

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE NOS.:	RULE TITLES:
5B-54.001	Definitions
5B-54.002	Purpose
5B-54.003	Regulated Honeybee Pests
5B-54.004	Unwanted Races of Honeybees
5B-54.005	Regulated Articles
5B-54.006	Movement of Regulated Articles
5B-54.010	Registration with the Department
5B-54.011	Apiary Inspection Procedures
5B-54.0115	Special Inspection and Certification Fees
5B-54.012	Apiary Inspection Conditions
5B-54.013	Identification of Ownership of Honeybee Hives
5B-54.014	Issuance of Compliance Agreements and Certificates
5B-54.015	Special Inspection to Meet Requirements of Other States and for Export to Foreign Countries
5B-54.016	Interim Detention of Honeybees and Equipment
5B-54.017	Destruction or Treatment of Infested or Infected Hives
5B-54.0175	Irradiation of Beekeeping Equipment
5B-54.018	Compensation for Infested or Infected Colonies
5B-54.019	Procedures for Abandoned Apiaries

**PURPOSE AND EFFECT:** The purpose of the proposed changes is to develop specific requirements for the placement of managed honeybee colonies on agricultural and non-agricultural properties. These changes are necessary to implement Sections 586.055 and 586.10, Florida Statutes. The effect of these proposed changes is reasonable, clear, and consistent requirements for the placement of managed honeybees in Florida.

**SUBJECT AREA TO BE ADDRESSED:** Managed Honeybee Colonies

**RULEMAKING AUTHORITY:** 586.10(1), (2) FS.

**LAW IMPLEMENTED:** 586.045, 586.055, 586.10 (3)(d), (3)(f), (3)(i), 586.11, 586.15 FS.

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

**DATE AND TIME:** April 5, 2013, 10:00 a.m.

**PLACE:** FDACS' Division of Plant Industry, 1911 SW 34th Street, Gainesville, Florida 32608

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P.O. Box 147100, Gainesville, FL 32614-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mr. Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P.O. Box 147100, Gainesville, FL 32614-7100

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:	RULE TITLE:
61C-1.002	Licensing and Inspection Requirements

**PURPOSE AND EFFECT:** To adopt the newest version of the licensing applications and inspection forms.

**SUBJECT AREA TO BE ADDRESSED:** Forms adopted by reference.

**RULEMAKING AUTHORITY:** 509.032, 509.241 FS.

**LAW IMPLEMENTED:** 213.0535, 509.032, 509.221, 509.241, 509.242, 509.251, 509.261, 559.79 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 REGISTER.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133; Michelle.Comingore@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-4.0161  
 RULE TITLE: Mobile Food Dispensing Vehicles and Theme Park Food Carts  
 PURPOSE AND EFFECT: Adopt current commissary notification form.  
 SUBJECT AREA TO BE ADDRESSED: Version of commissary notification form adopted by rule.  
 RULEMAKING AUTHORITY: 509.032, 509.221 FS.  
 LAW IMPLEMENTED: 509.032, 509.101, 509.211, 509.215, 509.221 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133; Michelle.Comingore@dbpr.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.: 65G-2.001, 65G-2.002, 65G-2.0021, 65G-2.003, 65G-2.0031, 65G-2.0032, 65G-2.004, 65G-2.0041, 65G-2.005, 65G-2.006, 65G-2.007, 65G-2.008  
 RULE TITLES: Definitions, License Application and Renewal Procedures, Additional Requirements for Licensees and Applicant, Types of Licenses, Other Licenses, Agency Monitoring and Oversight, License Violation, License Violations-Fines and Other Disciplinary Actions, Denial or Revocation, Licensed Capacity, General Standards, Staff Qualifications and Training Requirements

65G-2.009 Resident Care and Supervision Standards  
 65G-2.010 Fire and Emergency Procedures  
 65G-2.011 Foster Care Facility Standards  
 65G-2.012 Group Home Facility Standards  
 65G-2.013 Residential Habilitation Center Standards  
 65G-2.014 Comprehensive Transitional Education Program  
 65G-2.015 Siting  
 PURPOSE AND EFFECT: The proposed rule amendment revises, clarifies, and streamlines the provisions of rule Chapter 65G-2, F.A.C., related to licensure of foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs for persons with developmental disabilities.  
 SUBJECT AREA TO BE ADDRESSED: This rule revision delineates the requirements for the licensure of foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs.  
 RULEMAKING AUTHORITY: 393.501(1) FS.  
 LAW IMPLEMENTED: 393.0655, 393.067, 393.0673, 393.13 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, Miranda\_Johnson@apd.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.: 40B-1.706, 40B-1.707, 40B-1.7075, 40B-1.901  
 RULE TITLES: Fees, Variances from Specific Rule Criteria for Works of the District Permits, Point of Entry into Proceedings and Mediation, General

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend rules of the Suwannee River Water Management District (District) consistent with Section

373.4131, F.S., which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement Section 373.4131, F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP also intends to incorporate by reference documents that will be known as an Applicant’s Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP’s proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District’s Chapter 40B-1, F.A.C.

SUMMARY: This proposed rule will update the fees to be consistent with the other WMDs and DEP. In addition, the proposed rules will add a section which provides the procedures for applicants to apply for a variance for a work of the district and a section that will add the procedures for Point of Entry into Proceedings and Mediation. Lastly, some of the District’s forms, such as the ERP application will be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.100 through 40B-1.705 No change.

40B-1.706 Fees.

(1) through (2) No change.

~~(3) Fees for Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters.~~

~~(a) Subsection 373.421(2), F.A.C., authorizes the governing board to require fees to process and act on a petition for formal determination of the landward extent of wetlands and other surface waters. Petition application fees shall be due at the time of filing the petition and shall be nonrefundable. Such fees shall be based on the total acreage of the property for which a request for formal determination is filed, according to the following schedule:~~

<del>1. Properties less than 1 acre</del>	<del>\$250</del>
<del>2. Properties at least 1 acre but less than 10 acres</del>	<del>\$550</del>
<del>3. Properties at least 10 acres but less than 40 acres</del>	<del>\$750</del>
<del>4. Properties at least 40 acres but less than 100 acres</del>	<del>\$1,500</del>

~~5. For properties 100 acres or larger, the fee shall be \$1,500 for the first 100 acres and \$200 per each additional 100 acres (or portion thereof).~~

~~(b) For a new formal determination that covers property on which a valid formal determination exists the fee shall be \$250; provided:~~

~~1. The petition for the new formal determination is filed within 60 days of the date of expiration of the existing formal determination;~~

~~2. The physical conditions of the property have not changed, other than changes authorized by permit, so as to alter the boundaries of wetlands or other surface waters; and~~

~~3. The methodology for determining the landward extent of the wetlands and other surface waters as authorized by Sections 373.421 and 373.4211, Florida Statutes, has not been amended since the date the existing formal determination was issued.~~

~~(c) For petitions for determinations made as part of an application for a permit required by district rules, the fees enumerated above shall be supplemental to any applicable permit fee identified in tables 1.A. through 1.B. below.~~

~~(4) Any portion of the fees enumerated in this rule in excess of \$100 shall be waived for any city or county government upon receipt of a certification from such city or county of hardship required in Chapter 94-278, Laws of Florida. Any such certification shall be presumed to be valid~~

for the entire fiscal year of the city or county during which certification is made unless the certification clearly indicates a duration to the contrary.

TABLE I.A. SCHEDULE OF PERMIT FEES	
<b>WATER USE PERMITS</b>	
General Water Use Permits Less than 10,000 GPD-ADR per paragraph 40B-2.041(4), F.A.C.	\$100
Modification or Renewal	\$50
General Water Use Permits 10,000 GPD-ADR or more and less than 2,000,000 GPD-ADR as per paragraph 40B-2.041(4), F.A.C.	\$230
Modification or Renewal	\$115
Individual or Conceptual Approval Water Use Permits per subsection 40B-1.703(3) and paragraph 40B-2.041(5), F.A.C.	\$530
Modification or Renewal	\$265
<b>TABLE I.B. SCHEDULE OF FEES</b>	
<b>ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS</b>	
General Permit for Agriculture Activities per paragraph 40B-4.2010(1)(b), F.A.C.	\$250
Modification per subsection 40B-4.1110(4), F.A.C.	\$200
Transfer per subsection 40B-4.1130(3), F.A.C.	\$150
Noticed General Permit for Minor Activities per Rules 40B-400.417, 40B-400.427, 40B-400.431, 40B-400.439, 40B-400.453 through 40B-400.457, 40B-400.463, 40B-400.467, F.A.C.	\$100
General Permits specified in paragraph 40B-4.2010(2)(b), F.A.C., as follows:	
Projects Less Than 1 Acre and No Construction or Alteration in, or over Wetlands or Other Surface Waters:	
Modification per subsection 40B-4.1110(4), F.A.C.	\$250
Transfer per subsection 40B-4.1130(3), F.A.C.	\$150
Projects Less Than 40 Acres and No Construction or Alteration in, on or over Wetlands or Other Surface Waters:	
Modification per subsection 40B-4.1110(4), F.A.C.	\$700
Transfer per subsection 40B-4.1130(3), F.A.C.	\$500
Projects Less Than 100 Acres and No Construction or Alteration in, on or over Wetlands or Other Surface Waters:	
Modification per subsection 40B-4.1110(4), F.A.C.	\$1,000
Transfer per subsection 40B-4.1130(3), F.A.C.	\$750
Projects Less Than 100 Acres with Up to 1 Acre of Construction or Alteration in, on or over Wetlands or Other Surface Waters:	
Modification per subsection 40B-4.1110(4), F.A.C.	\$1,600
Transfer per subsection 40B-4.1130(3), F.A.C.	\$1,200
Projects Less Than 40 Acres with Up to 1 Acre of Construction or Alteration in, on or over Wetlands or Other Surface Waters:	
Modification per subsection 40B-4.1110(4), F.A.C.	\$1,000
Transfer per subsection 40B-4.1130(3), F.A.C.	\$750
Projects Greater Than 40 Acres but Less Than 100 Acres with Up to 1 Acre Construction or Alteration in, on or over Wetlands or Other Surface Waters:	
Modification per subsection 40B-4.1110(4), F.A.C.	\$1,600
Transfer per subsection 40B-4.1130(3), F.A.C.	\$1,200
<b>TABLE I.B. SCHEDULE OF FEES</b>	
<b>ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS</b>	
(Continued)	
General Work of the District Development Permit per Rule 40B-4.3010, F.A.C.	\$250
Individual Operations and Maintenance Permit for Existing Projects Permitted per Rule 40B-4.1040 and paragraph 40B-4.1070(1)(c), F.A.C.	\$1,750
Individual Permit for all Other Projects Not Specified Below with No Construction or Alteration in, on or over Wetlands or Other Surface Waters per Rule 40B-4.1040, F.A.C.	\$2,500
Modification per subsection 40B-4.1110(4), F.A.C.	\$1,250
Transfer per subsection 40B-4.1130(3), F.A.C.	\$150
Individual Permits with a Total Acreage of Construction or Alteration in, on or over Wetlands or Other Surface Waters as follows:	
Up to 2 acres	\$3,000
>2 up to 5 acres	\$4,000

>5 up to 10 acres	\$5,500
>10 up to 50 acres	\$6,500
>50 up to 100 acres	\$8,000
More than 100 acres	\$10,000
Modifications per subsection 40B-4.1110(4), F.A.C.	\$3,000
Transfer per subsection 40B-4.1130(3), F.A.C.	\$150
Conceptual Approval Permits	\$5,600
Individual Permit for New Landfills per Rule 40B-4.1040, F.A.C.	\$8,350
Modification per subsection 40B-4.1110(4), F.A.C.	\$3,800
Modification per subsection 40B-4.1110(5), F.A.C., and Transfer per subsection 40B-4.1130(3), F.A.C.	\$1,300
Individual Permit for Existing Landfills per Rule 40B-4.1040 and paragraph 40B-4.1070(1)(e), F.A.C.	\$9,500
Modification per subsection 40B-4.1110(4), F.A.C.	\$3,800
Modification per subsection 40B-4.1110(5), F.A.C., and Transfer per subsection 40B-4.1130(3), F.A.C.	\$1,300
Variations Associated With an Environmental Resource Permit Application	
Variations from paragraph 40B-400.104(1)(e), F.A.C.	\$100
Other variations pursuant to Rule 40B-400.191, F.A.C.	\$500
Mitigation Banks and Mitigation Bank Conceptual Approval Permits	\$4,000
Modification of Mitigation Bank Permits or Mitigation Bank Conceptual Approvals Where the Total Land Area of the Project Is Not Increased	\$700
Modification of Mitigation Bank Permits or Mitigation Bank Conceptual Approvals Where the Total Land Area of the Project Is Increased	\$2,000
Use of the reviewing agency's electronic self-certification system	\$0
Verification of exemption under 373.406, F.S., 403.813, F.S., 62-330, F.A.C., or 40B-4, F.A.C.	\$100
Verification of qualification to use a General Permit under 62-330, F.A.C., or Noticed General under 40B-4, F.A.C.	\$250
Variance or Waiver under 120.542, F.S.	\$0
All other Variations or Waivers	\$550
Works of the District General Permits	\$490
Modification of a Works of the District General Permit	\$245
All Individual or Conceptual Approval Permits under 62-330, F.A.C. or 40B-4, F.A.C.:	
(1) New applications – the processing fee for a new permit application shall be as determined from the categories below:	
(a) Total project area of less than 10 acres, with no works in, on, or over wetlands and other surface waters, and no boat slips	\$490
(b) Total project area of less than 10 acres that does not meet (1)(a), above, but that involves less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters, AND less than 10 new boat slips	\$1,190
(c) Project exceeds any of the thresholds in (1)(b), above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on or over wetlands and other surface waters, AND less than 30 new boat slips	\$2,110
(d) Project exceeds any of the thresholds in (1)(c), above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on or over wetlands and other surface waters, AND less than 50 new boat slips	\$5,610
(e) Project exceeds any of the thresholds in (1)(d), above, but involves a total project area of less than 640 acres, AND less than 50 acres of works in, on or over wetlands and other surface waters	\$9,120
(f) Project exceeds any of the thresholds in (1)(e), above	\$11,220
(g) Projects that are exclusively agricultural or silvicultural, and that involve a total project area of less than 10 acres AND less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters	\$250
(h) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(g), above, but involves a total project area of less than 40 acres AND less than 3 acres of works in, on or over wetlands and other surface waters	\$1,055
(i) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(h), above, but involve a total project area of less than 100 acres AND less than 10 acres of works in, on or over wetlands and other surface waters	\$2,805
(j) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(i), above, but involve a total project area of less than 640 acres AND less than 50 acres of works in, on or over wetlands and other surface waters	\$4,590

(k) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in (1)(j), above	\$5,610
(l) Individual or Conceptual Permits solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For the purposes of this provision, the term "environmental restoration or enhancement" means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to a more healthy, functional, and sustaining condition for fish, wildlife, and listed species	\$250
(m) Individual or Conceptual Permit solely to retrofit an existing stormwater management system or systems to add treatment to and reduce stormwater pollutant loadings from the system or systems	\$250
(2) All Major Modifications including those that exceed any of the thresholds in 62-330.315(3), F.A.C.:	50% of (1)
(3) All Minor Modifications including those that do not exceed any of the thresholds in subsection 62-330.315(3), F.A.C.:	
(a) Transfers or Time Extensions of Permits, where not exempted from fees under Florida Statutes	\$0
(b) Minor Modifications to correct minor errors that do not involve technical review, or to incorporate changes requested by the reviewing agency	\$0
(c) All other Minor Modifications	25% of (1)
Resubmittal of an application that was previously withdrawn or administratively denied, in accordance with paragraph 62-330.090(1)(b), F.A.C. The Agency shall apply the processing fee paid when the previous application was submitted to the fee required for the new application. If the resubmitted application would require a greater fee, only the additional portion shall be required.	
New Determinations of the Landward Extent of Wetlands and Other Surface Waters	
(1) Informal Determinations, where:	
(a) Total area to be included in the determination is up to 1 acre	\$100
(b) Additional fee per acre (or portion thereof) beyond the first, total fee not to exceed \$500	\$50
(2) Formal Determinations, where:	
(a) Total area to be included in the determination is less than 10 acres	\$860
(b) Total area to be included in the determination is at least 10, but less than 40 acres	\$1,180
(c) Total area to be included in the determination is at least 40, but less than 100 acres	\$2,370
(d) Total area to be included in the determination is at least 100	\$2,370
(e) Additional fee per 100 acres (or portion thereof) beyond the first 100 acres	\$200
Reissuance of Informal Determinations	\$50
Reissuance of Formal Determinations, in accordance with subsection 62-330.201(5), F.A.C.	\$350
Application for any activity when submitted by the Department of Defense	\$0
Any fee in excess of \$100, as determined by this section, shall be reduced to this amount, which shall not exceed \$100, for public projects when the applicant is a county or municipality (or under contract thereto) that qualifies under Section 218.075, F.S.	\$100

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 218.075, 373.109 FS. History—New 6-16-88, Amended 11-25-90, 12-22-92, 10-16-94, 11-8-94, 10-3-95, 1-3-96, 6-22-99, 5-6-12, \_\_\_\_\_.

40B-1.707 Variances from Specific Rule Criteria for Works of the District Permits.

(1) The Governing Board is authorized to grant a variance from the provisions of Section 373.414, F.S., and Rule 40B-4.3030, F.A.C., pursuant to Section 403.201, F.S. The variance under this rule is provided in addition to the variance and waiver procedures set forth in Chapter 28-104, F.A.C., which implements Section 120.542, F.S.

(2) A person seeking a variance must demonstrate that any hardship asserted as a basis of the need for a variance is peculiar to the affected property and not self-imposed and that the grant of a variance will be consistent with the general intent and purpose of this chapter.

(3) Any person seeking a variance shall file a petition for a variance that contains the following information:

(a) The petitioner's name and signature.

(b) The statute or rule from which the variance is sought.

(c) Facts showing that a variance should be granted for one of the reasons set forth in Section 403.201, F.S.

(d) The time period for which the variance is sought, not to exceed the time period permitted by law, including the reasons and facts supporting the time period.

(e) The requirements which the petitioner can meet including the date or time when the requirements will be met.

(f) The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. The petitioner shall include a schedule when compliance will be achieved.

(g) The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is granted.

(h) The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is denied.

(4) The District shall review the application within a reasonable period of time after receipt to determine if the application is complete. If the application is determined to be incomplete, the applicant shall be afforded an opportunity to supply additional information before the District evaluates the merits of the request.

(5) The District shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition.

(6) The District shall prepare a notice of proposed agency action regarding the petition for a variance. The District shall publish this notice one time in the Florida Administrative Weekly, and one time in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

(7) Renewals of variances shall be applied for in the same manner as the initial variance.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 403.201 FS. History--New \_\_\_\_\_.

40B-1.7075 Point of Entry into Proceedings and Mediation.

(1) Point of entry into proceedings determining substantial interests are governed by Rule 28-106.111, F.A.C., and this section.

(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) If notice is published pursuant to this chapter, publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.

(2) If the Board takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Section 28-106.111, F.A.C., unless otherwise provided by law. The Board action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.

(3) Notwithstanding Rule 28-106.111, F.A.C., intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, F.S., shall provide a 14 day point of entry to file petitions for administrative hearing under Rule 28-106.111, F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS. History--New \_\_\_\_\_.

40B-1.709 through 40B-1.813 No change.

40B-1.901 General.

The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or on the District's website requested by mail or telephone and are hereby incorporated by reference as follows:

(1) ~~Form number 40B-2.041A. The form entitled Water Use Permit Status Form, form number 40B-2.041A, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~

(2) ~~Form number 40B-2.041B. The form entitled Application for Water Use Permit Agricultural Use, form number 40B-2.041B, is incorporated by reference in Rule 40B-2.041, F.A.C.~~

(3) ~~Form number 40B-2.041C. The form entitled Application for Water Use Permit Augmentation/Other Use, form number 40B-2.041C, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~

(4) ~~Form number 40B-2.041D. The form entitled Application for Water Use Permit Commercial Use, form number 40B-2.041D, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~

(5) ~~Form number 40B-2.041E. The form entitled Application for Water Use Permit Potable Water Supply Use, form number 40B-2.041E, is incorporated by reference in Rule 40B-2.041, F.A.C.;~~

(6) ~~Form number 40B-2.351A. The form entitled Water Use Permit Transfer Form, form number 40B-2.351A, is incorporated by reference in Rule 40B-2.351, F.A.C.;~~

(7) ~~The form previously incorporated in this subsection is no longer valid;~~

(8) ~~The form previously incorporated in this subsection is no longer valid;~~

(9) ~~The form previously incorporated in this subsection is no longer valid;~~

(10) ~~40B-1.901(10) Notice of Intent to Construct a Minor Surface Water Management System Pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., Effective January 29, 2001;~~

(7)(11) ~~Form number 40B-4.3020. The form entitled Application for a General Work of the District Development Permit for District Floodways, form number 40B-4.3020A, is incorporated by reference in Rule 40B-4.3020, F.A.C.;~~

(12) ~~The form entitled Petition for a Formal Wetland and Surface Water Determination, form number 40B-400.046A, is incorporated by reference in Rule 40B-400.046, F.A.C.;~~

(13) ~~40B-1.901(13) Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Effective January 29, 2001;~~

(14) ~~40B-1.901(14) Construction Commencement Notice, Effective January 29, 2001;~~

(15) ~~40B-1.901(15) Annual Status Report, Effective January 29, 2001;~~

(8) Form number 40B-1.901(A). As-Built Certification by the Permittee, Effective January 29, 2001.

(9) Form number 40B-1.901(B). As-Built Certification by the Operation and Maintenance Entity, Effective January 29, 2001.

(10)(16) Form number 40B-1.901(16)(C), As-Built Certification by a Registered Professional, Effective January 29, 2001; and

(11) Form number 40B-1.901(D). Transfer to Operation and Maintenance Entity (17) 40B-1.901(17) Notice of Intent to Construct, Operate, Maintain, Alter, Abandon, or Remove a Minor Silvicultural System Pursuant to Rule 40B-400.500, F.A.C., Effective May 15, 2005.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08, 4-1-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-4.1020	Definitions
40B-4.1030	Implementation
40B-4.1040	Permits Required
40B-4.1060	Recognition of Comparable Regulatory Programs
40B-4.1070	Exemptions
40B-4.1090	Publications and Agreements Incorporated by Reference
40B-4.1100	Duration of Permits
40B-4.1110	Modification of Permits
40B-4.1120	Revocation of Permits
40B-4.1130	Transfer of Permits
40B-4.1140	Limiting Conditions on Permits
40B-4.1150	Emergency Authorization
40B-4.1170	Inspections and Enforcement



40B-4.2010	General Environmental Resource Permits
40B-4.2020	Content of Environmental Resource Permit Application
40B-4.2030	Conditions for Issuance of Environmental Resource Permits
40B-4.2035	Minimum Operation and Maintenance Entity Requirements
40B-4.2040	Minimum Operation and Maintenance Standards
40B-4.3010	General Works of the District Development Permits
40B-4.3020	Content of District Floodway Development Permit Applications
40B-4.3030	Conditions for Issuance of Works of the District Development Permits
40B-4.3035	Minimum Operation and Maintenance Standards
40B-4.3040	Unlawful Use of Works of the District

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking is to amend rules of the Suwannee River Water Management District (District) consistent with Section 373.4131, F.S., which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement Section 373.4131, F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP also intends to incorporate by reference documents that will be known as an Applicant’s Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP’s proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District’s Chapter 40B-4, F.A.C.

**SUMMARY:** This proposed rule will repeal and remove all ERP rules and references. Rule 40B-4.2010 which listed the types of environmental permits will be repealed. Rule 40B-4.2020 which listed the content of the Environmental permit application will be repealed. Rule 40B-4.2030 which listed the conditions of issuance will be repealed. Rule 40B-4.2035 which list the types of Operation and maintenance entities will be repealed. Rule 40B-4.2040 which listed the minimum operation and maintenance requirements will be repealed. Rule 40B-4, F.A.C. will become strictly a Works of the District rule.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

**RULEMAKING AUTHORITY:** 120.54(5), 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40B-7.1010 No change.

40B-4.1020 Definitions.

(1) through (2) No change.

~~(3) “Conservation Plan” means a formal document, prepared or approved by the local Soil and Water Conservation District organized pursuant to Chapter 582, F.S., which outlines a system of management practices to control soil erosion, reduce sediment loss, or protect the water quality on a specific parcel of property.~~

~~(3)(4) “Conversion” means a man-made change to a wetland as defined in Section 373.019(22), F.S., or surface water by draining, filling, or other means which results in the permanent change of the wetland or surface water to an upland.~~

~~(5) “Critical Duration” means the duration of a specific storm event (i.e., 100 year storm) which creates the largest volume or highest rate of net stormwater runoff (post development runoff less pre development runoff) for typical durations up through and including the 10-day duration event. The critical duration is determined by comparing~~

~~various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical duration" storm.~~

~~(6) "Detention" or "To Detain" means the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of stormwater.~~

~~(4)(7) "Development" means any man-made change to improved or unimproved real estate within a work of the district including but not limited to, construction of surfacewater management systems, works, appurtenant works, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, development of sewage disposal systems, or the alteration of the topography of a tract of land for purposes consistent with the occupation of agriculture, silviculture, floriculture, or horticulture including agricultural closed systems.~~

~~(5)(8) "Direct Hydrologic Connection" means a natural connection which occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of naturally occurring wetlands may be used to establish a direct hydrologic connection.~~

~~(9) "Effective Grain Size" means the diameter of filter sand or other aggregate that corresponds to the 10th percentile finer by dry weight on the grain size distribution curve.~~

~~(6)(40) "Engineer" means a professional engineer registered in Florida, or other person exempted pursuant to the provisions of Chapter 471, F.S., who is competent in the fields of hydrology and stormwater control.~~

~~(11) "Existing Surfacewater Management System" means any surfacewater management system including an individual work upon which construction is complete and the system is in operation on the effective date of this chapter, or any system which has received construction authorization pursuant to a permitting program established under the authority of Chapter 373 or 403, F.S., prior to the effective date of this chapter. In addition, a redevelopment project, including drainage improvements, street paving, or stormwater improvements, which has received funding approval in a local unit of government's fiscal year 1985-1986 budget or for which federal or state grant funds have been committed prior to the effective date of this chapter shall be considered an existing system.~~

~~(12) "Filtration" or "To Filter" means selective removal of suspended matter from stormwater by passing the water through at least two feet of suitable fine textured granular media such as porous soil, uniformly graded sand and gravel, or other natural or artificial aggregate, which may be used in conjunction with filter fabric and/or underdrain pipe.~~

~~(7)(43) "Floodway" or "Regulatory Floodway" means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the~~

100-year flood/one percent annual change of flood without cumulatively increasing the 100-year flood/one percent annual chance of flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than one-foot rise in water surface elevations.

~~(8)(14) "Governing Board" means the governing board of a water management district. Unless used in a different context, "governing board" or "board" means the governing board of the Suwannee River Water Management District.~~

~~(15) "Impervious" means land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.~~

~~(16) "Minimum Level" means the level of the water table or of the potentiometric surface in an aquifer or the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.~~

~~(9)(47) "Minimum Rate of Flow" means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to water resources or ecology of the area.~~

~~(18) "New Surfacewater Management System" or "New Works" means any system or work which is not an existing system.~~

~~(10)(49) "New Development" means any development as defined herein which:~~

~~(a) through (b) No change.~~

~~(c) Involves alteration of any work or development appurtenant works or surfacewater management system in a work of the district.~~

~~(11)(20) "Obstruction" means any fill, structure, work, appurtenant work, or surfacewater management system placed in waters, a floodway, or a work of the district which may impede the flow of water or otherwise result in increased water surface elevations.~~

~~(12)(24) "Project Area" means the total land area owned or controlled by the applicant which will be serviced or affected by a surfacewater management system or work.~~

~~(22) "Retention" or "To Retain" means the prevention of, or to prevent the discharge of, a given volume of stormwater runoff by complete on-site storage.~~

~~(23) "Stormwater" means the flow of water which results from, and which occurs immediately following a rainfall event.~~

~~(13)(24) "Structure" means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.~~

~~(25) "Subdivision" means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of~~

~~new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.~~

~~(14)(26) “Substantial Improvement” means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which exceeds, over a five year period a cumulative total of 50 percent of the market value of the structure either:~~

~~(a) through (b) No change.~~

~~(15)(27) “Surveyor” or “Professional Land Surveyor” means a person who is registered to engage in the practice of land surveying under Sections 472.001 through 472.039, F.S.~~

~~(28) “Uniformity Coefficient” means the number representing the degree of homogeneity in the distribution of particle sizes of filter sand or other granular material. The coefficient is calculated by determining the D60/D10 ratio where D10 and D60 refer to particle diameter corresponding to the 10th and 60th percentile of the material which is finer by dry weight.~~

~~(16)(29) “Water Management District” means any flood control, resource management, or water management district operating under the authority of Chapter 373, F.S. Unless otherwise stated, water management district or district shall refer to the Suwannee River Water Management District.~~

~~(30) “Watershed” means the land area which contributes to the flow of water into a receiving body of water. Watersheds are subdivided into the following types;~~

~~Coastal: watershed areas contributing runoff to the Gulf of Mexico by sheet flow or coastal streams which are subject to tidal effect.~~

~~Stream: watershed areas contributing runoff to a stream or river.~~

~~Lake Open: watershed areas contributing runoff to a lake which has an outfall.~~

~~Lake Closed: watershed areas contributing runoff to a lake which does not have an outfall.~~

~~Stream Sink: watershed areas contributing runoff to a stream which recharges an aquifer through a sinkhole under normal flow.~~

~~Internal Drainage: watershed areas without well defined surfacewater drainage patterns and where runoff, if it occurs, infiltrates as recharge following a rain event.~~

~~(17) Work or “Works” means all artificial structures, including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state and includes all types of dredging and filling to create, remove, or located in, on, or over wetlands or other surface waters.~~

~~(18)(31) “Work of the District” means those projects and works including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have~~

been officially adopted by the governing board as works of the district. Works of the district officially adopted by the board are adopted by rule in Rule 40B-4.3000, F.A.C., of this chapter. This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403 FS. History—New 9-25-85, Amended 12-22-92, 10-3-95, 5-13-07, 2-28-12, [DATE].

40B-4.1030 Implementation.

The implementation dates of this chapter are as follows:

~~(1) January 1, 1986 for paragraph 40B-4.1040(1)(a), F.A.C., which requires persons to obtain surfacewater management permits.~~

~~(1)(2) April 1, 1986 for paragraph 40B-4.1040(1)(b)(a) and Rule 40B-4.3040, F.A.C., which require persons to obtain works of the district development permit if the proposed development is in one of the following areas adopted as a work of the district.~~

~~(a) through (d) No change.~~

~~(2)(3) July 1, 1986 for paragraph 40B-4.1040(1)(a)(b) or 40B-4.3040, F.A.C., which require persons to obtain work of the district development permit if the proposed development is in one of the following areas adopted as a work of the district.~~

~~(a) through(b) No change.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.409, 373.413, 373.416, 373.426 FS. History— New 9-25-85, Amended [DATE].

40B-4.1040 Permits Required.

(1) Permits are required as follows:

~~(a) Environmental resource permit prior to initiating any project which involves draining, developing, or subdividing property, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities, including dredging or filling, or the construction, alteration, maintenance, operation, or abandonment of any dam, impoundment, reservoir, appurtenant works, works, or surfacewater management system.~~

(a)(b) Works of the district development permit prior to initiating any project which involves draining, developing, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities, including dredging of filling, or the construction, alteration, maintenance operation, or abandonment of any dams, impoundment

~~reservoir, appurtenant works, works or surfacewater system as outlined in paragraph (a) above within a regulatory floodway as defined within this chapter.~~

~~(b)(e)~~ When the need to obtain a works of the district development permit is in conjunction with the requirements for obtaining an environmental resource permit, application shall be made and shall be considered by the district as part of the request for an environmental resource permit application. In such cases the environmental resource permit shall include the requirements of this chapter. Otherwise, a separate works of the district development permit must be obtained.

(2) ~~Works of the District~~ Each of the foregoing permits may be issued in one of ~~five~~ four forms as follows:

(a) through (b) No change.

~~Unless a general permit is authorized pursuant to this chapter, an individual or conceptual approval permit is required.~~

(c) Individual permits are issued for projects which may have significant impacts on water and related land resources ~~and require governing board action.~~

(d) Conceptual ~~approval~~ permits are issued for projects which are expected to occur in phases or over long periods of time ~~and also require governing board action.~~ However, conceptual approval permits cannot authorize actual construction.

(e) Abandonment permits are issued for projects which propose to remove works or development in a work of the district.

~~(3) Specific procedures, noticing or application requirements, and conditions for issuance of environmental resource permits or works of the district development permits are detailed in Rule 40B-1.703, F.A.C., or Part II or Part III of this chapter or Chapter 40B-400, F.A.C., including any materials adopted by reference thereto.~~

~~(3) Chapter 93-213, Laws of Florida, amended Chapters 373 and 403, F.S., to provide for consolidation and streamlining of permitting programs of the district and Department. Chapter 93-213, L.O.F., required a series of rule amendments by the water management districts and Department to accomplish the streamlining and consolidation. The adoption of Chapter 40B-400, F.A.C., was the first significant rulemaking effort of the district necessary to comply with the provisions of Chapter 93-213, L.O.F. The provisions of Chapter 40B-400, F.A.C., are supplemental to this chapter. Subsequent to the effective date of Chapter 40B-400, F.A.C., permits required by this chapter which have been known as surfacewater management permits will be henceforth titled Environmental Resource Permits. Subsequent to the effective date of Chapter 40B-400, F.A.C., if a provision of this chapter is found to be in conflict with a provision of Chapter 40B-400, F.A.C., the provisions of Chapter 40B-400, F.A.C., shall govern.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426 FS. History--New 9-25-85, Amended 12-22-92, 10-3-95, 10-18-04, [DATE].

40B-4.1050 Permit Fees.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109 FS. History--New 9-25-85, Amended 6-16-88, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40B-4.1060 Recognition of Comparable Regulatory Programs.

The district recognizes that regulatory and permitting programs exist or may be developed in the future by local units of government, state, or federal agencies which may overlap with some or all of the requirements of this chapter. In order to avoid duplication, an applicant may use any forms, plans, specifications, drawings, calculations, or other data developed to support an application for a permit required by a local unit of government, other state, or federal agency, pursuant to any rules which establish requirements equal to or more stringent than these rules in lieu of any such submittals required by Rule ~~40B-4.2020~~ or 40B-4.3020, F.A.C., of this chapter.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.085, 373.413 FS. History--New 9-25-85, Amended 9-13-04, [DATE].

40B-4.1070 Exemptions.

~~(1) The following activities are exempt from the requirements of obtaining environmental resource permits specified in paragraph 40B-4.1040(1)(a), F.A.C.:~~

~~(a) The activities which are exempt pursuant to Section 373.406, F.S., are as follows:~~

- ~~1. The alteration of the topography of any tract of land for purposes consistent with the practice of agriculture, silviculture, floriculture, or horticulture so long as such alteration is not for the sole or predominant purpose of impounding or obstructing surface waters.~~
- ~~2. The construction, operation, or maintenance of any agricultural closed system; however, this exemption does not eliminate the necessity of meeting generally accepted engineering practices for the construction, operation, and maintenance of dams, dikes, or levees.~~

~~(b) Surfacewater management system where the sole purpose of such a system is to facilitate the construction, reconstruction, alteration, or maintenance of a structure or structures for private residential use which will have less than 0.25 acres of total impervious surface (including buildings and paved areas such as driveways, carports, etc.) within the project area, provided such residential structures are not placed in waters or result in the destruction of wetlands. This exemption does not apply to construction which will impound surface waters, the development of a system servicing industrial or commercial land uses, or subdivisions.~~

~~(c) Surfacewater management system which will connect to a system permitted and constructed pursuant to this chapter providing the permit for the permitted system anticipated the connection or it is modified to include the connection and the system is functioning as permitted.~~

~~(d) Culverts (or similarly functioning works) used in conjunction with the maintenance or repair of existing agricultural or forestry roads in upland areas where the culvert is not placed in a stream or wetland and its predominant purpose is to provide conveyance of sheet flow that would be impeded without the culvert.~~

~~(e) Existing surfacewater management systems which are maintained and operated (not altered), provided the system is not or does not become a danger to public health or safety.~~

~~(f) Connections or additions to existing surfacewater management systems owned, operated, and maintained by a unit of local (city or county), regional, or state government if the connection or addition is authorized by the local unit of government under a local ordinance or by the unit of regional or state government under a license issued pursuant to Section 120.60, F.S., if:~~

~~1. The authorization or license requires control of post development runoff rates and/or volumes in a manner consistent with the requirements of Rule 40B-4.2030, F.A.C.;~~

~~2. Such connections or additions do not require alteration of the existing system; and~~

~~3. Such connections or additions do not cause the existing system to become a hazard to the public health, safety, or general welfare.~~

~~(g) The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other storm water management systems is not reduced and the projects are located completely within uplands:~~

~~1. Sidewalks that have a width of six feet or less,~~

~~2. Turn lanes less than 0.25 miles in length and other intersection improvements,~~

~~3. Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.~~

~~(h) Recreational paths that have a width of eight feet or less for one lane paths and twelve feet or less for two lane paths and which do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles.~~

~~(1)(2) The following activities are exempt from the requirements for obtaining works of the district development permits specified in paragraph 40B-4.1040(1)(a)(b), F.A.C.:~~

~~(a) Work or development ~~Development~~ within a work of the district which is completed prior to the implementation dates in Rule 40B-4.1030, F.A.C., or which was authorized by permits issued by any other local, regional, state, or federal agency provided the work or development is in compliance with conditions of all such permits. If a work or development activity is complete and did not previously require permits from any local, regional, state, or federal agency, the activity is exempt including routine custodial maintenance so long as it is not altered or substantially improved.~~

~~(b) Alterations to the topography of land which shall include, but not be limited to, plowing, bedding, or minor grading, harvesting or regeneration associated with the normal practices of agriculture, silviculture, or horticulture, whether private or commercial provided:~~

~~1. No fill from outside the immediate area of such alterations is used.~~

~~2. The erosion of disturbed soils can be controlled through the use of appropriate best management practices.~~

~~3. The seasonal scheduling of such activities will avoid work during times of high-flood hazard.~~

~~4. The 75 feet immediately adjacent to and including the normally recognized bank of a water is left in its natural state.~~

~~(3) The following activities are not subject to the permitting requirements of this chapter:~~

~~(c)(a) Construction or maintenance of certain docks, seawalls, bulkheads, mooring pilings, or dolphins which are regulated by the Florida Department of Environmental Protection pursuant to the authority in Section 403.813, F.S.~~

~~(d)(b) Work or development ~~Development~~ for an onsite sewage disposal system for a single-family residence which is ~~are~~ regulated by the Florida Department of Health under Chapter 64E-6, F.A.C.~~

~~(e) Projects which have received an authorization under Section 403.814(12), F.S.~~

~~(f) Structures placed below the natural grade of the ground outside of the 75 foot setback.~~

~~(g) Structures placed above the natural grade of the ground which are less than or equal to 50 square feet of the cross-sectional area of the floodway outside of the 75 foot setback.~~

~~(h) Decrotive landscaping gradens of a reasonable size, which are less than or equal to 6 inches above the natural grade of the ground provided that the decrotive landscape garden is located outside of the 75 foot.~~

(i) Driveways, sidewalks, and paths which at the driving or walking surface, is less than or equal to 6 inches above the adjacent natural grade of the ground and located outside of the 75 foot setback.

(j) Boardwalks or stairs, waterward of the top of bank, which are no more than 5 feet in width. If landings are required, each shall be no more than 144 square feet.

(k) the removal of dead or diseased vegetation.

(2)(4) Upon written request, the district will provide written confirmation that projects such as described in subsection ~~subsections~~ 40B-4.1070(1) through (3), F.A.C., are exempt. Persons making such requests shall state the provision under which a project is considered exempt and may supply any supporting information to substantiate the request. ~~The request must include evidence that the owner of a permitted or existing system will authorize a connection if an exemption under paragraphs 40B-4.1070(1)(e), (e), or (f), F.A.C., is claimed.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.406, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04, 8-11-10, [DATE].

40B-4.1080 Procedures and Schedule for Receiving Applications, Comments, Agency Action, and Administrative Hearings.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.116, 373.118, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 3-19-86, Repealed 6-16-88.

40B-4.1090 Documents, Publications and Agreements Incorporated by Reference.

(1) No change.

(2) The following Flood Insurance Studies are hereby incorporated by reference and supersede subsection 40B-4.1090(1), F.A.C., for each county listed below:

(a) through (d) No change.

(e) Hamilton County, Florida and Incorporated Areas, Effective June 4, 2010.

(f)(e) Lafayette County, Florida and Incorporated Areas, Effective September 29, 2006;

(g) Madison County, Florida and Incorporated Areas, Effective May 3, 2010;

(h)(f) Suwannee County, Florida and Incorporated Areas, Effective September 28, 2007;

(i)(g) Taylor County, Florida and Incorporated Areas, Effective May 4, 2009;

(j)(h) Union County, Florida and Incorporated Areas, Effective February 4, 2009.

(k) Bradford County, Florida and Incorporated Areas, Effective May 2, 2012

(l) Levy County, Florida and incorporated Areas, Effective November 2, 2012

(m) Jefferson County, Florida and Incorporated Areas, Effective July 16, 1991

(3) The Governing Board hereby adopts by reference the “Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual”, effective July 2008. This is available at District headquarters and on the District’s website.

(4) The Governing Board hereby adopts the Applicants’ Handbook Volume II effective March 1, 2013. This is available at district headquarters and on the District’s website.

(5) The Governing Board hereby adopts by reference the “Urban Hydrology for Small Watersheds”, U.S. Department of Agriculture, Soil Conservation Service, Engineering Division, Technical Release 55, June 1986; and, “Buffer Zone Study for Suwannee River Water Management District”, Dames and Moore, September 8, 1988. This is available at district headquarters and on the District’s website.

(6) The Governing Board hereby adopts by reference the “Standard Methods for the Examination of Water and Wastewater” by the American Public Health Association or “Methods for Chemical Analysis of Water and Wastes” by the U.S. Environmental Protection Agency. This is available at district headquarters and on the District’s website.

(7) The Governing Board hereby adopts by reference the latest version of the “Florida Standard Specification for Road and Bridge Construction”. This is available at district headquarters and on the District’s website.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS. History—New 11-21-02, Amended 5-13-07, 4-21-08, 4-30-09, 8-31-09, 3-14-11, [DATE].

40B-4.1100 Duration of Permits.

(1) The standard duration of permits issued pursuant to this chapter shall be as follows:

(a) Three years duration for noticed general permits authorizing the construction or alteration of a work or development in a works of the district. When a permit is issued for construction or alteration and the subsequent operation and maintenance, the portion of the permit authorizing construction or alteration shall be limited to three years from the date of issuance. The portion of the permit for the subsequent operation and manitenance shall be perpetual.

~~(b)(a)~~ Three years duration for general permits authorizing the construction or alteration of a ~~surfacewater management system or work or development in a works of the district work~~ unless the construction involves or affects a works of the district development permit. In the latter event, the duration shall be specified as a limiting condition on the permit. When a permit is issued for construction or alteration and the subsequent operation and maintenance, the portion of the permit authorizing construction or alteration shall be limited to three years from the date of issuance. The portion of the permit for the subsequent operation and maintenance shall be perpetual.

~~(c)(b)~~ Five years' duration for individual permits authorizing the construction or alteration of a work or development in a works of the district ~~surfacewater management system or work unless the construction involves or affects a works of the district development permit. In the latter event, the duration shall be specified as a limiting condition on the permit but shall not exceed five years.~~ When a permit is issued for construction or alteration and the subsequent operation and maintenance, ~~then~~ the portion of the permit authorizing construction or alteration shall be limited to five years from the date of issuance. ~~Individual permits shall not be extended.~~ The portion of the permit for the subsequent operation and maintenance shall be perpetual.

(d) Five years' duration for conceptual approval permits unless, within that period, application for a works of the district permit for any part of the project is filed. If such application is filed, the conceptual approval permit is valid for the duration of the project.

(e) Five years duration for abandonment permits to remove a work or development in a work of the district.

~~(e) Perpetual duration for permits authorizing the operation and maintenance of a surfacewater management system or work.~~

~~(d) Five years' duration for conceptual approval permits unless, within that period, application for a construction, alteration, operation, and maintenance permit for any part of the project is filed. If such application is filed, the conceptual approval permit is valid for the duration of the project. Conceptual approval permits shall not be extended.~~

~~(e) As specified on the permit for any permit to abandon a system or work but not to exceed five years.~~

(2) Permits may be authorized with durations that are less than the standard durations found in subsection 40B-4.1100(1), F.A.C. authorizing the construction, alteration, or abandonment of a system or work shall expire as specified in the permit.

(4) Permits shall not be extended.(3) Permits may not be authorized with durations that are greater than the standard durations found in subsection 40B-4.1100(1), F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.084, 373.085, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 12-22-92, 9-13-04, [DATE].

#### 40B-4.1110 Modification of Permits.

(1) No change.

(2) The district may modify a permit issued pursuant to this chapter at any time if it determines that ~~the permitted surfacewater management system, work, or development~~ in a work of the district has or may become a danger to public health or safety or is in violation of any district rule or order or the conditions of the permit. Before any such modification, the district shall give affected persons notice of the proposed modification with the reasons for such modification and reference to applicable district rule, order, or permit conditions. The notice shall state that affected persons may request an administrative hearing by filing a petition for such hearing with the district. In no event shall the time for filing said petitions be more than 14 days from the date the notice was sent or published, and no such modification shall be made without a hearing if requested.

(3) If the executive director determines that the danger to the public is imminent, he may order a temporary suspension of construction, alteration, repair, or operation of the ~~system, work, or development~~ in a work of the district; or he may specify temporary conditions for continued operation, alteration, repair, or development until a hearing is complete or the district otherwise issues a final order; or the executive director may take appropriate action pursuant to Rule 40B-4.1170, F.A.C.

(4) No change.

(5) Requests to modify permits for construction or operation, applications may be filed by letter request provided the modification does not:

(a) Request a substantial change in the permit authorization; or

~~(b) Increase the off-site discharge;~~

~~(c) Decrease the required detention or retention;~~

(b)(d) Increase calculated 100 year flood/one percent chance elevations. Decrease (lower) required flood control elevations of roads or buildings; or

~~(e) Decrease stormwater treatment quantities or efficiency.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.57, 120.60, 373.084, 373.085, 373.429, 373.439 FS. History—New 9-25-85, Amended 12-22-92, [DATE].

40B-4.1120 Revocation of Permits.

(1) The district may revoke a permit if it determines that a surfacewater management system, work or development in a work of the district work, or appurtenant work has become a danger to the public health or safety or is in violation of any district rule or order or the conditions of the permit.

(2) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.57, 120.60, 373.084, 373.085, 373.429 FS. History—New 9-25-85, Amended [DATE].

40B-4.1130 Transfer of Permits.

(1) Noticed General, General, and Conceptual works of the district ~~development~~ permits shall automatically transfer to operation and maintenance entity or the new owner upon his taking title to the lands involved in such a permit. No notice to the district shall be required for such transfers ~~transfer~~ unless specifically required as a limiting condition on the permit.

~~(2) Environmental resource permits for operation and maintenance will be transferred to the responsible entity for such operation and maintenance upon completion of all work specified in the permit to construct, alter or abandon, provided the permittee notifies the district in accordance with Section 373.416(2), F.S., within 30 days of the sale or conveyance of the system, work, appurtenant work or works, or the land on which the permitted project is located.~~

~~(3) A permittee may apply for transfer of a surfacewater management permit to construct or alter a surfacewater management system pursuant to the requirements of this chapter and upon submission of any fee required by Rule 40B-1.706, F.A.C. However, a surfacewater management permit to construct or alter a system will not be transferred after the expiration date of any such permit.~~

(2)(4) Individual, and abandonment permits shall not be automatically transferred. After completion of construction or removal of the work or development in a work of the district, surfacewater management system and any required approvals by the district, the district will transfer the operational and maintenance phase of the permit to the accepted operational entity identified in the permit. When a new entity becomes the owner of the system, the permittee and new owner shall notify the District of the sale and new entity responsibilities. The District shall transfer the permit to the new operation and maintenance entity.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.413, 373.416 FS. History—New 9-25-85, Amended 12-22-92, 9-13-04, [DATE].

40B-4.1140 Limiting Conditions on Permits.

(1) No change.

~~(2) The In addition to specific project conditions on any permit,~~ the following standard limiting conditions shall be a part of all permits issued pursuant to this chapter unless waived or modified by the District.:

(a) No change.

(b) Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the permittee shall implement and maintain performance based erosion and sediment control best management practices. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual. If project-specific conditions require additional measures beyond those specified in the erosion and sediment control plan, if approved as part of the permit, the permittee shall implement the additional best management practices as necessary. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources or adjacent properties.

~~(c)(b)~~ Water quality data representative of the water discharged from the permitted work or development in a work of the district system, including, but not limited to, the parameters in Chapter 62-302, F.A.C., shall be submitted to the district as required. If water quality data is ~~are~~ required, the permittee shall provide data as required on the volume and rate of discharge including the total volume discharged during the sampling period. All water quality data shall be in accordance with and reference the specific method of analysis in “Standard Methods for the Examination of Water and Wastewater” by the American Public Health Association or “Methods for Chemical Analysis of Water and Wastes” by the U.S. Environmental Protection Agency.

(d)(e) Noticed general and general permits shall be transferred to the The operational and maintenance phase automatically upon the completion of the work or development in a work of the district. The operational and maintenance phase of individual and abandonment permits of an environmental resource permit will not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the district. If required by the district, Such such as-built certification shall be made by a registered licensed



professional an engineer or surveyor Within 30 days after the completion of construction or independent portion of the work or development in a work of the district, the owner or his authorizaed agaent shall complete As-Built Certification Form 40B-1.901(8). The permitted Operation and Maintenance Entity Shall complete As-built Certification Form 40B-1.901(9). The registered professional shall submit a written statement of completion and certification, using As-Built Certification Form No. 40B-1.901(10). When the completed work or development in a work of the district differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the construction of the work or development in a work of the district is complete and ready for inspection. The statement of completion and certification shall be based on on-site observations conducted by the registered licenced professional, or under his or her direct supervision or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(e) The operation phase of individual and abandonment permits shall not become effective until the permittee has complied with the requirements of the condition in the paragraph above, the District determines the work or development in a work of the district to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the approved responsible operation and maintenance operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40B-4.1130, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

Within 30 days after the completion of construction of the system, the permittee shall notify the district that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the district for operation and maintenance. The district may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.

(f)(d) Off-site discharges during and after construction shall be made only through the facilities authorized by permit. Water discharged from the project shall be through structures suitable for regulating upstream stage if so required by the district. Such discharges may be subject to operating schedules established by the district.

(e) The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40B-1, F.A.C.

(g)(f) The permittee shall hold and save the district harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, alteration, abandonment, work, or development in a work of the district which is authorized by the permit.

(h)(g) The permit is issued based on the information submitted by the applicant which reasonably demonstrates that adverse off-site water resource impacts will not be caused by the permitted activity. It is the responsibility of the permittee to insure that such adverse impacts do not in fact occur either during or after construction.

(h) It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of local, state, or federal government.

(i) The surfacewater management system shall be constructed prior to or concurrent with the development that the system is intended to serve, and the system shall be completed within 30 days of substantial completion of the development which the system is intended to serve. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any activity approved by this permit. It is the responsibility of the permittee to obtain all other clearances, permits, or authorizations required by any unit of federal, state, or local government or special district. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(j) This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in Chapter 40B-4, F.A.C.

(k) All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

(l) Each phase or independent portion of the permitted work or development in a work of the district must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site

infrastructure located within the area served by that portion or phase of the work or development. Each phase or independent portion of the work or development must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the work or development to an approved entity.

(m) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(n) Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.

(o) At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40B-1.901(19) indicating the actual start date and the expected completion date.

(p) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40B-1.901(20). These forms shall be submitted during June of each following year.

(q) For those works or developments which will be operated or maintained by an entity requiring an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the work or development, such easement or deed restriction, together with any other final operation or maintenance documents as are required by paragraph Part VI of the Applicants Handbook Volume II, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of District rules will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the work or development, or upon completion of construction of the work or development, whichever occurs first. For those works or developments which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the work or development is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted work or development.

(r) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(s) The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted work, development, or the real property at which the work or development is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40B-4.1130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

(t) Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the work or development to insure conformity with the plans and specifications approved by the permit.

(u) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District. If evidence of the existence of historic resources is discovered or observed at permitted project sites or during permitted activities after a permit is issued, the applicant, owner, contractor, or agent thereof shall notify the District and the Division of Historical Resources, Compliance and Review Section within two working days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds.

(v) The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

(3) In addition to the standard limiting conditions set forth in subsection 40B-4.1140(2), F.A.C., the Governing Board shall impose on any permit granted under this chapter, such reasonable project-specific conditions as are necessary to assure that the permitted work or development in a work of the district will meet the conditions for issuance in Rules 40B-4, F.A.C. Upon receipt of notice of intended agency action, any substantially affected person shall have the right to request a hearing in accordance with Chapter 28-106, F.A.C. This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.117, 373.171 FS. Law Implemented 373.084, 373.085, 373.117, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04, 11-3-08, [DATE].

#### 40B-4.1150 Emergency Authorization.

(1) Permission to begin the construction of the works or development prior to the issuance of a permit may be requested in writing when emergency conditions exist which justify the request. However, no such permission shall be granted unless the requested works is are part of a works of the district system application which is already under consideration for a permit under this chapter. A serious set of unforeseeable circumstances must exist to create an emergency. Mere carelessness, financial hardship, or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

~~(2) Surfacewater management systems which are under construction on the implementation date of this chapter and do not qualify as existing systems may be issued emergency authorizations to proceed with construction upon submission of appropriate application and supporting documents.~~

~~(2)(3)~~ The executive director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the board at its next regularly scheduled meeting. Failure to receive the board's concurrence shall immediately invalidate the emergency authorization.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426, 373.439 FS. History—New 9-25-85, Amended [DATE].

#### 40B-4.1170 Inspections and Enforcement.

(1) Inspections will be in accordance with Section 373.423, F.S., and the Applicants' Handbook Volume II.

(2) Enforcement will be in accordance with Chapter 373, F.S., and the Applicants' Handbook Volume II.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.119, 373.136, 373.429, 373.439, 373.603, 373.613, 373.614 FS. History—New 9-25-85, Amended [DATE].

#### 40B-4.2010 General Environmental Resource Permits.

Rulemaking Authority 373.044, 373.118, 373.171 FS. Law Implemented 120.60, 373.084, 373.085, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 8-10-86, 2-12-87, 6-16-88, 2-1-89, 12-22-92, 10-3-95, 9-13-04, Repealed [DATE].

#### 40B-4.2020 Content of Environmental Resource Permit Application.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04, 11-13-08, Repealed [DATE].

#### 40B-4.2030 Conditions for Issuance of Environmental Resource Permits.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 10-3-95, 10-18-04, 6-11-08, Repealed [DATE].

#### 40B-4.2035 Minimum Operation and Maintenance Entity Requirements.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History—New 2-1-89, Amended 12-22-92, Repealed [DATE].

#### 40B-4.2040 Minimum Operation and Maintenance Standards.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History—New 2-1-89, Amended 9-13-04, Repealed [DATE].

#### 40B-4.3010 ~~General~~ Works of the District ~~Development~~ Permits.

(1) A noticed general works of the district permit may be granted pursuant to the procedures in Rule 40B-1.703, F.A.C., to any person for a single family work or development in a work of the district described below:

(a) Floating docks and access structures associated with floating docks.

(b) Decks which are 200 square feet or less and at the walking surface, less than or equal to 1 foot above the average natural ground elevations within the area under and immediately adjacent to the deck.

(c) Structures or fill which are obstructions to flow of less than or equal to 100 square feet of the cross-sectional area of the floodway which are located outside of the 75 foot setback.

(d) Silviculture roads, driveways, sidewalks and paths which are, at the driving or walking surface, less than or equal to 1 foot above the adjacent natural ground elevation and are located outside of the 75 foot setback.

(e) Decroitive landscaping gradens of a reasonable size, which is less than or equal to 1 foot above the natural grade of the ground provided the decroitive landscape is located outside of the 75 foot setback.

(f) Boardwalks which have a walking surface less than or equal to 1 foot above the natural ground elevation within the area under and immediately adjacent to the boardwalk.

(2) A noticed general works of the district permit may be granted pursuant to the procedurs in Rule 40B-1.703, F.A.C., to any governmental agency for projects which are solely for the restoration of natural resources.

(3)(4) A general works of the district ~~development~~ permit may be granted pursuant to the procedurs in Rule 40B-1.703, F.A.C., to any person for a ~~sinlge family duration not to exceed three years for the development work or development in a work of the district~~ described below:

(a) Construction of a structure for single-family residential or agricultural use, which can not be authorized by Section 403.814(12), F.S. The construction shall include ~~including~~ the leveling of land for the foundation and associated private water supply, wastewater disposal, and driveway access which is in compliance with all applicable ordinances or rules of local government, state, and federal agencies, and which meets the requirements of this chapter.

(b) Fixed docks.

(c) Decks which are 200 square feet or less and at the walking surface, greater than 1 foot above the average natural ground elevations within the area under and immediately adjacent to the deck.

(d) Boat ramps, Boat lifts, seawalls, retaining walls, rip-rap and other such structures.

(e) Driveways, sidewalks or paths which at the driving or walking surface is, at any point along the driveway, more than 1 foot above the adjacent natrual ground elevation outside of the 75 foot setback.

(f) Boadwalks which are landward of the top of bank and the walking surface is, at any point along the boardwalk, more than 1 foot above the natural ground elevation within the area under and immediately adjacent to the boardwalk.

(g) Structures which are obstructions to flow of greater than 100 square feet of the cross-sectional area of the floodway.

(h) Retaining walls which are landward of the top of the bank.

(i) All projects which propose floats under a structure, landward of the top of bank.

(4) An individual work of the district permit may be granted pursuant to the procedurs in Rule 40B-1.703, F.A.C., to any person for work or development in a work of the district described below. Individual work of the district permits shall adhere to the requirements in the Applicants Handook Volume II and Chapter 62-330, F.A.C., in addition to the requirements of this chapter.

(a) Projects which impact wetlands or other natural resources.

(b) All Projects that are not single family, agriculture, silviculture, horticulture, or restoration.

(5)(2) All permits ~~A general permit~~ issued pursuant to this rule shall be subject to the conditions in Rule 40B-4.3030, F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History--New 9-25-85, Amended 3-19-86, 12-22-92, 10-18-04. IDATEI.

40B-4.3020 Content of Works of the District ~~Development~~ Permit Applications.

(1) Applications for a ~~noticed general or general works~~ work of the district ~~development~~ permit shall be filed with the district and shall contain the following:

(a) Form 40B-4.3020A, "Application for a ~~General~~ Work of the District ~~Development~~ Permit for District Floodways," April 1, 2010, hereby incorporated by reference. This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com. The application form contains the following:

1. through 3. No change.

(b) No change.

(c) ~~For noticed general work of the district permits, a A~~ site plan to scale showing all improvements, works, or ~~development prepared by the applicant or his agent. For general work of the district permits, a site plan to scale showing all improvements, works or development works~~ with any conditions or limitations placed thereon prepared by a ~~registered Florida~~ licensed professional engineer or surveyor including plan and profile views with relevant elevations noted such as the elevation of the lowest structural member and benchmark shown. ~~For both noticed general and general work of the district permits, the The~~ site plan shall show the location of all trees to be removed which are greater than six inches diameter as measured at four feet, six inches above the natural ground;

(d) ~~For noticed general work of the district permits a A~~ building plan prepared by the applicant or his agent. ~~For general work of the district permits, a building plan prepared or submitted by a registered Florida licensed professional engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components within the area below the 100-year flood/one percent annual chance of flood elevation; and~~

(e) Any supporting calculations, designs, surveys, or applicable documents, which ~~in the applicant's opinion~~, may support the application.

~~(f) If the applicant is only constructing a dock, boardwalk or deck according to paragraph 40B-4.3030(9)(a) and (b), F.A.C., the site plan may be prepared by the applicant.~~

~~(f)(g)~~ Applicants must provide copies of legal documents demonstrating ownership.

~~(g)(h)~~ Where applicable, the applicant must provide the name and address of the person who prepared the plans and specifications of construction.

~~(h)(i)~~ Where applicable, the applicant must provide the name and address of the person who will construct the proposed work.

(2) Applications for individual or conceptual approval works of the district development permits shall be filed with the district and shall contain the following:

(a) Form 40B-4.3020, "Application for a Work of the District Permit for District Floodways." This form is available at District headquarters and on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com). The application form contains the following:

~~Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit," Effective January 29, 2001, hereby adopted by reference and which contains the following:~~

1. through 4. No change.

(b) No change.

(c) A site plan to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared or submitted by a registered licensed professional.

(d) Any supporting calculations, designs, or surveys, prepared or submitted by a registered licensed professional or applicable legal documents, which ~~in the applicant's opinion~~, support the application.

(e) through (h) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 3-19-86, 9-13-04, 8-8-07, 7-6-08, 4-1-10, [DATE].

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) The district will not approve the issuance of permits for:

(a) Existing works or development in a work of the district which are in violation of law or which have discharge to waters of the state that is in violation of a permit condition of any unit of local, state, or federal government or which presents an immediate danger to public health or safety.

~~(b)(1) The district will not approve the issuance of separate permits for development in a work of the district for any~~ Any proposed project that requires a ~~district an~~ environmental resource permit pursuant to Chapter 62-330, F.A.C. Part II of this chapter. For such projects, works or development in a work of the district may be authorized as part of the any environmental resource permit issued. In such cases, the environmental resource permit shall meet the conditions of issuance found in Chapter 62-330, F.A.C., and this chapter.

~~(c)(2) The district will not approve the issuance of a works of the district development permit for any~~ Any work, structures, road, or other facilities which have the potential of individually or cumulatively reducing floodway conveyance or increasing water-surface elevations above the 100-year flood/one percent annual chance of flood elevation, or increasing soil erosion.

(d) Any work or development in a work of the district which will result in permanent damage to a work of the district.

(e) New roads within a work of the district which at any point along the road, have a driving surface greater than 1 foot above adjacent natural ground elevations, or result in a net fill within the floodway.

(f) Mining, associated mining activities, and borrow pits within a regulatory floodway.

~~(2)(3) Roads with public access~~ shall be constructed and laid out in conformance with the minimum standards of local government. Where roads are not required to be paved, the applicant must provide design specifications for erosion and sediment control. Where roads are required to be paved, swales will generally be considered adequate for erosion and sediment control. In the absence of local government standards for roads, the following minimum standards shall apply:

(a) Driving surface shall be stabilized soil, according to the latest edition of the Florida Standard Specification for Road and Bridge Construction.

(b) Two driving lanes with a minimum driving surface of 16 feet.

(c) Driving surface shall be sloped to drain at a minimum of 2 percent (2%).

(d) Culverts shall be used to maintain pre-development drainage patterns up to the 10-year, 24-hour storm event.

(e) Swales shall be used for water quality treatment with a maximum slope of three-to-one (3:1) and erosion shall be controlled with grass or other equivalent method.

(3) The roofs on pole barns, pavillions, gazebos, and any other such structures shall be such that the lowest structural horizontal member of the roof is at an elevation at least one foot above the 100 year flood/one percent annual chance of flood elevation.

(4) Buildings in the floodway shall be elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual chance of flood elevation.

(5) The area below the first floor of elevated buildings shall meet the criteria in the code of federal regulations 44CFR60.3(d) be left clear and unobstructed except for the piles or stairways.

(6) A permanent elevation monument shall be established on the property by a surveyor licensed under Section 472, F.S. The monument shall be adequate to establish land surface and minimum buildup elevations to the nearest 1/100 of a foot.

(7) No fill material ~~or other obstructions~~ shall be placed above the natural grade of the ground except for minor amounts of fill ~~obstructions~~ which are less than or equal to 100 square feet of the cross-sectional area of the floodway. This paragraph is not intended to limit the use of pilings for structural purposes. All fill placed ~~obstructions developed~~ on any single parcel of land after the implementation date of this chapter shall be considered cumulatively.

(8) No activities shall be proposed which would result in the filling or conversion of wetlands.

(9) For any work or development in a work of the district which requires a general, conceptual, or individual permit structure placed within a floodway, the district shall require that a registered Florida licensed professional engineer certify that such a work or development structure will not obstruct flows or increase 100-year flood/one percent annual chance of flood elevations by more than 0.01 feet. Such certification shall include step-backwater calculations using the 100-year flood/one percent annual chance of flood discharge rate. Exceptions to this certification are stated in paragraphs (a) and (b) below.

~~(a) Boardwalks and decks less than one foot above natural grade.~~

~~(b) Floating docks and access structures associated with floating docks.~~

(e) The certification shall include, at a minimum, a location map showing existing and added channel cross sections, a scaled graphical representation of channel geometry for each cross section used in the calculation, a scaled graphical representation of floodway encroachments for pre-development and post-development conditions, pre-development calculations matching existing conditions, and post-development calculations showing the rise in flood elevation.

(10) Proposed boat ramps, seawalls, retaining walls, and rip-rap within a work of the district shall be designed by a registered Florida licensed professional engineer. Plans for these structures shall provide for erosion, sedimentation and turbidity control.

~~(11) The district shall not approve the issuance of permits for driveways within a work of the district that are constructed with fill material.~~

~~(12) The following conditions shall apply to all works of the district development permits issued for development on lands subdivided after January 1, 1985:~~

~~(11)(a) No clearing shall occur in areas outside of the 75 foot setback [except as provided in paragraphs (d) and (e) below] other than what is necessary to construct structures, associated water supply, wastewater disposal, and private driveway access facilities.~~

(12) Clearing within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access to the water body.

~~(13)(b) No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet to provide reasonable pedestrian access to water dependent structures such as docks. The following conditions shall apply to decks and boardwalks:~~

~~1. through 2. No change.~~

~~(c) Clearing within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access to the water body.~~

~~(d) Harvest or regeneration of timber or agricultural crops shall not be limited provided the erosion of disturbed soils can be controlled through the use of appropriate best management practices, the seasonal scheduling of such activities will avoid work during times of high flood hazard, and the 75 feet immediately adjacent to and including the normally recognized bank of a water is left in its natural state as a buffer strip.~~

~~(14)(e) As to those lands subdivided prior to January 1, 1985, The the governing board shall, in cases of extreme hardship, authorize a variance and issue a works of the district development permit for permits with exceptions to the conditions listed in paragraphs 40B-4.3030(2)(12)(a) through (13)(d), F.A.C.~~

~~(15)(f) The 75-foot setback in paragraphs (a) through (d) above shall be considered a minimum depth for an undisturbed buffer. The limitations on disturbance and clearing within the buffer as set out in paragraphs (11)(a) through (13)(d) above shall apply, and any runoff through the buffer shall be maintained as unchannelized sheet flow. The actual depth of the setback and buffer for any land use other than single-family~~

residential development, agriculture, or forestry shall be calculated in accordance with the methodology in: “Urban Hydrology for Small Watersheds”, U.S. Department of Agriculture, Soil Conservation Service, Engineering Division, Technical Release 55, June 1986; and, “Buffer Zone Study for Suwannee River Water Management District”, Dames and Moore, September 8, 1988, such that the post-development composite curve number for any one-acre area within the encroachment line does not exceed:

1. through 4. No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History–New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-18-04, 5-13-07, 8-8-07, 8-11-10, 2-28-12, [DATE].

**40B-4.3035 Minimum Operation and Maintenance Standards.**

The permittee or operation and maintenance entity shall regularly inspect and maintain the work or development to insure that:

(1) All erosion is controlled and soil is stabilized to prevent sediment discharge to waters in the state.

(2) The work or development does not become clogged or choked with vegetative or aquatic growth to such an extent as to render it inoperable.

(3) All structures within the work or development shall remain in an operable condition, free of obstruction and sediment, and, where appropriate, secure from vandalism or unauthorized operation.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History–New [DATE].

**40B-4.3040 Unlawful Use of Works of the District.**

(1) It shall be unlawful to connect with, place a structure in or across, or otherwise cause development to occur in a work of the district without a works of the district ~~development~~ permit. The district may use any remedy available to it under Chapter 120 or 373, F.S., and Chapter 40B-1, F.A.C., to cause an unpermitted work or development to be removed or permitted.

(2) It shall be unlawful for any permitted use to violate the provisions of Chapter 373, F.S., or this chapter, or the limiting conditions of a works of the district ~~development~~ permit. The district may use any remedy available to it under Chapter 120 or 373, F.S., and Chapter 40B-1, F.A.C., to cause the unpermitted use or development to be removed or brought into compliance with Chapter 373, F.S., and this chapter.

(3) through (4) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History–New 9-25-85, Amended 9-13-04, 5-8-05, 8-8-07, [DATE].

NAME OF PERSON ORIGINATING PROPOSED RULE: Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-400.021	Definitions
40B-400.046	Formal Determinations
40B-400.051	Exemptions
40B-400.091	Publications and Agreements Incorporated by Reference
40B-400.101	Content and Processing of the Application, Amended 12-3-98
40B-400.103	Conditions for Issuance of Permits
40B-400.104	Additional Conditions for Issuance of Permits
40B-400.115	Limiting Conditions
40B-400.201	Policy and Purpose
40B-400.211	Processing Procedures for Noticed General Permits
40B-400.215	General Conditions for All Noticed General Permits
40B-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks

40B-400.427 General Permit for Certain Piers and Associated Structures

40B-400.431 General Permit for Installation of Riprap

40B-400.437 General Permit for the Installation of Fences

40B-400.439 General Permit for the Construction or Maintenance of Culverted Driveways, Road Crossings and Bridges of Artificial Waterways

40B-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation

40B-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

40B-400.453 General Permit for Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline

40B-400.455 General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters

40B-400.457 General Permit for Subaqueous Utility Crossing of Artificial Waterways

40B-400.463 General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies

40B-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies

40B-400.475 General Permit for Minor Activities

40B-400.483 General Permit to the Department to Conduct Minor Activities

40B-400.485 General Permit to the Department for Environmental Restoration or Enhancement

40B-400.487 General Permit to the Department to Change Operating Schedules for Department Water Control Structures

40B-400.495 General Permit to U.S. Forest Service for Minor Works within National Forests

40B-400.500 General Permit After Notice for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend rules of the Suwannee River Water Management District (District) consistent with Section 373.4131, F.S., which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement Section 373.4131, F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP also intends to incorporate by reference documents that will be known as an Applicant’s Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP’s proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District’s Chapter 40B-400, F.A.C.

SUMMARY: This proposed rule will repeal and remove all sections of this rule except 40B-400.091, F.A.C. This section will be changed to link this Rule to 62-330, F.A.C., incorporate the Applicant Handbook Volume II and other important items needed to implement the ERP program. 40B-400.021 which listed definitions, 40B-400.046 which listed instructions for formal determinations, 40B-400.051 which listed exemptions, 40B-400.101 which listed the content of applications, 40B-400.103 which listed conditions of issuance, 40B-400.104 which listed additional conditions of issuance, 40B-400.115 which listed limiting conditions, 40B-400.201 which listed the policy and purpose, 40B-400.211 which listed the procedures for noticed generals, 40B-400.215 which listed general conditions for noticed generals, 40B-400.417 which was a general permit for boat ramp and accessory docks, 40B-400.427 which was a general permit for certain piers and associated structures, 40B-400.431 which was a general permit for riprap, 40B-400.437 which was a general permit for fences, 40B-400.439 which was a general permit for culverted driveways, road crossings and bridges of artificial waterways, 40B-400.443 which was a general permit for the Florida Department of Transportation, Counties and Municipalities to



conduct Minor Bridge Alteration, Replacement, Maintenance and Operation, 40B-400.447, which was for the Florida Department of Transportation, Counties and Municipalities to conduct Minor Activities Within Existing Rights-of-Way or Easements, 40B-400.453 which was for the Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline, 40B-400.455 which was for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters, 40B-400.457 which was for Subaqueous Utility Crossing of Artificial Waterways, 40B-400.463 which was for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies, 40B-400.467 which was for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies, 40B-400.475 which was for Minor Activities, 40B-400.483 which was for the Department to Conduct Minor Activities, 40B-400.485, which was for the Department for Environmental Restoration or Enhancement, 40B-400.487 which was for the Department to Change Operating Schedules for Department Water Control Structures, 40B-400.495 which was for the U.S. Forest Service to conduct Minor Works within National Forests, 40B-400.500 which was for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems, will all be repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

**RULEMAKING AUTHORITY:** 120.54(5), 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-400.021 Definitions.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Repealed [DATE].

40B-400.046 Formal Determinations.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 3-7-02, 4-1-10, Repealed [DATE].

40B-400.051 Exemptions.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 3-7-02, 5-15-02, 10-6-09, Repealed [DATE].

40B-400.091 Publications and Agreements Incorporated by Reference.

(1) This rule is used in conjunction with Chapter 62-330, F.A.C. to impliment the District's responsibilty under part IV of Chapter 373, F.S.

(2) The Governing Board hereby adopts the Applicants' Hanbook Volume II effective January 31, 2013. This document is available at District headquarters and on the District's website.

(3) The Governing Board hereby adopts the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between the Suwannee River Water Management District and the Florida Department of Environmental Protection, effective July 1, 2007. This document is available at District headquesrters and on the District's website.

(4) The Governing Board hereby adopts by reference the Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, U.S. Army Corps of Engineers, Jacksonville District used to establish the floodway for the works of the district identified in Chapter 40B-4, F.A.C. This document is available at District headquesrters and on the District's website.

(5) The Governing Board hereby adopts by reference the “Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual”, effective July 2008. This document is available at District headquarters and on the District's website.

(6) The Governing Board hereby adopts by reference the following Flood Insurance Studies for each county listed below. Each of the documents are available at the District headquarters and on the District's website:

(a) Alachua County, Florida and Incorporated Areas, Effective June 16, 2006;

(b) Bradford County, Florida and Incorporated Areas, Effective May 2, 2012;

(c) Columbia County, Florida and Incorporated Areas, Effective February 4, 2009;

(d) Dixie County, Florida and Incorporated Areas, Effective September 29, 2006;

(e) Gilchrist County, Florida and Incorporated Areas, Revised September 29, 2006;

(f) Hamilton County, Florida and Incorporated Areas, Effective June 4, 2010;

(g) Jefferson County, Florida and Incorporated Areas, Effective July 16, 1991;

(h) Lafayette County, Florida and Incorporated Areas, Effective September 29, 2006;

(i) Levy County, Florida and incorporated Areas, Effective November 2, 2012

(j) Madison County, Florida and Incorporated Areas, Effective May 3, 2010;

(k) Suwannee County, Florida and Incorporated Areas, Effective September 28, 2007;

(l) Taylor County, Florida and Incorporated Areas, Effective May 4, 2009;

(m) Union County, Florida and Incorporated Areas, Effective February 4, 2009.

The Governing Board hereby adopts by reference:

~~(1) "Environmental Resource Permit Applicant's Handbook - May 2002."~~

~~(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Suwannee River Water Management District and Department of Environmental Protection, effective July 1, 2007.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Specific Authority 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS. Law Implemented 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS. History--New 10-3-95, Amended 12-3-98, 3-7-02, 5-15-02, 7-1-07, [DATE].

40B-400.101 Content and Processing of the Application, Amended 12-3-98.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.103 Conditions for Issuance of Permits.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.104 Additional Conditions for Issuance of Permits.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.115 Limiting Conditions.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 3-7-02, 5-15-02, 6-7-09, Repealed [DATE].

40B-400.201 Policy and Purpose.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.211 Processing Procedures for Noticed General Permits.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.215 General Conditions for All Noticed General Permits.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 12-23-08, Repealed [DATE].

40B-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.427 General Permit for Certain Piers and Associated Structures.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.431 General Permit for Installation of Riprap.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.437 General Permit for the Installation of Fences.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Repealed [DATE].

40B-400.439 General Permit for the Construction or Maintenance of Culverted Driveways, Road Crossings and Bridges of Artificial Waterways.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 8-9-07, Repealed [DATE].

40B-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 8-9-07, Repealed [DATE].

40B-400.453 General Permit for Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.455 General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.457 General Permit for Subaqueous Utility Crossing of Artificial Waterways.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.463 General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.475 General Permit for Minor Activities.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 6-7-10, Repealed [DATE].

40B-400.483 General Permit to the Department to Conduct Minor Activities.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 3-7-02, Repealed [DATE].

40B-400.485 General Permit to the Department for Environmental Restoration or Enhancement.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 5-15-02, Repealed [DATE].

40B-400.487 General Permit to the Department to Change Operating Schedules for Department Water Control Structures.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.416 FS. History–New 10-3-95, Repealed [DATE].

40B-400.495 General Permit to U.S. Forest Service for Minor Works within National Forests.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

40B-400.500 General Permit After Notice for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Repealed [DATE].

NAME OF PERSON ORIGINATING PROPOSED RULE: Leroy Marshall II, Senior Professional Engineer, SRWMD, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only)

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of The Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0252 Use of Prescribed Pancreatic Enzyme
Supplements

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. 39, No. 27, February 8,
2013 issue of the Florida Administrative Register.

Paragraph (1)(c) is amended to read:

(c) Pancreatic Insufficiency. Pancreatic insufficiency is a
disorder of the digestive system. Pancreatic insufficiency may
include the diagnosis of cystic fibrosis, a chronic disease that
affects the lungs and digestive system.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-14.092 Textbook Affordability

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol.
39, No. 9, January 14, 2013 issue of the Florida Administrative
Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NOS.: RULE TITLES:
64B1-2.001 Biennial Renewal Fee
64B1-2.004 Application Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol.
38, No. 64, November 2, 2012 issue of the Florida
Administrative Register has been withdrawn.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on March 20, 2013, the
Southwest Florida Water Management District received a
petition for a variance or waiver.

Petitioner's Name: University of South Florida. Rule No.:
40D-22.201. Nature of the rule for which variance or waiver is
sought: lawn and landscape irrigation. The Petition has been
assigned tracking no. 13-4149.

Any interested person or other agency may submit written
comments within 14 days after the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained
by contacting Lois Sorensen, 7601 US Highway 301, Tampa,
Florida 33637, (813)985-7481, x. 2298,
water.variances@watermatters.org.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-6.221: Conditions for Issuance of Standard Permits

The South Florida Water Management District (District)
hereby gives notice: On March 14, 2012, the District's
Governing Board issued SFWMD Order No.
2013-027-DAO-ROW to Florida Department of Transportation
(Application No. 13-0117-1). The petition for waiver was
received by the District on January 17, 2013. Notice of receipt
of the petition requesting the waiver was published in the
Florida Administrative Weekly, Vol. 39, No. 20, on January 30,
2013. No public comment was received. This Order provides a
waiver of the District's criteria to allow the replacement of the
SW 107th Avenue bridge crossing Tamiami Canal (C-4);
Sections 5 & 6, Township 54 South, Range 40 East;
Miami-Dade County. Specifically, the Order grants a waiver
from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the
Basis of Review for Use or Occupancy of the Works or Lands
of the District, incorporated by reference in subsections
40E-6.011(4) & (6), Fla. Admin. Code, which governs the low
member elevation of pile-supported facilities within works or
lands of the District. Generally, the Order sets forth the basis of
the Governing Board decision to grant the waiver as follows:
1) the replacement of the existing bridge will not interfere with
the District's current ability to perform necessary construction,

alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-6.221: Conditions for Issuance of Standard Permits

The South Florida Water Management District (District) hereby gives notice: On March 14, 2012, the District's Governing Board issued SFWMD Order No. 2013-028-DAO-ROW to Collier County Transportation Engineering Department (Application No. 12-0813-2). The petition for waiver was received by the District on December 3, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 89, on December 12, 2012. No public comment was received. This Order provides a waiver of the District's criteria to allow the replacement of the White Boulevard bridge crossing the Cypress Canal; Sections 11, 12 & 13, Township 49 South, Range 26 East; Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsections 40E-6.011(4) & (6), Fla. Admin. Code, which governs the low member elevation of pile-supported facilities within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the replacement of the existing bridge will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 19, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Conservancy EPC Building. Petitioner seeks an

emergency variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-091).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On March 21, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Manatee Players, filed March 7, 2013, and advertised on March 14, 2013 in Vol. 39, No. 51, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5, ASME A17.1b, 2009 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators sump pump because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-073).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-20.002: Salon Requirements

NOTICE IS HEREBY GIVEN that on August 28, 2012, the Board of Cosmetology, received a petition for a waiver or variance of subsections 61G5-20.002(5) and (6), Florida Administrative Code, filed by Richard Atkins for LAKA USA, LLC, in regards to the requirement that a specialty salon have a minimum of 100 square feet of floor space, with no more than 1 cosmetologist or specialist employed in the specialty salon which has only the minimum floor space; the requirement of an additional 50 square feet for each additional specialist or cosmetologist employed; and the requirement that a permanent

wall must be a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to a salon's floor and ceiling, and which serves to delineate and protect the salon.

Comments on this petition should be filed with the Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robyn Barineau, Executive Director, at the above address or telephone (850)487-1395.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF EDUCATION

##### Education Practices Commission

The Education Practices Commission announces hearings to which all persons are invited.

**DATES AND TIMES:** A Teacher Hearing Panel will begin at 8:30 a.m. or as soon thereafter as can be heard on April 4, 2013. A meeting will begin at 2:30 p.m. or as soon thereafter as can be heard on April 4, 2013. A Teacher Hearing Panel will begin at 8:30 a.m. or as soon thereafter as can be heard on April 5, 2013.

**PLACE:** Embassy Suites Orlando North, 225 Shorecrest Drive, Altamonte Springs, Florida 32701; (407)834-2400.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

The meeting will be to discuss the hiring process for the Executive Director and present an office update.

A copy of the agenda may be obtained by contacting: Kathleen M. Richards at (850)245-0455.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards, (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Lisa Forbess or Kathleen M. Richards at (850)245-0455.

#### REGIONAL PLANNING COUNCILS

##### West Florida Regional Planning Council

The District 1 Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, April 17, 2013, 10:00 a.m.

**PLACE:** Bay County Emergency Operations Center, 700 Hwy 2300, Southport, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business of the Local Emergency Planning Committee, including the committees biennial exercise, and the LEPC Comprehensive Plan.

Preceding the meeting, the Education and Public Awareness Subcommittee will hold meetings at 9:00 a.m. Additional subcommittee meetings will be held via teleconference on April 9, 2013.

A copy of the agenda may be obtained by contacting: The West Florida Regional Planning Council, (800)226-8914 or by visiting our website, [www.wfrpc.org/lepc](http://www.wfrpc.org/lepc).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kathy Ahlen at the West Florida Regional Planning Council, (800)226-8914, x210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Kathy Ahlen at the West Florida Regional Planning Council, (800)226-8914 x210 or [kathy.ahlen@wfrpc.org](mailto:kathy.ahlen@wfrpc.org).

#### REGIONAL PLANNING COUNCILS

##### Central Florida Regional Planning Council

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 10, 2013, 9:30 a.m.

**PLACE:** DeSoto County Commission Chambers, 201 East Oak Street, Arcadia, FL 34266

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: the DeSoto County Commission, 201 East Oak Street, Arcadia, FL 34266.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### DEPARTMENT OF CORRECTIONS

The Department of Corrections announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, April 11, 2013, 10:00 a.m.

PLACE: Reception and Medical Center, Warden's Conference Room, 7765 South, C.R. 231, Lake Butler, FL 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly meeting of the RMC Hospital Governing Body.

A copy of the agenda may be obtained by contacting: Tiffany Roseke, (386)496-6908.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tiffany Roseke, (386)496-6908. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Tiffany Roseke, (386)496-6908.

#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 3, 2013, 9:00 a.m.

PLACE: 7601 Highway 301 N., Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at [www.watermatters.org/calendar/calendar.php/](http://www.watermatters.org/calendar/calendar.php/).

A copy of the agenda may be obtained by contacting: Carol Lynch, (813)985-7481, ext. 2004.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Bureau Chief at (800)423-1476, ext. 4702; TDD (FL only) (800)231-6103; or email: [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-3.011: Policy and Purpose (Repealed)

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: April 10, 2013, 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District's Governing Board may also attend the meeting.

A copy of the agenda may be obtained by contacting: [teri.rhodes@watermatters.org](mailto:teri.rhodes@watermatters.org), (800)836-0797 (FL only), or (813)985-7481, ext. 4476.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: SWFWMD Human Resources, (800)423-1476 (FL only), or (352)796-7211, ext. 4702. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

#### REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

The General Manager Position Screening Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 8, 2013, 9:00 a.m.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: The General Manager Position Screening Committee will review and discuss applications for the General Manager position and develop a short-list of candidates for later consideration by the agency's Board of Directors.

A copy of the agenda may be obtained by contacting: Tampa Bay Water, Records Department, (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tampa Bay Water, Lynn Nield, (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Tampa Bay Water, Records Department, (727)796-2355.

#### DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 29, 2013; 9:00 a.m. – 9:45 a.m.

PLACE: Call in (888)670-3525, conference code 780 930 7873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Business.

A copy of the agenda may be obtained by contacting: the Program at (850)414-2323, LTCOPInformer@elderaffairs.org or viewed 7 day before the meeting at <http://elderaffairs.state.fl.us>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: the above telephone number or email. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs Long-Term Care Ombudsman Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 29, 2013; 10:00 a.m. – 11:00 a.m.

PLACE: Call in (888)670-3525, conference code 780 930 7873

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Council Committee Business.

A copy of the agenda may be obtained by contacting: the Program at (850)414-2323 or LTCOPInformer@elderaffairs.org, or viewed 7 days before the meeting at <http://elderaffairs.state.fl.us>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: the above telephone number or email. If you are hearing or speech impaired, contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission announces a REVISED Education Program Oversight Committee meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 2, 2013, 10:00 a.m.

PLACE: Meetings to be conducted using communications media technology: you must access webinar for video only and teleconference number for audio only.

WEBINAR Access:

Meeting information

Topic: Education POC

DATE: Tuesday, April 2, 2013

TIME: 10:00 a.m., Eastern Daylight Time (New York, GMT-04:00)

Meeting Password: (This meeting does not require a password.)

To join the online meeting, Go to:

1. <https://suncom.webex.com/suncom/j.php?ED=174907467&UID=1349981692&RT=MIMxMQ%3D%3D>

2. If requested, enter your name and email address.

3. If a password is required, enter the meeting password: (This meeting does not require a password.)

4. Click "Join".

TELECONFERENCE ACCESS: Attendee access code has changed.

Call-in toll-free number: (888)670-3525 (US); call-in number: (720)389-1212 (US); attendee access code: 606-232-6940.

Public point of access: 1940 North Monroe Street, Suite 90, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss "accreditor" and "course" applications for recommendation to the Florida Building Commission.

A copy of the agenda may be obtained by contacting: Ms. Ila Jones, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation Affairs, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Ila Jones, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation Affairs, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824.



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Florida Building Commission**

The Department of Business and Professional Regulation, The Florida Building Commission, "The Commission", REVISED Accessibility Advisory Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** March 25, 2013, 2:00 p.m. until completion

**PLACE:** Meeting to be conducted using Communications Media Technology, Conference Call and Webinar. You must join the Webinar for Visual Aids only and join the Teleconference for Audio Aids only.

To join the online meeting:

1. Go to <https://suncom.webex.com/suncom/j.php?ED=174173637&UID=1345158982&RT=MiMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. Click "Join".

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=174173637&UID=1345158982&ORT=MiMxMQ%3D%3D>

To join the teleconference only, provide your phone number when you join the meeting to receive a call back. Alternatively, you can call:

Call-in toll-free number: 1(888)670-3525 (US)

Call-in number: 1-720-3891212 (US)

Attendee access code: 6062326940

Public Point of Access: Suite 90, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and provide recommendations to the Commission regarding requests for waivers (as listed below) and other business for the Commission. Requests for waivers are Fifth Street Marina, 341 N. W. South River Drive, Miami; Holiday Surf and Racquet Club Condominium, 510 Gulfshore Drive, Destin; Greater Tallahassee Chamber of Commerce, 300 Park Avenue, Tallahassee; Claremont Hotel, 1700 Collins Avenue, Miami Beach; Xtreme Pool Challenge, 161 N. Atlantic Avenue, Cocoa Beach.

A copy of the agenda may be obtained by contacting: Ms. Mary Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)717-1826.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by

contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399-2100, (850)487-1824 or fax: (850)717-1832. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Mary Kathryn Smith, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)717-1826.

**DEPARTMENT OF HEALTH**

The Executive Committee of the Florida Coordinating Council for the Deaf and Hard of Hearing announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, April 3, 2013, 8:30 a.m., EDT

**PLACE:** Teleconference toll-free #: (888)670-3525, event code: 6625033505 #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a special called meeting of the Executive Committee of the Florida Coordinating Council for the Deaf and Hard of Hearing for the purpose of examining applications for the position of Education/Outreach Coordinator for the Council. Due to the special nature of this teleconference, public comment will not be heard.

A copy of the agenda may be obtained by contacting: [info@fccdhh.org](mailto:info@fccdhh.org) or Mary Grace Tavel by phone at (850)245-4913, toll-free (866)602-3275. TTY: (850)245-4914, toll-free TTY (866)602-3276.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: see above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: [info@fccdhh.org](mailto:info@fccdhh.org) or Mary Grace Tavel at the telephone numbers listed above.

**DEPARTMENT OF HEALTH**

Office of Statewide Research

The Florida Department of Health-Institutional Review Board – Committee II announces a public meeting to which all persons are invited.

DATE AND TIME: April 10, 2013, 8:30 a.m.

PLACE: Capital Circle Office Complex, Building 2585, Conference Room 320P, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct review of new research studies involving human participants, modifications to existing studies, and continuing review of ongoing research to make sure research studies comply with regulations and the Department's ethical standards.

A copy of the agenda may be obtained by contacting: Donna West, Assistant Administrator, Institutional Review Board, (850)245-4034.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Donna West, Assistant Administrator, Institutional Review Board, (850)245-4034. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Donna West, Assistant Administrator, Institutional Review Board, (850)245-4034.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-160.034: Failure to Demonstrate Financial Responsibility Defined

The Financial Services Commission, Office of Financial Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2013, 9:00 a.m., during a regular meeting of the Governor and Cabinet.

PLACE: Flagler College, Ponce de Leon Room, 74 King Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final approval of the proposed amendment to Rule 69V-160.034, F.A.C., Failure to Demonstrate Financial Responsibility Defined, and the proposed repeal of Rule 69V-560.302, F.A.C., Renewal Fees, Deadlines, and Requirements.

A copy of the agenda may be obtained by contacting French Brown at (850)410-9544 or going to the Office's website at <http://www.flofr.com/StaticPages/NoticesOfPublicMeetingsHearingsAndWorkshops.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting French Brown, (850)410-9544. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-560.302: Renewal Fees, Deadlines, and Requirements

The Financial Services Commission, Office of Financial Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2013, 9:00 a.m., during a regular meeting of the Governor and Cabinet

PLACE: Flagler College, Ponce de Leon Room, 74 King Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final approval of the proposed amendment to Rule 69V-160.034, F.A.C., Failure to Demonstrate Financial Responsibility Defined, and the proposed repeal of Rule 69V-560.302, F.A.C., Renewal Fees, Deadlines, and Requirements.

A copy of the agenda may be obtained by contacting: French Brown at (850)410-0544 or going to the Office's website at <http://www.flofr.com/StaticPages/NoticesOfPublicMeetingsHearingsAndWorkshops.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: French Brown at (850)410-9544. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

NORTH FLORIDA BROADBAND AUTHORITY

The North Florida Broadband Authority announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2013, 11:00 a.m.

PLACE: City Hall, 17651 NW 90th Court, Fanning Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will address general policy and operational matters of the NFBA.

A copy of the agenda may be obtained by contacting: [jennifer@springfieldlawpa.com](mailto:jennifer@springfieldlawpa.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by

contacting: jennifer@springfieldlawpa.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Jennifer Springfield, Esq., (352)371-9909.

**FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**  
 The Florida Self-Insurers Guaranty Association, Inc. announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Friday, March 29, 2013, 10:30 a.m.  
**PLACE:** Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board of Directors will meet to discuss general business of the Association.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308, (850)222-1882.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The Orange County Research and Development Authority announces a public meeting to which all persons are invited.  
**DATE AND TIME:** April 11, 2013, 8:00 a.m.  
**PLACE:** Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace, (407)282-3944.

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Pari-Mutuel Wagering  
 NOTICE IS HEREBY GIVEN that on March 7, 2013, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner Gulfstream Park Thoroughbred After Racing Program, Inc., in DBPR Case No. 2013010613 (DS 2013-015). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., as it applies to the petitioner.

Petitioner seeks a determination as to whether it can receive a slot machine license to conduct slot machine gaming at its permitted location in Broward or Dade County and, if so, whether it is required to have on file with the Division a binding agreement with any organizations before it can receive a slot machine license and, specifically, whether it is required to have such written binding agreement with either or both the Horsemen's Benevolent & Protective Association, Inc., and the Florida Thoroughbred Breeders' & Owners' Association, Inc. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Pari-Mutuel Wagering  
 NOTICE IS HEREBY GIVEN that on March 15, 2013, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the amended petition for declaratory statement and on March 7, 2013, has received the petition for declaratory statement from Petitioner Gulfstream Park Racing Association, Inc., in DBPR Case No. 2013010614 (DS 2013-016). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., as it applies to the petitioner.

Petitioner seeks a determination as to whether Chapter 551, F.S., requires a licensed slot machine operator to conduct a full schedule of live pari-mutuel performances at the same location in which slot machine gaming will be conducted in order to receive or renew an annual slot machine license. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

St. Johns Riverkeeper, Inc. vs. Department of Environmental Protection; Case No.: 13-0708RP; Rule Nos.: 62-40.210(18), 62-40.416(7)

City of Tampa vs. Department of Environmental Protection; Case No.: 13-0721RP; Rule Nos.: 62-40.210(18), 62-40.416(7)

All Seasons Landscape Contractors, Inc. vs. Florida Department of Transportation; Case No.: 13-0362RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Joseph Rickett, P.E. vs. Florida Board of Professional Engineers, A Division of the Florida Department of Business and Professional Regulation; Case No.: 12-1202RX; Rule No.: 61G15-19.001(4); Dismissed

Rosemary Lyons Larry vs. Florida Board of Accountancy; Case No.: 12-3220RX; Rule No.: 61H1-28.0052(2); Dismissed

St. Johns Riverkeeper, Inc. vs. Department of Environmental Protection and Florida Water Environmental Association, Inc., Utility Council (Intervenor); Case No.: 13-0708RP; Rule Nos.: 62-40.210(18), 62-40.416(7); Voluntarily Dismissed

City of Tampa vs. Department of Environmental Protection and Florida Water Environmental Association, Inc., Utility Council (Intervenor); Case No.: 13-0721RP; Rule Nos.: 62-40.210(18), 62-40.416(7); Voluntarily Dismissed

Columbia Southern University and Matthew Adams, Individually vs. Department of Financial Services, Division of State Fire Marshal; Case No. 12-2480RX; Rule No.: 69A-37.084; Voluntarily Dismissed

Zenith Insurance Company vs. Department of Financial Services, Division of Workers' Compensation and Florida Hospital Association, Inc., and HCA Health Services of Florida d/b/a Oak Hill Hospital (Intervenors); Case No.: 12-2939RX; Rule No.: 69L-7.501; Voluntarily Dismissed

All Seasons Landscape Contractors, Inc. vs. Florida Department of Transportation; Case No.: 13-0362RU; Withdrawal

Robert Wood, P.E. vs. The Florida Board of Professional Engineers and the Florida Department of Business and Professional Regulation; Case No.: 12-2900RU; Dismissed

Rosaida Healthcare, Inc. vs. Agency for Health Care Administration; Case No. 12-3551RU; Dismissed

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

DEPARTMENT OF MANAGEMENT SERVICES  
LEG-27025000

ADVERTISEMENT TO BID CONSTRUCTION  
STATE OF FLORIDA DEPARTMENT OF MANAGEMENT  
SERVICES  
DIVISION OF REAL ESTATE DEVELOPMENT AND  
MANAGEMENT  
PUBLIC ANNOUNCEMENT REQUESTING BIDS FROM  
QUALIFIED MECHANICAL CONTRACTORS  
MARCH 21, 2013

PROPOSALS ARE REQUESTED FROM QUALIFIED MECHANICAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: LEG-27025000

PROJECT NAME: OLITS, Remote Radiator, Pepper Building

PROJECT LOCATION: Tallahassee, Florida

MANDATORY PRE-BID MEETING: April 2, 2013 at 2:00 p.m.

BID OPENING: April 11, 2013 at 2:00 p.m.

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$190,000.00

PREQUALIFIED BIDDERS: Refer to DMS website (below) for further details.

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

Please visit the Department's website [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu) and click on "Search Advertisements" – "Division of Real Estate Development and Management". Look for "Opportunities for Design and Construction Firms" and click on link.

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#### DAYTONA STATE COLLEGE

Professional Design Services

RFQ #13-522

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring professional design services.

The project consists of the design and construction administration for the replacement and improvements to the HVAC systems in Buildings 140 and 150 on the Daytona Campus. The total project budget is \$1M inclusive of all fees, equipment and installation.

Firms with relevant experience and desiring to qualify for consideration must submit proposals no later than 12:00 p.m. on April 5, 2013, to the Facilities Planning Department, Daytona State College, Building 540/Room 112, 1200 W.

International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting [nielseb@daytonastate.edu](mailto:nielseb@daytonastate.edu) or by visiting our website at <http://www.daytonastate.edu/fp/proposals.html>.

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## Section XII Miscellaneous

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

Announcement by Florida Department of Agriculture and Consumer Services, Office of Agricultural Law Enforcement  
ACCREDITATION TEAM INVITES PUBLIC COMMENTS ABOUT FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, OFFICE OF AGRICULTURAL LAW ENFORCEMENT

A team of assessors from the Commission for Florida Law Enforcement Accreditation (CFA) will arrive Tuesday, April 23, 2013, to examine all aspects of the Office of Agricultural Law Enforcement's (OALE) policies, procedures, management, operations, and support services.

As part of the on-site assessment, agency members and the general public are invited to offer comments to the assessment team. A copy of the standards is available through OALE's Public Information Officer in Tallahassee at (850)245-1300.

For persons wishing to offer written comments about OALE's ability to meet the standards of reaccreditation, please contact: CFA, P.O. Box 1489, Tallahassee, Florida 32302, email [info@flaccreditation.org](mailto:info@flaccreditation.org), telephone (850)410-7200.

The Accreditation Program Manager for OALE is Judith Ivester. The CFA Assessment Team Leader is Deputy Chief Rick Hawthorne, Gulf Breeze Police Department. Other team members designated at this time are Officer Andy Joiner, University of North Florida Police Department, Accreditation Coordinator Kristen Holderfield, Jacksonville Sheriff's Office,

Inspector James Fannin, Walton County Sheriff's Office, and Commander Shelli Walters, Altamonte Springs Police Department.

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**EXPRESSWAY AUTHORITIES**

Orlando-Orange County Expressway Authority

**NOTICE**

Under the provisions of Section 121.055, Florida Statutes, the Orlando-Orange County Expressway Authority intends to designate the position of Director of Toll Operations and the position of Director of Engineering in the Senior Management Service Class.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

State Revolving Fund Program

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTICE**

Big Bend Water Authority

The Florida Department of Environmental Protection has determined that Big Bend Water Authority's project to improve water treatment, repair Well #6, and repair the water tank at their water plant will not adversely affect the environment. The project cost is estimated to be \$1,500,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds. Public comment must be received at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Paul Brandl, Florida Department of Environmental Protection, State Revolving Fund Program,

2600 Blair Stone Road, MS#3505, Tallahassee, Florida 32399-2400, via e-mail to paul.brandl@dep.state.fl.us, or by calling (850)245-8373.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

Freshwater Fish and Wildlife

Florida Fish and Wildlife Conservation Commission

Pursuant to paragraph 68A-25.004(2)(f), F.A.C., the Florida Fish and Wildlife Conservation Commission announces the availability of one Alligator Farm Permit granting a farmer the eligibility to participate in the collection of alligator hatchlings from the wild as provided in paragraph 68A-25.031(1)(a), F.A.C.

Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Register. Only persons licensed as alligator farmers pursuant to Section 379.3751, F.S., may apply, and only one application per person will be accepted. Written applications and questions concerning the permit or the application process may be addressed to: Dwayne Carbonneau, Fish and Wildlife Commission, 1515 E. Silver Springs Blvd., Suite 106, Ocala, FL 34479, (352)732-1712.

The HGM Alligator Farm Program Coordinator will assign the available permit based on a random drawing of qualified applicants at 1515 E. Silver Springs Blvd., Suite 106, Ocala, FL 34479 at least 30 days after the date of this publication.

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Section XIII  
Index to Rules Filed During Preceding Week

**NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.**

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