light bulbs, and paying utility charges. ~~Article III(2), Article IV 1b and Article VI.~~ Any agency request for changes or additions to the Standard Lease Agreement shall be submitted to the Bureau in writing and state with reasonable particularity why the change or addition is necessary and in the best interest of the State. Unless the Division director’s approval has been obtained in accordance with this rule, any such change or addition shall be null and void.

(3) Certificate of Compliance. Within 30 days after executing a lease of less than 5,000 square feet of space within a privately or publicly owned building, the agency head shall file with the Bureau on a form provided by the Bureau (FM 4113, effective May 1996, as revised January, 2003 and January, 2004, incorporated by reference in this rule) a certificate stating that the lease is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes. The certificate shall further state that the agency has determined that the lease is in the best interest of the State. As used in this section herein the phrase “the best interest of the state” shall mean:

(a) The agency has filed a Request for Prior Approval of Space Need pursuant to Rule 60H-1.022, Florida Administrative Code, and either:

1. The Division has approved the Request or has not responded to the agency’s request within 10 working days of receipt of the request; or

2. If state owned space is available in the same geographic region, the agency has enunciated reasons why such space would not enable the agency to fulfill its statutory duties;

(b) The rental rate for the space in the privately owned building is within the rental rate guidelines established by the Bureau;

(c) The space to be leased is the most cost effective space available to meet the agency’s needs.

(4) through (6) No change.

(7) Communication Facilities. A lease of any square footage for communication purposes, or to house communication equipment or personnel, must have prior approval of the State Technology Office Division of Communications, Department of Management Services.

Specific Authority 255.249(3)(5), 255.25(2) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(a),(b) FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, 5-13-03,\_\_\_\_\_.

60H-1.006 Escalation Clauses ~~Prohibited~~.

No agency’s lease shall contain an open rate, including Consumer Price Index or rental escalation clause, except upon written approval of the Division Director and in the best interests of the state. ~~Any such clause in an agency’s lease shall be null and void and unenforceable.~~

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.06, 13M-1.006, Amended \_\_\_\_\_.

60H-1.007 Right-to-Terminate Clause Required.

~~Article XXI of The Standard Lease Agreement’s; the right-to-terminate clause, allowing the agency to terminate the lease with notice if public space becomes available, shall be a part of any lease for a term exceeding one year and; may not be omitted from an agency’s lease, except upon written approval of the Division Director for any reason and shall be deemed a part of any lease and given full legal force and effect.~~

~~However, prior to or during the term of any lease, extension(s) or renewal(s) thereof, or any replacement lease of 5,000 square feet or greater, the Department of Management Services, at the written request of the user Agency, may exempt any lease, extension(s) or renewal(s) thereof, or any replacement lease from the requirements of this rule if the cumulative cost of the new lease, extension(s) or renewal(s), or replacement lease being proposed by the existing Lessor, is at least 10 percent less than the current market value of a comparable lease in the private sector as determined by an independent market analysis performed by the Agency, plus documented moving costs. A present value analysis index shall be used in calculating lease costs.~~

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.07, 13M-1.007, Amended 5-13-03, 8-5-03,\_\_\_\_\_.

60H-1.015 Leases of 5,000 Square Feet or More.

(1)(a) No agency shall enter into a lease for 5,000 square feet or more of space in a privately owned building except upon advertisement ~~for and receipt of~~ competitive solicitations bids and award to the lowest and best bidder. No agency shall enter into, within any 12-month period, more than one lease for space of a total of 5,000 square feet or more in the same privately owned facility or complex except upon the solicitation of competitive responses bids.

(b) Exceptions:

1. This rule shall not apply to renewal of leases pursuant to Article XX of the Standard Lease Agreement.

2. This rule shall not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

3. This rule shall not apply to any lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for \$1.00 or less per year.

4. This rule shall not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons, provided the agency has filed with the Bureau a certificate of exemption demonstrating that the lease is exempt from competitive solicitation bidding under Section 255.249 or 255.25, Florida Statutes.

5. The Division may approve extensions of an existing lease of 5,000 square feet or more space if such extensions are determined to fit the needs of the agency, but in no case shall the total of such extensions exceed 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, and the agency still needs space, the agency shall solicit competitive responses bids in accordance with this chapter. All agency requests for an extension under this clause shall be submitted in writing to the Bureau within a reasonable period of time before a lease is to end. The agency shall furnish a statement of justification for the extension. The Division director shall review the request and issue a written decision.

6. An agency may enter into a modification of a lease for less than 5,000 square feet to increase the square footage if the modification is upon the same terms and conditions of the approved lease, provided the total additional square footage of the lease modification is less than 5,000 square feet. An agency may enter into, within any 12-month period, more than one modification of a lease for 5,000 square feet or more to increase the square footage, provided the total space acquired by modification within the 12-month period is less than 5,000 square feet.

7. Notwithstanding paragraph 5. above, an agency may enter into a replacement lease or may renegotiate the terms and conditions of an existing lease for more than 5,000 square feet upon approval by the Division Director, if the replacement lease or modification is in the best interests of the state and complies with the requirements established in Section 255.25(3)(b), Florida Statutes.

(2) Solicitation.

(a) A public solicitation for ~~responses proposals~~ will be widely publicized using newspapers (a minimum of twice, with a week between notices) or an established internet web site, and personal contact with owners, developers or licensed real estate brokers ~~realtors~~ in the city or area in which space is desired. ~~A "bidders" conference will be held if the space request is for 5,000 square feet or greater.~~

(b) Solicitation should set forth, but shall not be limited to the following:

1. Approximate net square footage required.
2. General area in which space must be located.
3. Date space must be available.
4. Name and address of ~~user agency~~ where specifications may be obtained.

(3) Specifications.

(a) Specifications shall be drawn ~~by the User Agency~~ in general terms. They shall afford each prospective lessor interested in submitting a response proposal, knowledge of the agency's space requirements. They shall not be structured with the intent to favor any specific location or lessor.

(b) Specifications provided to each prospective lessor should set forth, but shall not be limited to, the following:

1. Approximate net square footage required, to be measured in compliance with the Department of Management Services' Standard Method of Space measurement, pursuant to subsection 60H-2.003(2), Florida Administrative Code, and in compliance with the Department of Management Services' Space Allocation and Configuration Standards provided in Rule 60H-2.0022, Florida Administrative Code.

2. An approximate floor plan of space needed showing partitioning and other physical requirements.
3. General location of required space.
4. Date space must be available.
5. Term of lease with option to renew, if desired.

6. Services required to include parking, dining and transportation requirements.

7. Acceptable Energy Performance Index as defined in Section 255.253, Florida Statutes.

(c) Specifications shall also set forth that the prospective lessor will agree to:

1. Enter into a contract on a Department of Management Services' Standard Lease Agreement form.

2. Provide a scaled floor plan showing present configurations and measurements that equate to net rentable square footage offered.

3. Comply with the requirements of Chapter 60D-1, Florida Administrative Code, Design Standards for Special Facilities for the Physically Disabled, if awarded lease bid.

4. Be an Equal Opportunity Employer and certify same.

5. Provide Full Disclosure Statements of Ownership if awarded lease bid (Rules 60H-1.025 and 60H-1.026, Florida Administrative Code).

6. Validate the ~~response proposal~~ for a minimum of thirty (30) days following the public response due bid opening date.

7. Provide a Life Cycle Analysis with the response proposal if space is for 20,000 or more square feet in any one structure, with the understanding that the analysis shall be acceptable before an award can be made (Section 255.254, Florida Statutes).

8. Ensure that the facility will comply with the minimum stated level of acceptable energy performance index.

9. Comply with the uniform fire safety standards of the Division of the State Fire Marshal if awarded lease bid.

10. Ensure that any renovations required will comply with the uniform fire safety standards of the Division of the State Fire Marshal before renovations are commenced (Section 255.25(5), Florida Statutes).

11. Propose a rental rate per square foot per year that will include all renovations and other special requirements necessary to accommodate the program at the time of initial occupancy.

12. Provide the legal description (metes and bounds; plat; Government Survey System) of property being offered (subject to award ~~of bid~~) as well as the general description (that type of description, room number, building name, street address, currently being provided on the Lease Agreement) of the facility.

(d) Specifications shall provide a date and time in which responses that sealed proposals are to be submitted, ~~in a titled envelope enclosed in an outer envelope~~, to a designated individual ~~by a specified closing time and date, at which time all proposals will be publicly opened~~. An announcement of award shall be posted following negotiations with respondents, if necessary ~~date shall also be made at this bid opening~~.



(e) Suggested formats and guidelines for specifications may be obtained from Bureau of Property Management, Department of Management Services.

(4) Responses Proposals.

(a) Responses Proposals shall specifically respond but need not be limited to each item included in the specifications.

(b) Each response proposal shall be signed by the owner(s), or corporate officers, or legal representative(s). The corporate, trade, or partnership name must be either stamped, written or typewritten, beside the actual signature(s). If the response proposal is signed by an agent, written evidence of his authority must accompany the response proposal. If a corporation foreign to the State of Florida is the owner, written evidence of authority to conduct business in Florida must accompany the response proposal. Lessor Bidder must include proof of the lessor's bidder's authority to offer the facility, i.e., copy of lessor's bidder's option to purchase (if the lessor bidder is not the owner or owner's representative). This option must be valid through the time period stated in the bid solicitation for which responses bids may not be withdrawn after the bid opening.

(5) Evaluation.

(a) The user agency, in conjunction with its designated representative, shall reserve the right to accept or reject any or all responses bids submitted and if necessary reinstate procedures for soliciting competitive responses proposals. The user agency, in conjunction with its designated representative, shall reserve the right to negotiate, serially, concurrently, or separately with competing lessors.

(b) The user agency, or its designated representative, in conjunction with preparing specifications, shall develop weighted evaluation criteria. The criteria items most significant to the user agency's needs should bear the highest weight. Rental, using total present value methodology for basic term of lease and applying the present value discount rate pursuant to Rule 60H-1.029, Florida Administrative Code; the cost of relocation, if any; consolidation of activities, if desirable; and any other factor deemed necessary should be considered weighted.

(c) The evaluation shall be made by the user agency in conjunction with its designated representative.

(d) Selection (deemed to be the lowest and best bid) shall be made by the user agency, and its designated representative.

(e) Documentation to support the selection shall be maintained by the user agency, or its designated representative and shall include but not be limited to the following:

1. A copy of all advertisements and solicitations.
2. A copy of the proposed specifications.
3. A copy of all proposals received.

4. A synopsis of the user agency's findings for each response proposal.

(f) Selection shall be publicly announced by the user agency, in conjunction with its designated representative at the time and manner place designated in the solicitation at the bid opening. A copy of such announcement shall be filed with the Bureau.

(6) Lease preparation and approval.

(a) After the selection has been announced, a lease shall be properly executed by the lessor successful bidder and the user agency and submitted to the Bureau for approval.

(b) Documentation to be submitted for lease approval shall include:

1. A copy of the competitive solicitation request for proposal and a copy of the response proposal made by successful lessor bidder.

2. A synopsis of the user agency's, or its designated representative's findings for all responses proposals received. On any item to which a bidder is not responsive, a brief explanation of the nonresponsive areas to the request for proposal must be displayed.

3. Present value calculations for all responses responsive bids.

Specific Authority 255.249(2)(4) FS. Law Implemented 255.249(2)(b), 255.21, 255.25(3), (5), 255.254 FS. History--New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96, 5-13-03, \_\_\_\_\_.

60H-1.017 Turnkey (Lease) Construction Program.

(1) Purpose. The purpose of this program is to provide the means of meeting State space requirements, in a competitive area, where it has been determined that existing space, either State or privately owned, is not available.

(1)(2) Concept. The turnkey system is a concept whereby the builder is usually a commercial developer and the procedure should provide for design of the building by the developer's architect on the basis of performance specifications, concurrent design review, use of a developer-owned site and private financing.

The turnkey system may include several features which can be expected to motivate effective performance. Under this system, the entire design and construction effort is usually carried out by a developer. A major motivation is the requirement that he finance the project until the building is accepted. This provides an incentive to expedite construction in order to minimize the cost of financing. A further motivation is the fact that the State will not accept the building if it does not meet the requirements of the performance specifications. It is recommended that the turnkey (lease) construction system be used whenever and wherever State User Agency need arises and a determination has been made that existing space is not available. To implement use of this system, the Department of Management Services requires the User Agency or its designated representative to set forth its program construction requirements in a competitive solicitation formal Request for Proposals, which will then be used by the User Agency or its

designated representative in the solicitation of responses proposals from Developers. A public solicitation of responses proposals from Developers will be made by the User Agency or its designated representative. This solicitation (~~not an "invitation for bids"~~) will be widely publicized using newspapers, trade papers, or a commonly recognized internet website, and personal contact with leading Developers in the project city or area. In carrying out the public solicitation, all parties should be clearly informed that the User Agency, the Department of Management Services, or its designated representative, may conduct extensive negotiations with each Developer submitting a response proposal within a competitive range, prior to the selection of Approved Developer.

(2)(3) Criteria. The State User Agency or its designated representative will perform the program in accordance with the Department of Management Services' guidelines, as presented herein.

User Agency Responsibilities:

(a)1. Agency shall determine and then establish the functional and staff need for a given facility;

2. Agency shall certify that it has filed a Request for Prior Approval of Space Need pursuant to Rule 60H-1.022, Florida Administrative Code, and either

a. The Division has approved the request or has not responded to the agency's request within 10 working days of receipt of the request or

b. If state owned space is available in the same geographic region the agency has enunciated reasons such space does not satisfy the need.

~~3. Agency shall certify that existing privately owned or other publicly owned space is not available to satisfy the need; and~~

~~3.4. Agency notifies the Department of Management Services, in a letter of transmittal, of their intent to seek lease-build proposal(s), based on subparagraphs 1. and 2. 3- above.~~

(b) Agency prepares performance specifications, optimum site and building requirements, unique planning information, Standard Lease Agreement form, and the intended User's program to be submitted (distributed) to all Developers ~~at a "bidders" conference~~.

(c) Agency advertises, ~~advising of the bidders' conference and setting forth pertinent means by which particulars (where, when, time, attendees, etc.)~~ Developers may obtain building specifications; ~~any advertisement is to run a minimum of two (2) times with a minimum one (1) week interval between any individual and or continuous run.~~ (The following two (2) paragraphs exemplify a suggested advertisement.) Responses Proposals are requested from responsible Developers interested in developing a site and building, containing \_\_\_ net usable square feet, for the purpose of leasing the building and its site to the State of Florida, the site of the building which is to be located in the \_\_\_ (Delineated Area), \_\_\_ (City), \_\_\_

(State). All program requirements and instructions shall be furnished to all interested Developers ~~at a bidders' conference to be held at \_\_\_ (Time), on \_\_\_ at \_\_\_ (Location or Street Address), \_\_\_ (City), \_\_\_ (State) between the \_\_\_ (Department) and the interested Developers.~~ The building is to be used as: \_\_\_ (User Agency/Function).

(d) Agency will advise Developers ~~at the bidders' conference~~ that responses proposals submitted should be based on private financing and that no State payments for use of space being developed will be made to the Developer prior to final acceptance and approval of the completed building and its site, in accordance with the terms and conditions set forth in the Department of Management Services' Standard Lease Agreement form.

(e) Agency will advise ~~at bidders' conference~~ that if a Developer is interested in developing a structure for the purpose indicated and in leasing the building and its site to the State of Florida, the Developer should submit his best response proposal or responses by proposals at \_\_\_ (Time), \_\_\_ (Date), to the \_\_\_ (Department), \_\_\_ (Location or Street Address), \_\_\_ (City), \_\_\_ (State).

(f) ~~The After the bidders' conference, the~~ User Agency will set the response period ~~allow from two (2) to three (3) weeks for the proposals~~ depending upon the complexity of the needed facility. The Developer's requirements as requested by the User Agency and the Department of Management Services:

1. Agreement to enter into a lease-build contract on the Department of Management Services' Standard Lease Agreement form setting forth the terms and conditions therein.

2. Intent to furnish 100% Performance Bond if response proposal is accepted.

3.a. Complete and satisfactory evidence of ownership;

b. Local tax assessor's appraisal of the site;

c. A site survey; and

d. The Developer's estimated valuation cost of construction \$\_\_\_ per square foot, for \_\_\_ gross square feet, and provide a statement of rental rate per square foot, including necessary maintenance and operations costs.

4. Completion date (the date that the building will be offered to the State for acceptance), contingent upon Developer's Authorization to Proceed.

5. Developers shall indicate the period of time that a response proposal will remain open; such period shall be a minimum of 60 days.

6. Site improvement information shall include but not be limited to the following:

a. Grading outside buildings;

b. Sanitary and storm sewers;

c. Landscaping;

d. Paving and retaining walls;

e. Water;

f. Gas and electric distribution systems; and

g. Extraordinary excavation and/or foundations.

7. Building information which will enable the Division of Facilities Management to review both the functional and aesthetic aspects of the building including:

a. Floor plans showing proposed utility core, office space, public space, corridors and parking areas (scale 1" equals 8').

b. Elevations and cross sections of buildings indicating exterior material and colors (scale 1" equals 8').

8. A ~~response proposal~~ submitted by a Developer shall be signed by the Developer or his duly authorized representative. Corporate, trade, or partnership titles may be stamped, written or type-written, but the actual signature of the authorized representative must appear on the ~~response proposal~~. If the ~~response proposal~~ is signed by an agent, evidence of authority of the agent to sign must accompany the ~~response proposal~~. Evaluation of ~~responses proposals~~ will be made by the User Agency in conjunction with its designated representative on the basis of price, design, characteristics of construction, completion date, location (including environment or characteristics of surrounding neighborhood), public transportation availability, availability of parking facilities, and availability of satisfactory dining facilities, and conformance to the User Agency program, performance specifications, and floor layout plan, and any other subjective criteria. The User Agency or its designated representative then presents the entire "project review package" to the Division of Facilities Management. The project review package shall contain:

a. A letter of transmittal setting forth:

(i) The fact that "this is a lease-build ~~response proposal~~," and

(ii) Functional and staff justification as to the facility's necessity.

b. Proof of Advertisement; ~~said advertisement to set forth the particulars of the pre-proposal conference (where, when, time, attendees, etc.)~~.

c. A list of the responses to the advertisements.

d. Set of the User Agency's program, any unique planning information, performance specifications (building and site). Site description and/or delineated area, floor layout plan, and property appraisal.

~~9.e.~~ All ~~responses proposals~~ submitted to the User Agency must be in accordance to guidelines developed.

~~10.f.~~ User Agency's recommendation with justification. The Division of Facilities Management will review the project. If it concurs with the User Agency's recommendation, it will give approval and return to the User Agency for execution. The User Agency and the Department of Management Services must be in joint agreement on the ~~response proposal~~ before approval is granted. A physical inspection of completed buildings and sites will be made by the various User Agencies who will, in turn, supply the Division of Facilities Management with a Certificate of Acceptance, and a certificate citing the date of occupancy.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(1),(2)(a) FS. History--New 8-11-75, Formerly 13D-7.10, Amended 3-18-86, Formerly 13M-1.017, Amended 2-21-96, \_\_\_\_\_.

60H-1.022 Prior Approval of Space Need.

The Division shall not authorize any agency to enter into a lease agreement in a privately owned building when suitable space is available in a state owned or other publicly owned building located in the same geographic region, unless the agency files with the Bureau a statement explaining why the public space does not fit the needs of the agency. If the Division director approves the request, or does not respond to the agency's request within 10 working days of receipt of the request, the agency may then proceed to:

(1) through (2) No change.

(3) Issue competitive solicitations ~~Solicit competitive bids~~ in accordance with Chapter 255, Florida Statutes, and this chapter, in a privately owned building. The term "state owned or other publicly owned building" as used in this section means any state owned or other publicly owned facility regardless of use or control.

(4) No change.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(2)(b), (3), (4) FS. History--New 3-18-86, Formerly 13M-1.022, Amended 2-21-96, 5-13-03, \_\_\_\_\_.

60H-1.029 Evaluation of Responses ~~Calculation of Lowest Bid Proposals~~.

(1) All ~~responses bid proposals~~ submitted to an agency pursuant to Rules 60H-1.015 and 60H-1.017, Florida Administrative Code, shall be evaluated using present value methodology. For calculation purposes, the present value index discount rates shall be the rates identified in the Interest Rates: Money and Capital Markets Section published in the Federal Reserve Bulletin by the Board of Governors, Federal Reserve System for the last published month at the time of issuance of the request for proposals.

(2) The present value of proposed lease costs shall be calculated for each ~~response bid proposal~~ on an annual basis. If an agency determines that it is in the best interest of the state for the lease to contain an option, this calculation shall include annual costs for each year of the basic lease but shall not include any year of the option period.

(3) All agencies shall reserve the right to reject any and all ~~responses bid proposals~~ for reasons which shall include but not be limited to the following:

- (a) The agency's budgetary constraints, and
- (b) The best interests of the state.

Specific Authority 255.249(4)(2)(b) FS. Law Implemented 255.25 FS. History--New 12-18-84, Formerly 13D-7.19, 13M-1.029, Amended \_\_\_\_\_.

60H-1.030 Rental Rate Guidelines for Privately Owned Space.

(1) The maximum rental rates are established each June by the Bureau for space in privately owned and in publicly owned buildings according to the local market rates zone and to the category of services furnished. These rates are provided to each Agency immediately upon development and are available to other interested parties upon request.

(2) If the rental rate for any proposed lease of 5,000 square feet or greater or any proposed lease of less than 5,000 square feet is more than 10% above the maximum local market rental rate ~~for the zone~~ and category of services furnished, then that lease shall be presented by the user agency for approval by the Department of Management Services.

Specific Authority 255.249(4)(2)(f) FS. Law Implemented 255.25(2), 255.249(2)(e) FS. History—New 4-1-85, Formerly 13D-7.20, Amended 3-18-86, Formerly 13M-1.030, Amended 2-21-96, 9-30-96, 5-13-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: John Holley, Deputy Director of Legislative Affairs, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: LeeAnn Korst, Director, Division of Facilities Management and Building Construction, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management and Building Construction**

RULE CHAPTER TITLE: Space Allocations in State-Owned Office Buildings and Privately-Owned Office Buildings

RULE CHAPTER NO.: 60H-2

RULE TITLES: Definitions 60H-2.001  
Space Allocation 60H-2.002  
Space Allocation and Configuration Standards 60H-2.0021  
Agency Space Allocation Plans 60H-2.0022  
Space Measurement 60H-2.003

PURPOSE AND EFFECT: To implement space allocation and configuration standards for use by State agencies for all administration spaces in preparing space allocation plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 255.249(4)(d), 255.503(11), 272.04 FS.

LAW IMPLEMENTED: 255.249(1), 255.503(2) FS.

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

TIME AND DATE: 2:00 p.m., February 20, 2004

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Capital Circle Office Complex, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (ACT): Pursuant to the provisions of the Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Julie Shaw, (850)487-3423. Persons with hearing or speech impairments should contact the agency by calling (850)410-0684.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Holley, Deputy Director of Legislative Affairs, Department of Management Services, 4050 Esplanade Way, Suite 380, Tallahassee FL 32399-0950, (850)487-9887

THE FULL TEXT OF THE PROPOSED RULES IS:

60H-2.001 Definitions.

For the purpose of this chapter, each of these words shall have the following meanings:

(1) through (7) No change.

(8) State-owned building – any state-owned office building as defined in Capitol Center, excepting the Supreme Court, and Legislative buildings, any building constructed from agricultural trust funds, and any other buildings exempt under Section 255.248, Florida Statutes, and any other building outside the Capitol Center under the jurisdiction of the Department of Management Services.

(9) No change.

Specific Authority 255.249, 255.503(11) FS. Law Implemented 272.04, 288.18(2), 255.249(1),(2), 255.503 FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-8.01, Amended 3-18-86, Formerly 13M-2.001, Amended \_\_\_\_\_.

60H-2.002 Space Allocation.

(1) General. The Department shall be the agency responsible for administering office space allocation in all state-owned buildings and private sector space.

(2) Specific. The Division shall act as the centralized point of contact with specific responsibility to allocate and re-allocate office space in all state-owned buildings, and private sector space.

(3) Request. Requests for office space allocation or re-allocation should be directed to:

Department of Management Services  
 Division of Facilities Management  
 Bureau of Property Management  
4030 Esplanade Way, Suite 380 105 Ashley Building  
 Tallahassee, Florida 32399-0950

Specific Authority 255.249, 255.503(11) FS. Law Implemented 272.04, 288.18(2), 255.249(1),(2), 255.503 FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-8.02, Amended 3-18-86, Formerly 13M-2.002, Amended \_\_\_\_\_.

#### 60H-2.0021 Space Allocation and Configuration Standards.

The Department of Management Services' Space Allocation and Configuration Standards shall be used by agencies for all office space and in preparing Space Allocation Plans.

(1) Purpose. The purpose of these Standards is to:

(a) Provide a safe, comfortable, and productive environment for all employees and visitors.

(b) Ensure efficient use of building HVAC, electrical, and mechanical systems.

(c) Ensure that new furniture and equipment does not exceed the building's HVAC and electrical capacity.

(2) Scope. The scope of these Standards applies to State-owned buildings and private sector space as defined in Rule 60H-2.001, Florida Administrative Code.

(3) General Guidelines.

(a) All rules governing the Americans with Disabilities Act (ADA), safety, and security, will be followed when designing new space or reconfiguring existing office areas.

(b) To improve space utilization and maintain required circulation, consideration should be given to purchasing lateral files and creating central file areas or rooms.

(c) The use of demountable walls for constructed offices and conference rooms are encouraged for greater flexibility.

(d) Shared workstations layouts and the creation of neighborhoods are encouraged for employees with similar job functions.

(4) Space Allocation and Configuration Standards.

(a) To the extent possible without sacrificing critical public or client services, agencies are directed to obtain an average allocation of space, not to exceed, 180 usable square feet per full-time employee.

(b) Exceptions to the space allocation standard shall include:

1. Public use space, which shall consist of reception areas, service counters, and interview rooms.

2. Special use space, which shall consist of drug laboratories, mail rooms, large conference areas, large file rooms, training facilities, large copy rooms, records storage, supply/warehouse space, LAN rooms, and cafeterias.

(c) Space allocation and configuration standards shall be documented for each state owned office building and privately owned office building on the Department of Management Services' Space Allocation Worksheet (Form 4100, effective January, 2004, incorporated by reference in this rule).

Specific Authority 255.249(4)(d), 255.503(11), 272.04 FS. Law Implemented 255.249(1),(4)(d), 255.503(2) FS. History—New \_\_\_\_\_.

#### 60H-2.0022 Agency Space Allocation Plans.

(1) Each agency shall annually submit by November 1 to the Department of Management Services, Division of Facilities Management a Space Allocation Plan. The Agency Space Allocation Plan shall be in accordance with the Space Allocation and Configuration Standards provided in Rule 60H-2.0021, Florida Administrative Code. The Agency Space Allocation Plan submitted by the agencies shall follow a template provided by the Department of Management Services, Division of Facilities Management.

(2) Agency Space Allocation Plans shall provide the Department of Management Services with each agency's strategy for allocating space in both state owned and privately owned buildings occupied by that agency based on the Space Allocation and Configuration Standards provided in Rule 60H-2.0021, Florida Administrative Code.

(3) Agency Space Allocation Plans shall include:

(a) Agency point of contact;

(b) Inventory of space, including exempted space;

(c) Reconfiguration or relocation strategy;

(d) Reconfiguration or relocation timeline.

Specific Authority 255.249(4)(d), 255.503(11), 272.04 FS. Law Implemented 255.249(1),(4)(d), 255.503(2) FS. History—New \_\_\_\_\_.

#### 60H-2.003 Space Measurement.

The Department's Standard Method of Space Measurement shall be used by agencies in measuring building space, state-owned or private sector leased.

(1) No change.

(2) Method. The standard method of measuring office floor area shall be "usable square feet" and in accordance with the Standard Method for Measuring Floor Area in Office Buildings, BOMA/ANSI Z65.1-1996. This Standard measures only occupiable space that actually has usable value and is computed by measuring from the inside finish of permanent outer building walls to the finish on the office side of enclosed corridors and/or other permanent partitions, and to the center of partitions that separate the premises from adjoining usable areas. This usable area shall EXCLUDE: bathrooms, stairs, public corridors, elevator shafts, flues, furnaces, pipe shafts, vertical ducts, air conditioning rooms, fan rooms, janitor closets, electrical closets, and such other equipment and building support rooms not actually available to the tenant for his furnishings and personnel and their enclosing walls. No deductions shall be made for columns and inward projections necessary to the building.

Specific Authority 272.04, 288.18, 255.25, 255.249 FS. Law Implemented 272.04, 288.18(2), 255.25(2), 255.249(2)(c) FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-8.03, 13M-2.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Holley, Office of Legislative Affairs, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Ann Korst, Director, Division of Facilities Management and Building Construction

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLES: Initial Continuing Education Provider Registration Fee  
RULE NOS.: 64B1-2.009

Continuing Education Provider Registration Renewal Fee 64B1-2.0095

PURPOSE AND EFFECT: To establish an initial and biennial renewal fee for providing Board approved CE programs.

SUMMARY: The rules establish an initial fee and a biennial renewal fee for Board approved CE programs to Chapter 457, F.S., licensees for licensure renewal credit.

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

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

SPECIFIC AUTHORITY: 456.025, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.025, 457.107(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-2.009 Initial Continuing Education Provider Registration Fee.

The initial continuing education provider registration fee shall be one hundred dollars (\$100.00).

Specific Authority 456.025, 457.104, 457.107(3) FS. Law Implemented 456.025, 457.107(3) FS. History–New 5-12-87, Amended 9-15-92, Formerly 2TAA-2.009, 61F1-2.009, 59M-2.009, Amended \_\_\_\_\_.

64B1-2.0095 Continuing Education Provider Registration Renewal Fee.

The biennial continuing education provider registration renewal fee shall be one hundred dollars (\$100.00).

Specific Authority 456.025, 457.104, 457.107(3) FS. Law Implemented 456.025, 457.107(3) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2003

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Performance of Pro Bono Services  
RULE NO.: 64B1-6.011

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pursuant to Section 456.013(9), F.S.

SUMMARY: This new rule is intended to set forth the requirements of pro bono services a licensee may perform for credit toward their continuing education hours as mandated by statute.

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

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

SPECIFIC AUTHORITY: 456.013(9) FS.

LAW IMPLEMENTED: 456.013(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.011 Performance of Pro Bono Services.

(1) Up to three (3) hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state pursuant to Section 456.013(8), F.S. The standard for determining indigence shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services.

(2) In order to receive credit under this rule, licensees must notify the department and receive approval in advance of providing the services. Credit shall be given on an hour per hour basis. In the formal request to the department, licensees shall disclose the following:

- (a) The type, nature and extent of services to be rendered;
- (b) The location where the services will be rendered;
- (c) The number of patients expected to be served; and
- (d) A statement indicating that the patients to be served are indigent.

If licensees intend to provide services in under served or critical need areas, the request for approval shall provide a brief explanation as to those facts.

Specific Authority 456.013(9) FS. Law Implemented 456.013(9) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF HEALTH  
Division of Environmental Health**

RULE TITLES:	RULE NOS.:
General	64E-6.001
Permits	64E-6.003
Location and Installation	64E-6.005
Septage and Food Establishment Sludge	64E-6.010
Portable Restrooms and Holding Tanks	64E-6.0101
Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units	64E-6.012
Construction Materials and Standards for Treatment Receptacles	64E-6.013
Construction Standards for Drainfield Systems	64E-6.014
Permitting and Construction of Repairs	64E-6.015
Additive Use	64E-6.0151
Cesspit and Undocumented System Replacement and Interim System Use	64E-6.0181

Issuance of Registration Certificates and Renewal	64E-6.021
Standards of Practice and Disciplinary Guidelines	64E-6.022
Certificate of Partnerships and Corporations	64E-6.023
Fees	64E-6.030

PURPOSE AND EFFECT: These amendments incorporate proposals addressing requests from industry and regulators and the Auditor General’s findings. The proposed amendments have been reviewed by the Technical Review and Advisory Panel.

SUMMARY: The proposed rule amends many of the current standards related to onsite sewage treatment and disposal systems which are necessary to codify updated standards and methods related to the industry and program and to address findings by the Auditor General.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 154.06, 381.0011, 381.006, 381.0065, 381.0066, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.01, 386.03, 386.041, 489.552, 489.553 FS.

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

TIME AND DATE: 10:00 a.m., Monday, February 16, 2004  
PLACE: Bureau of Onsite Sewage Programs, Conference Room 240 P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, HSES, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

- 64E-6.001 General.
- (1) through (3) No change.
- (4) Except as provided for in Section 381.00655, F.S., any existing and prior approved system which has been placed into use and which remains in satisfactory operating condition shall remain valid for use under the terms of the rule and permit under which it was approved. Alterations that change the conditions under which the system was permitted and

approved, sewage characteristics or increase sewage flow will require that the owner, or their authorized representative, apply for and receive reapproval of the system by the DOH county health department, prior to any alteration of the structure, or system. If an applicant requests that the department consider the previous structure's or establishment's most recent approved occupancy, the applicant must provide written documentation that the onsite sewage treatment and disposal system was approved by the department for that previous occupancy. An applicant will be required to complete Form DH 4015, 10/97, Application for Onsite Sewage Treatment and Disposal System Construction Permit, herein incorporated by reference, and provide a site plan in accordance with paragraph 64E-6.004(3)(a), F.A.C., to provide information of the site conditions under which the system is currently in use and conditions under which it will be used. The applicant shall have all system tanks, pumped by a permitted septage disposal service to determine tank volume based on the actual measurements of the tank. The service pumping the tank shall perform a visual inspection of the tank when the tank is empty to detect any observable defects or leaks in the tank, and shall submit the results to the DOH county health department as part of the application. If a prior approved existing system has been approved by the DOH county health department within the preceding three years, and the system was determined to be in satisfactory operating condition at that time, a new inspection is not required unless there is a record of failure of the system. If it is determined that a new inspection is not required, only the application fee shall be charged for this application and approval there will be no charge for this application, but reapproval shall be required. A commercial system out of service for more than one year shall be brought into full compliance with current requirements of this Chapter prior to the system being placed into service. If the use of a building is changed or if additions or alterations to a building are made which will increase domestic sewage flow, change sewage characteristics, or compromise the integrity or function of the system, the onsite sewage treatment and disposal system serving such building shall be brought into full compliance with the provisions and requirements of these rules. Proper well setbacks shall be maintained. Prior to any modification of the system, the owner shall apply for and obtain a permit for modification of the system from the county health department in accordance with Rule 64E-6.004, F.A.C. The permit shall be valid for 18 months from the date of issue. Where building construction has commenced, it shall be valid for an additional 90 days. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils training who is registered in the state of Florida pursuant to Chapter 471, F.S., registered septic tank contractors, master septic tank contractors, or persons certified under Section 381.0101, F.S., or department personnel for the appropriate fee specified in Section 381.0066, F.S.

(a) through (f) No change.

(5) No change.

(6) Citations issued by the department shall be on Form DH 3146, 11/02 ~~10/97~~, Citation for Violation, Onsite Sewage Programs/Sanitary Nuisance, hereby incorporated by reference.

(7) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553, FS. History—New 12-22-82, Amended 2-5-85, Formerly 10-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, 3-22-00, 9-5-00, \_\_\_\_\_.

64E-6.003 Permits.

(1) System Construction Permit – No portion of an onsite sewage treatment and disposal system shall be installed, repaired, altered, modified, abandoned or replaced until an “Onsite Sewage Treatment and Disposal System Construction Permit” has been issued on Form DH 4016. If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall not be charged for a repair permit issued within 12 months from the date of final authorization of the onsite sewage treatment and disposal system. If a construction or repair permit for an onsite sewage treatment and disposal system is transferred to another person the date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Servicing or replacing with like kind mechanical or electrical parts of an approved onsite sewage treatment and disposal system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not constitute a repair. ~~The installation of a laundry system, a gray water system, a grease interceptor, or additional drainfield, as a precautionary measure to prolong system functioning, is considered a repair provided that system modification is not associated with an increase in estimated sewage flow or change in sewage characteristics, in which case it will be considered a new system.~~

(2) through (6) No change.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended 3-22-00, 4-21-02, \_\_\_\_\_.

64E-6.005 Location and Installation.

All systems shall be located and installed so that with proper maintenance the systems function in a sanitary manner, do not create sanitary nuisances or health hazards and do not endanger the safety of any domestic water supply, groundwater or surface water. Sewage waste and effluent from onsite sewage treatment and disposal systems shall not be discharged onto the ground surface or directly or indirectly discharged into ditches, drainage structures, groundwaters, surface waters, or aquifers. To prevent such discharge or health hazards:



(1) Systems and septage stabilization facilities established after the effective date of the rule shall be placed no closer than the minimum distances indicated for the following:

(a) Seventy-five feet from a private potable well as defined in paragraph 64E-6.002(44)(a), F.A.C., ~~or~~ a multi-family water well as defined in paragraph 64E-6.002(44)(c), F.A.C., or a cistern collecting groundwater as a potable water supply.

(b) through (c) No change.

(d) Fifty feet from a non-potable water well as defined in subsection 64E-6.002(39), F.A.C., or a cistern collecting groundwater for irrigation.

(e) through (f) No change.

(2) Systems shall not be located under buildings or within 5 feet of building foundations, including pilings for elevated structures, or within 5 feet of mobile home walls, swimming pool walls, or within 5 feet of property lines except where property lines abut utility easements which do not contain underground utilities, or where recorded easements are specifically provided for the installation of systems for service to more than one lot or property owner.

(a) No change.

(b) Systems shall not be located within 10 feet of sealed water storage tanks or potable water lines unless such lines are sealed with a water proof sealant within a sleeve of similar material pipe to a distance of at least 10 feet from the nearest portion of the system drainfield. In no case shall the sleeved water line be located within 24 inches of the onsite sewage treatment and disposal system. Potable water lines within 5 feet of the drainfield ~~The sleeved water line~~ shall not be located at an elevation lower than the drainfield absorption surface. Non-potable water lines shall not be located within 24 inches of the system without backflow preventers or check valves being installed on the water line so as to preclude contamination of the water system.

(c) No change.

(3) through (6) No change.

(7) Onsite sewage treatment and disposal systems shall be installed where a sewerage system is not available and when conditions in Sections 381.0065(4)(a)-(g), F.S., are met. Onsite graywater tank and drainfield systems may, at the homeowners' discretion, be utilized provided blackwater is disposed into a sanitary sewerage system when such sewerage system is available. Graywater systems may, at the homeowners' discretion, be utilized in conjunction with an onsite blackwater system where a sewerage system is not available for blackwater disposal.

(a) through (b) No change.

(c) Maximum daily sewage flow allowances specified in Sections 381.0065(4)(a),(b), and (g), F.S., shall be calculated on an individual lot by lot basis. The acreage or fraction of an acre of each lot or parcel of land shall be determined and this value shall be multiplied by 2500 gallons per acre per day if a public drinking water well serving a public system as defined

in subparagraph 64E-6.002(44)(b)1., 2., or 3., F.A.C., is utilized, or be multiplied by 1500 gallons per acre per day if a public drinking water well serving a public water system as defined in subparagraph 64E-6.002(44)(b)4., F.A.C., or a private potable well or cistern is utilized. Contiguous unpaved and non-compacted road rights-of-way, and easements with no subsurface obstructions that would affect the operation of drainfield systems, shall be included in total lot size calculations. Where an unobstructed easement is contiguous to two or more lots, each lot shall receive its pro rata share of the area contained in the easement. Surface water bodies shall not be included in total lot size calculations. subsection 64E-6.008(1), F.A.C., Table I, shall be used for determining estimated average daily sewage flows.

(d) through (e) No change.

(8) Notwithstanding the requirements of this section, where an effluent transmission line consists of schedule 40 PVC or consists of schedule 20 PVC enclosed in a sleeve of schedule 40 PVC, the transmission line shall be set back from private potable wells, irrigation wells or surface water bodies by the maximum distance attainable but not less than 25 feet when installed. Schedule 40 PVC effluent transmission lines shall be set back from potable water lines by no less than 5 feet unless all portions of the bottom of the potable water line within 5 feet of the effluent transmission line are a minimum of 12 inches above the top of the effluent transmission line.

(9) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553, 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.46, Amended 3-17-92, 1-3-95, Formerly 10D-6.046, Amended 11-19-97, 2-3-98, 3-22-00,

#### 64E-6.010 Septage and Food Establishment Sludge Grease, Holding Tanks and Portable Toilets.

(1) No change.

(2) Application for a service permit shall be made to the DOH county health department on Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, which may be obtained by contacting the department. The following must be provided for the evaluation prior to issuance of a service permit:

(a) Evidence that the applicant possesses adequate equipment such as a tank truck with a liquid capacity of at least 1500 gallons, ~~except portable toilet servicing vehicles~~, pumps, off truck stabilization tanks and pH testing equipment where lime stabilization and land application are proposed, as well as other appurtenances and tools necessary to perform the work intended. Equipment may be placed into service only after it has been inspected and approved by the DOH county health

department. Tanks used for the stabilization and storage of septage and food service sludges shall be constructed, sized, and operated in accordance with the following provisions:

- 1. through 3. No change.
- (b) through (c) No change.
- (3) No change.

(4) After septage or food establishment sludge is removed from an onsite sewage treatment and disposal system, the original lid of the tank shall be put back in place, or be replaced with a new lid if the original lid is broken. The tank lid shall be completely sealed and secured as per paragraph 64E-6.013(2)(i)(4), F.A.C., and the ground backfilled and compacted so that the site is left in a nuisance free condition.

- (a) through (b) No change.
- (5) through (6) No change.

(7) The food establishment sludge and contents from onsite waste disposal systems shall be disposed of at a site approved by the DOH county health department and by an approved disposal method. Untreated domestic septage or food establishment sludges shall not be applied to the land. Criteria for approved stabilization methods and the subsequent land application of domestic septage or other domestic onsite wastewater sludges shall be in accordance with the following criteria for land application and disposal of domestic septage.

(a) Land application of domestic septage and sludges shall be permitted provided such septage and sludges have been properly treated by an approved septage-stabilization process, including lime stabilization, and an application using Form DH 4012 has been completed as part of the permitting process. Prior to discharge of septage or food establishment sludge into a stabilization tank, the septage or sludge shall be screened in a pretreatment tank or chamber which contains a final screening method using bar screens having a maximum gap of 1/2 inch or rock screens or other similar mesh material having a maximum 3/4 inch opening. Material retained in the screening process shall be limed, containerized, and disposed of at an approved solid waste disposal facility. Septage or sludge shall pass from the pretreatment tank or chamber to the stabilization tank. Lime stabilization of septage shall be in accordance with processes and designs described in Chapter 6, EPA 625/1-79-011, Process Design Manual for Sludge Treatment and Disposal, hereby incorporated by reference. Facilities approved for septage treatment under this rule shall not receive and treat more than 20,000 gallons of septage or combined septage, grease interceptor, portable restroom toilet or other receptacle waste associated with an onsite sewage treatment and disposal system on any one day and shall not exceed a monthly average of 10,000 gallons of septage or septage and combined domestic waste per day. Stabilization by lime shall raise the pH of the septage to a level of 12 for a minimum of two hours or to a level of at least 12.5 for a minimum of 30 minutes to be deemed sufficient. The pH of the stabilized septage shall be maintained at a level of at least 11 until actual

land application, but shall not be landspread until the pH of the stabilized septage has fallen below 12.5. To check the pH of the stabilized septage, a sampling port having an internal diameter of no less than 1/2 inch and no more than 3/4 inch and located no more than 60 inches above the ground surface shall be used to allow sampling of waste tank contents. Lime purchase receipts shall be kept at the place of business for a minimum of 6 months.

- 1. through 2. No change.
- (b) through (d) No change.

(e) All septage and food establishment sludge ~~septage-related~~ haulers regulated by Chapter 64E-6, F.A.C., are to maintain a collection and hauling log at the treatment site or at the main business location which provides the information listed in ~~1. through 8.~~ below. ~~Septage-related haulers who haul only portable toilet or holding tank waste shall maintain a daily log which includes subparagraphs 1., 4., 6., 7. and 8., below.~~ Records shall be retained for five (5) years.

- 1. through 8. No change.
- (f) through (v) No change.
- (8) through (9) No change.

~~(10) Portable Toilets, Sinks and Holding Tanks.~~

~~(a) The department shall approve, on a temporary basis, portable toilets, or holding tanks for fairs, carnivals, revivals, field locations, encampments and other locations which lack permanent structures where people congregate for short periods of time, provided the construction, maintenance, and utilization of such systems conform to the general provisions of this Chapter. Portable toilets, holding tanks or other toilet facilities shall be provided at construction sites for the duration of construction any time workers are present, and shall not be bound by the definition of temporary. The department shall waive or reduce any of the setback requirements of subsections 64E-6.005(1)-(3), F.A.C., where it is determined no health hazard will result. For purposes of this rule, a holding tank is any sealed, water tight fixture for receiving and storing domestic wastewater from plumbing fixtures in remote locations or at construction sites or special events. For purposes of this rule, a portable toilet is a transportable, self contained static or flush-type toilet constructed to promote a sanitary environment at remote locations, construction sites or special events, comprised of at least a waste storage receptacle, a riser and toilet seat and a protective enclosure. Portable toilets at construction sites or at a location for a temporary period of time do not require a permit from the department, but must comply with the provisions of this rule.~~

~~(b) The department shall permit and approve, for permanent use or placement, portable toilets or holding tanks at continually used locations where toilet facilities are desirable for the promotion of public health and where conventional facilities are neither available nor practical. Examples of such locations would be boat ramps, golf courses, or other places where people congregate which meet the above~~

criteria. The portable toilet service company providing portable toilets shall be responsible for maintenance of the unit and removal if conventional facilities are made available.

~~(c) Portable toilets shall be self-contained, have self-closing doors and shall be designed and maintained so that insects are excluded from the waste container.~~

~~(d) Portable toilet service company operators shall use Table PT I to determine the required number of facilities for special events for use in situations where no local or state codes provide a minimum number of toilet facilities. Table PT I assumes that the portable toilets are serviced only once per day. If the toilets are serviced twice per day, the value from the table shall be divided by two. If they are pumped three or more times per day, the value shall be divided by three. All resulting fractional numbers of toilets required shall be rounded up to the next higher whole number of toilets. If permanent toilet facilities are available for use by the attendees, the number of portable toilets may be reduced based on the number of attendees the permanent facilities are designed to accommodate. At least one working day prior to the special event, special event organizers shall provide to the county health department a signed contract, or facsimile copy thereof, with the portable toilet service company specifying the dates~~

~~the facilities will be on the event site, the number of toilet facilities to be provided, the servicing frequency and the removal date for the units.~~

~~(e) Table PT II shall be used to determine the number of required facilities at remote locations.~~

~~(f) Waste receptacles shall be watertight and made of non-absorbent, acid-resistant, corrosion-resistant and easily cleanable material.~~

~~(g) The floors and interior walls shall have a non-absorbent finish and be easily cleanable.~~

~~(h) The inside of the structure housing the storage compartment shall be cleaned and disinfected on each service visit.~~

~~(i) Each portable toilet shall have listed in a conspicuous place the name and telephone number of the servicing company.~~

~~(j) Portable toilets shall be maintained in a sanitary condition. Portable toilets at special events shall be serviced at least daily.~~

TABLE PT I  
 NUMBER OF PORTABLE TOILETS REQUIRED  
 FOR SPECIAL EVENTS  
 (ASSUMES SERVICING ONCE PER DAY)

NUMBER OF PEOPLE PER DAY	NUMBER OF HOURS FOR EVENT PER DAY									
1	2	3	4	5	6	7	8	9	10	
250	2	2	2	2	2	3	3	3	3	3
500	2	3	4	4	4	4	4	4	4	4
1000	4	5	6	7	7	8	8	8	8	8
2000	6	10	12	13	14	14	14	15	15	15
3000	9	14	17	19	20	21	21	21	21	22
4000	12	19	23	25	28	28	28	30	30	30
5000	15	23	30	32	34	36	36	36	36	36
6000	17	28	34	38	40	42	42	42	44	44
7000	20	32	40	44	46	48	50	50	50	50
8000	23	38	46	50	54	57	57	58	58	58
9000	26	42	52	56	60	62	62	62	64	64
10,000	30	46	57	63	66	70	70	72	72	72
12,500	36	58	72	80	84	88	88	88	88	92
15,000	44	70	84	96	100	105	105	110	110	110
17,500	50	80	100	110	115	120	125	125	126	126
20,000	57	92	115	125	132	138	138	144	144	150
25,000	72	115	144	154	168	175	175	176	176	184
30,000	88	138	168	192	200	208	208	216	216	216

TABLE PT II  
 PORTABLE TOILETS REQUIRED FOR REMOTE LOCATIONS  
 PER SITE OR LOCATION  
 (ASSUMES SERVICING ONCE PER WEEK)

NUMBER OF PEOPLE PER SITE	NUMBER OF TOILETS REQUIRED
8 HOURS PER DAY—40 HOURS PER WEEK	
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5
over 50	Add 1 toilet for every 10 additional people or fraction thereof

TABLE PT III  
 HOLDING TANK CAPACITY REQUIRED FOR REMOTE LOCATIONS, AND SPECIAL EVENTS  
 PER SITE OR LOCATION  
 (ASSUMES SERVICING TWICE PER WEEK)

NUMBER OF PEOPLE PER SITE	MINIMUM HOLDING TANK CAPACITY (IN GALLONS)
8 HOURS PER DAY—40 HOURS PER WEEK	
1	140
2-3	280
4-5	560
6-7	840
over 7	Add 140 gallons for each additional person

(k) Portable hand washing facilities shall be self-contained and have a fresh water compartment and a wastewater compartment.

(l) Portable hand washing facilities shall be provided in a proportion of one hand wash facility to every ten portable toilets required, and shall be provided at special events and remote locations where food is served or picnic areas are provided. With the exception of locations where food is served, hand sanitizers may be used in lieu of hand washing facilities, at the option of the applicant.

(m) The number and location of portable toilet and hand washing facilities for food handlers at special events shall be based on this section or applicable local or state food hygiene requirements, whichever is greater.

(n) An applicant for a holding tank installation permit shall provide to the county health department a copy of a contract with a permitted disposal company which states the holding tank capacity and the scheduled tank pumping frequency.

(o) Holding tanks shall be serviced at least weekly to prevent insanitary conditions.

(p) Table PT-III shall be used to determine the required total capacity of holding tanks serving a remote location or special event. The values from Table PT-III shall be adjusted proportionately to the number of times per week the holding tank will be emptied.

(q) Persons servicing portable toilets, portable hand washing facilities and holding tanks shall obtain an annual permit on Form DH 4013, 01/92, Operating Permit, herein incorporated by reference, from the county health department in the county in which the service company has an office or storage yard. Permits issued under this section authorize the disposal service to handle liquid waste associated with portable toilets, portable hand washing facilities and holding tanks containing domestic wastewater produced in the State of Florida.

(r) Application for a service permit shall be made to the county health department on Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, which may be obtained by contacting the department. The following must be provided for the evaluation prior to issuance of a service permit:

1. The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.

2. The proposed disposal method and the site to be used for disposing of the waste.

(s) The following equipment, maintenance and service requirements shall be complied with:

1. Vehicles used for servicing portable toilets, privies and holding tanks shall be provided with a dual compartment tank. One tank shall be used for receiving and removing wastes and shall be equipped with a suction hose having a cut-off valve not more than 36 inches from the intake end. The second tank shall be used for clean water storage and shall have adequate capacity to allow proper cleaning of each serviced unit.

2. Standby portable toilet service equipment shall be available for use during breakdowns or emergencies. If equipment from another approved service is to be used for stand by purposes, a written agreement between the services must be provided to the county health department.

3. The waste storage compartment of a tank truck shall be maintained as necessary to prevent the creation of sanitary nuisance conditions.

(t) When a permit is issued, the number of said permit along with the name of the company, its phone number, and the gallon capacity of the truck shall be prominently and permanently displayed on the service truck in contrasting colors with 3 inch or larger letters. Use of removable magnetic signs shall not be considered permanent display of vehicle identification information.

(u) A servicing permit shall be suspended, revoked, or denied by the department in accordance with Chapter 120, F.S., for failure to comply with the requirements of this chapter.

(v) Holding tank, portable toilet, and portable hand sink wastes shall be disposed of into a septage treatment and disposal facility approved by the department or into a treatment facility approved or permitted for such disposal by the Department of Environmental Protection. These wastes shall be land applied under provisions of subsection 64E-6.010(7), F.A.C., provided an approved DEP treatment facility is not available. Companies which service holding tanks or portable toilets which use quaternary ammonium sanitizing and deodorizing compounds are prohibited from having the wastes treated or disposed of at lime stabilization facilities.

(w) When disposed of in a department approved lime stabilization facility, the portable toilet, portable hand washing and holding tank wastes shall be blended with domestic septage at a rate of no less than 3 parts septage to 1 part holding tank, portable toilet or portable hand washing facility waste prior to lime stabilization. Treatment and disposal shall comply with the provisions of paragraphs 64E-6.010(7)(a)-(u), F.A.C.

(x) Contents of portable toilets and holding tanks shall be removed in their entirety when pumped.

(10)(H) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.52, Amended 3-17-92, 1-3-95, 5-14-96, Formerly 10D-6.052, Amended 3-22-00, \_\_\_\_\_.

64E-6.0101 Portable Restrooms and Holding Tanks.

(1) No portable restroom or holding tank shall have its contents removed and disposed of until the service company has obtained an annual written permit (form DH 4013, 1/92, Operating Permit) from the DOH county health department in the county in which the service company holds a business office. The service company need not be permitted in neighboring counties in which the service company operates but does not have an office. Service persons shall carry proof of possession of a current annual operating permit and vehicle inspection for review by department personnel in neighboring counties. Permits issued under this section authorize the disposal service to handle liquid waste associated with portable restrooms and holding tanks.

(2) Application for a service permit shall be made to the DOH county health department on Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, which may be obtained by contacting the department. The following must be provided for the evaluation prior to issuance of a service permit:

(a) Evidence that the applicant possesses adequate equipment such as a tank truck, pumps, off truck stabilization tanks and pH testing equipment where lime stabilization and land application are proposed, as well as other appurtenances and tools necessary to perform the work intended. Equipment may be placed into service only after it has been inspected and approved by the DOH county health department. Tanks used for the stabilization and storage of holding tank waste and portable restroom waste shall be constructed, sized, and operated in accordance with the provisions of subparagraphs 64E-6.010(2)(a)1.-3., F.A.C.

(b) The proposed disposal method and the site to be used for disposing of the waste from portable restrooms or holding tanks.

(c) The contractor registration number and certificate of authorization number, if applicable.

(3) When a permit is issued, the number of said permit along with the name of the company, its phone number, and the gallon capacity of the truck shall be prominently and permanently displayed on the service truck in contrasting colors with 3 inch or larger letters. Use of removable magnetic signs shall not be considered permanent display of vehicle identification information. An operating permit shall be suspended, revoked or denied by the department in accordance with Chapter 120, F.S., for failure to comply with requirements of this Chapter.

(4) After waste is removed from a holding tank, the original cap lid of the tank shall be put back in place, or be replaced with a new cap or lid if the original one is broken.

Tank lids shall be completely sealed and secured as per paragraph 64E-6.013(2)(i), F.A.C. The site shall be left in a nuisance-free condition.

(5) Waste from holding tanks or portable restrooms shall be transported to an approved treatment facility in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(6) All portable restroom and holding tank waste haulers regulated by Chapter 64E-6, F.A.C. are to maintain a collection and hauling log at the main business location which provides the information listed below. Records shall be retained for five (5) years.

(a) Date of septage or waste collection

(b) Estimated volume, in gallons, of septage or waste transported

(c) Location of the approved treatment facility

(d) Date and time of discharge to the treatment facility

(e) Acknowledgement from treatment facility of receipt of septage or waste

(7) Portable Restrooms, Portable Holding Tanks, Stationary Holding Tanks, Mobile Restroom Trailers, Mobile Shower Trailers, and Portable Sinks

(a) The department shall allow, on a temporary basis, portable restrooms, mobile restrooms, mobile shower trailers, and portable or stationary holding tanks for fairs, carnivals, revivals, field locations, encampments and other locations which lack permanent structures where people congregate for short periods of time, provided the construction, maintenance, and utilization of such systems conform to the general provisions of this Chapter. Portable restrooms, portable or stationary holding tanks or other restroom facilities shall be provided at commercial and residential building sites for the duration of construction any time workers are present, and shall not be bound by the definition of temporary. All required restroom facilities shall remain accessible whenever the intended users are present. The department shall waive or reduce any of the setback requirements of subsections 64E-6.005(1)-(3), F.A.C., where it is determined no health hazard will result. Where setbacks are waived or reduced, portable or stationary holding tanks shall be placed within secondary containment structures with a containment capacity of no less than 110% of the total waste capacity of the holding tank. For purposes of this rule, a holding tank is any sealed, water tight fixture for receiving and storing domestic wastewater from plumbing fixtures in remote locations or at building sites or special events. For purposes of this rule, a portable restroom is a transportable, self contained static or flush-type toilet constructed to promote a sanitary environment at remote locations, building sites or special events, comprised of at least a waste storage receptacle, a riser and toilet seat and a protective enclosure. Portable restrooms, mobile restrooms, and mobile shower trailers at building sites or at a location for a temporary period of time do not require a permit from the

department but must comply with the provisions of this rule. A construction permit (DH 4016) shall be obtained before placing or installing any portable or stationary holding tanks

(b) The department shall approve, for permanent use or placement, portable restrooms or stationary holding tanks at continually used locations where restroom facilities are desirable for the promotion of public health and where conventional facilities are neither available nor practical. Examples of such locations would be boat ramps, remote areas of golf courses, office or sales trailers, or other places where people congregate which meet the above criteria. A construction permit (DH 4016) shall be obtained before placing or installing any portable restroom or holding tank for permanent use. The portable restroom service company providing portable restrooms or holding tanks shall be responsible for maintenance of the unit and removal if conventional facilities are made available.

(c) Portable restrooms shall be self-contained, have self closing doors and shall be designed and maintained so that insects are excluded from the waste container.

(d) Portable restroom service company operators shall use Table PR I to determine the required number of facilities for special events for use in situations where no local or state codes provide a minimum number of toilet facilities. Table PR I assumes that the portable restrooms are serviced only once per day. If the restrooms are serviced twice per day, the value from the table shall be divided by two. If they are pumped three or more times per day, the value shall be divided by three. All resulting fractional numbers of restrooms required shall be rounded up to the next higher whole number of restrooms. If permanent restroom facilities are available for use by the attendees, the number of portable restrooms may be reduced based on the number of attendees the permanent facilities are designed to accommodate. At least one working day prior to the special event, special event organizers shall provide to the county health department a signed contract, or facsimile copy

thereof, with the portable restroom service company specifying the dates the facilities will be on the event site, the number of restroom facilities to be provided, the servicing frequency and the removal date for the units.

(e) Table PR II shall be used to determine the number of required facilities at remote locations and commercial and residential building sites.

1. Table PR II assumes that the portable restrooms are serviced only once per week. If the restrooms are serviced twice per week, the value from the table shall be divided by two. If they are pumped three or more times per week, the value shall be divided by three. All resulting fractional numbers of restrooms required shall be rounded up to the next higher whole number of restrooms.

2. Where a contractor has multiple building sites, the individual sites shall be considered a single site for purpose of determining the number of facilities. Portable restrooms serving multiple individual building sites may be shared between sites provided they are no more than 300 feet from any individual building site served.

(f) Waste receptacles shall be watertight and made of non-absorbent, acid resistant, corrosion-resistant and easily cleanable material.

(g) The floors and interior walls shall have a non-absorbent finish and be easily cleanable.

(h) Portable restrooms shall be serviced at least weekly and the inside of the structure housing the storage compartment shall be cleaned on each service visit.

(i) Each portable restroom shall have listed in a conspicuous place the name and telephone number of the servicing company.

(j) Portable restrooms shall be maintained in a sanitary condition. Portable restrooms at special events shall be serviced at least daily.

TABLE PR I  
NUMBER OF PORTABLE RESTROOMS REQUIRED FOR SPECIAL EVENTS  
(ASSUMES SERVICING ONCE PER DAY)

<u>NUMBER OF PEOPLE PER DAY</u>	<u>NUMBER OF HOURS FOR EVENT PER DAY</u>									
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>
<u>250</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>500</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>1000</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>7</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>8</u>
<u>2000</u>	<u>6</u>	<u>10</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>3000</u>	<u>9</u>	<u>14</u>	<u>17</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>21</u>	<u>21</u>	<u>21</u>	<u>22</u>
<u>4000</u>	<u>12</u>	<u>19</u>	<u>23</u>	<u>25</u>	<u>28</u>	<u>28</u>	<u>28</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>5000</u>	<u>15</u>	<u>23</u>	<u>30</u>	<u>32</u>	<u>34</u>	<u>36</u>	<u>36</u>	<u>36</u>	<u>36</u>	<u>36</u>
<u>6000</u>	<u>17</u>	<u>28</u>	<u>34</u>	<u>38</u>	<u>40</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>44</u>	<u>44</u>
<u>7000</u>	<u>20</u>	<u>32</u>	<u>40</u>	<u>44</u>	<u>46</u>	<u>48</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>8000</u>	<u>23</u>	<u>38</u>	<u>46</u>	<u>50</u>	<u>54</u>	<u>57</u>	<u>57</u>	<u>58</u>	<u>58</u>	<u>58</u>
<u>9000</u>	<u>26</u>	<u>42</u>	<u>52</u>	<u>56</u>	<u>60</u>	<u>62</u>	<u>62</u>	<u>62</u>	<u>64</u>	<u>64</u>
<u>10,000</u>	<u>30</u>	<u>46</u>	<u>57</u>	<u>63</u>	<u>66</u>	<u>70</u>	<u>70</u>	<u>72</u>	<u>72</u>	<u>72</u>
<u>12,500</u>	<u>36</u>	<u>58</u>	<u>72</u>	<u>80</u>	<u>84</u>	<u>88</u>	<u>88</u>	<u>88</u>	<u>88</u>	<u>92</u>
<u>15,000</u>	<u>44</u>	<u>70</u>	<u>84</u>	<u>96</u>	<u>100</u>	<u>105</u>	<u>105</u>	<u>110</u>	<u>110</u>	<u>110</u>
<u>17,500</u>	<u>50</u>	<u>80</u>	<u>100</u>	<u>110</u>	<u>115</u>	<u>120</u>	<u>125</u>	<u>125</u>	<u>126</u>	<u>126</u>
<u>20,000</u>	<u>57</u>	<u>92</u>	<u>115</u>	<u>125</u>	<u>132</u>	<u>138</u>	<u>138</u>	<u>144</u>	<u>144</u>	<u>150</u>
<u>25,000</u>	<u>72</u>	<u>115</u>	<u>144</u>	<u>154</u>	<u>168</u>	<u>175</u>	<u>175</u>	<u>176</u>	<u>176</u>	<u>184</u>
<u>30,000</u>	<u>88</u>	<u>138</u>	<u>168</u>	<u>192</u>	<u>200</u>	<u>208</u>	<u>208</u>	<u>216</u>	<u>216</u>	<u>216</u>

TABLE PR II  
PORTABLE RESTROOMS REQUIRED FOR REMOTE LOCATIONS AND COMMERCIAL AND RESIDENTIAL  
BUILDING SITES  
PER SITE OR LOCATION  
(ASSUMES SERVICING ONCE PER WEEK)

<u>NUMBER OF PEOPLE PER SITE</u>	<u>NUMBER OF RESTROOMS REQUIRED</u>
<u>8 HOURS PER DAY – 40 HOURS PER WEEK</u>	
<u>1-10</u>	<u>1</u>
<u>11-20</u>	<u>2</u>
<u>21-30</u>	<u>3</u>
<u>31-40</u>	<u>4</u>
<u>41-50</u>	<u>5</u>
<u>over 50</u>	<u>Add 1 restroom for every 10 additional people or fraction thereof</u>

TABLE PR III  
HOLDING TANK CAPACITY REQUIRED FOR REMOTE LOCATIONS, AND SPECIAL EVENTS  
PER SITE OR LOCATION  
(ASSUMES SERVICING TWICE PER WEEK)

<u>NUMBER OF PEOPLE PER SITE</u>	<u>MINIMUM HOLDING TANK CAPACITY (IN GALLONS)</u>
<u>8 HOURS PER DAY – 40 HOURS PER WEEK</u>	
<u>1</u>	<u>125</u>
<u>2-3</u>	<u>250</u>
<u>4-5</u>	<u>500</u>
<u>6-7</u>	<u>750</u>
<u>over 7</u>	<u>Add 125 gallons for each additional person</u>



(k) Portable hand washing facilities shall be self-contained and have access to a fresh water compartment and a wastewater compartment. A sign shall be posted near the hand washing apparatus to advise users that the water is not for drinking.

(l) Portable hand washing facilities shall be provided in a proportion of one hand wash facility to every ten portable restrooms required, and shall be provided at special events and remote locations where food is served or picnic areas are provided. With the exception of locations where food is served, hand sanitizers may be used in lieu of hand washing facilities, at the option of the applicant.

(m) The number and location of portable restroom and hand washing facilities for food handlers at special events shall be based on this section or applicable local or state food hygiene requirements, whichever is greater.

(n) An applicant for a holding tank installation permit shall provide to the county health department a copy of a contract with a permitted disposal company that states the holding tank capacity and the scheduled pumping frequency.

(o) All stationery holding tanks shall be constructed in compliance with the construction standards for treatment receptacles in Rule 64E-6.013, F.A.C.

(p) Portable holding tanks shall meet the following requirements:

1. The total effective capacity of the portable holding tank shall not exceed 300 gallons;

2. No portion of the portable holding tank shall be more than 12 inches below the surface of the ground;

3. The portable holding tank shall be used for a construction site or temporary use;

4. The portable holding tank shall be rigid, water-tight, impervious;

5. Polyethylene holding tanks shall meet the requirements of International Association of Plumbing and Mechanical Officials (IAPMO) PS 1-93, Paragraph 5.4 "Polyethylene", herein incorporated by reference. Where the requirements of IAPMO PS 1-93 Paragraph 5.4 "Polyethylene" conflict with the standards in this section, the standards in this section shall apply;

6. Multiple portable holding tanks, if used, shall be connected in such a manner that leakage from one tank will not result in the loss of any liquid from any other tanks, and;

7. The holding tank shall be removed from the site when no longer needed.

(p) Holding tanks shall be serviced at least weekly to prevent insanitary conditions.

(q) Table PR III shall be used to determine the required total capacity of holding tanks serving a remote location, construction site, or special event. The values from Table PR III shall be adjusted proportionately to the number of times per week the holding tank will be emptied.

(r) Persons servicing portable restrooms, portable hand washing facilities and holding tanks shall obtain an annual permit on Form DH 4013, 01/92, Operating Permit, herein incorporated by reference, from the county health department in the county in which the service company has an office or storage yard. Permits issued under this section authorize the disposal service to handle liquid waste associated with portable restrooms, portable hand washing facilities and holding tanks containing domestic wastewater produced in the State of Florida.

(s) Application for a service permit shall be made to the county health department on Form DH 4012, 01/92, "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" herein incorporated by reference, which may be obtained by contacting the department. The following must be provided for the evaluation prior to issuance of a service permit:

1. The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.

2. The proposed disposal method and the site to be used for disposing of the waste.

(t) The following equipment, maintenance and service requirements shall be complied with:

1. Vehicles used for servicing portable restrooms shall be provided with two separate tanks or a dual compartment tank. One compartment or tank shall be used for receiving and removing wastes and the other shall be used for clean water storage and shall have adequate capacity to allow proper cleaning of each serviced unit. Vehicles servicing holding tanks shall be equipped with a tank for receiving and removing wastes. The waste tank on all vehicles servicing portable restrooms or holding tanks shall be equipped with a suction hose having a cut-off valve not more than 36 inches from the intake end.

2. Standby portable restroom and holding tank service equipment shall be available for use during breakdowns or emergencies. If equipment from another approved service is to be used for stand-by purposes, a written agreement between the services must be provided to the county health department.

3. The waste storage compartment of a tank truck shall be maintained as necessary to prevent the creation of sanitary nuisance conditions.

(t) Holding tank, portable restroom, and portable hand sink wastes shall be disposed of into a septage treatment and disposal facility approved by the department or into a treatment facility approved or permitted for such disposal by the Department of Environmental Protection. These wastes shall be land applied under provisions of subsection 64E-6.010(7), F.A.C., provided an approved DEP treatment facility is not available. Companies which service holding tanks or portable

restrooms which use quaternary ammonium sanitizing and deodorizing compounds are prohibited from having the wastes treated or disposed of at lime stabilization facilities.

(u) When disposed of in a department approved lime stabilization facility, the portable restroom, portable hand washing and holding tank wastes shall be blended with domestic septage at a rate of no less than 3 parts septage to 1 part holding tank, portable restroom or portable hand washing facility waste prior to lime stabilization. Treatment and disposal shall comply with the provisions of paragraphs 64E-6.010(7)(a)-(u), F.A.C.

(v) Contents of portable restrooms and holding tanks shall be removed in their entirety when pumped.

(w) Persons who own portable restrooms but are not a permitted service company shall maintain a service contract with a permitted service company for every portable restroom in use. The name and telephone number of the owner shall be displayed on every portable restroom in use.

(8) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.04 FS. History—New \_\_\_\_\_.

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit shall be installed, operated and maintained in conformance with the following provisions:

(1) Aerobic systems designed to treat up to 1500 gallons of sewage waste per day shall be listed by a third party certifying program approved by the State Health Office. Aerobic treatment units shall be in compliance with standards for Class I systems as defined by ANSI/NSF International Standard Number 40, revised July 2000 ~~1990~~, herein hereby incorporated by reference. An approved third party certifying program shall comply with the following provisions in order for units which it has certified to be approved for use in Florida:

(2) through (5) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, Part I 386 FS. History—New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97, 4-21-02, 6-18-03, \_\_\_\_\_.

64E-6.013 Construction Materials and Standards for Treatment Receptacles.

(1) through (2) No change.

(3) Onsite wastewater treatment receptacle design approval. All onsite wastewater treatment receptacles distributed in the state shall be approved for use by the

department prior to being offered for sale or installed. Such approval shall not be obtained until the manufacturer of a specific tank model has submitted the following:

(a) through (e) No change.

(f) There shall be ~~two~~ four tank design classifications. The following criteria shall be used for each category:

~~1. Category 1 tanks shall be designed for unsaturated soil. The design shall provide for 6 inches of dry soil cover over the top of the tank. Dry soil density shall be 100 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50.~~

~~2. Category 2 tanks shall be designed for partially saturated soil with the saturation at 31 inches below the outlet invert. The design shall provide for 6 inches of wet soil cover over the top of the tank. Wet soil density shall be 110 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50.~~

~~1.3.~~ Category 3 tanks shall be designed for saturated soil with the saturation at the top of the tank surface. The design shall provide for 6 inches of wet soil cover over the top of the tank. Soil cover shall be limited to 18 inches over the top of the tank lid. Wet soil density shall be 110 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50.

~~2.4.~~ Category 4 tanks shall be designed for saturated soil with the saturation at the top of the tank surface. The design shall provide for 48 inches of wet soil cover over the top of the tank. Wet soil density shall be 110 pounds per cubic foot. The lateral earth pressure coefficient (K) shall be no less than 0.50. Where a tank will be placed with greater than 48 inches of soil over the top of the tank, an engineer registered in the state of Florida shall design the tank.

~~(g) Soil cover shall be limited to 18 inches over the top of the tank lid. An additional 12 inches of soil cover shall be allowed for each increase in tank category when using a higher category tank in a lower tank category condition.~~

(h) through (j) renumbered (g) through (i) No change.

(4) No change.

(5) Onsite wastewater treatment manufacturer's yearly inspection. Yearly inspection of the manufacturer's facility shall consist of the following:

(a) through (b) No change.

(c) Verify that the necessary tests are being conducted by a certified testing lab or by a technician certified by the ACI. The preparation of the test specimens shall be performed by certified third party testing laboratory personnel; or manufacturers, or their employees, that have successfully passed the ACI certification program. Each manufacturer shall submit a minimum of three cylinders per year. The specimens shall be taken from a production mix.

(d) through (k) No change.

(l) Examination of the manufacturer’s receipts for material used during the previous year. Tank manufacturers shall retain all receipts from the previous year for material used in the manufacture of treatment receptacles and make them available for inspection. Yearly inspection shall be performed by an employee of the department that has been certified in accordance with the policy entitled “Test Requirements for Structural Proofing, August 1999”. A report shall be submitted to the State Health Office.

(6) through (9) No change.

(10) Pump tanks and pumps – when used as part of an onsite sewage treatment and disposal system, the following requirements shall apply to all pump tanks manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) through (b) No change.

(c) The electrical conduit and effluent dosing pipe shall exit the dosing chamber through the tank outlet using plumbing fittings and reducers to produce a watertight seal or, when risers are used, the electrical line and the effluent dosing pipe may penetrate the riser wall provided the penetration is above the seasonal high water table elevation and there is a soil-tight seal around the penetrations. When the top of the dosing tank is placed more than 8 inches below the finished grade, risers shall be used to provide access within 8 inches of the finished grade. Where risers are used, risers shall be attached to the tank in accordance with paragraph 64E-6.013(2)(i), F.A.C. The unused tank outlet shall be sealed with a length of capped PVC pipe installed in accordance with paragraph 64E-6.013(2)(f), F.A.C.

(d)(e) No change.

(11) through (12) No change.

~~(13) Effective dates Except at noted herein, all provisions of this section are effective immediately.~~

~~(a) Tanks that have been approved prior to the effective date of this rule must comply with paragraphs 64E-6.013(2)(f) and (i), and 64E-6.013(6)(h), F.A.C., as of August 1, 2000 and must be reapproved for use in compliance with this entire section no later than March 22, 2002.~~

~~(b) Tank designs that have not been reapproved as of March 22, 2002 shall not be used as part of an onsite sewage treatment and disposal system.~~

~~(13)(14) No change.~~

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.55, Amended 3-17-92, 1-3-95, Formerly 10D-6.055, Amended 11-19-97, 2-3-98, 3-22-00, 4-21-02,

64E-6.014 Construction Standards for Drainfield Systems.

(1) Distribution box – where distribution boxes are used for distributing sewage from the septic tank or other waste receptacle to the drainfield lines, the following requirements shall be adhered to:

(a) through (c) No change.

(d) ~~The distribution box shall be built as an integral part of the septic tank or shall be a separate unit from the septic tank and shall be set level on solid ground or in mineral aggregate and anchored in the drainfield.~~

(2) through (6) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.56, Amended 3-17-92, 1-3-95, Formerly 10D-6.056, Amended 2-3-98, 3-22-00, \_\_\_\_\_.

64E-6.015 Permitting and Construction of Repairs.

(1) through (5) No change.

(6) Construction materials used in system repairs shall be of the same quality as those required for new system construction. Aggregate and soil in spoil material from drainfield repairs shall not be used in system repair in any manner. Undamaged infiltration units, pipes and mechanical components may be reused on the original site. Any spoil material taken off site shall be disposed of in a permitted landfill or shall be limed and stockpiled for at least 30 days to prevent a sanitary nuisance. Offsite spoil material stockpile areas shall meet the prohibition requirements of subsection 62-701.300(2), F.A.C. The resulting lime-treated material shall not be used for drainfield repair, or construction of any onsite sewage treatment and disposal system. Any use of the lime treated material shall not cause a violation of Chapter 386, F.S., and shall not impair groundwater or surface water. Mineral aggregate and soil in spoil material may, at the option of the septic tank contractor and the property owner, be buried on site if limed before burial. Lime amount must be sufficient to preclude a sanitary nuisance. Depth of seasonal high water table to the spoil material must be at least six inches. Setbacks for buried spoil material shall be the same as for onsite sewage treatment and disposal system drainfields. A minimum of six inches of slightly or moderately limited soil shall cover the spoil material and shall extend to at least five feet around the perimeter of the burial site. Any failing system shall, at a minimum, be repaired in accordance with the following criteria:

(a) System repairs shall comply with minimum setbacks and separations as specified in Rule 64E-6.005, F.A.C. If current required setbacks and separations cannot be met, lesser setbacks as specified in Table V shall be maintained. For repairs only, if current required setbacks given below cannot be attained, absolute minimum setbacks shall be met. When site conditions exist which allow either absolute or current required setbacks to various features, current required setbacks shall be maintained from features with the highest protection factor. Setbacks to features with lower protection factors shall be reduced to the maximum setback or separation attainable, with no less than the absolute minimum setback allowed. A standard gravity flow system is to be used when possible to achieve the appropriate separations of absorption surface to seasonal high water and effective soil depth.

TABLE V Repair System Setback Requirements

Permit Date of Original System	Description of Setback (Separation)	Protection Factor	Current Required Setback	Absolute Minimum Setback
Prior to 1-1-72	System to a Private Potable Well	6	75 feet	Greatest of the Following: a) Maximum Setback (<75 feet and >50 feet) b) Original Setback (if >50 feet) c) 50 feet
	Bottom of Drainfield Absorption Surface to Wet Season Water Table	5	24 inches	Greatest of the Following: a) Maximum Separation (>6 inches) b) Original Separation (if >6 inches) c) 6 inches
	Effective Soil Depth	5	42 inches	Greatest of the Following: a) 24 inches b) Maximum Separation (>12 inches) c) 12 inches
	System to Surface Water	4	50 feet	Greatest of the Following: a) Maximum Setback (>25 feet and <50 feet) b) Original Setback (if >25 feet) c) 25 feet

	System to Non-Potable Well	3	50 feet	Greatest of the Following: a) Maximum Setback (>25 feet and <50 feet) b) Original Setback (if >25 feet) c) 25 feet
	Drainfield Sidewall to Start of Slope	2	<u>4</u> <del>5</del> feet	Greatest of the Following: a) Maximum Separation (>2.5 feet) b) 2.5 feet
	System to Property Line or Building Foundation	1	5 feet	Greatest of the Following: a) Maximum Setback (>2 feet) b) 2 feet
1-1-72 to 12-31-82	System to a Private Potable Well	6	75 feet	Greatest of the Following: a) Maximum Setback (<75 feet and >50 feet) b) Original Setback (if >50 feet) c) 50 feet
	Bottom of Drainfield Absorption Surface to Wet Season Water Table	5	24 inches	Greatest of the Following: a) Maximum Separation (<24 inches and >6 inches) b) Original Separation (if >6 inches) c) 6 inches

	Effective Soil Depth	5	42 inches	Greatest of the Following: a) 36 inches b) Maximum Separation (>24 inches) c) 24 inches
	System to Surface Water	4	75 feet	Greatest of the Following: a) Maximum Setback (<75 feet and >50 feet) b) Original Setback (if >50 feet) c) 50 feet
	System to Non-Potable Well	3	50 feet	Greatest of the Following: a) Maximum feet and >25Setback (<50 feet) b) Original Setback (if >25 feet) c) 25 feet
	Drainfield Sidewall to Start of Slope	2	<del>4</del> 5 feet	Greatest of the Following: a) Maximum Separation (>3 feet) b) 3 feet
	System to Property Line or Building Foundation	1	5 feet	Greatest of the Following: a) Maximum Setback (>2 feet) b) 2 feet
1-1-83 to Present	System to a Private Potable Well	6	75 feet	75 feet

Bottom of Drainfield Absorption Surface to Wet Season Water Table	5	24 inches	Greatest of the Following: a) Existing elevation (>12 inches) b) 12 inches
Effective Soil Depth	5	42 inches	Greatest of the Following: a) Maximum Separation (>36 inches) b) 36 inches
System to Surface Water	4	75 feet	Greatest of the Following: a) Maximum Setback (if >50 feet) b) 50 feet
System to Non-Potable Well	3	50 feet	50 feet
Drainfield Sidewall to Start of Slope	2	<u>4 5</u> feet	<u>4 5</u> feet
System to Property Line or Building Foundation	1	5 feet	Greatest of the Following: a) Maximum Setback (if >2 feet) b) 2 feet

Footnotes to Table V:

1. For sites which contain oolitic limestone, the minimum effective soil depth shall be 12 inches regardless of the date the original system was installed provided that the wet season water table is a minimum of 4 feet below the bottom surface of the drainfield.

2. Where severely limited soil underlies the drainfield, soil removal and replacement shall be performed as per Footnote 3. to Table III.

- (b) through (i) No change.
- (7) through (12) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041 FS. History—New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0571, Amended 2-3-98, 3-22-00,\_\_\_\_\_.

64E-6.0151 Additive Use.

(1) No change.

(2) If the Department determines an onsite sewage treatment and disposal system additive or drainfield conditioner or restorative product is not in compliance with the criteria in Rule 64E-6.0151, F.A.C., the Department shall notify the product manufacturer of the items in non-compliance. The product shall be allowed to be continued for sale and use in Florida for a maximum of 90 days from date of receipt of notification of violation. This is to allow the manufacturer an opportunity to exhibit to the department that the product satisfactorily complies with the conditions of Section 381.0065(4)(m), F.S., and this rule. In attempting to demonstrate compliance with Section 381.0065(4)(m), F.S., and this rule, the manufacturer shall provide at a minimum the following information:

(a) A listing of all physical, chemical, biological or other agents which make up the additive, conditioner or restorative and provide toxicity information for each component. This information shall include trade names, chemical names, and concentrations of all individual or complexed components and the Material Safety Data Sheet (MSDS) for the product. Any trade secret will be treated according to Section 381.83, F.S.

(b) No change.

(c) Test results from a State or EPA-certified laboratory demonstrating Evidence which demonstrates that use of the additive, drainfield conditioner or restorative product will not result in violations of surface water or groundwater standards in Rule 64E-6.0151, F.A.C. Tests shall be conducted on the product as sold and the test results shall include:

1. Acute Definitive Toxicity test [96 hour LC<sub>50</sub>] according to EPA Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA-821-R-02-012), October 2002, herein incorporated by reference, for *Pimephales promelas* (fathead minnow) or any of the following species: *Ceriodaphnia dubia* (daphnid),

*Cyprinella leedsi* (bannerfin shiner), *Daphnia pulex* and *Daphnia magna* (daphnids). The 96-hour LC<sub>50</sub> needs to bracket a toxicity concentration, and;

2. Chemical analysis showing the concentrations of Volatile Organic Compounds [EPA 8260] to a minimum detection level of 0.5 ug/L (ppb).

(d) A description of the anticipated use of the product in onsite sewage treatment and disposal systems. Where and how the product is to be applied, any exceptions to application guidelines, the frequency of applications, who is allowed to perform the applications, and the amount and concentration of product per application shall be included in the product description. When the product should not be used shall also be included in the description. The information provided shall include the manufacturer's recommended application rate of the product as it appears on the product label. Unless the product label provides other specifications, the department, for purposes of this evaluation, assumes that the application rate will be applied to a flow of 300 gallons per day into a 1000-gallon septic tank.

(e) through (g) No change.

(3) No change.

Specific Authority 154.06, 381.0011, 381.006, 381.0065(4)(m) FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065(4)(m), 381.00655, 381.0066, 381.0067, 386.041 FS. History—New 3-22-00, Amended\_\_\_\_\_.

64E-6.0181 Cesspit and Undocumented System Replacement and Interim System Use.

(1) through (2) No change.

(3) Interim systems standards shall be:

(a) A Class I aerobic treatment unit which meets the location, construction, maintenance and operational requirements of subparagraph 64E-6.0181(3)(a)1. or 2., F.A.C., and the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C.

1. No change.

2. Provided a Class I aerobic treatment unit is utilized and provided effluent from the treatment unit, prior to discharge into an injection well, is passed through a mineral aggregate filter unit as described in subparagraph 64E-6.0181(3)(a)2., F.A.C., or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability, an injection well shall be approved in compliance with the following:

a. through d. No change.

e. If a mineral aggregate filter as referred to in subparagraph 64E-6.0181(3)(a)2., F.A.C., is utilized, effluent discharge from the aerobic unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, Rule 64E-6.014, F.A.C. Such distribution system shall be placed within the walls of the mineral aggregate filter, ~~shall have at least 4 inches of soil cover and~~



shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 2.36 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The system designer may specify additional layers of filter material above or below the required 24-inch layer of filter material. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub-paragraph. If the filter is not sealed with a lid meeting the requirements of paragraph 64E-6.013(1)(g), F.A.C., the filter shall be capped with a layer of slightly limited soil no less than 6 nor more than 12 inches thick.

f. through k. No change.

(b) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 386.01, 386.03, 386.041 FS., Ch. 2001-337, LOF. History—New 3-3-98, Amended 3-22-00, 4-21-02,\_\_\_\_\_.

64E-6.021 Issuance of Registration Certificates and Renewal.

(1) through (4) No change.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, July 2003 August 2004, herein incorporated by reference.

(6) A registered septic tank contractor that becomes incarcerated while serving a prison sentence cannot advertise or provide septic tank contracting services until proof of release of incarceration is provided to the department. A registered septic tank contractor participating in a work release program must provide legal documentation of their participation in order to advertise or provide septic tank contracting services.

(7) All advertisements for septic tank contracting services shall include the qualifying contractor's registration number or business authorization number.

(8)(6) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041, Part III 489 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended 3-22-00, 4-21-02,\_\_\_\_\_.

64E-6.022 Standards of Practice and Disciplinary Guidelines.

(1) It shall be the responsibility of persons registered under this rule to see that work for which they have contracted and which has been performed by them or under their supervision

is carried out in conformance with the requirements of all applicable Florida Statutes and Chapter 64E-6, F.A.C. The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in this section. The penalties listed shall be used as guidelines following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this section.

(a) Providing contracted services without obtaining registration from the department, failure to obtain a certificate of authorization for a firm which provides contracted services, acting under a name not registered or authorized by the department. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine, or revocation.

(b) Permit violations.

1. Contractor initiates work to install, modify, or repair a system when no permit has been issued by the department. A permit is issued after construction is started but prior to completion of the contracted work. No inspections are missed. First violation, letter of warning or fine up to \$500 fine; repeat violation, \$500 fine and 90 day suspension or revocation.

2. Contracted work is completed without a permit having been issued, or no permit application is received until after contracted work was completed, resulting in missed inspection or inspections. First violation, letter of warning or fine up to \$1000 fine; repeat violation, revocation.

(c) Contracting with a delinquent registration. First violation, letter of warning or fine up to \$500 \$250 fine; repeat violation, \$500 fine or revocation.

(d) Failure to call for required inspections. First violation, letter of warning or fine up to \$500 \$250 fine; repeat violation, letter of warning or fine up to \$500 fine and 90 day suspension or revocation.

(e) False payment statements which are the result of assessing charges to a customer for work not performed. First violation, letter of warning or fine up to \$500 fine; repeat violation, \$500 fine and one year suspension or revocation.

(f) Failure Misconduct by failure to reasonably honor a written warranty. First violation, letter of warning or fine up to \$500 fine; repeat violations, \$500 fine and one year suspension or revocation.

(g) Abandoning for 30 consecutive days, without good cause, a project in which the contractor is engaged or under contractual obligation to perform. First violation, letter of warning or fine up to \$500 fine; repeat violation, revocation.

(h) Aiding or abetting evasion of Chapter 489, F.S. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(i) through (j) No change.

(k) Practicing fraud or deceit, making misleading or untrue representations. First violation, letter of warning or fine up to \$500 fine; repeat violation, revocation.

(l) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to a customer, or physical harm to any person. First violation, letter of warning or fine up to \$500 fine; repeat violation, \$500 fine and 90 day suspension or revocation.

2. Causes monetary or other harm to a customer, or physical harm to any person. First violation, letter of warning or fine up to \$500 fine and 90 day suspension; repeat violation, \$500 fine and revocation.

(m) Operating a septage disposal service without a valid department operating permit. First violation, letter of warning or fine up to \$500 fine; repeat violation, revocation.

(n) Failure to properly treat or properly dispose of septage, holding tank waste, portable restroom waste, or food service sludge. First violation, letter of warning or fine up to \$500 fine per violation of Rule 64E-6.010, F.A.C.; repeat violation, revocation.

(o) Failure to maintain completed records of septage treatment and disposal activities. First violation, letter of warning or fine up to \$500 \$250 fine; repeat violation, \$500 fine and 90 day suspension or revocation.

(p) Installation, modification, or repair of an onsite sewage treatment and disposal system in violation of the standards of Section 381.0065 or 381.00655, F.S., or Chapter 64E-6, F.A.C. First violation, letter of warning or fine up to \$500 per specific standard violated; repeat violation, 90 day suspension or revocation.

(q) Creation or maintenance of a sanitary nuisance as defined by Section 386.041, F.S. First violation, letter of warning or fine up to \$500 fine; repeat violation, 90 day suspension or revocation.

(r) Falsifying an inspection report or covering a system in violation of the standards of Rule 64E-6.003, F.A.C. First violation, letter of warning or fine up to \$500 fine; repeat violation, 90 day suspension of master septic tank contractor privileges or revocation of registration.

(s) Advertising septic tank contracting services without the required business authorization number or qualifying septic tank contractor's registration number. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine or suspension or revocation of registration.

(t) Performing service on an onsite sewage disposal system that is clearly not necessary to improve the function or design of the system without notifying the property owner that such work is optional. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(u)(s) The absence of any violation from this section shall be viewed as an oversight, and shall not be construed as an indication that no penalty is to be assessed.

(2) through (5) No change.

Specific Authority 154.06(1), 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(2),(3), ~~489.556~~, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011(4), 381.0012, 381.006, 381.0061, 381.0065, 381.0067, Part I 386, Part III 489.553 FS. History--New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0751, Amended 2-3-98,\_\_\_\_\_.

64E-6.023 Certification of Partnerships and Corporations.  
(1) through (5) No change.

(6) All advertisements for septic tank contracting services that include the name of the business shall include the business authorization number or the qualifying contractor's registration number.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489 FS. History--New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended 4-21-02,\_\_\_\_\_.

64E-6.030 Fees.

(1) The following fees are required to accompany applications for site evaluations, construction, modifications to existing systems or repair permits, and other services provided by the department.

- (a) Application for permitting of an onsite sewage treatment and disposal system, which includes application and plan review \$ 50 25
- (b) Application and approval for existing system, does not include system inspection. \$ 35
- (c)(b) Application for permitting of a new performance-based treatment system \$ 125
- (d)(e) Site evaluation for a new system, system repair or modification which includes an evaluation of criteria specified in subsection 64E-6.004(3), F.A.C. \$ 115 60
- (d) Site evaluation for a system repair which includes an evaluation of criteria specified in subsection 64E-6.015(1), F.A.C., or modification of a system \$ 40
- (e) Site re-evaluation, new or repair, or modification of a system \$ 80 40
- (f) Permit or permit amendment for new system, or modification to system \$ 110 55
- (g) New system or modification of a system installation inspection \$ 110 55

The following research fee is to be collected in addition to, and concurrent with the permit for a new system installation fee \$ 5

- (h) Repair permit issuance, which includes inspection \$ 50
- (i) Inspection of existing system ~~System Previously in Use~~, does not include modifications to system \$ 75 50
- (j) Reinspection fee per visit for site inspections after system construction approval \$ 50 25
- (k) Installation reinspection for non-compliant system per each site visit \$ 50 25

(l) System abandonment permit, includes permit issuance and inspection	\$ <del>80</del> 40
(m) Annual operating permit fee for systems in industrial, manufacturing, and equivalent areas, and for systems receiving commercial sewage waste	\$150
Amendments or changes to the operating permit during the permit period per change or amendment	\$ <del>50</del> 25
(n) Aerobic treatment unit biennial operating permit	\$100
(o) Biennial operating permit fee for performance-based treatment system.	
A prorated fee is to be charged beginning with second year of operation.	\$100
(p) Review of application due to proposed amendments or changes after initial operating permit issuance for a performance-based treatment system.	\$ 75
(q) Tank Manufacturer’s Inspection per annum	\$ <del>200</del> 400
(r) Septage Disposal Service permit per annum	\$ <del>100</del> 50
Additional charge per pumpout vehicle	\$ <del>50</del> 25
(s) Portable or Temporary Toilet Service permit per annum	\$ <del>100</del> 50
Additional charge per pumpout vehicle	\$ <del>50</del> 25
(t) Septage stabilization facility inspection fee per annum per facility	\$ <del>200</del> 450
(u) Septage disposal site evaluation fee per annum	\$ <del>200</del> 400
(v) Aerobic treatment unit maintenance entity permit per annum	\$ <del>50</del> 25
(w) Variance Application for a single family residence per each lot or building site	\$150
(x) Variance Application for a multi-family or commercial building per each building site	\$200
(y) Application for innovative product approval	\$500
(2) through (3) No change.	

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 381.0066, 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0066, 381.0067, 386.041, 489.553, 489.554, 489.555, 489.557 FS. History—New 2-3-98, Amended 3-22-00, 4-21-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dale Holcomb  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2003

**DEPARTMENT OF HEALTH**

**Division of Family Health**

RULE CHAPTER TITLE: School Health Services  
 RULE CHAPTER NO: 64F-6

RULE TITLE: Screening  
 RULE NO.: 64F-6.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to redistribute required school health screenings across grades to more effectively meet the health needs of students as they progress through the growth and development continuum, and to distribute the screening workload more evenly among school health staff in the various school levels. Section 381.0056(5)(f)-(i), Florida Statutes, requires that vision, hearing, growth and development, and scoliosis screenings be provided to Florida school children. Currently, Rule 64F-6.003, F.A.C. Screening designates that the majority of these screenings be done during elementary school. Data from the Department of Health Clinic Management System and observations from school health professionals in the field indicate the need for increased screening of preventable health conditions during middle school. Evidence also indicates the need to shift scoliosis screening from seventh to six grade for earlier detection of this condition, concurrent with earlier adolescent maturation, scoliosis onset, and the opportunity for successful non-surgical corrective measures. The effect of these changes to the school health services screening schedule will be to better meet the health screening needs of Florida school children, and increase the ability of school health staff to efficiently and effectively screen the increasing numbers of enrolled elementary, middle and high school students.

SUMMARY: The proposed rule amendment will: (1) more effectively screen for scoliosis; (2) spread the school health screening burden across school levels; and (3) detect vision, and growth and development problems previously undetected in third and sixth grades.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There will be no additional regulatory costs to monitor implementation of revisions to Rule 64F-6.003, F.A.C. Current and proposed school health screenings are monitored through the Department of Health, Health Management Component database. It is anticipated that a maximum of \$402, 335 in screener staff time may be expended only during the first year of implementation when the sixth and seventh grade scoliosis screenings will overlap for one year. This cost will be absorbed through the 67 county health departments and school districts, and not constitute undue financial hardship for any one entity.

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

SPECIFIC AUTHORITY: 381.0056(8) FS.

LAW IMPLEMENTED: 381.0056(5)(f)-(i) FS.

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

TIME AND DATE: 2:00 p.m., February 18, 2004  
 PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sylvia Byrd, Executive Community Health Nursing Director, Department of Health, Division of Family Health, Bureau of Family and Community Health, School Health Services, 4052 Bald Cypress Way, Bin A13, Tallahassee, FL 32399-1723, (850)245-4445, E-mail: HSF\_SH\_Feedback@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-6.003 Screening.

(1) Vision ~~and hearing~~ screening shall be provided, at a minimum, to students in grades kindergarten, 1, 3, and 6 7, and students entering Florida schools for the first time in grades kindergarten through 5.

(2) Hearing screening shall be provided, at a minimum, to students in grades kindergarten, 1, and 6; to and students entering Florida schools for the first time in grades kindergarten through 5; and optionally to students in grade 3.

(3)(2) Growth and development screening shall be provided, at a minimum, to students in grades 1, kindergarten, through 3, 6 and optionally 9. Growth and development screenings shall be documented on Department of Health, School Health Services designated growth charts as made available by the Department of Health, Forms Distribution Warehouse or the Centers for Disease Control and Prevention, or equivalent form.

(4)(3) Scoliosis screening shall be provided, at a minimum, to students in grade 6 7, and in additional grades for students exhibiting indications of scoliosis, or in accordance with the approved school health services plan.

(5)(4) In those schools with Supplemental School Health Services, also referred to as Comprehensive School Health Services, expanded screening services shall be provided in accordance with the approved school health services plan to add additional grades or types of screenings over and above those screenings and grade levels specified in subsections (1), (2), 3, and (4)(3) above.

Specific Authority 381.0056(8) FS. Law Implemented 381.0056(3)(a)-(5)(f)-(i) FS. History—New 3-10-85, Formerly 10D-84.16, Amended 4-6-94, Formerly 10D-84.016, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sylvia Byrd, Executive Community Health Nursing Director, Department of Health, Division of Family Health, Bureau of Family and Community Health, School Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonita J. Sorensen, M.D., M.B.A., Deputy State Health Officer, Department of Health  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-2.001	Definitions
5B-2.002	Registering with the Division

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 50, December 12, 2003, issue of the Florida Administrative Weekly.

Text of proposed rule change is:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) through (5) No change.

(6) Outlet. A nursery, stock dealer, ~~stock dealer garden center~~, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

(7) through (8) No change.

~~(9) Stock Dealer Garden Center. A stock dealer who maintains nursery stock as part of a home improvement store or other store selling garden supplies.~~

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, 8-26-03, \_\_\_\_\_.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, cut flowers, cut fern, cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

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