

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Permitting and Inspection

Requirements for Amusement
Devices and Attractions 5F-8

RULE TITLES: RULE NOS.:

Bureau of Fair Rides Inspection Forms 5F-8.0012
Application For Annual Permit,

USAID Number 5F-8.002

Qualified Inspectors 5F-8.003

Nondestructive Testing of Amusement Rides 5F-8.004

Request for Inspections, Reinspections 5F-8.005

Inspection Standards 5F-8.0051

Inspection by Owner or Manager 5F-8.009

Fees 5F-8.012

Training of Attendants, Manager,
and Maintenance Persons 5F-8.014

Reporting of Accidents and Mechanical,
Structural or Electrical Defects 5F-8.0142

Exempt Nonmotorized or Human
Powered Amusement Rides 5F-8.024

PURPOSE AND EFFECT: The purpose of this proposed rule is to adopt new inspection forms for the Bureau of Fair Rides Inspection, simplify language regarding Qualified Inspectors, add an exemption for a human powered amusement ride, increase certain inspection and permit fees to capture the cost of performing the services, and increase inspection revenues to conform to applicable law, Section 616.242(8), Florida Statutes, which requires that the fees charged for inspection and permitting of amusement rides must cover the program costs that are not covered by general revenue appropriations and that those fees shall be established by rule.

SUBJECT AREA TO BE ADDRESSED: Chapter 5F-8, Florida Administrative Code, the Department of Agriculture and Consumer Services rule regarding the inspection and permitting amusement rides.

SPECIFIC AUTHORITY: 616.165,616.242(4)(b) FS.

LAW IMPLEMENTED: 616.165, 616.242(4)(b), 616.242(1)(p),(q), 616.242(8), 616.242(10) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, February 15, 2005

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Isadore Rommes, Bureau Chief, Bureau of Fair Ride Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.0012 Bureau of Fair Rides Inspection Forms.

The following forms are adopted by this reference for use by the Bureau of Fair Rides Inspection in the amusement ride inspection program.

Form Number	Revised	Title
DACS 03401	9/98	Bureau of Fair Rides Inspection Invoice
DACS 0341902	11/04 9/98	Amusement Ride Inspection Report Form
DACS 0342803	11/04 9/98	Suggested Written Accident Report
DACS 0342004	11/04 9/98	Water Park Amusement Ride Inspection Report
DACS 0342105	11/04 9/98	Go Kart Amusement Ride Inspection Report (Track)
DACS 03422	11/05	Go Kart Amusement Ride Inspection Report (Vehicle)
DACS 0342306	11/04 9/98	Bungy Jump Inspection Report
DACS 0342407	11/04 9/98	Owner's Daily Inspection Report (Carnival Type)
DACS 03425	11/04	Owner's Daily Inspection Report (Water Park)
DACS 03426	11/04	Owner's Daily Inspection Report (Go Kart Track and Vehicle)
DACS 03427	11/04	Owner's Daily Inspection Report (Bungy)
DACS 0343008	11/04 9/98	Mechanical, Structural or Electrical Defect Report
DACS 03409	9/98	Amusement Ride List for Affidavit of Annual-Inspection for Exempt Facilities Inspection Report
DACS 0342910	11/04 9/98	Request for Inspection or Reinspection
DACS 03411	9/98	Amusement Ride List for Annual Permit Application
DACS 0343212	11/04 9/98	Amusement Ride Annual Permit Application
DACS 0343113	11/04 9/98	Maintenance & Operation Employee's Training Record

DACS 0343314	11/04 9/98	Affidavit of <u>Compliance and Nondestructive Testing</u>
DACS 0343415	11/04 9/98	Affidavit of Annual Inspection for Exempt Facilities
DACS 03416	9/98	Affidavit of Compliance
DACS 03417	9/98	Amusement Ride List Affidavit of Nondestructive Testing

(2) No change.

Specific Authority 616.165, 616.242(4),(5),(6),(7),(10),(11),(14),(15),(16) FS. Law Implemented 616.242 FS. History--New 2-14-99, Amended.

5F-8.002 Application for Annual Permit, USAID Number.

(1) The owner of an amusement ride shall make written application to the department for an annual permit for each amusement ride in accordance with Section 616.242(5), F.S., on department form DACS 0343212, Amusement Ride Annual Permit Application.

(2) The current Affidavit of Compliance required by Section 616.242(4), F.S., shall be submitted with the written application for an annual permit on department form DACS 0343316, Affidavit of Compliance and Nondestructive Testing.

(3) The current Affidavit of Nondestructive Testing required by Section 616.242(6)(a), F.S., shall be submitted with the written application for an annual permit on department form DACS 0343314, Affidavit of Compliance and Nondestructive Testing, unless the amusement ride is exempt pursuant to Section 616.242(6)(d), F.S.

(4) The request for inspection required by Section 616.242(5)(b)6., F.S., shall be submitted on department form DACS 0342910, Request for Inspection or Reinspection, with the written application for an annual permit.

(5) No change.

Specific Authority 616.165, 616.242(5) FS. Law Implemented 616.242 FS. History--New 9-15-92, Amended 2-23-94, 2-14-99, _____.

5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a qualified inspector for an insurance underwriter and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the annual permit shall provide the department the following documents:

(a) through (d) No change.

(e) When ~~If~~ the applicant possesses the requisite qualifications the department will provide the applicant a qualified inspector number letter designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and Affidavit of Nondestructive testing required for the annual permit. ~~The and will assign~~ a qualified inspector number ~~which~~ shall be used when executing the required affidavits. ~~The letter of authorization and~~ qualified inspector number issued by the department to a qualified

inspector shall be valid for ~~up to~~ one year, so long as ~~if~~ the applicant ~~continuously~~ possesses the qualifications required by Section 616.242(1), F.S.

(f) through (g) No change.

(2) Each person seeking authorization to perform amusement ride inspection as a professional engineer (PE) and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the Annual Permit shall submit to the department a copy of his or her professional engineer's license issued by the Department of Business and Professional Regulation of the State of Florida or the equivalent licensing body in another state. Upon receipt of proof of current licensure the department will provide the applicant ~~a letter of authorization to act as a qualified inspector, and will assign~~ a qualified inspector number which shall be used when ~~executing any required affidavit, for the purpose of~~ executing the Affidavit of Compliance and Affidavit of Nondestructive testing required for the annual permit. ~~The letter of authorization and~~ qualified inspector number shall remain valid for ~~up to~~ one year, so long as ~~or until expiration of~~ the professional engineer's license remains in effect ~~and may be renewed upon presentation of the new professional engineer's license~~.

(3) When a qualified inspector or PE no longer ceases to ~~possesses~~ the qualifications required by Section 616.242(1), F.S., ~~the letter of authorization from the department shall be void, and~~ that person shall immediately notify the department, and shall ~~cease to act as a qualified inspector and surrender the letter of authorization back to the department~~.

Specific Authority 616.165, 616.242(3)(q),(5) FS. Law Implemented 616.242 FS. History--New 9-15-92, Amended 2-23-94, 2-14-99, 10-10-01, _____.

5F-8.004 Nondestructive Testing of Amusement Rides.

(1) Nondestructive testing of amusement rides shall be conducted in accordance with the requirements of Section 616.242(6), F.S., and shall be reported to the department for each amusement ride by the Qualified Inspector or PE on department form DACS 0343314, Affidavit of Compliance and Nondestructive Testing.

(2) No change.

Specific Authority 616.165, 616.242(4), (6) FS. Law Implemented 616.242 FS. History--New 9-15-92, Amended 9-21-93, 2-23-94, 2-14-99, _____.

5F-8.005 Request for Inspections, Reinspections.

(1) All requests for inspection or reinspection by the department shall be submitted to the Bureau of Fair Rides Inspection, in writing, at the Bureau's main office, identified in subsection 5F-8.0012(2), F.A.C., on department form DACS 0342910, Request for Inspection or Reinspection, in accordance with the requirements of Section 616.242(7), F.S. All requests for inspection or reinspection will be scheduled in the order received.

(2) through (9) No change.

Specific Authority 616.165, 616.242(7) FS. Law Implemented 616.241, 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, 11-4-02, _____.

5F-8.0051 Inspection Standards.

All amusement ride inspections shall be recorded by the inspector and reported to the department on the applicable department form: DACS 0341902 – Amusement Ride Inspection Report; DACS 0342004 – Water Park Amusement Ride Inspection Report; DACS 0342105 – Go Kart Amusement Ride ~~Track~~ Inspection Report (Track); DACS 03421 Go Kart Amusement Ride Inspection Report (Vehicle); DACS 0342306 – Bungy Jump Inspection Report.

Specific Authority 616.165, 616.242(11) FS. Law Implemented 616.242 FS. History—New 9-21-93, Amended 2-23-94, 2-14-99, _____.

5F-8.009 Inspections by Owner or Manager.

Prior to opening on each day of operation and prior to any inspection by the department the owner or manager of each amusement ride shall inspect the amusement ride in accordance with the requirements of Section 616.242(15), F.S., and record the inspection on the applicable department form DACS 0342407, Owner’s Daily Inspection Report (Carnival Type); DACS 03425, Owner’s Daily Inspection Report (Water Park); DACS 03426, Owner’s Daily Inspection Report (Go Kart Track and Vehicle); DACS 03427 Owner’s Daily Inspection Report (Bungy).

Specific Authority 616.165, 616.242(15) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, _____.

5F-8.012 Fees.

The following fees are adopted.

- (1) Annual Permit for any amusement ride: \$4300.00
- (2) Annual Permit for any Bungy jump: \$500.00
- (3) Inspection fee for each inspection of a kiddie amusement ride: \$35.00
- (4) Inspection fee for each inspection of a non kiddie amusement ride: \$70.00
- (5) Inspection fee for each inspection of a super amusement ride: \$140.00
- (6) Inspection fee per go kart, in addition to the track inspection fee: \$75.00
- (7) Reinspection Fee: \$5400.00
- (8) Fee to replace lost U.S. Amusement Identification (USAID) plate: \$100.00
- (9) Fee per amusement ride for late inspection request: \$100.00
- (10) Fee per amusement ride for failure to cancel inspection request: \$100.00
- (11) Additional Fee per amusement ride for inspection on weekend or state holiday: \$750.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History—New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-14-99, 3-21-00, 12-4-00, 1-22-02, _____.

5F-8.014 Training of Managers, Attendants and Maintenance Persons.

The owner or manager shall maintain the record of employee training required by Section 616.242(16), F.S., on department Form DACS 0343143, ~~Maintenance & Operation~~ Employee’s Training Record.

Specific Authority 616.165, 616.242(16) FS. Law Implemented 616.242 FS. History—New 7-31-94, Amended 2-14-99, _____.

5F-8.0142 Reporting of Accidents and Mechanical, Structural or Electrical Defects.

(1) Accidents shall be reported to the department in accordance with Section 616.242(14), F.S. Accidents may be reported in writing on department form DACS 0342803, ~~Suggested~~ Written Accident Report.

(2) Mechanical, Structural or Electrical defects shall be reported to the department, in writing, in accordance with Section 616.242(14), F.S., on department form DACS 0343008, Mechanical, Structural or Electrical Defect Report.

Specific Authority 616.165, 616.242(4)(b) FS. Law Implemented 616.242(14) FS. History—New 2-14-99, Amended _____.

5F-8.024 Exempt Nonmotorized or Human Powered Amusement Rides.

The following amusement rides, and those of comparable construction or function, are exempt from permitting and inspection by the Department pursuant to Section 616.242(10)(b), F.S., because they are nonmotorized or human powered.

(1) through (6) No change.

(7) Outdoor Maze or other comparable locale where the patron passes through a network of passages, without mechanical assistance, attempting to navigate through the area. The area is not covered or enclosed, except for the vegetation or other material used to define the passages within the maze.

Specific Authority 616.165, 616.242(4)(b),(10)(b) FS. Law Implemented 616.242 FS. History—New 10-10-01, Amended _____.

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.”

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions RULE NO.: 33-601.314
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge for inmates who establish a personal or business relationship with a staff member.

SUBJECT AREA TO BE ADDRESSED: Inmate disciplinary infractions.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Disciplinary	Maximum Disciplinary Actions
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SECTION 1 through SECTION 8 – No change.
SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1 through 9-34 No change.	
<u>9-35 Establishes or attempts to establish a personal or business relationship with any staff member</u>	60 DC + 180 GT

SECTION 10 through SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Determination of Credit When Inmate is Released in Error
RULE NO.: 33-601.604

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to describe when it is necessary to conduct a hearing concerning award of out-time credit.

SUBJECT AREA TO BE ADDRESSED: Out-time credit.

SPECIFIC AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.604 Determination of Credit When Inmate is Released in Error.

(1) When an inmate is released in error prior to satisfaction of the sentence, the facts surrounding the release will be collected by the Bureau of Sentence Structure and Transportation and the Bureau of Classification and Central Records.

(2) A preliminary determination will be made as to where the error occurred. If it is clear that an error was made on the part of the state, and there is no indication that the inmate reasonably should have known that the release was in error or before completion of sentence, the out time will be awarded without the need for hearing. The inmate will be interviewed by the classification staff to obtain the inmate's version of the release.

(3) If it appears the inmate reasonably should have known that the release was in error or before completion of sentence, a fact finding due process hearing will be held to determine if the inmate is due credit for the time out of custody.

(a) Credit will be applied if it is determined that the release involved no fault of the inmate.

(b) Credit will not be applied if it is determined that the inmate was aware of the error and made no attempt to notify the releasing authority.

(4) Credit will not be applied if the release in error was by another state's or federal jurisdiction.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275 FS. History--New 7-11-00, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Drivers
RULE NO.: 33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language that prevents the placement of some inmates in the work release program by deleting the requirement that an inmate must have been in an outside minimum custody assignment for 90 days prior to being selected for a work release job that involves driving an employer's vehicle.

SUBJECT AREA TO BE ADDRESSED: Inmate Drivers – Work Release.

SPECIFIC AUTHORITY: 944.09, 945.091 FS.
LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.605 Inmate Drivers.
- (1) through (2) No change.
- (3) Selection Criteria for Paid Employment Inmate Drivers.
- (a) through (b) No change.
- (c) The inmate must be in community custody ~~and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.~~
- (d) through (9) No change.

Specific Authority 944.09, 945.091. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History–New 8-29-00, Amended 1-1-01, 12-30-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Sex Offender Visiting Restrictions

RULE NO.: 33-601.720

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which sex offenders will not be allowed to visit with minors in accordance with Section 944.09(1)(n), F.S. The proposed rule directly states that both the conviction and specific offense criteria must be met before the visiting prohibition will apply.

SUBJECT AREA TO BE ADDRESSED: Sex offender visiting restrictions.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.720 Sex Offender Visiting Restrictions.
- (1) An inmate shall not be authorized to visit with any person seventeen years of age or younger if both paragraphs (a) and (b) below apply:
 - (a) If the inmate has a current or prior conviction under:
 1. Chapter 794, F.S. – sexual battery,
 2. Chapter 800, F.S. – lewdness; indecent exposure,
 3. Chapter 827, F.S. – abuse of children,
 4. Chapter 847, F.S. – obscene literature; profanity, and
 - (b) The offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to commit a sex act on or in the presence of, or against a person fifteen years old or younger.
 - (c) through (6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.707, Amended 5-29-03, 9-29-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force

RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add a provision to the use of force file checklist, Form DC1-813, requiring inclusion of 1 copy of the completed chemical agent accountability log for each canister used, reflecting the beginning and ending weights of the canister.

SUBJECT AREA TO BE ADDRESSED: Use of Force File.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-602.210 Use of Force.
- (1) through (19) No change.
- (20) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

PURPOSE AND EFFECT: The District is required by Chapter 373, Florida Statutes, to have a Water Shortage Plan. In 1984 the District adopted Chapter 40D-21, Water Shortage Plan, F.A.C. in accordance with this requirement. Since that time, the District has extensively used this Plan. The District is now updating the Plan and requests for variances to the Plan to reflect the experience and knowledge gained through the droughts and other water shortage events that have occurred since 1984.

SUBJECT AREA TO BE ADDRESSED: The first draft of revisions to Chapter 40D-21, Water Shortage Plan, F.A.C. and any potential changes to Rule 40D-1.1002, Variances from Chapter 40D-21, F.A.C., will be discussed.

Persons who are not able to attend a workshop and attendees who wish to provide written comments on the first draft of proposed amendment to Chapter 40D-21 or Rule 40D-1.1002, F.A.C., may submit written comments for receipt by the District by Friday, March 11, 2005. E-mail transmissions to Lois.Sorensen@swfwmd.state.fl.us are welcome. Other written comments should be sent directly to: Lois Ann Sorensen, 2379 Broad Street, Mail Code REG-ADM, Brooksville, FL 34604-6899.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.129, 373.136, 373.175, 373.246, 373.603, 373.609 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Wednesday, February 16, 2005

PLACE: Florida Department of Environmental Protection's Southwest District Office, 2804 Coconut Palm Drive, Tampa, Florida

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Thursday, February 24, 2005

PLACE: Board Room, Southwest Florida Water Management District, Bartow Office, 170 Century Boulevard, Bartow, Florida

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Thursday, March 3, 2005

PLACE: Board Conference Rooms A & B of the Southwest Florida Water Management District's Brooksville Office, 2379 Broad Street, Brooksville, Florida

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lois Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476, Ext. 4299 or (352)796-7211, Extension 4299

A copy of the first complete draft of proposed amendments and supplemental material are available from the District's website (www.watmatters.org). Persons without Internet access may contact Lois Ann Sorensen for assistance.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: Aging Resource Centers **RULE CHAPTER NO.:** 58A-7

PURPOSE AND EFFECT: The purpose of proposed rule Chapter 58A-7, F.A.C., in consultation with the Agency for Health Care Administration and the Department of Children and Family Services, is to implement Section 430.2053(12), F.S. This statute establishes requirements under which Aging Resource Centers shall operate.

SUBJECT AREA TO BE ADDRESSED: Operational procedures, quality assurance standards and required outcome measures for Aging Resource Centers.

SPECIFIC AUTHORITY: 430.08, 430.2053(12) FS.

LAW IMPLEMENTED: 430.2053 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 4:00 p.m., February 15, 2005

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL 32399-7000

TIME AND DATE: 10:00 a.m. – 4:00 p.m., February 24, 2005

PLACE: David Posnack Jewish Community Center, 5850 South Pine Island Road, Davie, FL 33328

A THIRD WORKSHOP WILL BE CONDUCTED IN THE TAMPA BAY AREA. THE TENTATIVELY SCHEDULED DATE IS FEBRUARY 22. THIS WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Crochet, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES: Spontaneous Fetal Demise **RULE NO.:** 59A-11.0125

PURPOSE AND EFFECT: The Agency proposes to adopt Rule 59A-11.0125, F.A.C., consistent with provisions of Section 383.33625, F.S. The statute provides for adoption of rules to develop forms to be used by health care facilities for notifications and elections.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes procedures and a form to be used by health care facilities to provide notification to a mother of the options available for the disposition of fetal remains in the event of a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks.

SPECIFIC AUTHORITY: 383.33625(6) FS.

LAW IMPLEMENTED: 383.33625 FS.

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 SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 16, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-11.0125 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care facility identified in Ch. 383.33625, F.S., shall follow the provisions of that section and shall provide AHCA Form 3100-0006, which is incorporated by reference, to the mother for her completion. A copy of the signed and completed form shall be retained in the mother's hospital file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625 FS. Law Implemented 383.33625 FS. History--New _____.

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 Dentistry

RULE TITLE: Limited License as Allowed in Section 456.015, F.S. RULE NO.: 64B5-7.007

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The requirements for issuance of a limited license to qualified applicants.

SPECIFIC AUTHORITY: 456.015, 466.004 FS.

LAW IMPLEMENTED: 456.015, 466.006, 466.007, 466.011 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Courses Required of Licensees for Renewal and Reactivation RULE NO.: 64B5-12.020

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education course requirements for each license biennial period.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(7),(8), 466.0135, 466.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Delinquency Fee RULE NO.: 64B5-15.011

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees for delinquent status of a dental license.

SPECIFIC AUTHORITY: 456.036, 466.004(4) FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Remediable Tasks Delegable to Dental Assistants	64B5-16.005
Remediable Tasks Delegable to a Dental Hygienist	64B5-16.006

PURPOSE AND EFFECT: The Board proposes to review the rules to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The scope of delegable tasks to dental assistants and to dental hygienists under direct or indirect supervision of a dentist.

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE:	RULE NO.:
Requirements for Reactivation of an Inactive License	64B11-5.003

PURPOSE AND EFFECT: The Board proposes to update the requirements for reactivation of an inactive license and make changes as necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Reactivation of an Inactive License.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 468.219 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE:	RULE NO.:
Training	65C-22.003

PURPOSE AND EFFECT: The modifications to the minimum training standards in this document will, clarify the requirements for early literacy and language development training, including documentation of completion of this mandatory training, revise the child care facility staff credential requirements relating to employment history recognition exemptions, clarify the credentialed staff requirements during periods of transition and the methods of calculating the number of credentialed personnel necessary in a child care facility, and modify the Application to Provide the Florida School Age Certification Training Program.

The modifications will revise the Child Care Development Associate Equivalency (CDAE) credential renewal requirements, including documents and training required, extend the grace period for renewals of existing CDAE credentials, make the renewal of CDAE credentials mandatory and extend the grace period for renewals of existing CDAE credentials.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 FS.

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

TIME AND DATE: 9:00 a.m., February 14, 2005

PLACE: Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida

The purpose of this workshop will be to obtain public comments on proposed rule revisions in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of child care training requirements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.003 Training.

(1) No change.

(2) Training Requirements.

(a) No change.

(b) 1. through 6. No change.

7. Early Literacy for Children Age Birth to Three in the Child Care Environment (5 hours web based).

(c) No change.

(d) Pursuant to Section 402.305(2)(d)5., F.S., child care personnel must complete 5-clock-hours or .5 continuing education units (CEU's) of training in early literacy and language development of children birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration and focuses on early literacy and language development of children from birth to 5 years of age.

1. (d) All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005.

2. All child care personnel hired on or after January 1, 2005, shall complete early literacy training this training within 12 months of date of employment. Literacy training must be a single class or course that is no less than 5 hours in duration.

3. In order to meet this requirement, child care personnel must complete the department's online literacy course available by going to www.myflorida.com/childcare/training or select a training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by contacting the licensing authority or by going to www.myflorida.com/childcare/training or by completion of one college level course (for credit or non credit) if taken with the last 5 years. The Department of Children and Family Services will continue to approve literacy courses through March 31, 2005. After this date, no additional courses will be added to the list.

4. Literacy training that was taken within between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(e) 1. through 2. No change.

3. A copy of the certificate or training transcript for the director and owner must be included in the department's official licensing file.

(3) through (6) No change.

(7) Staff Credentials.

(a) 1. through 3. No change.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, Feb. 04, Application for CDA Equivalency for Training Programs, which is incorporated by reference, to the Department of Children and Family Services for approval. CF-FSP Form 5191 may be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

b. The criterion for programs wishing to be recognized as a State Approved CDA equivalency is determined by the Department of Children and Family Services and is outlined on the Application for CDA Equivalency for Training Programs. Effective July 1, 2005 the Department of Children and Family Services will only approve CDA Equivalency programs that are recognized by accredited institutions of one of the national or regional accreditation organizations of the Council for Higher Education Accreditation (CHEA). The only exception is an adult public vocational technical school accredited by the Council on Occupational Education (COE).

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute (a person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care between July 1, 1980 and July 1, 1995, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement), employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. No change.

5. Graduate of the approved Florida School-Age Certification Training Program.

a. ~~Early Childhood Education Training providers organizations~~ seeking to ~~offer provide~~ the Florida School-Age Certification Training Program must utilize the Florida School-Age Certification Training Program as approved by the Department of Children and Family Services: ~~and Organizations seeking to provide the Florida School-Age Certification Training Program~~, must apply for approval on CF-FSP Form 5257, ~~September 04 July 02~~, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference. CF-FSP Form

5257 may be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the Department of Children and Family Services Florida School-Age Certification Training Program, which consists of the following:

(I) through (III) No change.

(IV) 480 hours of direct contact with children in a school-age setting within the past five years.

c. through d. No change.

e. ~~Early Childhood Education Training providers organizations~~ that ~~offer provide~~ the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. ~~The Early Childhood Education Training providers Organizations~~ must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. through g. No change.

(b) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraphs (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week.

(c) Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

~~(d)(b) CDA or CDAE Renewal. A CDA or Child Development Associate Equivalency (CDAE) must may be renewed as specified in subparagraph 1.-3. below. However, for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate if the individual chooses.~~

1. Florida CDAE Renewals. To maintain a Florida CDAE, every 5 years a candidate must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Jan. 2005, to the State of Florida Child Care Program Office Nov. Feb. 2004, which The Renewal Application can be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, incorporated herein by reference. The State of Florida, Child Care Program Office will review and approve CDAE Renewal Applications and issue a CDAE renewal that expires in 5 years upon submission and approval of the renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above.

a. No change.

b. Proof of at least 4.5 Continuing Education Units (CEUs), or three college credits a three college credit hour course in early childhood education/child development, within the past 5 years that is in addition to the. The original 120 clock hours required for obtaining the CDA equivalency credential cannot be used for this requirement. In lieu of the above training, 45 hours of early childhood education/child development training completed at a Florida Career Education Center (Vocational or Technical school) within the past five years may be used to renew a CDAE.

c. through f. No change.

g. Copy of original CDA or CDAE credential. If this is a second renewal, include a copy of the CDA or CDAE renewal certificate.

h.g. The renewal fee for the Florida CDAE shall be \$30.00 65.00.

2. National CDA Renewals. To renew a National CDA, that is not current, individuals must contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310, and complete a waiver form which can be obtained by going to their website at <http://www.cdacouncil.org>.

3. The State of Florida, Child Care Program Office CDAE program will review and approve all CDAE Renewal Applications and renew and issue a CDAE renewal certificate to individuals holding an inactive National CDA or a Florida CDAE issued prior to June 30, 2000 upon submission of the

renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above. This renewal option will be available through December 31, 2005 ~~June 30, 2005~~. The Florida CDAE renewal will be documented on CF-FSP 5270, ~~Nov. Feb.~~ 2004, Florida CDA Equivalency Certificate of Renewal. CF-FSP 5270 will ~~may be issued obtained by going to~~ the Department of Children and Family Services' Child Care Program Office website at www.myflorida.com/childcare/training. Individuals, who obtained a CDAE on or before June 30, 2000, must renew by December 31, 2005.

~~(e) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraphs (a)1. 5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on site on a full time basis for those facilities that operate 20 hours or less per week.~~

~~(e)(d) Verification of Education and Employment History. 1. through 3. No change.~~

~~(e) Calculation of Number of Personnel Necessary.~~

~~1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.~~

~~2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.~~

~~3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.~~

~~4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.~~

~~5. In addition to CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.~~

~~6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.~~

~~(8) No change.~~

Specific Authority ~~402.302~~, 402.305 FS. Law Implemented ~~402.302~~, 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards
RULE NO.: 5F-2.001

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C., is to adopt a revised edition of the chemical and physical standards for gasoline set forth in the American Society for Testing and Materials. This standard is used for quality testing of gasoline, a regulated petroleum product. The effect will be that the Department will use the most recent nationally recognized standard for gasoline developed by a consensus organization.

SUMMARY: Proposed Rule 5F-2.001, F.A.C., will specify that the more recent ASTM Standard, D4814-04b, is the accepted standard for implementation of Chapter 525, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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 day of this notice.

SPECIFIC AUTHORITY: 525.14, 525.037 FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 525.16 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., Tuesday, February 22, 2005

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nancy Fischer, Environmental Manager, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.