

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Fees, November 2003, which is incorporated by reference. The Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Fees are available from the Medicaid fiscal agent or the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section II  
Proposed Rules**

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
14-96 State Highway System Connection Permits

RULE NOS.: RULE TITLES:  
14-96.0011 Forms  
14-96.007 Application Submittal, Review, Approval and Conditions  
14-96.011 Modification of Connections

PURPOSE AND EFFECT: Four of the incorporated forms are being amended to update the notice of hearing rights.

Title	Form Number	Date
Driveway/Connection Application – Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	04/03
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	04/03
Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	<del>06/06</del> 04/03
Record Drawings Report by Permittee’s Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	<del>06/06</del> 09/02
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	<del>06/06</del> 09/02
Violation and Notice to Show Cause	850-040-26	<del>06/06</del> 09/02

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

SUMMARY: The notice of hearing rights is being updated on four forms, which are incorporated by reference under Rule 14-96.0011, F.A.C., and referred to within the text of other rules in Rule Chapter 14-96, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs has been prepared.

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

SPECIFIC AUTHORITY: 334.044(2), 334.044(28), 335.182(2) FS.

LAW IMPLEMENTED: 334.044(14), 334.044(28), 335.18-.187 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Specific Authority 334.044(2), 334.044(28), 335.182(2) FS. Law Implemented 334.044(14), 334.044(28), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-28-03, 12-28-03, \_\_\_\_\_.

14-96.007 Application Submittal, Review, Approval and Conditions.

(1) through (3) No change.

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's decision of approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), if either:

1. The Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in Section 14-97.003(1)(e), F.A.C.; or

2. The Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. and the Department is not imposing any additional conditions, the Department will issue a permit.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 09/02), if the Department determines that an application is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in paragraph 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When an applicant seeks a permit for additional or alternative connection(s) the previously permitted connections are presumed to provide reasonable access to the State Highway System unless the property owner shows:

1. That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the

property exceeding 25 percent more than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was filed; or

2. That circumstances relating to traffic safety and efficiency, outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 09/02), is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 09/02), unless it is in writing, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the time period allowed for a denial challenge has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02).

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), may be extended, upon Department approval, upon a showing of good cause by the applicant (such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice

of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), may be assigned to a purchaser or new occupant within one year of issuance if there is no change in the land use or in the site plan and the Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), before a connection permit can be issued:

1. Development approval from the appropriate governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02);

2. through (5)(c)6.c. No change.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (06/06 04/03), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02). A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the permittee.

(7) through (9) No change.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-1825, 335.184, 335.185 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03,\_\_\_\_\_.

14-96.011 Modification of Connections.

(1) through (1)(e)2. No change.

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) If the reason for the modification is due to noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (06/06 09/02). The notification shall state that, unless the deficiencies are corrected, the permit shall be modified and the connection to the State Highway shall be modified by the Department at the expense of the property owner.

(b) If the reason for modification is due to significant change the notice will state the basis of the Department's determination for modification of an existing connection. Where the Department's action has become final and no timely application for a new connection permit has been filed, the Department will take immediate action to modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) through (6) No change.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow, Systems Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

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

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-2	Water Use Permitting
RULE NOS.:	RULE TITLES:
40D-2.011	Policy and Purpose
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.302	Reservations From Use
40D-2.321	Duration of Permits
40D-2.331	Modification of Permits
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use-Caution Areas

PURPOSE AND EFFECT: To adopt rules to implement the regulatory portion of the recovery strategy for minimum flows and levels for certain water bodies within the Southern Water Use Caution Area that are being proposed as amendments to Chapter 40D-8, F.A.C. simultaneously with these rules.

SUMMARY: The proposed rules provide that if the actual flow or level of a water body is below the minimum flow or level, a new quantity of water will not be permitted unless the proposed withdrawal will provide a net benefit to the impacted water body. The proposed rules describe the three types of net benefit that can be proposed.

In order to maximize the efficient utilization of water resources in the SWUCA to allow for recovery, the District proposes rules that will emphasize that new and renewal water use permits applicants must demonstrate a reasonable-beneficial use, that conservation measures will be implemented and alternative sources of water will be utilized to the extent economically, technically and environmentally feasible.

The proposed rules include a method for calculating public water supply service area population so that calculation of population is standardized for utilities within the Southern Water Use Caution Area. This standardization is integral to the determination of compliance with per capita daily water use rule requirements and to developing future per capita daily water use standards.

The proposed rules repeal the Highlands Water Use Caution Area and the Eastern Tampa Bay Water Use Caution Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost, final draft dated March 14, 2006, has been prepared addressing the impact of the proposed minimum flows and levels proposed simultaneously in Chapter 40D-8, F.A.C., and the rules proposed in this Chapter 40D-2, F.A.C., and in Chapter 40D-80, F.A.C., to implement the minimum flows and levels within the Southern Water Use Caution Area (the "SWUCA SERC"). The items to be addressed in a

Statement of Estimated Regulatory Cost as set forth in Section 120.541(1)(c), F.S. are included in the SWUCA SERC. The SWUCA SERC is available upon request to the District.

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.044, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.227, 373.229, 373.233, 373.336, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.011 Policy and Purpose.

The purpose of this Chapter is to implement the provisions of Part II of Chapter 373, F.S., and the Water Resource Implementation Rule State of Florida Water Policy set forth in Chapter 62-40, F.A.C. Additional rules relating to water use are found in Chapter 40D-3, F.A.C., entitled Regulation of Wells, Chapter 40D-8, F.A.C., entitled Water Levels and Rates of Flow, Chapter 40D-80, F.A.C., entitled Prevention and Recovery Strategies For Minimum Flows and Levels. Chapter 40D-21, F.A.C., entitled Water Shortage Plan, and Chapter 40D-22, F.A.C., entitled Year-Round Water Conservation Measures.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219 FS. History--Readopted 10-5-74, Formerly 16J-2.01, Amended 10-1-89,\_\_\_\_\_.

40D-2.021 Definitions.

The following definitions shall apply within the Southern Water Use Caution Area:

(1) "Alternative Water Supplies" and "Alternative Water Supply" means saltwater; brackish surface water and brackish groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground-water; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan. Inclusion of reclaimed water and seawater in this definition of

Alternative Water Supplies does not alter the exemption from water use permitting for these sources (see Section 1.2, Basis of Review for Water Use Permitting).

(2) “Annual Average” means the annual average daily quantity that is the total quantity authorized by the District to be withdrawn from water sources in one year, divided by 365 days and expressed in gallons per day (gpd).

(3) “Change in Ownership or Control” means a person other than the permittee that has been granted a real property interest or lease interest in the property subject to the permit; but does not include a person with a familial relationship to the permittee.

(4) “Drought Annual Average” means the annual average daily quantity in the SWUCA that is the total quantity authorized by the District to be withdrawn in one calendar year for irrigation based on a two-in-ten year drought, divided by 365 days and expressed in gallons per day (gpd).

(5) “MIA” means the Most Impacted Area within the Southern Water Use Caution Area located in Hillsborough, Manatee and Sarasota Counties as described in subparagraph 40D-2.801(3)(b)2., F.A.C.

(6) “Net Benefit” means activities or measures that will result in an improvement to a Minimum Flow or Level water body that more than offsets the impact of a proposed withdrawal.

(7) “New Quantities” means water that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase quantities, and/or change the Permit Use Type (affecting only the modified portion) and applications for an initial permit. A modification to change crops or plants grown under an Agricultural Permit Use Type Classification or to change withdrawal location or Use Type that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type provided that the quantities do not increase. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the Water Use Permit that existed prior to mining, such activity does not constitute a change in Use Type or New Quantity.

(8) “Reclaimed Water,” except as specifically provided in Chapter 62-610, F.A.C., means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

(9) “Ridge Lakes” means those lakes located within the area formerly known as the Highlands Ridge Water Use Caution Area as described in subparagraph 40D-2.801(3)(b)3., F.A.C.

(10) “Self-Relocation” means a permit modification that authorizes a permittee to move all or a portion of its withdrawal located within the Southern Water Use Caution Area to a new location or locations owned or controlled by the

permittee within the Southern Water Use Caution Area, with no change in ownership, control, or Use Type as set forth in Rule 40D-2.501, F.A.C., and no increase in quantities. Self-Relocation does not include changes in withdrawal location or Use Type that are authorized by the terms of the existing permit.

(11) “Upper Peace River” means that portion of the Peace River beginning at the confluence of Saddle Creek and the Peace Creek Canal, and extending southerly to the United States Geological Survey Zolfo Springs River Gage No. 02295637 and including the watershed contributing to that portion of the Peace River.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223 FS. History–New \_\_\_\_\_.

40D-2.041 Permits Required.

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

(e) In addition to the thresholds set forth in paragraphs (1)(a) through (1)(d) above, a permit is required within the Most Impacted Area (MIA) as set forth in subparagraph 40D-2.801(3)(b)2., F.A.C., Section 7.2.8. A. and B., and Figure 7.2-2, Basis of Review for Water Use Permit Applications, when withdrawal is from wells having a cumulative outside diameter greater than six inches at the surface any of which wells is constructed after April 11, 1994. This paragraph (e) shall not apply to any proposed well less than six inches in diameter at the surface when it is of the same diameter or smaller than a well it replaces and an application to plug the replaced well in accordance with Rule 40D-3.531, F.A.C., is filed with the application to construct the replacement well in accordance with Rule 40D-3.041, F.A.C.

(2) through (4) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-19-84, 10-1-89, 2-10-93, 4-11-94, \_\_\_\_\_.

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) “Basis of Review for Water Use Permit Applications” \_\_\_\_\_ October 19, 2005;

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, \_\_\_\_\_.

40D-2.101 Content of Application.

In order to obtain a Water Use Permit, an applicant shall file with the District the appropriate form entitled "Water Use Permit Application" including the appropriate supplemental forms. The Application shall include the following information:

(1) through (2) No change.

(3) All applications shall include a list of the names and mailing addresses of all owners of real property, as taken from the latest tax rolls, together with the names and addresses of any new owners not yet placed upon the tax rolls but of which the Applicant has actual knowledge, whose property is located within the distances prescribed below, which shall be attached to and become a part of the permit application:

(a) If the application is for a withdrawal from a lake or other impoundment, as defined in Rule ~~40D-1.102~~ ~~40D-0.021~~, F.A.C., having a water surface of 80 acres or less, all riparian owners of lands adjoining such lake or other impoundment shall be included. If such water surface is in excess of 80 acres, all riparian owners along the shoreline, extending for 660 feet in each direction from the points where the lateral boundaries of the Applicant's property intersects the shoreline, shall be included.

(b) If the application is for a withdrawal from a stream or other watercourse, as defined in Rule ~~40D-1.102~~ ~~40D-0.021~~, F.A.C., and the withdrawal is for not more than five million gallons during a single day (5 MGD), all riparian owners of lands within 660 feet upstream and within 1,320 feet downstream from the points where the extreme lateral boundaries of the Applicant's property intersects with the shoreline, shall be included; if such withdrawal is for more than five million gallons during a single day (5 MGD), all such owners of lands within 1,320 feet upstream and within 2,640 feet downstream from such points shall be included.

(c) No change.

(4) through (7) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History-Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, 10-1-89, 10-23-89, 2-10-93, 1-1-03, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03,\_\_\_\_\_.

40D-2.301 Conditions for Issuance of Permits.

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

(d) Will not interfere with a reservation of water as set forth in Rule 40D-2.302, F.A.C.

~~(e)(d)~~ Will comply with the provisions of 4.3 of the Basis of Review described in Rule 40D-2.091, F.A.C.;

(f)(e) Will utilize the lowest water quality the Applicant has the ability to use, provided that its use does not interfere with the recovery of a water body to its established MFL and it is not a source that is either currently or projected to be adversely impacted;

~~(g)(f)~~ Will not significantly induce saline water intrusion;

~~(h)(g)~~ Will not cause pollution of the aquifer;

~~(i)(h)~~ Will not adversely impact offsite land uses existing at the time of the application;

~~(j)(i)~~ Will not adversely impact an existing legal withdrawal;

~~(k)(j)~~ Will incorporate water conservation measures;

(l)(k) Will incorporate use of Alternative Water Supplies to the greatest extent practicable;

~~(m)(l)~~ Will not cause water to go to waste; and

~~(n)(m)~~ Will not otherwise be harmful to the water resources within the District.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History-Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02,\_\_\_\_\_.

40D-2.302 Reservations From Use.

The Governing Board anticipates reserving from use water necessary to recover to, and protect, the Minimum Flows and Levels established for the Southern Water Use Caution Area as set forth in Chapter 40D-8, F.A.C. These reservations will be adopted through future rulemaking on a case-by-case basis, to address water that is developed through water resource development projects designed to achieve and maintain Minimum Flows and Levels. Adopted reservations will be incorporated into this Rule 40D-2.302, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.223 FS. History-New\_\_\_\_\_.

40D-2.321 Duration of Permits.

(1) The District shall determine the duration of a Water Use Permit, including Standby Permits, based on the degree and likelihood of potential adverse impacts to the water resource or existing users.

(2) The duration of a water use permit shall not exceed six years when:

(a) The permit is for a new use greater than or equal to 500,000 gpd;

(b) The District determines there is a potential for significant adverse impacts and further evaluation is needed to develop an effective mitigation plan; or

(c) The permit is for a renewal to significantly increase quantities.

(3) The duration of a water use permit shall not exceed 10 years when:

(a) The permit is for a new use less than 500,000 gpd;

(b) The permit is for a renewal with an effective mitigation plan to address potential adverse impacts; or

~~(e)~~ The permit is for a renewal with no significant modification.

~~(4)(5)~~ If the District determines that a permit term longer than 10 years is appropriate based on facts presented by an applicant, the District shall issue a permit for a period up to 50 years in accordance with Section 373.236, F.S.

~~(5)~~ Where a permit is required for the development of Alternative Water Supplies, such permit will be granted for a duration of 20 years. If the permittee issues bonds for the project's construction, the permit shall be extended for the time required to retire the bonds, in accordance with Section 373.236(4), F.S.

~~(6)(5)~~ No change.

~~(6)~~ Permits for withdrawals related to a demand of 100,000 gpd or more on an annual average basis (100,000 gpd on a drought annual average basis for irrigation permits) in the Southern Water Use Caution Area where an alternative source of water is used to replace 50% or more of existing or proposed ground water quantities have a permit duration of 20 years. If the amount of ground water replaced by an alternative source becomes less than 50% of the permitted ground water quantities due to a permanent loss of alternative source, the permit shall continue under its remaining duration or receive a duration in accordance with subsections 40D-2.321(2), (3), (4) and (5), whichever is less, from the date when the alternative source was lost. The duration of an Standby Alternative Source Permit pursuant to Section 1.9.9 of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., and available upon request to the District, shall be 20 years, except that when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with subsections 40D-2.321(2), (3) and (4) above.

~~(7)~~ Permits for withdrawals related to a demand of less than 100,000 gpd on an annual average basis (drought annual average basis for irrigation permits) in the Southern Water Use Caution Area, which use an alternative source to replace all or part of the use demand and which are do not required to meter withdrawals, shall have a permit duration in accordance with subsections 40D-2.321(3), and (4) and (5).

Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, \_\_\_\_\_.

40D-2.331 Modification of Permits.

(1) No change.

(2)(a) No change.

(b) Letter, provided a Modification Short Form is submitted and the annual average daily withdrawal will not increase by more than 100,000 gpd or more than 10% of the total permitted quantity, the use of the water will not change, the modification does not cause the total annual average daily quantity to equal or exceed 500,000 gpd, and the proposed changes would not cause impacts beyond those considered in the initial permit and is not a request to extend a permit term.

Within the SWUCA, except to reactivate a Standby for Alternative Water Supply permit as provided in Section 1.12 of the Basis of Review, modification by letter is not available for modifications that include a request to Self-Relocate or to increase water withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level.

(3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.171, 373.239 FS. History-Readopted 10-5-74, Formerly 16J-2.14(1), Amended 10-1-89, 2-10-93, 7-29-93, \_\_\_\_\_.

40D-2.621 Water-Conserving Credits.

(1) On January 1, 2003, permits authorizing a water withdrawal within the Southern Water Use Caution Area as described in paragraph 40D-2.801(3)(b)(d), F.A.C., for irrigation shall be assigned a credit by the District for a quantity of water as set forth in Chapter 3 of the Basis of Review referenced in Rule 40D-2.091, F.A.C.

(2) Beginning on January 1, 2003, all permittees with a permit authorizing a water withdrawal within the SWUCA as described in paragraph 40D-2.801(3)(b)(d), F.A.C., for irrigation may earn Water Conserving Credits to withdraw additional quantities of water for use at the site at which they were earned if less than the allowable amount is applied to actual, planted acreage as set forth in Chapter 3 of the Basis of Review described in Rule 40D-2.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 FS. History-New 1-1-03, Amended \_\_\_\_\_.

40D-2.801 Water-Use-Caution Areas.

(1) through (2) No change.

(3) The regions described in this Rule have been declared Water-Use Caution Areas by the District Governing Board. This Rule reaffirms the declaration of Water-Use Caution Areas and creates conditions to be applied to water users in those areas.

~~(a) Highlands Ridge Water-Use Caution Area. To address regional declining lake levels, the Governing Board declared portions of Polk and Highlands Counties a Water-Use Caution Area on June 28, 1989, pursuant to Resolution number 932.~~

~~1. The boundary for the Highlands Ridge Water-Use Caution Area is as follows:~~

~~All of Highlands County within the boundaries of the Southwest Florida Water Management District and that portion of Polk County within the following Sections:~~

~~Township 27S, Range 26E: Sections 25-29 and 32-36;~~

~~Township 28S, Range 26E: Sections 1-4, 9-16, 21-28, and 34-36;~~

~~Township 29S, Range 26E: Sections 1 and 2;~~

~~Township 27S, Range 27E: Sections 25-36;~~

~~Townships 28-32S, Range 27E: All Sections;  
 Township 27S, Range 28E: Section 31;  
 Township 28S, Range 28E: Sections 6 and 7; 17-22;  
 27-34;  
 Township 29S, Range 28E: Sections 6 and 7; 18-36;  
 Township 30-32S, Range 28E: All Sections;  
 Township 29S, Range 29E: Sections 19, 30 and 31;  
 Township 30S, Range 29E: Sections 5, 6, 7 and 8; 18 and  
 19; 30 and 31; and  
 Township 31S, Range 29E: Section 6.~~

~~2. Regulations applicable to this Water Use Caution Area are contained in "Section 7.1, Basis of Review For Water Use Permit Applications."~~

~~3. All Water Use Permits within the Water Use Caution Area are hereby modified to conform with this Rule, and applicable permit conditions specified in "Section 7.1, Basis of Review For Water Use Permit Applications," are incorporated into all Water Use Permits within the Water Use Caution Area.~~

~~(b) Eastern Tampa Bay Water Use Caution Area. To address declining seasonal and average groundwater levels, water quality degradation and adverse impacts to existing water users the Governing Board declared portions of Hillsborough, Manatee and Sarasota Counties a Water Use Caution Area on June 28, 1989, pursuant to Resolution Number 933, and on October 24, 1989, pursuant to Resolution Number 942.~~

~~1. The boundary for the Eastern Tampa Bay Water Use Caution Area is as follows:~~

~~That portion of Manatee County within the following Sections:~~

- ~~Township 33S, Range 17E: All Sections;~~
- ~~Township 33S, Range 18E: All Sections;~~
- ~~Township 33S, Range 19E: All Sections;~~
- ~~Township 33S, Range 20E: All Sections;~~
- ~~Township 33S, Range 21E: All Sections;~~
- ~~Township 33S, Range 22E: All Sections;~~
- ~~Township 34S, Range 16E: All Sections;~~
- ~~Township 34S, Range 17E: All Sections;~~
- ~~Township 34S, Range 18E: All Sections;~~
- ~~Township 34S, Range 19E: All Sections;~~
- ~~Township 34S, Range 20E: All Sections;~~
- ~~Township 34S, Range 21E: All Sections;~~
- ~~Township 34S, Range 22E: All Sections;~~
- ~~Township 35S, Range 16E: All Sections;~~
- ~~Township 35S, Range 17E: All Sections;~~
- ~~Township 35S, Range 18E: All Sections;~~
- ~~Township 35S, Range 19E: All Sections;~~
- ~~Township 35S, Range 20E: All Sections;~~
- ~~Township 35S, Range 21E: All Sections;~~
- ~~Township 35S, Range 22E: All Sections;~~
- ~~Township 36S, Range 21E: All Sections;~~

~~Township 36S, Range 22E: All Sections;  
 That portion of Hillsborough County within the following Sections:~~

- ~~Township 29S, Range 19E: All Sections South of State Road 60 excluding Sections 19 and 20;~~
- ~~Township 36S, Range 19E: All Sections;~~
- ~~Township 36S, Range 20E: All Sections;~~
- ~~Township 37S, Range 18E: All Sections;~~
- ~~Township 29S, Range 20E: All Sections South of State Road 60;~~
- ~~Township 29S, Range 21E: All Sections South of State Road 60;~~
- ~~Township 29S, Range 22E: All Sections South of State Road 60;~~

- ~~Township 30S, Range 19E: All Sections;~~
- ~~Township 30S, Range 20E: All Sections;~~
- ~~Township 30S, Range 21E: All Sections;~~
- ~~Township 30S, Range 22E: All Sections;~~
- ~~Township 31S, Range 18E: All Sections;~~
- ~~Township 31S, Range 19E: All Sections;~~
- ~~Township 31S, Range 20E: All Sections;~~
- ~~Township 31S, Range 21E: All Sections;~~
- ~~Township 31S, Range 22E: All Sections;~~
- ~~Township 32S, Range 18E: All Sections;~~
- ~~Township 32S, Range 19E: All Sections;~~
- ~~Township 32S, Range 20E: All Sections;~~
- ~~Township 32S, Range 21E: All Sections;~~
- ~~Township 32S, Range 22E: All Sections;~~
- ~~Township 33S, Range 15E: All Sections;~~
- ~~Township 33S, Range 16E: All Sections; and~~

~~That portion of Sarasota County within the following sections:~~

- ~~Township 36S, Range 17E: All Sections;~~
- ~~Township 36S, Range 18E: All Sections;~~

~~2. Regulations applicable to this Water Use Caution Area are contained in "Section 7.2, Basis of Review For Water Use Permit Applications."~~

~~3. All Water Use Permits within the Water Use Caution Area are hereby modified to conform with this Rule, and applicable permit conditions specified in "Section 7.2, Basis of Review For Water Use Permit Applications," are incorporated into all Water Use Permits within the Water Use Caution Area.~~

~~(a)(e) No change.~~

~~(b)(d) Southern Water Use Caution Area (SWUCA). To address lowered declining lake levels, stream flows and declining seasonal and average ground water levels, water quality degradation and adverse impacts to water users, the Governing Board declared all or portions of Manatee, Sarasota, DeSoto, Hardee, Charlotte, Highlands, Hillsborough and Polk~~



Counties within the District's boundaries a Water Use Caution Area on October 26, 1992, pursuant to Resolution Number 92-10.

1. As shown in Figure 2-1, the boundary for the Southern Water Use Caution Area is as follows:

All of Manatee, Sarasota, Charlotte, Hardee, DeSoto, and Highlands Counties within the boundaries of the Southwest Florida Water Management District, and that portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 29, Range 19: All whole or partial Sections South of State Road 60

Township 29, Range 20: All whole or partial Sections South of State Road 60

Township 29, Range 21: All whole or partial Sections South of State Road 60

Township 29, Range 22: All whole or partial Sections South of State Road 60

Township 30, Range 19: All Sections

Township 30, Range 20: All Sections

Township 30, Range 21: All Sections

Township 30, Range 22: All Sections

Township 31, Range 18: All Sections

Township 31, Range 19: All Sections

Township 31, Range 20: All Sections

Township 31, Range 21: All Sections

Township 31, Range 22: All Sections

Township 32, Range 18: All Sections

Township 32, Range 19: All Sections

Township 32, Range 20: All Sections

Township 32, Range 21: All Sections

Township 32, Range 22: All Sections

Township 33, Range 15: All Sections

Township 33, Range 16: All Sections and that portion of Polk County within the Southwest Florida Water Management District and within the following sections:

Township 26, Range 26: All whole or partial Sections South of Interstate 4

Township 27, Range 23: All whole or partial Sections South of Interstate 4

Township 27, Range 24: All whole or partial Sections South of Interstate 4

Township 27, Range 25: All whole or partial Sections South of Interstate 4

Township 27, Range 26: All Sections

Township 27, Range 27: Sections 25 through 36

Township 27, Range 28: Section 31

Township 28, Range 23: All Sections

Township 28, Range 24: All Sections

Township 28, Range 25: All Sections

Township 28, Range 26: All Sections

Township 28, Range 27: All Sections

Township 28, Range 28: All Sections

Township 29, Range 23: All Sections

Township 29, Range 24: All Sections

Township 29, Range 25: All Sections

Township 29, Range 26: All Sections

Township 29, Range 27: All Sections

Township 29, Range 28: All Sections

Township 29, Range 29: Sections 19, 30, 31

Township 30, Range 23: All Sections

Township 30, Range 24: All Sections

Township 30, Range 25: All Sections

Township 30, Range 26: All Sections

Township 30, Range 27: All Sections

Township 30, Range 28: All Sections

Township 30, Range 29: Sections 5, 6, 7, 8, 18, 19, 30, 31

Township 31, Range 23: All Sections

Township 31, Range 24: All Sections

Township 31, Range 25: All Sections

Township 31, Range 26: All Sections

Township 31, Range 27: All Sections

Township 31, Range 28: All Sections

Township 31, Range 29: Section 6

Township 32, Range 23: All Sections

Township 32, Range 24: All Sections

Township 32, Range 25: All Sections

Township 32, Range 26: All Sections

Township 32, Range 27: All Sections

Township 32, Range 28: All Sections.

2. As shown in Figure 2-1, the area for the MIA of the Southern Water Use Caution Area is as follows:

Township 30, Range 19, Sections 2 through 36;

Township 30, Range 20, Sections 17 through 22; and 27 through 36;

Township 31, Range 18, all sections;

Township 31, Range 19, all sections;

Township 31, Range 20, all sections;

Township 31, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;

Township 32, Range 18, all sections;

Township 32, Range 19, all sections;

Township 32, Range 20, all sections;

Township 32, Range 21, Sections 5 through 7;

Township 33, Range 16, all sections;

Township 33, Range 17, all sections;

Township 33, Range 18, all sections;

Township 33, Range 19, all sections;

Township 33, Range 20, all sections;

Township 33, Range 21, Sections 19, 30, 31;

Township 34, Range 16, all sections;

Township 34, Range 17, all sections;  
Township 34, Range 18, all sections;  
Township 34, Range 19, all sections;  
Township 34, Range 20, all sections;  
Township 34, Range 16, all sections;  
Township 34, Range 17, all sections;  
Township 34, Range 18, all sections;  
Township 34, Range 19, all sections;  
Township 34, Range 20, all sections;  
Township 34, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;  
Township 35, Range 16, all sections;  
Township 35, Range 17, all sections;  
Township 35, Range 18, all sections;  
Township 35, Range 19, all sections;  
Township 35, Range 20, all sections;  
Township 35, Range 21, Sections 5 through 8; 17 through 20; and 30;  
Township 36, Range 17, all sections;  
Township 36, Range 18, all sections;  
Township 36, Range 19, Sections 1 through 24; and 27 through 32;  
Township 36, Range 20, Sections 2 through 10; and 17 and 18;  
Township 37, Range 17, Sections 1 through 18;  
Township 37, Range 18, Sections 1 through 10; and 17 and 18;  
Township 34, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;  
Township 35, Range 16, all sections;  
Township 35, Range 17, all sections;  
Township 35, Range 18, all sections;  
Township 35, Range 19, all sections;  
Township 35, Range 20, all sections;  
Township 35, Range 21, Sections 5 through 8; 17 through 20; and 30;  
Township 36, Range 17, all sections;  
Township 36, Range 18, all sections;  
Township 36, Range 19, Sections 1 through 24; and 27 through 32;  
Township 36, Range 20, Sections 2 through 10; and 17 and 18;  
Township 37, Range 17, Sections 1 through 18;  
Township 37, Range 18, Sections 1 through 10; and 17 and 18;  
 3. The Ridge Lakes are those lakes located anywhere within Highlands County and Polk County within the boundaries of the Southwest Florida Water Management District within the following Sections:

All of Highlands County within the boundaries of the Southwest Florida Water Management District, and that portion of Polk County within the Southwest Florida Water Management District and within the following sections (all Townships are South; all Ranges are East):  
Township 26, Range 25: Partial Section 36 South of Interstate 4  
Township 26, Range 26: Partial Sections 28, 29, 31, and 32 South of Interstate 4 and whole Section 33  
Township 27, Range 25: Partial Sections 1, 2, 7, and 8 South of Interstate 4 and whole Sections 9 through 29, and 32 through 36  
Township 27, Range 26: Sections 4 through 9, 16 through 21, and 25 through 36  
Township 27, Range 27: Sections 25 through 36  
Township 27, Range 28: Section 31  
Township 28, Range 25: Sections 1 through 4, 9 through 15, 22 through 26, and 35 through 36  
Township 28, Range 26: All Sections  
Township 28, Range 27: All Sections  
Township 28, Range 28: Sections 6 through 7, 17 through 22, 27 through 32, and Section 34  
Township 29, Range 25: Sections 1, 2, and 11 through 14  
Township 29, Range 26: Sections 1 through 18, and 23 through 24  
Township 29, Range 27: All Sections  
Township 29, Range 28: Sections 6 through 7, and 18 through 36  
Township 29, Range 29: Sections 19, 30, 31  
Township 30, Range 27: All Sections  
Township 30, Range 28: All Sections  
Township 30, Range 29: Sections 5 through 8, 18, 19, 30, 31  
Township 31, Range 27: All Sections  
Township 31, Range 28: All Sections  
Township 31, Range 29: Section 6  
Township 32, Range 27: All Sections  
Township 32, Range 28: All Sections  
 4.2: Regulations applicable to this Water Use Caution Area are specified in this chapter and in the Basis described in Rule 40D-2.091, F.A.C., and are incorporated into this rule. Regulations filed with the Secretary of State in June 2006 relating to the SWUCA shall become effective December [6 months from effective date of this rule], 2006. Regulations relating to SWUCA effective January 1, 2003 and December [6 months from effective date of this rule], 2006, are not intended to affect, and shall not be construed to affect, any water use permit that does not have a withdrawal point within the SWUCA.  
 5.3: Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than

one Water Use Caution Area (WUCA) shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including Minimum Flows and Levels requirements, as set forth in Chapter 40D-2, F.A.C. and this Basis of Review for Water Use Permit Applications.

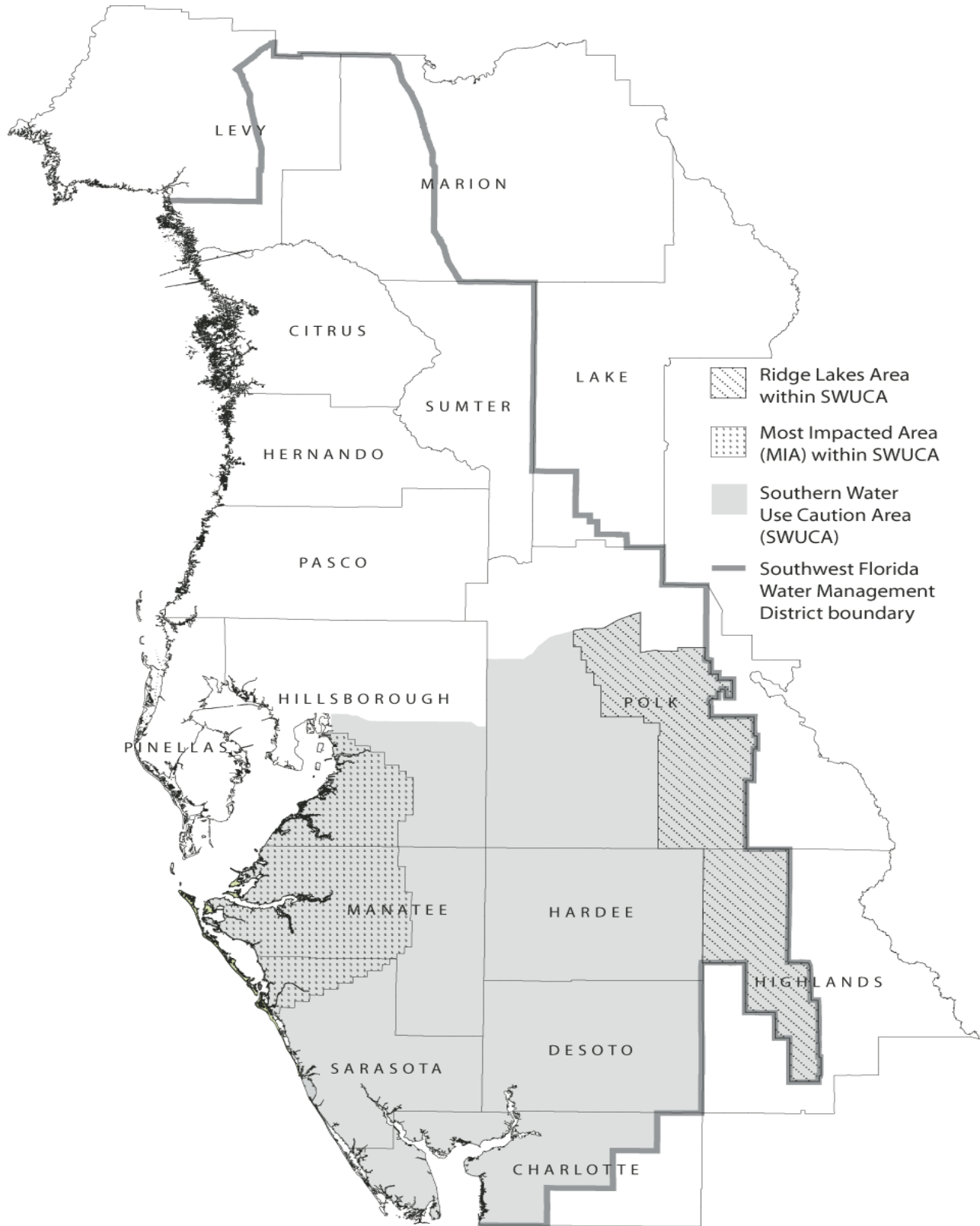
6.4. All Water Use Permits with withdrawal points within the SWUCA Water Use Caution Area are hereby modified to conform with this paragraph 40D-2.801(3)(b)(d), F.A.C., except as provided in paragraph 5, above, and the applicable SWUCA criteria specified in Chapters 3, 4, 5, and 6 of the Basis of Review described in Rule 40D-2.091, F.A.C., are incorporated into all such Water Use Permits.

5. In order to ensure that actual ground water use does not worsen the water resource problems in the SWUCA, the District will monitor usage by water use category. Whenever the water used by any category of user, except public supply,

during the preceding three years exceeds water used by that category from January 1, 1989 through December 31, 1991, a study will be initiated. The study will determine why current usage by that category of user exceeded usage in the years 1989 through 1991. The study will be based primarily on water use data for the category of user studied rather than on seasonal or localized changes in the potentiometric surface. The study will be provided to the Board for it to determine if rulemaking or other actions should be taken.

7. The SWUCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, \_\_\_\_\_.



BASIS OF REVIEW

The following changes are made to Chapter 1.0:

PERMITTING PROCEDURES

1.2 PERMITS REQUIRED

1. Permits are required in accordance with the thresholds identified in Rule 40D-2.041, F.A.C., for the use of fresh and saline, ground and surface water sources. The use of seawater and treated wastewater effluent does not require a Water Use Permit.

2. In addition, in the area designated as the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area as set forth in subparagraph 40D-2.801(3)(b)2., F.A.C., Sections 7.2 VIII A. and B. and Figure 7.2-2, Basis of Review for Water Use Permit Applications withdrawals from wells with a cumulative outside diameter of greater than ~~six~~ 6-inches constructed after April 11, 1994 require a Water Use Permit. This requirement does not apply to any proposed well less than ~~six~~ 6 inches in diameter at the surface when it is of the same diameter or smaller than a well it replaces and an application to plug the replaced well in accordance with Rule 40D-3.531, F.A.C., is filed with the application to construct the replacement well in accordance with Rule 40D-3.041, F.A.C. (For related rules on this issue, see Chapter 40D-2.041, F.A.C.) Amended \_\_\_\_\_

The last paragraph of Section 1.6, Application Review Process, is changed as follows:

1.6 APPLICATION REVIEW PROCESS

General water use permits may be issued by District staff for applications which meet the following criteria:

1. ~~T~~he average annual daily withdrawal is less than 500,000 gpd;

2. ~~T~~he application meets the Conditions for Issuance set forth in Rule Section 40D-2.301, F.A.C.

Amended \_\_\_\_\_

1.7 POTENTIALLY AFFECTED PARTIES

Upon receipt of permit application, the District will publish notice in a newspaper of general circulation near the location of the proposed withdrawal. The District will also provide a copy of such notice to any applicable county or city government from which boundaries the withdrawal is proposed to be made. At the option of the applicable county or city government, the District will provide the notice via regular mail or electronic mail. The notice to the applicable county or city government will include information, when applicable, that the application is for a relocation or competition pursuant to Section 373.233, F.S. Interested persons may request to be provided notice of agency action on a permit application.

Amended \_\_\_\_\_, 2006.

1.9.9 DURATION OF PERMITS UTILIZING ALTERNATIVE WATER SUPPLIES WITHIN THE SWUCA

~~Standby Alternative Source Permits shall have a duration of 20 years except that, when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with 40D-2.321(2), (3) and (4).~~

Permits for the development of Alternative Water Supplies that require a water use permit in the SWUCA shall be separately issued from other water use permits that the applicant may receive for non-alternative water supplies. Subject to Section 373.236, F.S., where required and issued, a permit for the development of alternative water supplies shall have a duration of 20 years, if requested by the applicant for a new, extended or renewal permit and provided that the water use is intended to be in place for that duration. A longer duration may be granted provided that the conditions of Section 373.236(4), F.S., are met.

1-1-03, Amended \_\_\_\_\_, 2006

1.12 MODIFICATION OF PERMITS

1. No change.

2. Letter Modification.

a. Applicants may submit a modification short form to modify an existing permit by letter provided:

(1) The annual average daily withdrawal will not increase by more than 100,000 gpd, or more than ten percent ~~40%~~ of the total;

(2) The use of the water will not change;

(3) The modification does not cause the total annual average daily quantity to equal or exceed 500,000 gpd; ~~and~~

(4) The proposed changes would not cause adverse impacts beyond those considered in the initial permit;

(5) The modification does not request an extension of a permit term;

(6) The modification does not request a Self-Relocation; and

(7) The proposed change is not an increase in water withdrawals that are projected to impact a water body in the SWUCA that is below or is projected to be below its established Minimum Flow or Level Water.

b. A letter modification shall be used to activate a Standby Alternative Water Supply Permit where there is a loss of Alternative Water Supplies as described in Section 3.1, Chapter 3 of this Basis of Review, in the paragraph titled "Loss of Alternative Supplies."

~~c.b.~~ There is no limit to the number of letter modifications that can be requested during the permit term, provided that the sum total of the withdrawal quantity modifications does not exceed the criteria presented in this section.

~~d.e.~~ If the District determines that a request for letter modification does not meet the qualifications stated above, the applicant will be informed that the desired changes must be made through the formal modification process, and the request for letter modification will be returned to the applicant and will not be deemed to be an application.

(For related rules on this issue, see Rule 40D-2.331, F.A.C.)

\_\_\_\_\_, 2006

The following changes are made to Chapter 2.0:

ADMINISTRATIVE CONSIDERATIONS

2.5 PUBLIC WATER SUPPLY SERVICE AREA

A public supply permit Applicant must define the entire area proposed to be serviced by the public supply system during the term of the permit. This area includes both the service area in which the supplier has the ability and legal right to distribute water, as well as other areas where an entity purchases water wholesale from the Applicant. Requested quantities for areas proposed to be supplied must be supported with detailed demand information and plans of the supply system proposed to accomplish this service. In cases where the Applicant does not have political control over a portion or portions of the area supplied (e.g., a county utility supplies a city), detailed demand information for the entire area will be required from the wholesaler. Wholesalers must provide the District with a written agreement from the water purchasers to abide by the conditions of the wholesaler’s permit. Service areas are not considered to be under the control of the Applicant in terms of consideration of off-site impacts. Where there is a potential for adverse impacts to existing legal users due to the applicant’s withdrawals, whether within or outside the applicant’s service area, the applicant shall submit a plan by which the potential impacts shall be monitored and mitigated if such impacts should occur. Nothing in this provision shall affect continuation of Tampa Bay Water’s Well Mitigation Policy set forth in Rule 49B-3.005, F.A.C., dated May 20, 2001. The Applicant may be required to monitor and mitigate potential impacts to existing users within the applicant’s service area.

Amended \_\_\_\_\_

The following section titled “Public Water Supply Service Area Within The SWUCA” is added after Section 2.5 “Public Water Supply Service Area”

PUBLIC WATER SUPPLY SERVICE AREA WITHIN THE SWUCA

A public supply utility permit Applicant must define the entire area proposed to be serviced by the public supply system or utility with potable water during the term of the permit. A public water supply utility may have separate, discreet service areas; however, if water is routinely transferred between service areas, the service areas are counted as one. An applicant’s public supply service area is composed of the following, unless the applicant demonstrates that factors unique to its utility make one or more of these situations inapplicable to the determination of the applicant’s service area:

1. The current and projected geographic retail area for which a public water supply utility intends to provide and bill for potable water for the duration of the permit.

2. The current and projected geographical retail areas of a public water supply utility that is not required to have a Wholesale Water Use Permit but which purchases water wholesale from the Applicant;

3. Areas where the Applicant bills for water use although another entity or utility has a Wholesale Water Use Permit for distribution of the water to the population.

The area for which a Wholesale Public Supply Permittee distributes potable water and bills customers for that water is not included in the wholesaler supplier’s service area.

Public water supply applicants and their wholesale customers that operate “community water systems” as that term is defined by the Florida Department of Environmental Protection, shall be considered public water supply “utilities.” For the purposes of this rule, an entity which submeters a master-metered connection to a utility and bills for the metered water use is not considered a public water supply utility.

Public supply permit Applicants with a defined service area must submit an up-to-date map of the service area with clearly marked, identifiable boundaries at the time of application for a new permit, permit modification (not letter modification) or permit renewal. The map must clearly delineate the current area served from any proposed service area(s) if the current and proposed areas are not the same, and the applicant is applying for quantities for the proposed service area. The map may be paper or District compatible electronic file format. During the term of the permit, for permits with durations longer than six years, an up-to-date service area map shall be submitted every six years. With each service area map submittal, the following information must be included:

1. A current general utility contact person name, title, email address and phone number.

2. A current contact person name, title, email address and phone number whom District staff may call concerning the service area map.

3. The metadata for the map if the map is submitted as an electronic file that is compatible with the District’s format.

4. The District permit numbers and Florida Department of Environmental Protection Public Water Supply Identifier (PWSI) numbers and area designation names for each service area or sub-service area, as applicable.

5. An indication of routine water transfer interconnections between service areas and other utilities or wholesale suppliers or recipients.

6. The name, phone number, and District permit number(s) of each utility that purchases water on a routine basis from the permittee and the most recent year’s purchase quantity in millions of gallons per day.

7. The name, phone number, and District permit number(s) of each utility that the permittee purchase water from on a routine basis and the most recent year’s purchase quantity in millions of gallons per day.

Definable areas within a service area which are served by domestic potable wells shall be delineated and designated by the permittee as non-served areas unless documentation such as a capital improvement plan is provided that demonstrates that the area will be supplied by the applicant within the term of the permit. Quantities shall not be permitted for overlapping service areas or service areas that are in dispute.

New \_\_\_\_\_

### 3.0 REASONABLE WATER NEEDS

This section describes the factors involved in determining appropriate permit quantities for a particular water use. The quantity of water needed is a function of demand for water, efficiency of the water treatment and distribution systems, water acquired from other sources, water sold or transferred to other entities, and conservation practices employed. Section 3.1 describes the factors to consider in determining the appropriate quantities. Section 3.2 describes the units in which the quantities are identified on the permit. The remaining sections (3.3 through 3.7) describe the procedures for estimating water needs using the components of demand for each water use type.

*The following changes are made to Chapter 3.0:*

*The following paragraph is added as a second paragraph of Section 3.1 as follows:*

#### 3.1 DETERMINING REASONABLE QUANTITIES

Reasonable Water Needs In The SWUCA – The reasonable water needs of all applicants for permit renewals, New Quantities and Self-Relocation will be closely evaluated by the District. For renewals and Self-Relocations the evaluation period will be the previous permit term, taking into account climate variability, market conditions, and other factors that influence water withdrawals. Permittees who have not utilized the full previous allocation because circumstances prevented full implementation of the plan on which the allocation was based will be required to demonstrate that the need for the full allocation will occur within the next permit term. To support any future needs, this demonstration must include substantive documentation of the proposed need such as materials orders, construction plans or an operations or business analysis or plan that otherwise specifically justifies the requested quantities. For water uses affected by rainfall, the demonstration may include information showing the relationship between actual rainfall amounts occurring over the previous permit term and any statistical rainfall analysis upon which the previous permit allocation was based that contributed to the permittee’s ability to use less than the full previous allocation. This paragraph shall be construed to provide for the allocation of sufficient quantities to meet the permittee’s reasonable-beneficial needs during drought conditions as otherwise set forth in this Chapter 3 and consistent with the District’s authority to address such uses during declared water shortages and emergency water shortages. In such cases, the permit term may be restricted to

encompass the period over which the proposed need is projected to occur, or the permit may be conditioned to reduce the permitted quantities should the proposed need not develop.  
New \_\_\_\_\_ 2006

*The paragraph titled “Alternative Sources Within The SWUCA” is revised as follows:*

#### ALTERNATIVE WATER SUPPLIES SOURCES WITHIN THE SWUCA

Reuse Goal – Water Use Permittees within the SWUCA who generate treated domestic wastewater are encouraged to demonstrate that maximization of beneficial reuse is occurring such that ~~by September 30, 2004, fifty percent~~ 50% or more of the total annual effluent flow is beneficially reused.

Beneficial reuse is the use of reclaimed water for one of the activities described below. The calculation of the percentage beneficially reused shall be based on the Permittee’s wastewater treatment plants with a capacity of 0.5 mgd or greater. Progress toward this goal shall be described in the Alternative Source Suppliers report described in Section 3.1, the paragraph titled “Alternative Source Suppliers Within The SWUCA,” below.

1-1-03, Amended \_\_\_\_\_

*The subparagraph titled “Standby Permits” When Using Alternative Sources Within The SWUCA is deleted as follows:*

~~Standby Permits Within Using Alternative Sources Within The SWUCA – A New Primary Source Alternative Source permit will be issued in lieu of a water use permit where the applicant uses alternative sources (e.g. reclaimed water or stormwater).~~

1-1-03

*The subparagraph titled “Golf courses Within The SWUCA” is changed as follows:*

Golf Courses Within The SWUCA – If a proposed golf course within the SWUCA is linked with a residential development with its own domestic wastewater treatment plant, the applicant must submit estimates of wastewater generation with time, and will be required by permit condition to implement a phased conversion to reclaimed water when sufficient quantity is available.

When use of Alternative Water Supplies ~~sources~~ is implemented, the fresh water sources will be permitted for standby purposes in case of a failure of the reclaimed water supply.

1-1-03, Amended \_\_\_\_\_

*The Paragraph titled “Reporting Alternative Source Quantities Within The SWUCA” is changed as follows:*

#### REPORTING ALTERNATIVE WATER SUPPLY SOURCE QUANTITIES WITHIN THE SWUCA

Alternative Water Source Suppliers Within The SWUCA – Governmental or other entities holding Water Use Permits within the SWUCA and which generate treated wastewater effluent or supply stormwater shall submit an annual Suppliers of Alternative Source Report. This requirement shall be

implemented by attaching a permit condition to all applicable permits upon January 1, 2003. The Suppliers of Alternative Water Supplies Source Report will require the Permittee to provide information about locations and quantities of Alternative Water Supplies delivered sources supplied, effluent disposed and supplied as beneficial reuse, and information about individual customer reuse connections.

1-1-03, Amended \_\_\_\_\_

The subparagraph titled "Alternative Source Receivers Within the SWUCA" is changed as follows:

Alternative Water Supply Source Receivers Within The SWUCA – All permitted uses within the SWUCA which receive reclaimed water or stormwater (e.g. golf courses, industrial/commercial uses, agricultural uses, etc.) shall be required to meter, record and report Alternative source quantities and sources on a monthly basis. Permittees shall list the alternative source supplier's name, location, and quantities obtained in gallons per day, for each source. This requirement shall be implemented by attaching a permit condition to all applicable permits.

1-1-03, Amended \_\_\_\_\_.

The following provisions are added after the subsection titled "Investigate Desalination Within the SWUCA":

Permits With Alternative Water Supplies In The SWUCA

New Permits – If an application includes the use of Alternative Water Supplies to supply all or a portion of the requested demand, and the applicant demonstrates that, through no fault of the applicant, the Alternative Water Supplies are vulnerable to becoming unavailable, insufficient or unsuitable for the authorized use, upon request by the applicant, a permit will be issued that puts use of the non-alternative source on standby status, provided the withdrawal and use of the non-alternative water supply source meets all the conditions for issuance. The standby permit will be for an amount equal to the quantity offset by the Alternative Water Supplies. This standby quantity is to be used only when the Alternative Water Supplies become unavailable, insufficient or unsuitable for the authorized use; or economically, technically or environmentally infeasible. In no case will the standby quantity exceed the permitted quantity.

New \_\_\_\_\_, 2006

Existing Permits – Where Alternative Water Supplies provide all or a portion of permitted quantities, and if requested by the applicant, a permit will be issued that puts use of the water source on standby status, in an amount equal to the quantity offset by the Alternative Water Supplies. This standby permit is to be used only when, for reasons outside the Permittee's control, the Alternative Water Supplies become unavailable, insufficient or unsuitable for the authorized use; or economically, technically or environmentally infeasible. In no case will the standby quantity exceed the permitted quantity.

New \_\_\_\_\_, 2006

Loss of Alternative Water Supplies – Where a permittee is to use an Alternative Water Supply in lieu of a non-Alternative Water Supply and the Alternative Water Supply becomes temporarily (exceeding 30 days) insufficient or unsuitable, the permittee shall notify the District in writing within 15 days of the event. Such notification shall be submitted monthly for each subsequent 30 days, for up to one year from the date of first loss, while the supply of alternative water supplies remains insufficient or unsuitable for the authorized use. During this time, the withdrawal of standby quantities is allowed to meet the authorized use up to the maximum amount of the permitted standby quantities. If the loss of the Alternative Water Supplies exceeds one year, the District shall issue a Letter of Modification, subject to all requirements of subsection 40D-2.331(2), F.A.C., to modify the non-alternative water supplies quantities that may be withdrawn. If the standby permit is for a withdrawal within the SWUCA, a Letter of Modification shall be issued to modify the quantities that may be withdrawn even if the quantities to be withdrawn exceed the quantity thresholds included in subsection 40D-2.331(2), F.A.C.

New \_\_\_\_\_ 2006

The following provisions are deleted:

STANDBY ALTERNATIVE SOURCE PERMIT

~~An Alternative Source Permit will only be issued where all water use permit permitting criteria for the primary source are met, but the applicant elects to use an alternative source for all or part of its demand.~~

~~1-1-03~~

~~1. New Primary Alternate Source Permit: A New Primary Alternate Source (NPAS) permit will be issued in lieu of a water use permit where the applicant has an alternate source (e.g., reclaimed water or stormwater) available at the time of application and only needs a primary source (ground water or surface water withdrawals from natural water bodies) permitted in the event of the loss of the alternate source.~~

~~1-1-03~~

~~2. Existing Primary Alternate Source Permit: The water use permit, under which any or all withdrawals have been discontinued from the ground water or natural surface water body (primary source) due to use of an alternate source (e.g. reclaimed water or stormwater), shall be modified to be an Existing Primary Alternate Source (EPAS) permit. The primary quantities replaced on the water use permit shall no longer be withdrawn except as provided in 3. below.~~

~~1-1-03~~

~~3. Activation of NPAS and Reactivation of EPAS Primary Source Withdrawals.~~

~~a. Permanent Loss – If the NPAS or EPAS Permittee permanently loses the use of the alternative source, authorization to use the primary source shall be obtained from the District prior to withdrawals being made.~~



b. NPAS Permittees shall submit an application for a water use permit to permanently activate, in whole or in part, the previously unused primary source. The application shall be supported by evidence of permanent loss of the alternative source and shall be submitted to the District within two weeks of learning of the non-availability of the alternative source. If only a portion of the alternative source is lost, the Permittee shall also submit an application to eliminate the activated primary source quantities that were on the NPAS Permit.

e. EPAS Permittees shall submit a written request to reactivate, in whole or in part, the primary source within two weeks of learning of the non-availability of the alternative source. The request shall be supported by evidence of permanent loss. If all of the alternative source is lost, the District will issue a water use permit for withdrawal from the primary source in the same quantities and same use as was previously permitted on their water use permit. Any changes from the previous water use permit, including the expiration date, must be done via a modification or renewal of the water use permit. If only a part of the alternative source is lost, the Permittee shall submit an application to modify their Existing Primary Alternative Source permit to reflect the new operation.

1-1-03

~~4. 30 Days or Less Temporary Loss—If the Alternative Source Permittee loses the use of the alternative source for 30 days or less, the Alternative Source Permittee is hereby authorized to activate the primary source provided that the District is notified in writing within 48 hours after withdrawal begins. The Alternative Source Permittee shall notify the District within 48 hours of the re-availability of the alternative source, and the withdrawals from the primary source shall cease. Alternative Source Permittees may activate the primary source for crop protection or when the alternative source is not available at sufficient quantities or pressures so long as the cumulative number of days of such activation does not exceed 30 days in one calendar year. Activation of the primary source for crop protection or due to insufficient quantity or pressure need not be reported to the District within 48 hours of activation but shall be reported on the monthly pumpage report.~~

1-1-03

~~More than 30 days Temporary Loss—If the Alternative Source Permittee loses the use of the alternative source for more than 30 days, the Alternative Source Permittee is hereby authorized to activate the primary source quantities provided that the District is notified in writing within 48 hours after withdrawal begins. The District will evaluate the circumstances of and length of time for which the alternative source will be unavailable and notify the Alternative Source Permittee whether the pumping of the primary source under the existing NPAS or EPAS can continue to be made.~~

1-1-03.

*The following provisions are added to the end of the subsection titled "Conservation":*

CONSERVATION

Water Conservation Within The SWUCA – Applicants must demonstrate that technically and economically feasible water conservation opportunities have been or will be employed. Evaluation of this requirement will include relevant Best Management Practices (BMPs), recycling, and water-conserving technologies applicable to the proposed water uses.

, 2006

Alternative Water Supplies Within the SWUCA – Applicants will be required to evaluate the use of potentially appropriate Alternative Water Supplies for technical, economic and environmental feasibility. This evaluation must determine whether alternatives are available to offset all or part of quantities obtained from any non-alternative water supply, as well as whether an offset is only available seasonally or on a time-limited basis.

Multiple Water Supply Sources Within the SWUCA – Where an applicant or permittee has non-Alternative Water Supplies and Alternative Water Supplies, the Alternative Water Supplies shall be used in lieu of non- Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility.

New \_\_\_\_\_, 2006

*Within Section 3.2, "Permitted Withdrawal Quantities", the following changes are made:*

b. PERMITTED WITHDRAWAL QUANTITIES

*The title to the subsection titled "Annual Average Daily Withdrawal" is changed to read:*

STANDARD ANNUAL AVERAGE DAILY WITHDRAWAL

*The following subsection is added after the subsection described above titled "Standard Annual Average Daily Withdrawal":*

DROUGHT ANNUAL AVERAGE DAILY WITHDRAWAL

The drought annual average daily withdrawal quantity is a statistical drought irrigation quantity that is the maximum annual irrigation amount permitted by the District, annualized over 365 days. For pasture the District uses a sixty percent statistical rainfall probability to calculate the drought annual average daily quantity, and for plastic mulched seasonal crops the District calculates the drought annual average assuming zero effective rainfall. For crops, other than pasture, that can utilize rainfall, the District uses an eighty percent statistical probability (i.e., an eight-in-ten chance that there will be more rainfall) to calculate drought annual average daily withdrawal quantity. This quantity does not include cold protection.

*The following changes are made to Section 3.3 titled "Agriculture" as indicated below:*

c. AGRICULTURE

*Table 3-2 is revised as follows:*

Table 3-2. Efficiency Standards and Rainfall Bases for Irrigation Permits Located In the SWUCA. Effective 1-1-2003, Except Pasture Effective Upon Adoption, Credits Begin 1-1-2003.

Crop/Plant	Supplemental Allocation Efficiency	Credit Calculation Efficiency	Supplemental Allocation Effective Rainfall Basis	Credit Drought Calculation Basis
Citrus <sup>1</sup>	75%	75% at 2003 80% at 2005	Annual, 5 in 10	Annual, 2 in 10
Row Crops With Mulch	75% 80% at 2004	N/A	Zero	N/A
Row Crops w/o Mulch	75% 80% at 2004	75% at 2003 80% at 2005	Seasonal, 5 in 10	Seasonal, 2 in 10
Nursery – Container	75%	75% at 2003 80% at 2005	Annual, 5 in 10	Annual, 2 in 10
Nursery – Field Grown	75%	75% at 2003 80% at 2005	Annual, 5 in 10	Annual, 2 in 10
Pasture	75%	N/A	3 months <sup>2</sup> , 6 5 in 10	N/A
Sod/Turf	75%	75% at 2003 80% at 2005	Annual, 5 in 10	Annual, 2 in 10
Field Crops	75%	75% at 2003 80% at 2005	Seasonal, 5 in 10	Seasonal, 2 in 10
Golf Courses, Playing Fields, Cemeteries	75%	75% at 2003 80% at 2005	Annual, 5 in 10	Annual 2 in 10

<sup>1</sup>Based on 74% shaded area, equivalent to 89.4% of gross acreage once lateral movement of applied water is accounted for.

<sup>2</sup>~~Three Driest Months in County, April, May and October.~~  
Effective 1-1-03, Amended \_\_\_\_\_, 2006.

PASTURE IRRIGATION WITHIN THE SWUCA

Applications for the irrigation of unimproved pasture will not be approved. Authorization of water use for improved pasture may be given based on the three driest months of the year (~~April, May, October~~) if the Applicant documents that an operable irrigation system exists (or is proposed) and is capable of delivering the requested amount. Permitted

quantities for pasture irrigation will be based on the assigned efficiency standards set forth in Table 3-2 or historical irrigation quantities or schedules, whichever is less.

For proposed systems, a schedule for implementation of the irrigation system is required, and the permit will be conditioned so that the pasture irrigation quantities are invalidated if not used within the time specified.

1-1-03, Amended \_\_\_\_\_.

*The following two existing Basis of Review paragraphs found in 7.1 2.1, 7.2 2.1, 7.1 2.2 and 7.2 2.2 are being transferred to this section 3.3, will appear after the paragraph titled "Compliance", and are changed as follows:*

**Compliance Within The SWUCA** – Permittees who exceed the allocated quantities, which include standard and drought quantities as applicable, shall submit a report to the District

which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Allocated quantities are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop. Reports for Permittees not achieving the allotted quantities are subject to District approval. The District reserves the right to enforce the terms and conditions of the permit. If the report is not approved, the Permittee is in violation of the Water Use Permit.

Transferred from 7.1 2.1 and 7.2 2.1 \_\_\_\_\_, 2006

The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. Permittees may justify lack of achievement by documenting unusual water needs, such as unusual soil or weather conditions creating greater irrigation needs than normal. However, even with such documented justification, phased reductions in water use shall be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible. For such Permittees, on a case-by-case basis, individual efficiency criteria may be developed for each management period.

Transferred from 7.1 2.2 and 7.2. 2.2 \_\_\_\_\_, 2006

*The following changes are made to Section 3.6:*

**3.6 PUBLIC SUPPLY**

*The following is existing rule language being transferred from sections 7.1 1., and 7.2 1., and the sixth paragraph of 7.1 1.1, and 7.2 1.1 of the Basis of Review and will be added to Section 3.6 PUBLIC SUPPLY before the subsection titled "Per Capita Daily Water Use":*

**SWUCA REQUIREMENTS**

The following water conservation requirements designated to apply within the SWUCA shall apply to all public supply utilities and suppliers with Permits that are granted for an annual average daily quantity of 100,000 gallons per day or greater, as well as wholesale customers supplied by another entity which obtain an annual average daily quantity of 100,000 gallons per day or greater, either indirectly or directly under water use permits within the SWUCA Water Use Caution Area, regardless of the name(s) on the water use permit. Failure of a wholesale customer to comply may result in modification of the wholesaler's permit to add a permit condition limiting or reducing the wholesale customer's quantities, or other actions by the District.

*Transferred from sections 7.1 1., and 7.2 1., and the sixth paragraph of 7.1 1.1, and 7.2 1.1 \_\_\_\_\_, 2006*

**PER CAPITA DAILY WATER USE WITHIN THE SWUCA**

Adjusted Gross Per Capita – ~~Within the Southern Water Use Caution Area, Adjusted Gross per capita daily water use is defined as withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and~~

~~unaccounted uses. Within the SWUCA permittees shall have an adjusted gross per capita daily water use rate no greater than 150 gallons per person per day (gpd). Permittees may deduct significant uses, treatment losses, and environmental mitigation. However significant uses must be reported if deducted. Permittees with per capita daily water use which is increased skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. However, they must be reported and accounted for in a water conservation plan developed by the applicant/permittee which includes specific water conservation programs for each user or type of use, as described in the section "Deducted Water Uses Within the SWUCA", below. The formula used for determining adjusted gross per capita is as follows:~~

$$\frac{WD + IM - EX - TL - SU - EM}{FP \text{ Population}}$$

Where:

- WD = ground water and surface water withdrawals
- IM = water imported/bought from another supplier
- EX = water exported/sold to other suppliers
- TL = treatment loss (typically R/O or sand filtration)
- SU = significant uses
- EM = environmental mitigation, if required as a District permit condition

FP = functional population is the permanent population as adjusted by the seasonal resident, tourist, group quarters and commuter population within a utility's service area as determined in accordance with "Requirements for the Estimation of Permanent and Temporal Service Area Populations," dated \_\_\_\_\_ 2006, as set forth in Part D of the Basis of Review For Water Use Permit Applications.

Population = functional population

1-1-03, Amended \_\_\_\_\_, 2006

~~Significant Use Within the SWUCA – A significant use, which must be reported and may be deducted, is defined as an individual non residential customer, excluding golf courses, using 25,000 gallons per day or greater on an annual average basis, or an individual non residential customer whose use represents greater than five percent of the utility's annual water use. Utilities with a large number of commercial accounts which fall below the 25,000 gpd individual significant use threshold may deduct the percentage of commercial use greater than the District wide average of the three most recent years commercial use, provided that they do not deduct any individual significant uses and that they do not make population adjustments based on commuter population.~~

~~1-1-03~~

*The following provisions are added in place of the text under the heading "Significant Use Within the SWUCA" above.*

Public supply utilities often supply water for non-residential customers. If this non-residential use complies with any of the following criteria (listed A through E below), the use may be termed a significant use and be deducted from the utility's total water use prior to calculating their Compliance Per Capita Use. Whether or not any single significant use described in Part A below is deducted for compliance per capita calculation, all must be reported in the annual report. Golf course and multi-family residential use (whether classified by the utility as commercial customer or not) do not qualify as significant uses.

A. Single Significant Use – A single significant use is an industrial/commercial (I/C) facility or other non-residential, non-governmental facility (which may consist of one or more buildings under common ownership, maintenance and management control) that is supplied with greater than or equal to 25,000 gpd of water on an annual average basis (calculated for a calendar year), or whose water use comprises more than five percent of the utility's annual water use (calculated for a calendar year). Facilities that are not related under common ownership, maintenance and management control shall not be combined to meet a single significant use threshold. For reporting purposes, each single significant use shall be identified by customer name, and the annual gallons per day supplied to that customer shall be provided. If the 25,000 gpd criteria is used for a facility, the five percent criteria may not also be used, and vice-versa.

This significant use deduction can be used in conjunction with the significant use deductions associated with regional government, higher education, and regional health care facilities as described in Parts C. and D. below. All of the water provided to businesses where water itself is the primary ingredient in the product can be added to these deductions. Such businesses are described in E below.

Exclusions: This single significant use deduction shall not be used if the permittee:

1. Uses the District-Wide Percent I/C Use method described below, or

2. Includes commuter population estimates in their service area population estimates.

B. District-Wide Percent I/C Use – Utilities with a large number of I/C (industrial/commercial) accounts, each of which fall below the 25,000 gpd single significant use threshold or the five percent of total utility use threshold may combine these smaller uses and deduct the percent of their I/C use that is greater than the District-wide three-year average percent I/C use which will be available annually from the District. Documentation for this method shall include completion and submittal to the District of the I/C Worksheet, WUP Form No. \_\_\_\_\_ (mo, year), where commercial accounts are to be grouped by meter size, the total number of accounts shown as well as the total quantities supplied to each meter-size group. The deduction shall be calculated as follows:

a. Sum the total actual use for these accounts and divide by the total Gross Water Use Form A of the Public Supply Per Capita Survey (supplied by the District) to determine the utility's percent I/C use.

b. From the Public Supply residential water use tables in the District's three most recently published "Estimated Water Use" reports, add the total for each of the three year's Public Supply District "Gross Use" and add each of the three year's District "I/C Use".

c. Divide the summed "I/C Use" by the summed "Gross Use" to derive the District-wide three-year average percent I/C use (to be referred to as the "District-Wide Percent I/C Use").

d. Compare the Permittee's percent I/C Use to the District-Wide Percent I/C Use. If the Permittee's percent is equal to or less than the District-Wide Percent I/C Use, no deduction may be taken. If the Permittee's percent I/C use is higher, subtract the District-wide Percent I/C Use from the Permittee's percent I/C use to find the difference in percentages.

e. Multiply the Permittee's Gross Use by the difference in percentages.

Example:

1. A permittee's Gross Use is 5 MGD, and their combined I/C Use is 1.5 MGD. Their percent I/C Use is  $(1.5 \text{ MGD} / 5 \text{ MGD}) = 30\%$ .

2. The sum of all Public Supply permittees' "Gross Use" for 2000, 2001, and 2002, as published in the District's 2000, 2001, and 2002 Estimated Water Use Reports, is 1,218 MGD, and the sum of all Public Supply permittees' "I/C Use" for the same three years is 283 MGD.

3. The District-wide Percent I/C Use is  $(283 \text{ MGD} / 1,218 \text{ MGD}) = 23.2\%$ .

4. The permittee's percent is higher, so  $30\% - 23.2\% = 6.8\%$

5.  $6.8\% \text{ times } 5 \text{ MGD} = 0.340 \text{ MGD}$ .

The permittee may deduct 340,000 gpd from their total water use prior to calculating the compliance per capita water use.

Exclusions: This method of significant use calculation may not be used if the permittee:

1. Uses any other significant use deduction method, or

2. Includes commuter population in its estimate of service area functional population.

C. Combined Regional Government and Higher Education Facilities – Some of the water provided to regional governmental or higher educational facilities (which may consist of one or more buildings under common ownership, maintenance and management) that are located inside the utility's service area but also serve persons who live outside of the utility's service area may be deducted. The name and use for each facility deducted must be provided. The deduction shall be calculated as follows:

1. Add the gallons per day of water provided to all of these facilities.

2. Using the most recent U.S. Census for the county, determine the percent of the permanent county population not living in the utility's service area.

3. Multiply the percent of county residents who do not live within the utility's service area times the combined use of the facilities. The amount calculated can be deducted.

Note: City parks, recreation centers, public and private K-through-12 schools, city or town governmental facilities, local vocational-technological schools and other facilities which generally only serve the service area population shall be excluded. The following are examples of facilities for which the water provided may be partially deducted:

a. Community colleges, colleges and universities (public or private).

b. County, state, and federal regional administrative and maintenance facilities.

Exclusions: The water use of these facilities may not be deducted under the provisions of this section if the permittee:

a. Uses the District-Wide Percent I/C Use method, or

b. Includes commuter population estimates in service area population estimates.

D. Individual Regional Health Facilities – Some of the water provided to health care facilities such as regional hospitals or specialty clinics (which may consist of one or more buildings under common ownership, maintenance and management) that are inside the utility's service area but also serve persons living outside the utility service area boundaries may be deducted. The allowable deduction is calculated individually for each health care facility. It is the ratio of annual admissions with patient zip codes outside the service area to the total number of annual admissions times the water provided to the health care facility. The name and use for each facility must be provided.

Exclusions: The water use of these facilities may not be deducted as an individual significant use under the provisions of this section if the permittee:

1. Uses the District-Wide Percent I/C Use method, or

2. Includes commuter population estimates in service area population estimates.

E. Individual Industrial/Commercial Facilities Where Water is the Primary Ingredient of the Final Product – Individual facilities such as brewers, soft-drink bottlers, and juice reconstitution plants (which may consist of one or more buildings under common ownership, maintenance and management) where water is the primary ingredient of the final product may deduct one hundred percent of the water in the product.

The permittee may choose to also take single significant use deductions described in A. above or use commuter population in its estimate of the functional population, but not both.

Exclusions: The water use of such facilities cannot be deducted if the permittee uses the District-Wide Percent I/C Use method. New \_\_\_\_\_, 2006

Deducted Water Uses Within The SWUCA – Any uses which are deducted from the per-capita daily water use based on the above guidelines shall be supported with documentation demonstrating that they are significant uses, environmental mitigation or treatment losses and shall include documentation of usage quantities. Multi-family residential accounts classified by the utility as commercial and irrigation accounts associated with residential accounts are not significant uses and may not be deducted. Additionally, all significant uses must be accounted for in a water conservation plan developed by the applicant/permittee which includes specific water conservation programs for each use or type of use. A water survey must be conducted for each individual significant use deducted under A. Single Significant Use, D. Individual Regional Health Facilities, and E. Individual Industrial/Commercial Facilities Where Water is the Primary Ingredient of the Final Product, above. A water conservation plan and water survey specific to each business type (e.g., offices, restaurants, retail/wholesale, etc.) or group type (government or higher education) for each significant use that is deducted as a significant use shall be provided in lieu of a water conservation plan for each individual I/C customer included pursuant to B. District-Wide Percent I/C Use, and C. Combined Regional Government and Higher Education Facilities above. This survey shall document the types of water uses that occur within the significant user's facility, the quantities associated with these uses, and any leak-detection or conservation activities undertaken by the user. Environmental mitigation quantities permitted by the District and treatment losses such as desalination reject water and sand filtration backwash water shall be identified and reported separately, and shall not be included in the calculation of per capita use. Water supplied to wholesale public supply customers that are not required to obtain a Wholesale Public Supply Water Use Permit shall be identified and reported separately, with a separate per-capita use calculated for each wholesale customer in addition to the wholesaler.

1-1-03, \_\_\_\_\_, 2006

~~Reporting Adjusted Gross And Compliance Per Capita Within The SWUCA – All permittees shall calculate and report adjusted gross per capita water usage as outlined above.~~

1-1-03

Reporting Adjusted Gross Per Capita in the SWUCA – All permittees whose permit requires the submittal of pumpage data shall calculate and report adjusted gross per capita water usage annually as outlined above. If a permittee has an adjusted gross per capita rate greater than 150 gpd, the Permittee shall document why this rate was not achieved, measures taken to comply with this requirement, and a plan to

bring the permit into compliance with the 150 gpd rate. This report is subject to District approval. The District reserves the right to enforce the terms and conditions of the permit.

Transferred \_\_\_\_\_, 2006

*The following is existing rule language being transferred from the eighteenth paragraph of section 7.1 1.1 and the seventeenth paragraph of section 7.2 1.1 the Basis of Review and will be added as follows:*

The District will evaluate the information submitted by Permittees, including those operating under a Goal-based Water Conservation Plan, who do not achieve this these requirements to determine whether the lack of achievement is justifiable and a variance is warranted. Permittees may justify lack of achievement by documenting any unusual water needs, such as larger than average lot sizes with greater water irrigation needs. ~~than normal sized lots.~~ However, ~~even with such documented justification,~~ phased reductions in water use shall be required unless the District determines that water usage was reasonable under the circumstances reported and that further reductions are not feasible. For such Permittees, ~~on a case-by-case basis,~~ individual water conservation requirements may be developed on a case-by-case basis for each management period.

Transferred \_\_\_\_\_, 2006

WATER-CONSERVING RATE STRUCTURE WITHIN THE SWUCA

Each water supply utility within the SWUCA ~~Southern Water Use Caution Area~~ shall adopt a water-conserving rate structure by January 1, 2004. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 2003. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by July 1, 2004. New public supply permits shall adopt a water conservation oriented rate structure no later than two years from the date of permit issuance and shall submit a report describing the rate structure and its estimated effectiveness within one year following adoption.

1-1-03, \_\_\_\_\_, 2006.

RESIDENTIAL WATER USE REPORTS WITHIN THE SWUCA

Beginning January 1, 2003, public supply permittees in the SWUCA ~~Southern Water Use Caution Area~~ shall be required to annually report residential water use by type of dwelling unit, as required in "Annual Reports," items 10, 11 and 12, below. Residential dwelling units shall be classified into single-family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to

determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

1-1-03, \_\_\_\_\_, 2006.

ANNUAL REPORTS WITHIN THE SWUCA

Public supply permittees with a withdrawal point in the SWUCA ~~Southern Water Use Caution Area~~, except those excluded by Rule 40D-2.801(b)(3), (5) and (6), F.A.C., whose permit requires the submittal of pumpage data shall submit the information specified below in an annual report covering the preceding calendar year. This report is due no later than on April 1.

Those public supply permittees with a permit for less than 100,000 gpd annual average quantities and who have an adjusted gross per capita rate less than 150 gpd ~~meet the applicable per capita requirements~~ are required to submit items 1 through 6 and item 12 only.

1. Service area fFunctional population served and methodology for determining service area functional population (see related provision under the provisions of POPULATION ESTIMATES below);

2. through 10. No change.

11. The number of mobile homes served and their total water use, if not included in item 9. or 10. above;

12. through 14. No change.

15. With every sixth yearly report, a current service area map.

1-1-03, \_\_\_\_\_, 2006

CALCULATION OF TOURIST-ADJUSTED POPULATION

Where projected short-term tourist population data are available, tourist population data may be included in seasonally adjusted population estimates. Tourists generally only represent demand for indoor uses of water, so the Applicant should estimate tourist use at one-half of permanent or seasonal population daily use. This estimate is accomplished by utilizing one-half of the estimated tourist population for a given time period in calculations. For example, if November for a given year is projected to have a permanent population of 100,000, a seasonal population of 10,000, and a tourist population of 10,000, the November population to be used in the seasonally adjusted population calculation would be  $100,000 + 10,000 + 0.5(10,000) = 115,000$ .

Service Area Functional Population Estimates Within the SWUCA

Permittees required to submit service area functional population estimates in the SWUCA shall estimate both permanent and temporal resident populations. Estimation of service area tourist and net commuter population may be estimated as well. All estimates must be prepared in accordance with "Requirements for the Estimation of Permanent and Temporal Service Area Populations," dated 2006, as set forth in Part D of the Basis of Review For Water Use Permit Applications. Public supply permittees whose

permit requires the submittal of pumpage data shall submit the applicable Worksheets from Part D and supporting documentation for calculations of per capita rates utilizing this standardized methodology beginning two years from [the effective date of the rule].

New \_\_\_\_\_, 2006

*The following subsection is added to the Section titled "Conservation Requirements Within The SWUCA" after the paragraph titled "Exemptions From Water Conservation Requirements".*

CONSERVATION REQUIREMENTS WITHIN THE SWUCA

GOAL-BASED WATER CONSERVATION PLANS

A public water supply utility may propose a goal-based water conservation plan that is tailored to its individual circumstances. Progress toward goals must be measurable. If the utility provides reasonable assurance that the plan will achieve effective water conservation at least as well as the water conservation requirements adopted by the District, including per capita requirements, and is otherwise consistent with Section 373.223, F.S., the District must approve the plan which shall satisfy water conservation requirements imposed as a condition of obtaining a water use permit.

New \_\_\_\_\_, 2006

3.7 RECREATION OR AESTHETIC

GOLF COURSE CONSERVATION WITHIN THE SWUCA

Irrigation of Roughs – Irrigation of roughs shall be eliminated for all golf courses with withdrawal points within the SWUCA ~~Southern Water Use Caution Area~~ but not previously in the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area by January 1, 2006. If a permittee demonstrates that drought-tolerant landscaping has been utilized in the roughs, the permittee may irrigate the roughs using quantities permitted for the tees, greens, and fairways. Separate quantities for rough irrigation will not be allocated. However, an applicant may request prior approval from the District to use roughs as wet weather reclaimed water disposal sites.

1-1-03, \_\_\_\_\_, 2006

Conservation Plans – All new and renewal permit applicants for ground water withdrawals within the SWUCA ~~Southern Water Use Caution Area~~ for golf course irrigation are required to submit a water conservation plan specifically addressing:

1. Conversion to low volume irrigation methods areas other than fairways;
2. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration;
3. Increased evening hour irrigation;
4. Utilization of reclaimed water or stormwater to provide all or part of the irrigation requirements;

5. Limiting frequent irrigation to water-critical areas, and limiting irrigation of other areas; and

6. Schedule for implementation of the plan.

1-1-03, \_\_\_\_\_, 2006

*The following changes are made to Chapter 4.0:*

4.0 CONDITIONS FOR ISSUANCE--TECHNICAL CRITERIA

*The second paragraph is changed as follows:*

This Chapter provides guidelines for determining whether a water use meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C. If the criteria described in this Chapter are not met, Applicants may consider reduction of withdrawal quantities, a pumpage rotation schedule, mitigation, or other means to bring a proposed use into compliance with the Conditions For Issuance. For some criteria, presumptions have been developed to facilitate evaluation. If site-specific information is provided which demonstrates that the presumption is incorrect, this information will be used to evaluate compliance with the performance standards. For projects within the SWUCA with the purpose of restoration or enhancement of impaired or impacted water bodies, the existing condition referred to in the performance standards is considered to be the natural condition unaffected by withdrawals, structural alterations or changes rather than the impaired or impacted condition that exists currently.

\_\_\_\_\_, 2006

*Within Section 4.2, subsection A. is changed as follows:*

4.2 ENVIRONMENTAL IMPACTS

A. Wetlands

1. through 2. No change.

3. Wetlands Affected By Mining Activities

Certain mining activities in wetlands are reviewed by the Department of Environmental Regulation (DER) for wetlands impacts, the Department of Environmental Protection (DEP) ~~Natural Resources (DNR)~~ for wetlands reclamation, or various reviewing agencies under the Development of Regional Impact (DRI) process. Mining and Dewatering use Applicants whose wetland activities are reviewed under any of these processes must submit to the District a mine plan which corresponds to the term of the permit identifying the items listed below. The permittee shall provide an updated mine plan to the District prior to any water use or dewatering activities which would impact wetlands because of changes to the previously submitted mine plan. For Mining and Dewatering use applications, the District will consider withdrawal impacts only to off-site wetlands and:

a. Wetlands to be preserved under applications approved by DER, plans approved by DEP ~~DNR~~, or under a Development Order;

b. Wetlands created or required to be created as part of a reclamation plan approved by DEP ~~DNR~~ or a mitigation plan approved by DER; and

c. ~~Any~~ other on-site wetlands that will not be mined.

Wetlands to be preserved shall be subject to mitigation options similar to those that apply along the property boundaries for dewatering activities. These mitigation options include a setback, a recharge ditch, or other methods to avoid unacceptable drawdowns in the area to be protected.

Applicants for Mining and Dewatering use which are not subject to DER review for wetlands impacts or ~~DEP DNR~~ review for wetlands reclamation must submit for District approval a mine plan identifying all on-site wetlands.

1-1-03, \_\_\_\_\_, 2006

4. No change.

**B. Lakes**

1. No change.

2. Lake Impacts Within The SWUCA

a. Stressed Lake Definition – A stressed condition for a lake within the SWUCA is ~~where~~ based on continuous monthly data for the most recent five-year period, with the latest readings being within the past 12 months, two-thirds of the values are at or below the adopted minimum low management level. For those lakes within the SWUCA without established management levels, stressed conditions shall be determined on a case-by-case basis through site investigation by District staff. The District maintains a list of lakes within the District which have been determined to be stressed. Lakes that have been classified as stressed will be evaluated for a recovered classification two years after the lake is determined to be stressed.

1-1-03, \_\_\_\_\_, 2006

b. No change.

c. Stressed Lakes, New Withdrawals – Due to the cumulative impacts of ground water and surface water withdrawals ~~impacts~~, new withdrawals that affect from stressed lakes within the SWUCA shall ~~not~~ be permitted: only if all the conditions for issuance are met and the permit contains a condition restricting withdrawals to those times when the lake is at or above the High Minimum Level or High Guidance Level, whichever is appropriate.

~~Within the SWUCA, new groundwater withdrawals from stressed lakes, shall not be permitted.~~

1-1-03, \_\_\_\_\_, 2006

d. Stressed Lakes, Existing Withdrawals – Existing permitted surface withdrawals from stressed lakes within the SWUCA shall be abandoned or replaced with alternative water supplies sources within three years from January 1, 2003, if the withdrawal was not previously located within the Highlands Ridge Water Use Caution Area. Existing ~~and new~~ permitted withdrawals from lakes which are determined by the District to be stressed after January 1, 2003, shall be abandoned or replaced these withdrawals with Alternative Water Supplies sources within three years of the notice to the permittees of the designation of the lake as stressed unless the permittee requests

a modification of the permit to restrict withdrawals to those times when the lake is at or above the High Minimum Level or High Guidance Level, whichever is appropriate.

1-1-03, \_\_\_\_\_, 2006

**C. Streams**

1. No change.

*Section 4.3 is changed as follows:*

**4.3 MINIMUM FLOWS AND LEVELS**

The District has adopted Minimum Flows and Levels for certain waters within the District. Those Minimum Flows and Levels are set forth in Chapter 40D-8, Florida Administrative Code (F.A.C.). Through implementation in paragraph 40D-2.301(1)(d), F.A.C., and this Section 4.3, those Minimum Flows and Levels are one criterion used by the District in evaluating applications for water use permits under Chapter 40D-2, F.A.C., paragraph 40D-2.301(1)(d), F.A.C., this Section 4.3 and Chapter 40D-80, F.A.C., govern the manner in which this one criterion is utilized in evaluating a water use permit application. Accordingly, applicants shall demonstrate compliance with established Minimum Flows, Minimum Wetland Levels, Minimum Lake Levels and Salt Water Intrusion Minimum Aquifer Levels (hereinafter sometimes collectively called Minimum Flows and Levels) set forth in Chapter 40D-8, F.A.C., as follows:

A. No change.

**B. Withdrawals Within the SWUCA That Affect Minimum Flows and Levels Water Bodies**

**GENERAL**

In establishing Minimum Flows and Levels within the SWUCA as required by Section 373.042, F.S., and which are set forth in Chapter 40D-8, F.A.C., the District has determined that the actual flows and water levels for most of the water bodies for which Minimum Flows and Levels have been established are below the Minimum Flow and Level. The District is expeditiously implementing a recovery strategy for the SWUCA in keeping with the District's legislative mandates pursuant to Sections 373.036, 373.0361, 373.0421 and 373.0831, F.S. The SWUCA provisions of Chapter 40D-2, F.A.C., the Basis of Review For Water Use Permit Applications, and Chapter 40D-80, F.A.C., set forth the regulatory portion of the recovery strategy for the SWUCA. The District will conduct an annual assessment of water resource criteria and cumulative impacts and evaluate the status of the recovery strategy every five years prior to 2025, as provided in Rule 40D-80.074, F.A.C. Based on the annual assessment and five year evaluation, the District may revise this Section 4.3 B. as appropriate. Compliance with Section 4.3 B. does not, by itself, satisfy the requirements of Chapter 40D-2, F.A.C., for applications requesting new withdrawals submitted on or after [effective date of rule].

As of [effective date of rule], within the SWUCA the District has established a Salt Water Intrusion Minimum Aquifer Level (SWIMAL) in the Most Impacted Area (MIA) as set forth in



Rule 40D-8.626, F.A.C., Minimum Flows on the Peace River as set forth in Rule 40D-8.041, F.A.C., and Minimum Lake Levels as set forth in Rule 40D-8.624, F.A.C. In accordance with the District's Minimum Flows and Levels priority list additional Minimum Flows and Levels will be established. These minimum flows and levels and the rules in Chapter 40D-2, F.A.C., that implement recovery are intended to manage those withdrawals that can have a direct effect on the Minimum Flows and Levels. Therefore, the effect of these Minimum Flows and Levels on applications for New Quantities will vary depending upon the impact of the withdrawal on a water body with an established Minimum Flow or Level. The District's evaluation of the potential impact of a proposed withdrawal will be based on factors such as the proximity of withdrawal to a Minimum Flow or Level water body, the volume of the withdrawal, the number of withdrawal points, and whether the withdrawal is from the upper Floridan, intermediate or surficial aquifer or is a direct surface water withdrawal.

\_\_\_\_\_ 2006

#### COMPLIANCE WITH RELATED PROVISIONS

Satisfying the conditions of this Section 4.3 Minimum Flows and Levels, shall also fulfill the provisions of Section 4.5 of this Basis of Review for Water Use Permit Applications with respect to the affected Minimum Flow or Level water body.

\_\_\_\_\_ 2006

#### APPLICATIONS FOR NEW QUANTITIES OF WATER SUBMITTED ON OR AFTER [effective date of rule]

##### Above Minimum Flow or Level

For water bodies that are predicted to be impacted by the proposed withdrawal and where the actual flow or level is at or above a Minimum Flow or Level, withdrawals shall be limited to that quantity, as may be further limited by other provisions of Rule 40D-2.301, F.A.C., and this Basis of Review, that does not cause the actual flow or level to fall below the Minimum Flow or Level on a Long-term average basis, or as compliance may be otherwise described in Rule 40D-8, F.A.C. For purposes of this Section 4.3 B, "Long-term" shall have the meaning and be determined as set forth in Section 4.3 A, above.

\_\_\_\_\_ 2006

##### Below Minimum Flow or Level

#### 1. Existing Permits Within The SWUCA

Applications for the renewal or modification of a permit with no proposed increase in permitted quantities or change in Use Type will be evaluated to determine compliance with Rule 40D-2.301, F.A.C., and this Basis of Review. When evaluating the reasonable-beneficial use of the water, emphasis will be given to reasonable water need, water conservation and use of Alternative Water Supplies. However, the existing impacts of permitted quantities on an MFL water body will not be a basis

for permit denial because the SWUCA Recovery Strategy taken as a whole is intended to achieve recovery to the established minimum flows and levels as soon as practicable.

\_\_\_\_\_ 2006

2. Self-Relocation – The quantities potentially available to Self-Relocate include all of the used and unused reasonable-beneficial permitted quantity. The use of the quantities at the new location(s) cannot increase impacts to Minimum Flow and Level water bodies and must meet all other applicable permitting criteria included in Chapter 40D-2, F.A.C., and this Basis of Review. If the Self-Relocation involves uses eligible for water conserving credits, the credit balance at the time of the Self-Relocation will be maintained. If the Self-Relocation is only for a portion of the permitted quantity, or involves Self-Relocation to multiple properties, the credit balance will be accordingly apportioned. Crop rotation, by planting and irrigating non-contiguous properties within the same locale in a structured, revolving fashion, is allowed under a single permit and is not considered Self-Relocation.

\_\_\_\_\_ 2006

#### 3. Applications For New Ground Water Quantities Submitted On Or After (effective date of rule)

The District will evaluate applications for New Quantities of ground water to determine compliance with this section 4.3 B and all other Chapter 40D-2, F.A.C., rule criteria. Any application for a change to a Use Type not authorized in the permit shall be required to provide a Net Benefit. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the Water Use Permit prior to mining, such activity does not constitute a change in Use Type or New Quantity and a Net Benefit will not be required. The District will not accept a waiver of the 90-day time clock for acting on permits set forth in Section 120.60, F.S., on the basis of a request to re-evaluate of the proposed withdrawal at a future time.

a. Salt Water Intrusion Minimum Aquifer Level (SWIMAL) – All applications shall be evaluated for the impact on the SWIMAL described in paragraph 40D-8.626(2)(a), F.A.C., utilizing a cumulative assessment based upon best available information. A proposed withdrawal is determined to impact the SWIMAL if it causes any lowering (>0.0 feet) of the Floridan aquifer potentiometric surface within the MIA including the boundary of the MIA. If the evaluation indicates that a proposed withdrawal will result in increased impacts to the SWIMAL, the District will approve the application only if the applicant proposes to implement a Net Benefit as described in subparagraph 4. below.

b. Upper Peace River – All applications shall be evaluated to determine whether the proposed withdrawal impacts ground water levels below the upper Peace River (as defined in subsection 40D-2.021(10), F.A.C.). Where such an impact occurs, the proposed withdrawal is determined not to cumulatively impact upper Peace River flows if the current

ten-year moving average monthly water level in the area is above 53.3 feet, NGVD (the median for the ten-year moving average monthly water level of available information during the period 1990 to 1999), and the proposed withdrawal individually meets the conditions of paragraphs 40D-2.301(1)(b) and (c), F.A.C., and Basis of Review section 4.2 C. If the above conditions are not met, the withdrawal can be authorized only if the applicant proposes to implement a Net Benefit as described in subparagraph 4., below. However, the applicant has the option to reduce or redistribute the withdrawals to achieve no impact, in which case the withdrawal can be authorized. The current ten-year moving average ground water levels will be calculated based upon District ground water monitoring stations in the ground water basin which best represent (adjustments for extraordinary local impacts on a well can be considered as to well location or water level effect) Long-term trends in ground water levels affecting the upper Peace River, including ROMP 60, ROMP 59, ROMP 45, ROMP 30 and ROMP 31.

c. Ridge Lakes – All applications shall be evaluated to determine whether the proposed withdrawal impacts ground water levels below Ridge Lakes (as defined in subsection 40D-2.021(8), F.A.C.). Where such an impact occurs, the withdrawal is determined not to cumulatively impact Ridge Lakes levels if the current ten-year moving average monthly water level for the area encompassing the Ridge Lakes is above 91.5 feet, NGVD (the median for the ten-year moving average monthly water level of available information during the period 1990 to 1999), and the proposed withdrawal individually meets the conditions of paragraphs 40D-2.301(1)(b) and (c), F.A.C., and Basis of Review section 4.2 B. If the above conditions are not met, the withdrawal can be authorized only if the applicant proposes to implement a Net Benefit as described in subparagraph 4., below. However, the applicant has the option to reduce or redistribute the withdrawals to achieve no impact, in which case the withdrawal can be authorized. The current ten-year moving average ground water level will be calculated based on District ground water monitoring stations in the ground water basin which best represent (adjustments for extraordinary local impacts on a well can be considered as to well location or water level effect) Long-term trends in Floridan ground water levels affecting the Ridge Lakes including Lake Alfred Deep, ROMP 28X, ROMP 57, ROMP 43XX and Coley Deep.

\_\_\_\_\_ , 2006

d. No Impact to Salt Water Intrusion Minimum Aquifer Level, upper Peace River and Ridge Lakes – If the proposed withdrawal is determined to comply with Chapter 40D-2, F.A.C., and this Basis of Review, the withdrawal can be authorized.

\_\_\_\_\_ , 2006

4. Net Benefit

If an applicant must implement a Net Benefit to obtain the permit, a permit can be issued if the applicant provides reasonable assurance that implementation of its proposed Net Benefit will mitigate the predicted impacts by one or more of the options listed below. In order to provide a Net Benefit, the measures proposed by the applicant must offset the predicted impact of the proposed withdrawal and also provide an additional positive effect on the water body equal to or exceeding ten percent of the predicted impact. For example, if the predicted impact on a water body is 1.0 foot, the mitigation must offset the 1.0 foot impact and provide another 0.1 foot (i.e., ten percent of 1.0 foot) of positive effect. There are three forms of Net Benefit, including 1) mitigation plus recovery, 2) use of quantities created by District water resource development projects, and 3) Ground Water Replacement Credits, as described below.

a. Mitigation Plus Recovery – Mitigation plus recovery involves one or more of the following:

(1) Permanently retiring from use the reasonable-beneficial, historically used quantity associated with one or more permits within the SWUCA that impacts the same Minimum Flow and Level water body. Used quantities are those permitted quantities of water that the District determines have been deemed reasonable-beneficial and historically used by a permittee, but not including Water-Conserving Credits obtained pursuant to Rule 40D-2.621, F.A.C. Used quantities are determined based on documentation previously submitted by a permittee and available crosschecks. The types of documentation submitted by permittees include seasonal/annual crop reports, metered data, and other information. Crosschecks include aerial photography, receipts for supplies, equipment, and services, property appraisers records and other methods. For small permits below thresholds for crop reporting and metering, aerial photography and other methods will be used to determine quantities, or

(2) Recharging the aquifer and withdrawing water such that there remains a net positive impact on the Floridan aquifer potentiometric surface at least ten percent greater than the impact of the proposed withdrawal, or

(3) Undertaking other actions to offset the proposed impact of the withdrawal plus ten percent.

Mitigation plus recovery must be in reference to the MFL water body that would be impacted by the proposed withdrawals, and must either precede or be coincident with any new permitted withdrawals.

\_\_\_\_\_ , 2006

b. Use of Quantities Created by District Water Resource Development Projects As A Net Benefit.

The District anticipates that its water resource development projects may result in the development of new quantities above and beyond the quantities needed to achieve recovery to Minimum Flows and Levels. All or a portion of these new

quantities that are not reserved or otherwise designated for recovery will be made available to permit applicants and used as a Net Benefit to offset proposed withdrawals that would impact an MFL water body.

If an applicant is required to provide a Net Benefit as described in section 3. above and has contributed to a District water resource development project, the applicant may apply for quantities made available through a District water resource development project as a Net Benefit, provided the applicant demonstrates that:

(1) The proposed withdrawal affects the same MFL water body source associated with the water resource development project;

(2) The quantity developed in excess of the quantity reserved or otherwise designated for the Minimum Flow or Level has been determined; and

(3) The proposed Net Benefit quantities will not interfere with quantities reserved or otherwise designated by the District for water resource development.

\_\_\_\_\_, 2006

#### c. Ground Water Replacement Credit in the SWUCA

To reduce ground water withdrawals, a Ground Water Replacement Credit is proposed as an incentive for water users to provide water use permit holders with alternative supplies. The holder of a Ground Water Replacement Credit can use the Credits to provide a Net Benefit in order to withdraw New Quantities. The process to obtain a Ground Water Replacement Credit is set forth below:

(1) A Ground Water Replacement Credit is created when an entity (Supplier) provides an alternative water supply, not previously delivered to another user to offset ground water withdrawals, that offsets actual withdrawals by an existing permit holder (Receiver) that impact a Minimum Flow or Level water body. A Ground Water Replacement Credit will be available to either the Supplier or the Receiver, or both.

(2) A Ground Water Replacement Credit will be issued for an amount equal to a specified percent of the amount that is offset that was reasonable-beneficial historically used. For those offsets made prior to January 1, 2000, but within the applicant's current permit term, the Credit will be equal to fifty percent of the offset. For those offsets made after January 1, 2000, the Credit will be equal to ninety percent of the offset.

(3) The Supplier and Receiver will indicate to the District which entity should obtain the credit quantity, or whether the credit quantity will be divided between them or assigned to a third party. To apply for a credit an entity must submit the Ground Water Replacement Credit Application Form, Form No. XXX, which must be signed by all involved parties.

(4) The District will set aside the ground water quantities that are discontinued as a result of the offset by alternative water supplies in a standby permit that will be issued to the

Receiver to allow withdrawal of all or a portion of such quantities in the event that the alternative water supply is interrupted, becomes unsuitable or is decreased.

(5) The Ground Water Replacement Credit will exist for only so long as the Receiver maintains its use of the alternative water supplies. The Credit will remain available if the Receiver transfers the standby permit to a new owner at the same site who continues the same water use with the alternative water supplies.

(6) Only withdrawals that meet the permitting criteria of Chapter 40D-2, F.A.C., and this Basis of Review, including Minimum Flows and Levels criteria, may be made pursuant to a Ground Water Replacement Credit.

(7) Reclaimed water suppliers shall not be eligible for a Ground Water Replacement Credit when they redirect reclaimed water from existing reclaimed water users to other reclaimed water users and such redirection causes an existing reclaimed water user to reinstate permitted standby ground water withdrawals, unless the reclaimed water provider can demonstrate that the cumulative effect of such redirection will be a grater reduction in ground water withdrawals and will contribute more the recovery of MFL waterbodies in the SWUCA than would otherwise occur absent of the redirection.

\_\_\_\_\_, 2006

#### 5. Surface Water Withdrawals Within the SWUCA

The District will not issue permits for surface water withdrawals from streams or lakes where the Minimum Flow or Level is not achieved unless the applicant demonstrates that:

a. The withdrawal will not adversely affect the Minimum Flow or Level, or;

b. A Net Benefit, as described in paragraph 4. above, can be implemented.

\_\_\_\_\_, 2006

C.B. For areas not subject to 4.3 A. or B. above, water withdrawals must not cause:

1. through 3. No change.

*Section 4.4 is changed as follows:*

#### 4.4 UTILIZATION OF LOWEST QUALITY WATER

Consideration must be given to the lowest quality water available, which is acceptable for the proposed use. If a lower quality of water is available and is environmentally, technically and economically feasible for all or a portion of an Applicant's use, this lower quality ~~alternative source of~~ water must be used. Use of a lower quality of water is not environmentally feasible if it interferes with recovery of a water body to its established minimum flow or level or the water body is either currently or projected to be adversely impacted, unless the use will provide a Net Benefit. Such lower quality water may be in the form of surface water, reclaimed water (treated wastewater effluent), recovered agricultural tailwater, collected stormwater, saline water, or other sources. In determining the economic feasibility of using reclaimed water or stormwater, the consideration shall

include the costs and benefits of using the reclaimed water or stormwater, including the amount of reclaimed water or stormwater that can be produced or used relative to the cost.

Amended \_\_\_\_\_, 2006

Section 4.5 is changed as follows:

4.5 SALINE WATER INTRUSION

1. Performance Standards

A permit application shall be denied if the application requests withdrawals that would cause significant saline water intrusion. Significant saline water intrusion occurs if the applicant's withdrawals are projected to cause movement of the salt water interface includes:

a. ~~Movement of a saline water interface to a greater distance inland or towards a potable withdrawal than has historically occurred as a consequence of seasonal fluctuations; or~~

b. ~~A sustained increase from background levels in solute concentrations.~~

~~Permitted withdrawals of saline water for desalination may cause limited saline water intrusion, but not to the extent of which adversely affects, or is predicted to adversely affect, affecting other existing legal uses of water; the Applicant; or the public health, safety, and general welfare.~~

Amended \_\_\_\_\_, 2006

4.11 UTILIZATION OF ALTERNATIVE WATER SUPPLIES REUSE

Applicants shall demonstrate whether alternative water supplies are reclaimed water is available and appropriate for reuse and shall incorporate reuse of alternative water supplies reclaimed water to the greatest extent practicable. Use of alternative water supplies is not environmentally feasible if it interferes with recovery of a water body to its established Minimum Flow or Level or if the water body is either currently or projected to be adversely impacted. In determining whether an Applicant has demonstrated if alternative water supplies are available and appropriate for use meets this criterion, the District shall consider whether the alternative water supplies are use is economically, environmentally and technically feasible.

Amended \_\_\_\_\_, 2006

Chapter 5 is changed as follows:

5.0 MONITORING REQUIREMENTS

Section 5.1, the subsection titled "Metering Of Alternative Sources Within The SWUCA" is changed as follows:

5.1 WITHDRAWAL QUANTITY

Metering Of Alternative Water Supplies Sources Within The SWUCA – Permittees shall meter alternative supplies of water supplied to the permittee within the SWUCA if the Annual Average quantity (Drought Annual Average quantity for irrigation permits) that would be permitted without the alternative water supplies would be 100,000 gpd or more. Meters shall meet the requirements of the first unnumbered

paragraph of this Section 5.1, unless alternative methods or mechanisms are approved by the District. Reporting requirements are as specified in the fifth unnumbered paragraph of this Section 5.1.

1-1-03, Amended \_\_\_\_\_, 2006

The second paragraph of Section 5.2 titled "Saline Water Monitoring" is changed as follows:

5.2 SALINE WATER MONITORING

Permittees shall implement a saline water monitoring program when:

1. through 2. No change.

3. The District staff determines that, at projected withdrawal rates, saline water intrusion is likely to occur; or

4. The withdrawals are from a ground water ground water source with high saline water concentrations; or

5. The District has determined that the permittee's well(s) are potentially at risk to saline water intrusion within the SWUCA.

\_\_\_\_\_, 2006

Section 5.4 is changed as follows:

5.4 GROUND WATER LEVELS

The purpose of ground water ground water level monitoring is to ensure that existing legal uses, off-site land use, water resources, and associated environmental features are not adversely impacted by withdrawals. A ground water ground water level monitoring program may include water-table levels, potentiometric surface levels, or both.

1. Permittees may be required to implement a ground water ground water level monitoring program when:

a. through e. No change.

f. In the SWUCA Southern Water Use Caution Area when minimum levels have been established in Chapter 40D-8, F.A.C., for the Floridan aquifer when it is the source from which withdrawals are made.

1.f. added 1-1-03, \_\_\_\_\_, 2006

Chapter 6 is changed as follows:

6.0 PERMIT CONDITIONS

Section 6.1 "Standard Permit Conditions" is changed as follows:

6.1 STANDARD PERMIT CONDITIONS

The following conditions are placed on all Water Use Permits:

1. through 18. No change.

19. Within the SWUCA Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the Board, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing. \_\_\_\_\_, 2006

Within Section 6.2 "Special Permit Conditions" the subsection titled "Pumpage Reporting", the following changes are made:

6.2 SPECIAL PERMIT CONDITIONS

REPORTING REQUIREMENTS AND PROCEDURES

1. through 5. No change.

PUMPAGE REPORTING

6. Flow Meters

Condition:

The Permittee shall meter withdrawals ~~from surface waters or the ground water resources~~, and meter readings from each withdrawal shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Permit Data Section, Records and Data Department (using District scanning forms, unless the District has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following withdrawals shall be metered as applicable:

~~a.1. Permittees with permitted withdrawal facilities that are on standby status (a standby withdrawal point to be used when another withdrawal point cannot be used), or where all permitted quantities are on standby for alternative water supplies, shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] before using the standby quantities. Permittees in the Southern Water use Caution Area who were not previously in a Water Use Caution Area shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] on or before January 1, 2003.~~

1-1-03, Amended \_\_\_\_\_, 2006

~~b.2. Permittees with permitted withdrawal facilities that are not yet constructed shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] within 90 days of completion of construction of the withdrawal.~~

1-1-03, \_\_\_\_\_, 2006

~~c.3. Permittees with existing permitted withdrawal facilities shall continue to maintain and operate existing, non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Regulation Department Director on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).].~~

1-1-03

~~d.4. Permittees with previously un-metered existing withdrawal facilities shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] upon permit issuance.~~

1-1-03

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

~~(1). The meter(s) shall be non-resettable, totalizing flow meter(s) which have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. Approval shall be obtained in writing from the Regulation Department Director. If other measuring device(s) are proposed, the Permittee shall submit documentation that the other measuring devices or accounting methods meet the stipulations listed in this condition, prior to installation; Approval for other measuring devices or accounting methods shall be obtained in writing from the Regulation Department Director.~~

\_\_\_\_\_, 2006

~~2. Meters shall be installed on all stand-by withdrawal facilities prior to activation.~~

\_\_\_\_\_, 2006

~~(2)3. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.~~

~~(3)4. The flow meter-water piping system shall be designed for inline field access for meter accuracy testing. The meter shall be tested for accuracy on-site, as installed, every five two years beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy-test requirement for existing meters unless the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted. The test shall be performed by a person certified in the test equipment used. If the actual flow is found to be greater than five percent 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.~~

\_\_\_\_\_, 2006

~~(4)5. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the line.~~

~~(5)6. If the meter or other flow measuring device malfunctions or has to be removed from the withdrawal for maintenance or repair, the Permittee shall notify the District within 30 days of discovering the necessity to replace or repair the meter and replace it with a repaired or new meter, subject to the same specifications given above, within 30 days of its removal from the withdrawal. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage and replace it with a repaired or new~~

meter, subject to the same specifications given above, within 30 days of the discovery. If the meter is removed from the withdrawal for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.

\_\_\_\_\_, 2006

(6)7- While the meter is off the withdrawal, the Permittee shall estimate their use by multiplying the number of hours the withdrawal point was used during that month times the flow capacity of the pump or mainline, whichever is appropriate, or the Permittee may request instructions on how to estimate use from the Permit Data Section. The estimate of the number of gallons used each month during that period shall be noted as an estimate when it is submitted to according to the instructions received from the District.

\_\_\_\_\_, 2006

(7)8- In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

1-1-03, Amended \_\_\_\_\_, 2006

Discussion:

Apply to all District for WUPS > 500,000 gpd annual average quantities, and for WUPS >= 100,000 gpd in the NTBWUCA and SWUCA

Within Section 6.6 titled "SWUCA Permit Conditions" the following changes are made to the identified provisions:

6.6 SWUCA PERMIT CONDITIONS

This section describes Special Conditions which are routinely added to the Standard Conditions, as applicable. Other Special Conditions may be developed specifically to fit a given situation.

1-1-03

Standard Condition

Within the SWUCA Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the Board, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing.

1-1-03

Special Conditions

ALTERNATIVE WATER SUPPLIES SOURCES

1. Metering Reuse

a. All permitted uses within the SWUCA Southern Water Use Caution Area which receive alternative water supplies reclaimed water or stormwater shall meter, record, and report alternative water supplies source quantities and sources if the alternative water supplies are used to replace an annual average quantity (drought annual average quantity for irrigation permits) of 100,000 gpd or more of non-alternative water supplies. The Permittee shall record meter readings from each alternative reuse line on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Permit Data Section, Records and Data Department (using District scanning forms, unless the District has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered alternative water supplies reuse line is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following alternative water supplies reuse lines shall be metered:

\_\_\_\_\_, 2006

b. On or before January 1, 2003, the Permittee shall install meters on reuse line(s), District ID No(s). [Specify District ID No(s)]. Permittee ID No(s). [Specify Permittee ID No(s)].

Repealed \_\_\_\_\_, 2006

b.e. The Permittee shall install meters on alternative water supplies lines reuse line(s), District ID No(s). [Specify District ID No(s)]. Permittee ID No(s). [Specify Permittee ID No(s).] within 90 days of completion of construction of the alternative water supplies reuse-delivery system.

\_\_\_\_\_, 2006

c.d. The Permittee shall continue to maintain and operate existing, non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Regulation Department Director on alternative water supplies reuse line(s), District ID No(s). [Specify District ID No(s)]. Permittee ID No(s). [Specify Permittee ID No(s)].

\_\_\_\_\_, 2006

d.e. The Permittee shall install meters on previously un-metered existing alternative water supplies reuse line(s) District ID No(s). [Specify District ID No(s)]. Permittee ID No(s). [Specify Permittee ID No(s).] upon permit issuance.

The meters shall adhere to the following descriptions and be installed or maintained as follows:

(1)a. The meter(s) shall be non-resettable, totalizing flow meter(s). If other measuring device(s) or other accounting methods are proposed the Permittee shall submit documentation that the other measuring devices or accounting method meet the stipulations listed in this condition, prior to installation. Approval for other measuring devices or accounting methods shall be obtained in writing from the Regulation Department Director.

(2)~~b~~. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

(3)~~e~~. The meter shall be tested for accuracy on-site, as installed, every five ~~two~~ years beginning from the date of issuance, unless the Permittee submits documentation to the satisfaction of the District that a longer period of time for testing is warranted. The test shall be performed by a person certified to use the test equipment. If the actual flow is found to be greater than five percent ~~5%~~ different from the measured flow, the Permittee shall have the meter re-calibrated or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration. If the alternative accounting method involves a meter belonging to another entity or to the alternative water supplies ~~reclaimed water~~ supplier, the Permittee shall submit documentation from the owner/ supplier that the meter readings continue to be accurate to five percent ~~5%~~ of the actual flow as installed. Such documentation is subject to approval by the District.

\_\_\_\_\_, 2006

(4)~~d~~. The meter shall be installed in a straight length of pipe where there is at least an upstream length equal to ten ~~(10)~~ times the outside pipe diameter and a downstream length equal to two ~~(2)~~ times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.

(5)~~e~~. If the meter or other flow measuring device malfunctions or has to be removed from the alternative water supplies ~~reuse~~ line for maintenance or repair, the Permittee shall notify the District within 30 days of the discovery. If the meter is removed for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the Alternative Water Supply line for more than 60 consecutive days, discovering the necessity to replace or repair the meter, and replace it with a repaired or new meter, subject to the same specifications given above, within 30 days of its removal from the reuse line.

\_\_\_\_\_, 2006

(6)~~f~~. While the meter is off the ~~reuse~~ line, the Permittee shall provide an estimate of the alternative water supply quantities used by multiplying the number of hours the Alternative Water Supply was used by the capacity of the pump or mainline diameter, whichever is appropriate. ~~request from the Permit Data Section.~~ The estimate of the number of gallons used each month during that period shall be noted as an estimate when it is submitted to ~~according to the instructions received from the District.~~

\_\_\_\_\_, 2006

(7)~~g~~. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

1-1-03, Amended \_\_\_\_\_, 2006

Discussion:

~~Required in the SWUCA for all reuse users, once the reuse ID's have been identified, so can apply to only those that respond to the original 2002 implementation letters.~~

2. Modification to Incorporate Conversion to an Existing Primary Alternative Water Supplies Source Permit

Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative source of Wwater Supply, the Permittee shall apply to modify this permit to reflect incorporation of the Alternative Water Supply to replace permitted quantities in an amount equal to the quantity offset by the Alternative Water Supply, for a Standby Alternative Source Permit. ~~An application to modify this permit to a Standby Alternative Source Permit may be obtained upon request or may be obtained from the District's website: www.swfwmd.state.fl.us. The permittee may request that the replaced water be put on standby for use when, for reasons outside the Permittee's control, the Alternative Water Supplies become unavailable, insufficient or unsuitable for the authorized use; or economically, technically or environmentally infeasible.~~

1-1-03, Amended \_\_\_\_\_, 2006.

Discussion:

Put on all SWUCA permits – required when any or all withdrawals have been discontinued from the ground water or natural surface water body (primary source) due to use of an alternative source.

PUBLIC SUPPLY

3. Report Significant Use

Condition:

By April 1 of each year, for the preceding calendar year, the Permittee shall account for all significant water uses separately and submit a report on all significant uses whether or not taken as a deduction from the Per Capita calculation. Significant use is defined as any individual, non-residential customer using 25,000 gallons per day or greater on an annual average basis, or any individual, non-residential customer whose use represents greater than five percent ~~(5%)~~ of the annual average quantity on this permit. Utilities with a large number of commercial accounts which fall below the 25,000 gpd individual significant use threshold may deduct the percentage of commercial use greater than the District-wide average of the three most recent years commercial use, provided that they do not deduct any individual significant uses and that they do not make population adjustments based on commuter population.

The users that are not included in the significant use category are golf courses, multi-family residential accounts classified as commercial by the utility, and irrigation accounts associated with residential accounts. The summary on significant use shall include but not be limited to:

- a. Name and address of the significant user(s),
- b. Type of use (e.g., type of industry, or commercial venture);
- c. Total annual average quantities provided to each, and
- d. Water conservation programs designed specifically for each significant use or type of significant use.

This report may be submitted as an element of the Annual Report.

1-1-03, \_\_\_\_\_, 2006

Discussion:

SWUCA Required for all Public Supply  $\geq$  100,000 gpd

4. Service Area Map

Condition:

A current service area map shall be submitted to the District with every sixth Annual Report.

Discussion:

This condition is applied to ensure that the District has an up-to-date service area map incorporating all boundary changes that have occurred over the previous six years.

New \_\_\_\_\_, 2006

5.4. Golf Course Conservation Plan

No change.

7.0 WATER USE CAUTION AREAS

~~7.1 HIGHLANDS RIDGE WATER USE CAUTION AREA~~

~~All provisions of Section 7.1 are deleted in their entirety.~~

~~7.2 EASTERN TAMPA BAY WATER USE CAUTION AREA~~

~~All provisions of Section 7.2 are deleted in their entirety.~~

Part D: Water Use Permitting Manual

Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area

List of Acronyms and Definitions

CGRUPPOP – Census group quarters population (both institutionalized and non-institutionalized) – data from the most recent decennial Census (2000 Census SF1 File, Variable P027024/American Factfinder Table P27, or equivalent data for subsequent Census)

CHH – Census (number of) households – data from the most recent decennial Census (2000 Census SF1 File, Variable P015001/American Factfinder Table P15, or equivalent data for subsequent Census)

CPOPNNH – Census population in households – data from the most recent decennial Census (2000 Census SF1 File, Variable P016001/American Factfinder Table P16, or equivalent data for subsequent Census)

FNETCOM – functional net commuter population of the service area for the year of interest

FSEASPOP – functional seasonal resident population for the year of interest – the estimated population of part time residents, not tourists, that has been adjusted for length of stay in the service area

FTOURPOP – functional tourist population for the year of interest – the estimated average annual number of tourists in the service area per day

GRUPPOP – group quarters population for the year of interest – the estimated group quarters population of the service area

Geographic Zip Codes – are ZIP Codes exclusive of unique business or institutional ZIP Codes and cover a geographic delivery area. Census ZIP Code Tabulation Areas (ZCTAs) are approximately equivalent to Geographic ZIP Codes. Where new Geographic ZIP Codes have been created since the Census, District-provided data will direct to the appropriate ZCTA

PERMPOP – permanent resident population for the year of interest – the estimated permanent resident population of the service area (not including group quarters population)

PERMPPH – permanent resident persons-per-household - the calculated number of persons per household based on Census data or survey for the selected Census geographies

REQPOP – total required functional population for the year of interest – the estimated permanent resident, functional seasonal resident, and group quarters service area population required to be submitted to the District on an annual basis

RESUNITS – residential account housing units for the year of interest – the number of residential housing units served in the retail service area

SEASADJ – seasonal resident adjustment factor – a factor based on length of stay that converts the peak seasonal resident population to a functional year-round resident

SEASHH – Census year seasonal households – an estimate of the number of households in the Census geographies chosen to represent the service area that are seasonal in the Census year

SEASONAL RESIDENTS – typically live away from their service area residence for three or more months of the year. While residing in the service area, they reside in private residences – not licensed public lodging

SEASPKPOP – seasonal resident peak population for the year of interest – an estimate of the number of seasonal residents served during the first quarter of the year for the year of interest

SEASPPH – seasonal resident persons-per-household – an estimate of the number of persons living in a seasonal residence household – default value (1.95) or developed from a service area survey

SEASPROP – seasonal proportional residence time – the portion of the year spent in the service area by seasonal residents – one of two default values or developed from a service area survey



SEASRR – peak seasonal resident ratio – the estimated ratio of peak (first quarter) seasonal resident and permanent resident population to permanent resident population – using District-provided or service area survey-developed data

SEAS/TOTHH – an estimate of the ratio of seasonal households to total households for the service area in the Census year

SMALL UTILITY – A utility that has a population of less than 25,000 based on the sum of the census population in households within census blocks wholly or partially within the utility's service area

YEAR OF INTEREST – The year for which the population is being determined

ZCTA – Census ZIP Code Tabulation Area – a Census area designation approximately equivalent to geographic ZIP Codes that existed at the time of the most recent decennial Census for which Census data are aggregated and tabulated

### 1. Introduction

The calculation of per capita water use requires an estimate of the total retail water service area functional population. The required functional population includes permanent residents, seasonal residents and group quarters population only. Adding the functional tourist and net commuter population to the required functional population is optional. Data sources, more detailed explanations, and examples of calculations may be found in the appendices to this document. All calculations and documentation shall be conducted and provided in accordance with the provisions of this document, including those found in the appendices.

This methodology involves the creation of a number of demographic ratios from Census or survey data that are appropriate to the service area. The ratios, such as persons-per-household, are then applied to the year of interest housing units and/or population served to estimate year of interest service area populations.

If the service area did not exist at the time of the most recent decennial Census, the permittee must conduct a survey, consistent with the provisions of Appendix B of this document to determine seasonal and permanent population served. Data collected must include both seasonal and permanent households, seasonal and permanent persons-per-household, and seasonal resident household length of stay.

From time to time, the District may provide additional data and default values or update data and default values and will specifically indicate that the new data and values may be used in lieu of those prescribed herein.

### 2. Required Permanent and Seasonal Resident Population Estimates

This is a modified dwelling unit methodology that uses utility provided residential account data and divides the served dwelling units into permanent and seasonal households based on Census data and District-provided seasonality data or permittee-developed survey data. The seasonal resident

population is converted to a functional population by adjusting for length of stay. Worksheet B summarizes the total functional population, including optional populations, using data and calculations from other worksheets. Worksheet B is completed in steps as other worksheets are completed.

The general formula for calculating the required functional population for the year of interest (REQPOP) is as follows:

$$\text{REQPOP} = \text{PERMPOP} + \text{FSEASPOP} + \text{GRUPPOP}$$

Where: PERMPOP is the permanent resident population for the year of interest;

FSEASPOP is the functional seasonal resident population in the year of interest; and,

GRUPPOP is the group quarters population for the year of interest.

2.1 Complete Worksheet A (Residential Account Housing) using connections data for the year for which the service area population is being estimated (the year of interest). Sum the individually metered residences (A) and either the sums of the equivalent master metered residential account units (E) or the sums of the counted master metered residential units (F) at the bottom of the worksheet (G). Enter the total residential account housing units under “RESUNITS” in Section 1 of Worksheet B: (Service Area Summary). Note: Worksheet B is completed in steps as other worksheets are completed.

2.2 Complete Worksheet C (Households & Group Quarters) by selecting the appropriate Census blocks and data to represent the retail water service area. Data shall be collected for blocks totally within and partially within the service area. The selection of Census blocks and data must be in accordance with Section 2.1 of Appendix A. Data sources are provided in Section 2.2 of Appendix A. Census geography identifier and county codes are defined in Section 2.3 of Appendix A. For each selected block, enter the following most recent Census data.

a. Census county name or code

b. Census tract number

c. Census block number

d. Census Population in Households (CPOPNNH)

e. Census Households (CHH)

f. Census Group Quarters Population (CGRUPPOP)

Sum the data for CPOPNNH, CHH and CGRUPPOP and enter the appropriate sums under “CPOPNNH”, “CHH”, and “CGRUPPOP” in Section 2 of Worksheet B. Utilities with large numbers of Census blocks in the service area may submit an electronic file such as a spreadsheet or the output of a database or statistical analysis software in lieu of Worksheet C so long as the utility and Census geographies are clearly identified, the same data are reported, and the data are clearly labeled.

2.3 Complete Worksheet D (Peak Seasonal Resident Ratio): Complete Part I of the Worksheet if using District provided seasonal population data. District data are provided by

Geographic ZIP Code. See Section 3 of Appendix A for detailed information. Complete Part II of the worksheet if using survey-generated seasonality data. If survey-generated seasonality data is used it must be used everywhere that it is applicable and it may not be combined with District provided data.

Survey – generated data must be developed in accordance with the provisions of Appendix B. Prior to completing Worksheet D, either Worksheet E (Partial ZCTAs) or Worksheet F (Small Service Area ZCTAs) will need to be completed if using District-provided data and there are ZCTAs partially within the service area. Subsection a. below addresses the use of District-provided data. Subsection b. below addresses the use of survey-generated data.

a. District-Provided Seasonal and Permanent Resident Population Data: Estimated Census year peak seasonal and permanent resident population by ZCTA are available from the District’s website or, if access to the website is not available or sufficient, from the District’s Planning Department, for the calculation of the SEASRR. Compare the service area to Geographic ZIP Code or ZCTA maps. See Section 3.2.1 of Appendix A for ZCTA map sources if not using geographic mapping software. Census ZCTAs are generally congruent with Geographic ZIP Codes. Where they are not, the District has assigned such new Geographic ZIP Codes to appropriate ZCTAs. Select the appropriate ZCTAs to represent the retail water service area in accordance with the provisions of Section 3.2.2 of Appendix A. Data from ZCTAs that are completely within the service area shall be utilized in the calculation of the SEASRR. If a service area is entirely within a ZCTA, then only the data from that ZCTA shall be used in the calculation of the SEASRR. For ZCTAs that are partially within the service area, any utility may use the thirty-four percent housing unit selection criteria described in i. below and Section 3.2.3 of Appendix A. Only small utilities may use the billing ZIP Code analysis methodology described in ii., below, and Section 3.2.4 of Appendix A.

i. Thirty-four percent Housing Unit ZCTA Selection Criteria: For those using the thirty-four percent selection method to determine whether ZCTAs that are partially in the service area must be included, complete Worksheet E by entering the ZCTA number, and then the total Census number of housing units in the ZCTA under “A.” See Section 3.2.3 of Appendix A for Census housing unit data sources. Enter the number of Census housing units for each Census block that is both in the service area and the ZCTA under “B”. If the sum of the housing units from blocks both in the service area and the ZCTA (“C”) divided by the total the total housing units in the ZCTA (“A”) is equal to or greater than 0.34, then the estimated seasonal and permanent resident data from that ZCTA shall be used in the calculation of the SEASRR on Worksheet D (along with data from any ZCTAs that are wholly within the service area).

ii. Small Service Area Billing ZIP Code Selection Criteria: Small service area utilities (less than 25,000 in Census population in households – CPOPNNH) may elect to select partial ZIP Codes in accordance with Section 3.2.4 of Appendix A. Complete Worksheet F (Small Service Area ZCTAs) to determine which, if any, ZIP Codes partially within the service area should be included in the analysis in Worksheet D.

Once the ZIP Codes/ZCTAs have been selected to represent the service area using the criteria above, obtain the corresponding Census year seasonal and permanent resident data from the District’s website or Planning Department for each ZCTA, enter the required data into Part 1 of Worksheet D, and sum the average annual 3rd quarter admissions, the estimated seasonal resident populations and the Census permanent populations. Then calculate the SEASRR in accordance with the formula at the bottom of Part 1 in Worksheet D. Enter the calculated ratio under the SEASRR in section 5 of Worksheet B.

b. Survey-Determined Seasonal and Permanent Resident Population Data: If a survey has been conducted in accordance with the requirements of Appendix B, the following data shall be entered into the data fields of Part 2 of Worksheet D (see Section 3.2.6 of Appendix A).

i. total number of seasonal household surveys returned (A).

ii. total persons in households reported as seasonal (B).

iii. total number of months seasonal residents reside in service area (C).

iv. total number of permanent household surveys returned (D).

v. total number of persons in households reported as permanent (E).

In Worksheet D Part 2 calculate the SEASPPH (Seasonal Resident Persons per Household) according to the formula provided and enter the results under the “Optional” SEASPPH in Section 4 of Worksheet B. Calculate the PERMPPH (Permanent Resident Persons Per Household) according to the formula provided and enter the results under the “Optional” PERMPPH in Section 3 of Worksheet

B. Calculate the SEASPROP (Seasonal Proportional Residence Time) according to the formula and enter the results under the “Optional” SEASPROP in Section 10 of Worksheet

2.4. Unless a survey has been conducted as discussed in 2.3 b. above, calculate the Census data PERMPPH (Permanent Resident Persons Per Household) according to the formula in Section 3 of Worksheet B and enter the answer under “Census” PERMPPH.

2.5. Unless a survey has been conducted as discussed in 2.3 b. above, enter the default value of 1.95 under “Default” SEASPPH in Section 4 of Worksheet B.

2.6. Calculate the SEASHH (Census Year Seasonal Households) as indicated in Section 6 of Worksheet B.

2.7. Calculate the SEAS/TOTHH (Seasonal Households to Total Households Ratio) as indicated in Section 7 of Worksheet B or enter the survey data from Worksheet D Part 2.

2.8 Calculate the SEASPKPOP (Seasonal Resident Peak Population for the Year of Interest) as indicated in Section 8 of Worksheet B.

2.9 Calculate the PERMPOP (Permanent Resident Population for the Year of Interest) as indicated in Section 9 of Worksheet B.

2.10 Enter the appropriate SEASPROP (Seasonal Proportional Residence Time) value as follows in Section 10 of Worksheet B.

Beach Destination County Default (Charlotte, Manatee, Pinellas & Sarasota) = 0.442, Non-Beach Destination County Default (all other District Counties) = 0.567, or Survey-derived value calculated in Section 2.3 b. above.

Note: If survey-derived values developed in Part 2 of Worksheet D are used in any calculation they must be used in all applicable calculations.

2.11 Calculate the SEASADJ (Seasonal Resident Adjustment Factor) as indicated in Section 11 of Worksheet B.

2.12 Calculate the FSEASPOP (Functional Seasonal Resident Population for the Year of Interest) as indicated in Section 12 of Worksheet B.

2.13 Calculate the GRUPPOP (Group Quarters Population for the Year of Interest) as indicated in Section 13 of Worksheet B.

2.14 Calculate the REQPOP (Total Required Functional Population for the Year of Interest as indicated in 14 of Worksheet B.

### 3.0 Optional Functional Tourist Population

Complete Worksheet G (Functional Tourist Population) in accordance with the provisions of Section 5 of Appendix A. Complete Part 1 (Public Lodging Direct Data Method) or Part 2 (Tourist Lodging Tax Method) of Worksheet G. The ability to use the Part 2 methodology depends on the availability of tourist accommodations tax data for an area approximately congruent with the service area. If such tax data are not available, then the Part 1 methodology must be used to estimate tourists in public accommodations. Public lodging tourist population shall not be calculated under both Part 1 and Part 2. Part 3 is used to estimate the "In-home" tourist population component – tourists who stay with friends or family rather than at public lodging. Part 3 tourist populations may be added to Part 1 or Part 2 tourist populations.

#### 3.1 Completion of Worksheet G – Part 1 (Public Lodging Direct Data Method)

In Section a. of Part 1, insert the number of rooms in each of the public lodging facilities identified as being in the retail water service area. Total the number of rooms in the service area under "A". See Section 5.1.1 of Appendix A for lodging rooms inventory data sources.

In Section b. of Part 1, insert monthly occupancy rates from utility lodging customer surveys or other sources described in Section 5.1.2 of Appendix A. Sum the rates and calculate an average annual monthly occupancy rate as indicated in the formula.

In Section c. of Part 1, select the default average guests per room for a coastal beach destination county (Charlotte, Manatee, Pinellas, and Sarasota Counties only) or all other counties, or a survey or other source with appropriate documentation. Enter the selected value under "E." See Section 5.1.3 of Appendix A.

In Section d. of Part 1, calculate the total daily public lodging population as indicated in the equation and enter the result under "F".

#### 3.2 Completion of Worksheet G – Part 2 (Tourist Lodging Tax Method)

In Section a. of Part 2, enter the monthly tourist accommodations tax collections and the tourist accommodations tax rate for the area approximately congruent with the retail service area. See Section 5.2 of Appendix A for information on tax data availability and average daily room rates. The tax rate should be entered for each month even if the rate does not change. Calculate the monthly room revenue as indicated in the formula. Next enter the average daily room rate for each month. Next, calculate the total room days per month as indicated in equation. Sum the monthly room days and enter the result under "L".

In Section b. of Part 2, select the average guests per room as in Section c. of Part 1. Enter the selected value under "M". See Section 5.1.3 of Appendix A for information on values.

In Section c. of Part 2, calculate the tourist tax estimated tourist daily population as indicated in the formula. Enter the results under "N."

#### 3.3 Completion of Worksheet G – Part 3 (In-Home Tourist Population)

The data required to complete Part 3 is likely only available from a survey of utility customers and calculated as shown in the example in Section 5.3 of Appendix A. From such documented calculations, enter the average in-home tourist days per household per year under "O". Copy the number of residential account housing units for the year of interest (RESUNITS) from the bottom of Worksheet A and enter under "P" in Part 3 of Worksheet G. Perform the calculation of the average annual in-home tourists per day as indicated in the formula. Enter the results under "Q".

#### 3.4 Completion of Worksheet G – Part 4 Total Functional (Daily) Tourist Population (FTOURPOP)

Add the results of Part 1 (F) or Part 2 (N), and Part 3 (Q), as applicable, and enter the results under "FTOURPOP". Copy the results for FTOURPOP under FTOURPOP in Section 15 of Worksheet B.

#### 4.0 Optional Functional Net Commuter Population

Using data from the 2000 Census Transportation Planning Package (CTPP), the District has developed net commuter population data for each Census tract. (See Optional Net Commuter Data supplement to Appendix A.) The net commuter population and Census population in households by tract needed to calculate the functional net commuter population available from the District's website or from the District's Planning Department. If the service area is congruent with Census tract boundaries and there are no Census tracts partially within the service area, move on to Section 4.2. Otherwise, continue with Section 4.1.

4.1 Complete Worksheet H (Partial Tract Selection) in accordance with Section 6.1 of Appendix A to determine whether tracts partially within the service area should be included in the service area net commuter calculation. For each partial tract, enter the Census County and tract identifier number. Enter the total number of Census housing units in the tract under "A".

Next, enter the Census county, tract and block identification numbers and the total number of housing units for each block included in the service area in Worksheet C that is also in the partial tract in question. Sum the housing units for the selected blocks and enter the result under "B".

Finally, perform the calculation of the percent of the tract housing units that are also in the service area as indicated in the formula. If the result is equal to or greater than 0.34 (34%) then net commuter and Census population in households data from that tract shall be used in the calculation service area functional net commuter population in Worksheet I (Functional Net Commuter).

4.2 Complete Worksheet I by entering District-provided net commuter and population in households data for tracts entirely within the service area and those partial tracts meeting the thirty-four percent criteria in Worksheet H.

Continuing with Worksheet I, sum the net commuters by Census tract and enter the result under "A". Enter the corresponding Census population in households by tract and sum the results under "B". Calculate the ratio of net commuters to Census population in households as indicated in the equation for "C".

Estimate the number of net commuters for the service area as indicated in the equation for "D". The PERMPOP (permanent resident population of the service area for the year of interest) is copied from Section 9 of Worksheet B.

Finally, calculate the FNETCOM (Functional Net Commuter Population for the Year of Interest) as indicated and enter the results in Section 16 of Worksheet B.

5.0 Total Required and Optional Functional Service Area Population.

In Section 17 of Worksheet B, add the REQPOP from Section 14 of the worksheet, FTOURPOP from Section 15 of the worksheet (if calculated), and FNETCOM from Section 16 of the worksheet (if calculated). This results in the total required and optional functional population for the service area.

#### Appendix A

#### Population Data Sources, Details & Examples For Worksheets A-I

To Part D of the Basis of Review For Water Use Permit: Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area

#### 1. Worksheet A: Residential Account Housing

##### 1.1 Utility Data Required

The number of actual or equivalent residential account housing units served in April of the year of interest for the retail water service area. Data from a month other than April may be used if included in regularly produced utility reports. However, data from the same month must be used on a consistent basis from year to year.

Equivalent housing units for master-metered residential accounts must be an actual count or must be estimated using Worksheet A (Residential Account Housing Unit Estimation Worksheet) and shall not include any accounts other than those that serve residential housing. No commercial, industrial, institutional, government, etc. accounts shall be included. Nursing home, prison, dormitory, etc., populations shall be calculated according to the requirements for estimating group quarters population, as specified in Section 2.11. The number of meters by customer class and size, and all other utility furnished data shall be documented.

#### 2. Worksheet C: Households and Group Quarters

##### 2.1 Census Data Required<sup>1</sup>

For the Census blocks which fall either entirely or partially within the current retail water service area, the following most recently available decennial Census data must be used:

a. Population in households (for the 2000 Census, data set SF1, table P16, or equivalent).

b. Households (for the 2000 Census, data set SF1, table P15 or equivalent), and

c. Group quarters population (for the 2000 Census, data set SF1, table P27 or equivalent).

Note: Data from blocks either totally or partially inside the service area shall be used in their entirety. Utilities with large numbers of Census blocks in the service area may submit an electronic file such as a spreadsheet or the output of a database or statistical analysis software in lieu of Worksheet C so long as the utility and Census geographies are clearly identified, the same data are reported, and the data are clearly labeled.

##### 2.2 Census Data Sources

Required Census data can be downloaded from private sources, such as ESRI<sup>2</sup>, for those with Geographic Information Systems (GIS), or from the worldwide web at the American Factfinder link on [www.census.gov](http://www.census.gov).

<sup>1</sup>See Section 3.2 for potential additional Census data requirements.

Note: It is the intent of the District, through its website, to provide a GIS layer with service area boundaries, all necessary Census geographies and their associated data, to be available upon the effective date of this rule.

**2.3 Census Geographic Identity Codes (STFID)**

The Census numeric code for the identification of a single Census block consists of a string of numbers called the STFID. For example, the STFID 120150101001001 is interpreted as:

State = "12" (Florida)

County = "015" (Charlotte)

Tract = "010100"

Block Group = "1" = the first digit of the block number

Block = "1001"

The county codes for the counties in the SWUCA are:

Charlotte =	015	Desoto =	027
Hardee =	049	Highlands =	055
Hillsborough =	057	Manatee =	081
Polk =	105	Sarasota =	115

**3.0 Worksheet D: Peak Seasonal Resident Ratio**

**3.1 Service Area Survey Generated Seasonal Population Data**

If a permittee has developed the service area survey data to calculate the peak seasonal resident ratio in accordance with Appendix B of this document, only Worksheet D, Part 2 must be completed. If a permittee wishes to use District provided data to generate seasonal population data, then either Worksheet E or F must be completed along with Worksheet D Part 1 and as described in the following subsection.

**3.2 District-Provided Hospital Admissions to Generate Seasonal Population Data**

The purpose of using hospital admissions data is to create a Census year peak seasonal to permanent population ratio based on admissions for patients with residence ZIP codes in the retail water service area. Hospital admissions are reported by patient resident ZIP codes by the Florida Agency for Health Care Administration (AHCA). The ratio is formed by adding an estimated Census peak seasonal resident population to the Census permanent population and then dividing the sum by the permanent population for ZIP Codes in the service area. The peak seasonal resident population is estimated by subtracting third quarter hospital admissions from first quarter emergency hospital admissions for the 55-to-84 age group and then

dividing by an estimated probability (incidence) that seasonal residents in that age group would be admitted to the hospital on an emergency basis.

The peak seasonal resident ratio calculation is as follows:

<sup>2</sup>The use of a corporate name or product does not constitute an endorsement by the District.

$$\frac{(\text{Seasonal Resident Population} + \text{Permanent Population})}{\text{Permanent Population}} = \text{SEASRR}$$

Note: It is the intent of the District, through its website, to provide, by geographic ZIP code, the estimated peak seasonal resident and permanent resident populations necessary to calculate the SEASRR, to be available upon the effective date of this rule (see Appendix D). In the event that the data to calculate the SEASRR is not available from the District, the SEASRR will be calculated using the following methodology:

Development of Hospital Admissions Data if Not Available from District – The Census year estimated seasonal population for the service area ZIP codes/ZCTAs is estimated as the 3-year average of the non-negative differences between 1st quarter and 3rd quarter emergency admissions for the 55 – 84 age group divided by an assumed District-wide admissions incidence (probability). The three years used to calculate the average difference shall be the year before the Census (Census – 1), the year of the Census (Census), and the year after the Census (Census + 1).

The first quarter of the year is when most seasonal residents reside in Florida and the third quarter is when the least reside in the State. The 55 – 84 age group is reflective of the age characteristics of the seasonal resident population.

The District-prescribed admissions incidence for seasonal residents is based on third quarter emergency hospital admissions for the age group 35 – 64. The emergency admissions incidence for seasonal residents is based on a younger age group because both anecdotal evidence and research indicate that the seasonal resident population is generally healthier than the equivalent age resident permanent resident population. The incidence is calculated as the 3-year average of 3rd quarter emergency admissions for the 35 – 64 age group divided by the Census year total 35 – 64 age group population for the ZIP codes and ZCTAs in the District. Again, the three years used to estimate the average Census year admissions for this incidence are Census – 1, Census, and Census +1. For the 2000 Census, the District-wide 35 – 64 emergency admissions incidence to be used in estimating the Census year seasonal resident population is 0.011656.

As the District is providing the seasonal and permanent populations by ZCTA to calculate the SEASRR, a permittee need only select the geographic ZIP Codes or ZIP Code Tabulation Areas (ZCTAs) to represent the service area in accordance with the methods described below. Admissions erroneously ascribed to unique ZIP codes will have already



been eliminated and admissions associated with non-unique post office box ZIP codes will have already been assigned to geographic ZIP codes. New geographic ZIP codes added since the Census will have been tracked to the appropriate geographic ZIP codes with associated ZCTA permanent populations.

Note: If hospital admissions data are not available consistent with the above requirements in this section for all of the service area, the permittee must conduct a survey consistent with the provisions of Appendix B of this document to obtain the data to determine the proportion of seasonal to total households in the service area. For those who are interested, the District's process of collecting and manipulating hospital admissions data is described in User's Background and Information: Use of Hospital Admissions Data to Estimate Seasonal Resident Population. In-depth documentation of the data manipulation process (programming) is available from the District upon request.

3.2.1 ZIP Code Tabulation Area (ZCTA) Map Sources

ZIP Code Tabulation Area maps can be viewed and printed at the Census Bureau's American Factfinder website. Maps of ZCTAs with limited reference details (such as highways) may be found at [www.census.gov](http://www.census.gov). ZCTAs are generally equivalent to geographic ZIP codes. As of the time of this writing, the steps to mapping a ZIP Code tabulation area using American Factfinder are:

- a. Go to [www.census.gov](http://www.census.gov).
- b. Click on "American FactFinder" tab.
- c. Click on "Data Sets."
- d. Click on "detailed tables."
- e. Select geography type = "5-Digit ZIP Code Tabulation Area."
- f. Select a "3-digit ZIP Code Tabulation Area."
- g. Select "5-digit ZIP Code Tabulation Area" of interest.
- h. Click on "Map it."

ZIP code map files for identification of ZIP codes are also available in electronic formats from private sources for those with Geographic Information Systems (GIS). The District has electronic files of retail water service areas that can be made available for permittee overlay use. However, it is the responsibility of the permittee to ensure that these files are kept up-to-date. The District also intends to provide a GIS layer with all required Census geographies and their associated Census data.

3.2.2 ZIP Code/ZIP Code Tabulation Area (ZCTA) Selection Methods to Represent Service Area

- a. Service Areas Entirely Within a Single ZIP Code/ZCTA – select that ZIP code only. For such service areas, a seasonality survey conducted in accordance with Appendix B of this document is recommended but not required.
- b. ZIP Codes/ZCTAs Entirely Within a Service Area – select all ZIP codes entirely within the service area.

c. ZIP Codes/ZCTAs Partially Within a Service Area – any utility may use the thirty-four percent method for selecting ZIP Codes/ZCTAs described in Section 3.2.3 below for Worksheet E. Only small service areas meeting the criteria described in Section 3.2.4 below may use the methodology outlined in Worksheet F. The methodology designed for Worksheet F was designed for smaller utilities with little or no access to electronic mapping resources.

3.2.3 Worksheet E: Partial ZCTA Selection – Thirty-four percent Housing Unit ZCTA Selection Criteria

For each ZIP code partially within the service area, select the Census blocks that are wholly or partially within the service area boundaries and sum the Census total housing units (for the 2000 Census data set SF1, Table H1) for those blocks. Divide the sum of the selected Census block housing units by the total number of housing units for that ZIP code's associated ZCTA. If the number of housing units both within the service area and the ZCTA divided by the total the total housing units in the ZCTA is equal to or greater than 0.34 then the estimated seasonal and permanent resident data from that ZCTA shall be used in the calculation of the peak seasonal resident ratio in Worksheet D.

To find the number of Census housing units by ZCTA at AmericanFactfinder, skip step h. in Section 3.2.1 above and click on "Add". Then scroll through the tables to H1. Highlight H1 and click on "Add". Then click on "Find Results."

"34%" Partial ZCTA Selection Example

Comparing a service area map to ZCTA maps reveals that ZIP Codes 335X1 and 335X3 are clearly within Acme Utility's service area. A good bit of ZIP code 335X2 also appears to be in the service area. A small portion of 335X5 appears to be in the service area. Should 335X2 and 335X5 be included? Selecting all the Census blocks in 335X2 that are totally or partially within the service area results in 2,462 housing units. The total number of housing units in ZCTA 335X2 is 4,774. Selecting all the Census blocks entirely in ZCTA 335X5 results in 1,231 housing units. The total number of housing units in ZCTA 335X5 is 3,817.

Partial ZIP Code	Housing Units In Service Area	Total Housing Units In ZCTA	Percent ZCTA Housing Units in Service Area	Include?
335X2	2,462	4,774	51.6%	Yes
335X5	1,231	3,817	32.3%	No

In the event that less than thirty-four percent of the housing units in all ZCTAs are inside the service area, then up to two ZCTAs with the highest percentages of housing units in the service area may be included.

3.2.4 Worksheet F-Small Service Area ZIP Code Selection

ZIP Codes Partially Within Small Service Areas – this methodology is designed for small utilities that may not have GIS software or the financial resources to hire a GIS consultant. Step 1 determines whether this selection methodology may be used. Step 2 determines the minimum average number of admissions to be used as a threshold beyond which additional partial ZCTAs shall not be added. Step 3 identifies which ZCTAs to include in developing the peak seasonal resident ratio.

Step 1 – Obtain the sum the Census population in households (CPOPNNH) for the selected Census blocks from item 2 in Worksheet B. If the sum of the Census block populations in households (CPOPNNH) is 25,000 or less, the methodology described below may be used as an alternative to the thirty-four percent selection criteria described in 3.2.3 above. Enter the sum under “A” at the top of Worksheet F if less than 25,000.

Step 2 – As it is very unlikely that the sum of Census block populations in households for the selected Census blocks will exactly match to totals in the above table, the minimum average annual third quarter admissions thresholds will have to be extrapolated as in the interpolation example below.

Step 3 – The average annual third quarter hospital admissions for ages 55-84 referenced below as necessary for completing Step 3 are available in Appendix D or at the District’s website or Planning Department.

a. Sort customer account billing address ZIP codes. After sorting, count the number of times each ZIP code appears (this can typically be accomplished using a spreadsheet “count” function).

b. Include ZIP codes entirely within the service area and their corresponding District-provided average annual third quarter admissions. Then add partial ZIP codes and their admissions, starting with the ZIP code with the highest number of accounts, then the next highest, etc., until:

i. there are no more partial ZIP codes, or

the cumulative sum of the average annual number of third quarter admissions just meets or exceeds the minimum average annual third quarter admissions (ages 55-84) for the size of the service area as shown in the table below, whichever comes first.

Table A-1: Small Service Area Average Annual 3rd Quarter

Sum of Census Block Populations in Households	Admissions Thresholds	
	Minimum Average Annual	Third Quarter Admissions
500		222
1,000		222
2,500		254
5,000		306
10,000		350
25,000		378

Once the ZIP Codes that should be included in the peak seasonal resident ratio have been chosen according to Steps 2 and 3 of Worksheet F, enter the appropriate average annual 3rd quarter admissions, Census year estimated peak seasonal resident population and ZCTA permanent population into Worksheet D Part 1.

Assume the sum of Service Area Census Block Populations in Households (CPOPNNH) is 16,500. Since 16,500 is not listed in the above table, the Minimum Average Annual Third Quarter Admissions must be interpolated.

a. 16,500 is between 10,000 and 25,000: the applicable difference is 25,000 – 10,000 = 15,000

b. The applicable difference in the number of admissions for 25,000 and 10,000, respectively, is 378 – 350 = 28

c. Divide 28 by 15,000 to determine how many additional admissions are represented per additional person between 10,000 and 25,000: 28/15,000 = .0019

d. There are 6,500 persons more than 10,000 so the equivalent third quarter admissions threshold for a population in households would be:

$$350 + (6,500 \times .0019) = 362$$

This utility may add additional patient ZIP codes, in order of their billing address frequency, until the total average annual third quarter age 55-84 emergency admissions from the selected ZIP codes just equals or exceeds 362. For example:

ZIP Codes Entirely Within Service Area	Average Annual 3rd Quarter Admissions	Cumulative Admissions
339X1	100	100
339X2	125	225
ZIP Codes Partially Within Service Area		
Highest Billing Partial ZIP = 339X3	100	325
Next Highest = 339X4	100	425

The 362 admissions threshold has just been met or exceeded with the addition of ZIP code 339X4, therefore no additional ZIP codes may be considered for the service area unless they meet the conditions of Section 3.2.3 above. Only ZIP Codes 339X3 and 339X4 located partially in the service area may be added to 339X1 and 339X2, which are completely within.

3.2.5 Example Calculation of Peak Seasonal Resident Ratio (SEASRR) – District Provided Data

The results of the following example Worksheet D Part 1 Peak Seasonal Resident Ratio will be used in subsequent Worksheet B example calculations.

Example Calculation of Estimated Census Year Peak Seasonal Resident

ZIP Codes/ZCTAs	Average Annual Quarter Admissions by ZIP/ZCTA for Small Service Area Partial ZCTA Selection	Ratio ZIP Code/ZCTA Estimated Census Year Peak Seasonal Resident Population	Census Year ZCTA Permanent Population
		B	C
335X1	163	1,687.256921	16,814
335X2	279	829.3296728	21,552
335X3	196	1,000.915122	25,920
		Sum of B = E	Sum of C = F
	Sum Seasonal (B) & Permanent (C) Populations	3,517.501716	64,286

Peak Seasonal Resident Ratio (SEASRR) = (E + F) / F = 1.05471645

3.2.6 Example Calculation of Peak Seasonal Resident Ratio (SEASRR) – Survey Generated Data

For the sake of brevity in the example, assume that only 10 returned surveys are required and returned complete. The responses are as follows:

For the purpose of providing example calculations, the following assumptions are made:

Example Households Reported as Seasonal

Households	Persons in Households	Number of Months In Residence Here
1	2	6
1	2	4
1	1	5
Totals	3	15

Example Households Reported as Permanent

Households	Persons in Households
1	4
1	2
1	3
1	4
1	2
1	3
1	2
Totals	7

The data entries in Part 2 of Worksheet D would be:

A = 3, B = 5, C = 15, D = 7, E = 20

4.0 Worksheet B: Service Area Summary – Example Required Total Functional Permanent and Seasonal Resident Population Calculations

In this methodology, served residential account housing units are divided into permanent and seasonal resident households using information on the seasonality of hospital admissions. All references to data are data from the appropriate geographic unit(s) (e.g., Census blocks, ZIP codes) that encompass the current retail water service area unless otherwise indicated. Calculations shall be documented on District-prescribed worksheets.

For the purpose of providing example calculations, the following assumptions are made:

Assumptions:

Census population in households (CPOPNNH) = 32,500

Census households (CHH) = 13,000

Census Group Quarter Population (CGRUPPOP) = 300

Residential account housing units for the year of interest (RESUNITS) = 17,746

Peak Seasonal Resident Ratio (SEASRR) from previous example = 1.05471645

Note: Example calculations made by spreadsheet software. Hand calculations may result in rounding errors.

4.1 Worksheet B Section 3 – Calculation of Service Area Permanent Resident Persons-Per-Household (PERMPPH)

$$\frac{\text{(Census population in households)}}{\text{(Census households)}} = \text{PERMPPH}$$

Example:

$$\text{CPOPNNH} / \text{CHH} = \text{PERMPPH} = 32,500 / 13,000 = 2.5$$

If a service area seasonality survey has been conducted in accordance with Appendix B has been performed, insert the PERMPPH results from Worksheet D Part 2.

4.2 Worksheet B Section 4 – Service Area Seasonal Resident Persons-Per-Household (SEASPPH)

The seasonal resident persons-per-household is used in estimating the number of seasonal households in the Census year and to estimate the number of seasonal residents in the service area. The default SEASPPH shall be 1.95 unless the permittee calculates a utility-specific SEASPPH value by conducting a service area survey in accordance with the Population Survey Minimum Requirements, contained in Appendix B of this document and documented in Worksheet D Part 2.

4.3 Worksheet B Section 5 – Calculation of Peak Seasonal Resident Ratio (SEASRR)

See Section 3.2.5 for the SEASRR example calculation from Worksheet D.

4.4 Worksheet B Section 6 – Calculation of Census Year Seasonal Households (SEASHH)

This calculation estimates the number of seasonal resident households in the Census year, which is then used to estimate the ratio of seasonal to total households in the service area in Section 7.



$((\text{Peak Seasonal Resident Ratio} - 1) \times \text{Census Population in Households}) / \text{Seasonal Resident Persons Per Household} = \text{SEASHH}$

Example:

$$((\text{SEASRR} - 1) \times \text{CPOPNNH}) / \text{SEASPPH} = ((1.0547 - 1) \times 32,500) / 1.95 = 912$$

4.5 Worksheet B Section 7 – Calculation of Seasonal Households to Total Households Ratio (SEAS/TOTHH)

This ratio is used to determine the proportion of residential account housing units in the service area that are seasonal.

$(\text{Census Year Seasonal Households}) / (\text{Census Households} + \text{Census Year Seasonal Households}) = \text{SEAS/TOTHH}$

Example:

$$(\text{SEASHH}) / (\text{CHH} + \text{SEASHH}) = 912 / (13,000 + 912) = .065555$$

The SEAS/TOTHH ratio may also be developed from survey data in accordance with Appendix B and calculated as in Worksheet D Part 2.

4.6 Worksheet B Section 8 – Calculation of Seasonal Resident Peak Population for the Year of Interest (SEASPKPOP)

This calculation estimates the number of seasonal residents in the service area during the peak seasonal residence time of year (first quarter) for the year of interest. The estimate is based on the number of residential account housing units served, the ratio of seasonal to total households and the number of persons in a seasonal household.

$(\text{Residential Accounts Housing Units for the Year of Interest}) \times (\text{Seasonal Households to Total Households Ratio}) \times (\text{Seasonal Resident Persons-Per-Households}) = \text{SEASPKPOP}$

Example:

$$\text{RESUNITS} \times \text{SEAS/TOTHH} \times \text{SEASPPH} = 17,746 \times .065555 \times 1.95 = 2269$$

4.7 Worksheet B Section 9 – Calculation of Permanent Resident Population for the Year of Interest (PERMPOP)

This calculation estimates the permanent resident population of the service area for the year of interest. The estimate is based on the number of residential account housing units served, the ratio of permanent resident housing units to total housing units, and the number of persons in a permanent household.

$(1 - \text{Seasonal Housing to Total Housing Ratio}) \times (\text{Residential Account Housing Units for the Year of Interest}) \times (\text{Permanent Resident Persons Per Household}) = \text{PERMPOP}$

Example:

$$(1 - \text{SEAS/TOTHH}) \times \text{RESUNITS} \times \text{PERMPPH} = (1 - .065555) \times 17,746 \times 2.5 = 41,457$$

4.8 Worksheet B Section 10 – Seasonal Proportional Residence Time (SEASPROP)

Unless obtained by service area survey in accordance with the Population Survey Minimum Requirements (Appendix B of this document), the annual proportional residence time for seasonal residents (SEASPROP) for coastal beach destination

counties shall be 0.442<sup>3</sup> of the year. Coastal beach destination counties include Charlotte, Manatee, Pinellas and Sarasota. In all other counties, the SEASPROP shall be 0.567<sup>4</sup>.

4.9 Worksheet B Section 11 – Seasonal Resident Adjustment Factor (SEASADJ)

This calculation is used to develop an adjustment factor that takes into account the full water use of seasonal residents for the months they are in residence and potential irrigation/maintenance uses when they are not in residence. The adjustment factor to estimate an equivalent year-round seasonal population is calculated as:

<sup>i</sup>Seasonal resident persons per household data represent the high range of seasonal resident persons-per-household in the available literature.

<sup>ii</sup>Seasonal resident length of stay data are based on a series of monthly, stratified, random sample telephone surveys completed with 492 seasonal resident households in Pinellas County. The data are drawn from historical (2000 – 2003) data developed by Research Data Services, Inc. per Klages Group memorandum dated December 18, 2003.

<sup>iii</sup>Seasonal resident length of stay data are based on a random sample survey of 717 households in the Chassahowitzka, Homosassa, Kings Bay and Weeki Wachee springs basins conducted in 2001 by Planning Department of the SWFWMD.

$$((\text{Seasonal Proportional Residence Time} \times 132^5 \text{ gpcd}) + ((1 - \text{Seasonal Proportional Residence Time}) \times (132 - 69.3^6 \text{ gpcd}))) / 132 = \text{SEASADJ}$$

For Coastal Beach Destination Counties, the SEASADJ is:

$$((0.442 \times 132) + ((1 - 0.442) \times (132 - 69.3))) / 132 = 0.707$$

For All Other Counties, the SEASADJ is:

$$((0.567 \times 132) + ((1 - 0.567) \times (132 - 69.3))) / 132 = 0.773$$

4.10 Worksheet B Section 12 – Calculation of Functional Seasonal Resident Population (FSEASPOP)

This calculation converts the seasonal resident peak population for the year of interest to a functional population using the SEASADJ calculated above.

$(\text{Seasonal Resident Peak Population for the Year of Interest} \times \text{Seasonal Resident Adjustment Factor}) = \text{FSEASPOP}$

Example for Non-Coastal Beach Destination County:

$$\text{SEASPKPOP} \times \text{SEASADJ} = \text{FSEASPOP} = 2,269 \times 0.773 = 1,754$$

<sup>iv</sup>The per capita water usage is the average of District-wide unadjusted gross per capita from Table A-1 of the annual Water Use Estimates report for the years 1996, 1997, 1998, 1999, 2000 and 2001. Six years are used to reflect a range of climatic conditions. for consistency of per-capita calculations over time, this per-capita is to remain constant and is not a moving average.

<sup>v</sup>Study-wide mean daily per capita indoor use from *Residential End Uses of Water* prepared for the American Water Works Association Research Foundation, 1999.

4.11 Worksheet B Section 13 – Calculation of Group Quarters Population

Calculate the ratio of Census group quarters population (CGRUPPOP) to Census population in households (CPOPNNH) for the Census blocks wholly or partially within the service area. This ratio is then applied to the permanent resident population for the year of interest (PERMPOP) calculated in Section 9 of Worksheet B. Permittees may also elect to survey group quarters population customers to determine the service area group quarters population. The survey must be conducted in accordance with the minimum sample size requirements of Appendix B of this document and the population must be estimated in a manner consistent with the Census definition of group quarters population. Since If group quarters population is included in the service area population, the permittee may not treat group quarters accounts as commercial for purposes of deducting significant uses pursuant to “PER CAPITA WATER USE IN THE SWUCA.” Section 3.6 of the Basis of Review. Group quarters population for the year of interest (GRUPPOP) shall be calculated as follows:

$(\text{Census group quarters population} / \text{Census population in households}) \times \text{permanent resident population for the year of interest} = \text{GRUPPOP}$

Example:

$$(\text{CGRUPPOP} / \text{CPOPNNH}) \times \text{PERMPOP} = \text{GRUPPOP} = (300 / 32,500) \times 41,457 = 383$$

4.12 Worksheet B Section 14 – Calculation of Total Required Water Service Area Functional Populations for the Year of Interest (REQPOP)

The required service area population that must be submitted is the sum of the estimated permanent resident population (PERMPOP), functional seasonal resident population (FSEASPOP), and group quarters population for the year of interest (GRUPPOP). This calculation creates a functional population for the service area composed of functional seasonal, and permanent residents.

REQPOP Example:

$$\text{PERMPOP} + \text{FSEASPOP} + \text{GRUPPOP} = \text{REQPOP} = 41,457 + 1,754 + 383 = 43,594$$

5.0 Worksheet G: Functional Tourist Population

Tourist population is the service area population that visits the service area on a short-term basis and generally stays in public lodgings (as opposed to residential housing units) but may include in-home tourists if estimated in accordance with approved survey methods (see Appendix B.). The objective is to estimate the functional tourist population, which is equivalent to the average annual number of service area

tourists per day. Public lodging tourists may be estimated using direct estimates of the number of rooms, occupancy rates and guests per room as described in Section 5.1 below or they may be estimated indirectly from tourist lodging taxes as described in Section 5.2 below. Methods for estimating in-home tourists are described in Section 5.3 below. All calculations and data sources shall be documented including website addresses and download dates and titles, authors, and dates of reports. If copies of reports are not publicly available, copies shall be provided.

Note: Tourist population data for a particular public lodging utility customer shall not be included in the calculation of tourist population if a permittee deducts that lodging customer as a significant use. Tourist population shall not be included in functional population if the permittee deducts industrial/commercial uses in excess of the District-wide average in accordance with “PER CAPITA DAILY WATER USE IN THE SWUCA.” Section 3.6 of the Basis of Review.

5.1 Public Lodging Data Method

Functional tourist population in public lodging shall be calculated by multiplying the number of public lodging rooms within the service area times the average annual monthly occupancy rate times an average number of guests per room. Submitted lodging room inventory, monthly occupancy rate, and guests per room data shall be no more than six years old. Documentation shall be provided listing the facilities and their numbers of rooms.

5.1.1 Inventory of Service Area Public Lodging Rooms

For public lodging facilities such as hotels/motels, RV parks/campgrounds and short-term rental condominiums, “rooms”, “sites”, and “units” are used interchangeably. The number of available rooms in the service area shall be obtained from the Florida Department of Business and Professional Regulation (DBPR), local convention/visitor bureaus (if tailored to the service area), utility billing records or a survey of utility lodging customers (see Section 5.1.4 of this Appendix).

The number of available public lodging rooms in the service area may be derived from data on the DBPR website ([www.myflorida.com/dbpr/](http://www.myflorida.com/dbpr/)). The website provides information on the number of rooms along with the business name and location address that can be used to determine whether the lodging facility is located in the service area. Facilities are coded by type. The DBPR lodging facility codes to be used estimating available rooms are: 2001 (hotels), 2002 (motels), 2005 (bed and breakfast), 2006 (resort condominiums) and 2007 (resort dwellings). Note: If resort condominiums and dwellings are included in the utility's residential customer classes and are counted as public lodging rooms for tourist population estimation, then the number of such units shall be deducted from the dwelling unit counts in Worksheet A.

5.1.2 Average Annual Monthly Occupancy Rate

If monthly occupancy rates are not available from utility customer/consultant surveys, existing studies or sources such as conventions/visitor bureaus, the average monthly occupancy rate shall be calculated by averaging the monthly, quarterly or seasonal occupancy rates according to the available data. The shortest available duration occupancy rate data shall be utilized. Only data from source studies that include the service area shall be utilized. The geographic scope of average annual daily occupancy rate studies shall be no larger than county-wide unless the data are from a regional convention/visitors bureau. The example below shows the calculation of the average annual monthly occupancy rate from data other than utility lodging customer survey data. See Section 5.1.4 of this Appendix for an example of the calculation of occupancy rates from customer survey data.

Example Average Annual Monthly Occupancy Rate Calculations (for data other than utility lodging customer survey data)  
Monthly Occupancy Rates

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
.90	.85	.80	.75	.75	.70	.70	.65	.65	.70	.75	.85

Average Annual Monthly Occupancy Rate =

$$(.90+.85+.80+.75+.75+.70+.70+.65+.65+.70+.75+.85) / 12 = .754$$

5.1.3 Average Guests-Per-Room

For coastal beach destination county service areas (see Section 4.8 of this Appendix), the default average guests-per-room shall be 2.7. For other service areas, the default average guests per room shall be 2.3 guests-per-room. If available, alternative average guests per room data may be obtained from local convention/visitor bureaus, consultant studies that include the service area or utility lodging customer surveys. The geographic scope of average guests per room studies shall be no larger than countywide unless the data are from a regional convention/visitors bureau.

5.1.4 Public Lodging Customer Survey Data

If average annual monthly occupancy rates and persons per room or party size are not available or relevant to the service area, such data shall be collected via survey from public lodging utility customers. Submitted survey data shall be no more than six years old. The total number of rooms available in the service area shall be estimated as described in Section 5.1.1 of this Appendix unless the survey covers all utility lodging customers. Surveys shall be sent to customers with meter sizes in proportion to the population of all public lodging account meter sizes. See Population Survey Minimum Requirements for minimum sample sizes (Appendix B).

From each surveyed public lodging utility customer, collect the number of rooms available, the annual average monthly room occupancy rate (see Section 5.1.2 of this Appendix), and the annual average guests per room. (Note: It may be advantageous

to also collect average daily room rate on a monthly basis in the event that tourist lodging tax data are available for an area congruent with the service area.)

To calculate the sample average monthly occupancy rate and guests per room for application to total rooms available in the service area, the individual customers' annual average monthly room occupancy rates and the annual average guests per room shall be weighted by the number of rooms per facility as shown in the example below.

Example Service Area Lodging Customer Survey Calculations

Utility Lodging Customer	Guest Rooms	Average Monthly Occupancy Rate	Average Guests Per Room
1	30	.60	2.4
2	12	.70	2.8
3	60	.75	2.1

Total Rooms = 102

The weighted average occupancy rate and guests per room to be applied to the total population of rooms would be:

$$\text{Occupancy Rate: } ((30 \times .60) + (12 \times .70) + (60 \times .75)) / 102 = .70$$

$$\text{Guests per Room: } ((30 \times 2.4) + (12 \times 2.8) + (60 \times 2.1)) / 102 = 2.27$$

5.1.5 Example Average Annual Public Lodging Tourists Per Day Calculation

The average annual public lodging tourists per day = Total service area rooms x average annual monthly occupancy rate x average guests per room.

Assuming that there are 1,000 total service area rooms according to Section 5.1.1 of this Appendix, that the average annual monthly occupancy rate is .70 and that the guests per room is 2.27 from the example in 5.1.4 above, the estimated public lodging tourists per day is:

Example Average Annual Public Lodging Tourists per Day Calculation

$$1,000 \text{ rooms} \times .70 \text{ occupancy rate} \times 2.27 \text{ persons per room} = 1,589 \text{ tourists per day}$$

5.2 County/Municipality Tourist Lodging Tax Method

Many counties and municipalities within the District assess tourist lodging taxes. At the election of the county, collections are administered either by the county tax authority or by the state Department of Revenue. If such monthly tourist lodging tax collections can be isolated to the service area, the average daily room rate per month and the tax rate applicable to the service area determined, then the number of room days per month can be calculated. The numbers of public accommodation room days per month are then summed, then multiplied by the average guests per room, as determined in Section 5.1.3 of this Appendix, and then divided by 365 to determine the functional public lodging tourist population. Submitted data shall be no more than six years old.

Example Tourist Lodging Tax Functional Tourist Population Calculations

Monthly Service Area Tourist Lodging Tax Collections

JAN	FEB	MAR	APR	MAY	JUN
\$75,330	\$64,260	\$66,960	\$60,750	\$59,288	\$53,550

JUL	AUG	SEP	OCT	NOV	DEC
\$52,080	\$48,360	\$46,800	\$52,080	\$57,375	\$71,145

Monthly Room Revenue = Monthly Tax Collections / Tax Rate  
(Assume 0.03 or 3%)

JAN	FEB	MAR	APR	MAY	JUN
\$2,511,000	\$2,142,000	\$2,232,000	\$2,025,000	\$1,976,250	\$1,785,000

JUL	AUG	SEP	OCT	NOV	DEC
\$1,736,000	\$1,612,000	\$1,560,000	\$1,736,000	\$1,912,500	\$2,371,500

Average Daily Room Rate

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
\$90	\$90	\$90	\$90	\$85	\$85	\$80	\$80	\$80	\$80	\$85	\$90

Total Room Days Per Month = Monthly Room Revenue / Average Daily Room Rate

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
27,900	23,800	24,800	22,500	23,250	21,000	21,700	20,150	19,500	21,700	22,500	26,350

Functional public lodging tourist population

= (sum of total room days per month x average guests per room) / 365.

Assume average guests per room = 2.7.

$$((27,900+23,800+24,800+22,500+23,250+21,000+21,700+20,150+19,500+21,700+22,500+26,350) \times 2.7) / 365 = 2,035$$

5.3 Calculation of Functional In-Home Tourist Population

In addition to calculating public lodging tourist data, permittees may also collect data on tourists that are in-home guests of permanent or seasonal residents. The data indicated below shall be gathered through the use of survey methods in accordance with the Population Survey Minimum Requirements (Appendix B). The objective is to determine the average number of in-home tourists per day using a survey-estimated number of in-home guest days per household per year. The data may be collected separately or as part of a Seasonal Resident Survey.

The survey must be at the household level and must inquire as to the number of guests in the last year and their length of stay. The average in-home tourist days per household are the cumulative sum of guest days reported by the surveyed households, divided by the number of households responding to the survey. The average in-home guest days per household per year is then multiplied by the residential account housing units for the year of interest (RESUNITS) from Worksheet A, and then divided by 365 days. The functional in-home tourist population is then estimated as:

(Residential Account Housing Units for the year of interest x average in-home tourist days per household per year) / 365 days per year

For example, if there were 4 households responding to the survey and they indicated the following:

Responding Household #	Guest Number	Guest Stay in Days
1	1	3
1	2	2
1	3	2
2	1	7
2	2	7
3	1	2
3	2	8
4	1	3
4	2	6
Sum of Guest Days		46

The total guest stay in days is 46.

The average in-home tourist days per household per year would be:

$$46 \text{ guest days} / 4 \text{ households} = 11.5 \text{ tourist days per household}$$

Assuming 17,746 residential housing account units for the year of interest (RESUNITS) and 11.5 in-home tourist days per household per year, the average annual in-home tourists per day would be:  
 $(17,746 \times 11.5) / 365 = 559$

5.4 Calculation of Total Functional Tourist Population for the Year of Interest (FTOURPOP)

The total functional tourist population is the sum of the estimated functional public lodging tourist population as determined by one of the methods described in Sections 5.1, or 5.2 above and/or the functional in-home tourist population as described in Section 5.3 4.

Using the Examples From Sections 5.1 and 5.3 Above:

$$1,589 \text{ public lodging tourists per day} + 559 \text{ in-home tourists per day} = \text{a total functional population for the year of interest (FTOURPOP) of } 2,148$$

Using the Examples From Sections 5.2 and 5.3 Above:

$$2,035 \text{ public lodging tourists per day} + 559 \text{ in-home tourists per day} = \text{a total functional population for the year of interest (FTOURPOP) of } 2,594$$

6.0 Worksheets H & I – Functional Net Commuter Population (Optional)

This optional calculation estimates the net change in service area population during the regular workweek caused by persons entering or leaving the service area to work. This net

change in population is then adjusted for the typical hours of the day worked and the typical number of days in the workweek.

The net commuter population shall be calculated using data from the Census Transportation Planning Package (CTPP) Part III based on data from the most recent decennial Census. The objective is to sort workers that show up as working and/or living in the Census tracts selected to represent the service area into: a) those that live in the selected tracts, and b) those that work in the selected tracts. Each group is summed and the sum of the number of workers that live in the selected service area tracts is subtracted from the sum of the number of workers that work in the selected service area tracts. The resulting difference is the number of net commuters in the selected tracts.

The number of net commuters is then divided by the sum of Census permanent population in households for the selected tracts. This results in a ratio of net commuters to total permanent population in households (or percentage of population in households that are net commuters). This ratio is then applied to the Permanent Resident Population for the Year of Interest (PERMPOP) as calculated in Section 4.7 of this Appendix to estimate the year of interest net commuter population. The population is then multiplied by 8/24 (0.333) and 5/7 (0.714) to account for the length of the workday and the workdays of the week, respectively, to form a functional net commuter population.

6.1 Worksheet H – Selection of Census Geography to Represent Service Area

For most service areas, the lowest geographic level at which Census commuter data will be available is the tract. Census tract level data shall include data from all tracts totally within the service.

For each Census tract partially within the service area, select the Census blocks which are wholly or partially within the service area boundary and sum the Census total housing units (for the 2000 Census data set SF1, Table H1) for each of those blocks in Worksheet H. Divide the sum of the selected Census block housing units (B) by the total number of housing units for that Census tract (A). If the number of housing units both within the service area and the tract divided by the total the total housing units in the tract is equal to or greater than 0.34 then the estimated net commuter and population in households data from that tract shall be used in the calculation of the service area functional net commuter population in Worksheet I along with Census tracts that are completely within the service area.

“34%” Partial Census Tract Selection Example

Comparing a service area map to tract maps, county 000 tract 012600 is clearly within Acme Utility’s service area. A good bit of tract 013001 also appears to be in the service area. A small portion of 013004 appears to be in the service area.

Should 013001 and 013004 be included? Selecting all the Census blocks in 013001 that are wholly or partially within the service area results in 274 housing units. The total number of housing units in tract 013001 is 530. Selecting all the Census blocks entirely in tract 013004 results in 137 housing units. The total number of housing units in tract 013004 is 424.

Partial Tract	Housing Units In Blocks in Service Area	Total Housing Units In Tract	Percent ZCTA Housing Units in Service Area	Include?
013001	274	530	51.7%	Yes
013004	137	424	32.3%	No

6.2 Availability of Tract Level Net Commuter and Population Data From the District

As of the writing of this document, manipulation of the data from the Department of Transportation website requires the skilled use of statistical software. It is the intent of the District to make available the Census year net commuter and permanent population in households by Census tract in an electronic format for use with common spreadsheet software and entered into Worksheet I. The data may be obtained from the District’s website or Planning Department. However, for the purpose of documentation, and in the event the District data are not available, or if a permittee desires to analyze the data directly, the general methodology for obtaining the proper data is outlined in Section 6.3 and the methodology for calculating the net commuter population directly from CTPP data is described in subsections 6.4 a, b, and c below, of this Appendix.

6.3 If Not Using District Provided Commuter Data – Commuter Population and Population in Households Data to Be Collected

Net commuter population shall be developed from CTPP data from the most recent decennial Census. The CTPP is housed at the U.S. Department of Transportation – Bureau of Transportation Statistics website [www.transtats.bts.gov](http://www.transtats.bts.gov). The data source is the CTPP Part III data set for Florida. The data to be used for the calculations are found in Table 1: Total Workers. From this table, the Total Worker data must then be extracted by county to avoid including all tracts in the state with identical tract numbers (refer to the documentation/instruction file that accompanies the data file when downloading). County information is found in column “QPOWCO”, workplace county Federal Information Processing Standard (FIPS) code, and column “COUNTY”, residence county FIPS code. Tracts where workers work, regardless of residence tract, are found in the column with the heading “QPOWTRACT: Workplace Census Tract Code.” Tracts where workers live, regardless of where they work, are

found in the column with the heading “TRACT: Census Tract Code.” Total workers data corresponding to the combinations of workplace and residence tracts are located in the “TAB301X1” column.

Population in households data (for the 2000 Census, data set SF1, table P16, or equivalent) shall be collected for the selected tracts. Note: population in households data are not found in the CTPP but are found with regular Census data. See Section 2.1 of this Appendix.

6.3.1 Obtaining Worker and Resident Worker Totals from Census Transportation Planning Package Part III

a. Identify Tracts in Service Area and FIPS county code for county where tracts are located

b. Obtain Census Transportation Planning Package Part III data for Florida from the U.S. Department of Transportation – Bureau of Transportation Statistics website ([www.transtats.bts.gov](http://www.transtats.bts.gov))

c. From the Census Transportation Planning Package Part III data for Florida select Table I (“Total Workers”)

d. Create one table similar to Example Table 1 below listing number of workers per tract: From Table I identified in c. above, find all the entries with your county FIPS code in column QPOWCO. From those, select the tracts identified as being in your service area from column QPOWTRACT and the number of workers in column TAB301X1 associated with the selected tracts

e. Create another table similar to Example Table 2 below listing number of resident workers per tract: From Table I identified in c. above, find all the entries with your county FIPS from column COUNTY. From those, select the tracts identified as being in your service area from column TRACT, and the number of workers in column TAB301X1 associated with the selected tracts.

6.4 Worksheet I – Calculation of Functional Net Commuter Population for the Year of Interest (FNETCOM)

The calculation of the net commuter population requires several steps. These are listed below. If using District-provided data, skip steps a, b, and c.

a. *This step required only if not using District-provided net commuter data.* Sum the number of workers per tract from the table listing the number of workers per workplace census tract (QPOWTRACT). This total represents the number of workers that work in the service area tracts.

b. *This step required only if not using District-provided net commuter data.* Sum the total number of resident workers per tract from the table listing the number of resident workers per residence census tract (TRACT). This total represents the number of workers that live in the service area tracts.

c. *This step required only if not using District-provided net commuter data.* Subtract the total workers that live in the service area tracts (as determined in b. above) from the total

workers that work in the service area tracts (as determined in a. above) to determine the total net commuter population for the service area. Enter the total under “A” in Worksheet I, or

d. *Sum the District-provided net commuters by Census tract in Worksheet I under “A.”*

e. *Sum the Census populations in households for the selected service area tracts under “B”.*

f. *Divide the total net commuter population for the service area tracts (as determined in c. above or from District provided data in d) by the sum of the Census population in households for the selected tracts (as determined in e. above from Census sources or from District provided data). This ratio represents the ratio of net commuters to total population in households for the Census year (“C”).*

g. *Apply the ratio calculated in f. above to the Permanent Resident Population for the Year of Interest (PERMPOP) (as determined in Section 9 of Worksheet B) to determine the year of interest net commuter population. The net commuter population is assumed to grow in proportion with the service area permanent resident population.*

h. *As net commuters generally spend eight hours per day for five days in the service area, the net service area commuter population for the year of interest is reduced by factors of 8/24 hours (.333) and 5/7 days (.714) to estimate functional net commuter population for the year of interest (FNETCOM). The FNETCOM is then added to the total required functional population for the year of interest (REQPOP) and any other optional populations.*

Example Functional Net Commuter Population Calculations for Year of Interest

Assume that the service area is located in County 000 and tracts 012600 and 013001 are selected to represent the service area. CTPP Part III worker and resident worker data by tract is listed below. Further assume that the sum of the Census population in households for the two tracts is 2400. Finally, assume that the Permanent Resident Population for the Year of Interest (PERMPOP) is 2,600. Note: TRACT = TRACT: Census Tract Code and QPOWTRACT = QPOWTRACT: Workplace Census Tract Code.

Example Table 1. Workers

<u>QPOWCO</u>	<u>QPOWTRACT</u>	<u>TRACT</u>	<u>TAB301X</u>
<u>(work county)</u>	<u>I</u>	<u>(residence tract)</u>	<u>1</u>
	<u>(work tract)</u>		<u>(workers)</u>
000	012600	012600	250
000	013001	012600	75
000	012600	013001	70
000	013001	013001	100
000	012600	013002	90
000	013001	013002	40
000	013001	013003	150
		<b>TOTAL</b>	<b>775</b>

Example Table 2. Resident Workers

COUNTY	TRACT	OPOWTRAC	TAB301X
(residence county)	(residence tract)	I (work tract)	I (workers)
000	012600	012600	250
000	012600	012800	75
000	012600	013001	75
000	013001	012600	70
000	013001	012800	25
000	013001	013001	100
		TOTAL	595

Net commuters in tracts 012600 and 013001 = 775 - 595 = 180  
 (or use District-provided net commuter population by tract)  
 Ratio of net commuters to selected tracts population in households = 180 / 2400 = .075

Net commuter population for year of interest = .075 x PERMPOP =  
 .075 x 2,600 = 195

Functional net commuter population for year of interest =  
 FNETCOM = 195 x .333 x .714 = 46

Appendix B

Population Survey Minimum Requirements

To Part D of the Water Use Permit Information Manual: Requirements for the Estimation of Permanent And Temporal Populations in the Southern Water Use Caution Area

1.0 Service Area Seasonal Resident and In-Home Tourist Survey

Data from the survey are used to develop seasonal household to total household, seasonal length of stay, and persons per household information used in estimating permanent and seasonal resident population. The survey may also be used to estimate the average annual in-home tourist days. It must be demonstrated that the sample is a random sample of all permanent and seasonal resident customers and includes both single family and multi-family residences in the service area. The use of billing address databases to create a mailing list will skew survey results to the demographic characteristics of the occupants of single-family residences, as most multi-family residences are master-metered. Unless the residential account housing units are ninety-five percent or more single family residences, the mailing list shall be obtained from mailing address databases such as those provided by marketing firms or other utilities, such as electric or phone, that individually meter/bill both single-family and multi-family housing units. Marketing/survey firms can provide randomized mailing lists for census, zip code or other delineated areas, such as electronic service area boundaries, that can approximate the service area. To ensure the broadest participation by seasonal residents, the survey must be conducted during the peak

seasonal residence months of January, February or March. Alternate peak and low season months may be proposed and analyzed for the development of seasonal resident data. Yearlong surveys may also be conducted but must have a sufficient sample size during the first quarter of the year to comply with the minimum sample size requirements as described in Section 2 below.

The planning and implementation of a survey is crucial in obtaining a random survey of sufficient sample size. The survey shall not be included as a bill stuffer. It is highly recommended that the survey be anonymous and that there be no identification of the recipient on the survey other than as a water utility customer. Unless the survey is conducted by qualified professionals, a mail survey must be conducted in lieu of a phone survey.

The seasonal resident survey must address the following questions to all survey recipients:

- a. Does your household live at another residence for part of the year?
- b. If yes to a. above, what months of the year does this household typically reside at this address?
- c. How many persons are typically in your household?

Respondents that live three or more months away from their service area residence shall be considered seasonal residents.

The in-home tourist portion of the survey, if such data are desired, must address the number of days stayed for each short-term guest during the most recent year. Instructions to survey recipients must indicate that only guests originating from outside the service area should be listed. Seasonal residents that sub-let or rent their residence may include such short-term visitors as in-home tourists.

If a permittee elects to use seasonal resident or in-home tourist survey data, the data shall be no older than ten years.

Example table of data to be solicited:

In-home Guest	Length of Stay (Days)
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	

2.0 Minimum Survey Sample Sizes

The minimum sample size is the number of surveys that must be completed for the results to be valid. Therefore, the total number of surveys to be conducted must take into account an estimate of the return rate for completed surveys. Required minimum sample sizes are found in the following table<sup>7</sup>. To ensure the validity of the survey, it is recommended that a maximum ten percent completion rate be assumed if follow-up calls are not made (for phone surveys) or follow-up cards and/or surveys are not provided (for mail surveys). It is recommended that a maximum twenty percent return rate be assumed if follow-up calls are made or if follow-up cards and/or surveys are utilized. The total number of surveys to be conducted/sent is the minimum sample size divided by the assumed return rate. For example, if the minimum sample size is 200 and the assumed completion rate is twenty percent, the number of surveys that should be sent/conducted is  $200/0.2 = 1000$ . It is further recommended that a phone number or website be placed on follow-up cards where a replacement mail survey can be obtained if the original was discarded.

2.1 Seasonal Resident and In-Home Tourist Surveys

The population on which the minimum sample size for seasonal residents and in-home tourists is based is the total number of residential account housing units served as calculated in the year of interest residential account housing unit Worksheet A for the year before the survey is conducted.

2.2 Public Lodging Utility Customer Survey

The population on which the minimum sample size for public lodging accounts is based is the total number of public lodging utility accounts.

2.3 Group Quarters Population Survey

The population on which the minimum sample size for group quarters population customers is based is the total number of group quarters accounts.

<sup>7</sup>Adapted from: Milon, J. W. and Grace Johns. A Handbook for Economic Analysis of Coastal Recreation Projects. SGR-45 Prepared for Florida Sea Grant College. April 1982.

<u>Minimum Sample Size Required</u>	
<u>Population Size</u>	<u>Required Sample Size</u>
<u>Less than 500</u>	<u>Survey entire population</u>
<u>500</u>	<u>222</u>
<u>1,000</u>	<u>286</u>
<u>2,500</u>	<u>345</u>
<u>5,000</u>	<u>370</u>
<u>10,000</u>	<u>385</u>
<u>50,000</u>	<u>397</u>
<u>100,000</u>	<u>398</u>
<u>Over 100,000</u>	<u>400</u>

For populations between the listed values, the required sample size shall be calculated by interpolation. See Section 3.2.4 of Appendix A for interpolation example.

3.0 Maximum Age of Data

If a permittee elects to use seasonal resident or in-home tourist survey data, the data shall be no older than ten years. Group quarters population survey data must be collected on an annual basis.

Appendix C

Worksheets A to I To Part D of the Water Use Permit Information Manual: Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area



<b>Worksheet A: Residential Account Housing Unit Estimation</b>											
Permittee Name:											
Permit Number(s):											
Year of Interest:											
<b>Enter Only Meter Data for Residential Accounts (No Commercial)</b>											
<b>Do Not Include Irrigation Account Meters</b>											
<b>Data Entry Required in Solid Bordered Cells</b>											
<b>Calculated Output in Dashed Bordered Cells</b>											
<b>Total Individually Metered Residences:</b> = A											
<b>Master Metered Residential Accounts Worksheet</b>											
<b>Single Family Master Metered</b>						<b>Multi-family Master Metered</b>					
	Single Family	Number of Single Family	Unit Adjust-ment	Equivalent Residential Account	<b>OR</b> <b>Counted Residential Account</b>		Single Family	Number of Multi-Family	Unit Adjust-ment	Equivalent Residential Account	<b>OR</b> <b>Counted Residential Account</b>
Meter Size	Equivalent Units	Master Meters	Factor	Housing Units	Housing Units	Meter Size	Equivalent Units	Master Meters	Factor	Housing Units	Housing Units
	<b>B</b>	<b>C</b>	<b>D</b>	<b>(B x C) / D</b>	<b>Units</b>		<b>B</b>	<b>C</b>	<b>D</b>	<b>(B x C) / D</b>	<b>Units</b>
				= E	= F					= E	= F
						3/4"	1.5			0.7	
1"	2.5		1			1"	2.5			0.7	
1 1/2"	5		1			1 1/2"	5			0.7	
2"	8		1			2"	8			0.7	
3"	17.5		1			3"	17.5			0.7	
4"	30		1			4"	30			0.7	
6"	62.5		1			6"	62.5			0.7	
8"	90		1			8"	90			0.7	
10"	145		1			10"	145			0.7	
12"	215		1			12"	215			0.7	
			<b>Sum:</b>						<b>Sum:</b>		
<b>Mobile Home (Trailer) Master Metered</b>						<b>Manufactured Home Master Metered</b>					
	Single Family	Number of Mobile Home	Unit Adjust-ment	Equivalent Residential Account	<b>OR</b> <b>Counted Residential Account</b>		Single Family	Number of Manu. Home	Unit Adjust-ment	Equivalent Residential Account	<b>OR</b> <b>Counted Residential Account</b>
Meter Size	Equivalent Units	Master Meters	Factor	Housing Units	Housing Units	Meter Size	Equivalent Units	Master Meters	Factor	Housing Units	Housing Units
	<b>B</b>	<b>C</b>	<b>D</b>	<b>(B x C) / D</b>	<b>Units</b>		<b>B</b>	<b>C</b>	<b>D</b>	<b>(B x C) / D</b>	<b>Units</b>
				= E	= F					= E	= F
3/4"	1.5		0.6			3/4"	1.5			0.8	
1"	2.5		0.6			1"	2.5			0.8	
1 1/2"	5		0.6			1 1/2"	5			0.8	
2"	8		0.6			2"	8			0.8	
3"	17.5		0.6			3"	17.5			0.8	
4"	30		0.6			4"	30			0.8	
6"	62.5		0.6			6"	62.5			0.8	
8"	90		0.6			8"	90			0.8	
10"	145		0.6			10"	145			0.8	
12"	215		0.6			12"	215			0.8	
			<b>Sum:</b>						<b>Sum:</b>		
<b>Total Residential Account Housing Units for the Year of Interest (RESUNITS) = G</b>											
(Sum the total individually metered residences (A) and the sums of equivalent master metered residential account housing units (Es) or the sums of the counted master metered residential account housing units (Fs).											

<b>Worksheet B: Service Area Summary</b>				
Page 1 of 3				
Permittee Name:				
Permit Number(s):				
Service Area Name:				
Census Data Year:				
Year of Interest:				
Data Entry Required in Solid Bordered Cells				
Calculated Output in Dashed Bordred Cells				
Optional Survey Data Entry in Double Outlined Cells				
<b>1. Service Area Residential Housing Account Data Required</b>				
(From Worksheet A)				
	Residential			
	Account			
	Housing Units			
	Year of			
	Interest			
	<b>RESUNITS</b>			
<b>2. Census Data Required for All Census Blocks in Service Area</b>				
(From Worksheet C)				
Sum of				
Census	Sum of	Sum of		
Population	Census	Group		
in House-	House-	Quarters		
Holds	Holds	Population		
<b>CPOPNNH</b>	<b>CHH</b>	<b>CGRUPPOP</b>		
<b>3. Permanent Resident Persons/Household (PERMPPH) - Choose One Only</b>				
				Optional Ap- proved Survey
		Census		Method
		<b>PERMPPH</b>	<b>OR</b>	<b>PERMPPH</b>
(CPOPNNH/CHH) =				
<b>4. Seasonal Resident Persons Per Household (SEASPPH) - Choose One Only</b>				
	Optional Ap- proved Survey			
Default	Method			
<b>SEASPPH</b>	<b>SEASPPH</b>			

<b>Worksheet B: Service Area Summary Worksheet (Cont'd)</b>					
Page 2 of 3					
Permittee Name:					
Permit Number(s):					
Service Area Name:					
Census Data Year:					
Year of Interest:					
<b>5. Service Area Peak Seasonal Resident Ratio (SEASRR)</b>					
<b>(From Worksheet D Part 1)</b>					
			<b>SEASRR</b>		
(not required if using survey data)					
<b>6. Calculation of Service Area Census Year Seasonal Households (SEASHH)</b>					
( not required if using survey data)					
			<b>SEASHH</b>		
((SEASRR - 1) x CPOPNNH) / SEASPPH =					
<b>7. Calculation of Seasonal Households to Total Households Ratio (SEAS/TOTHH)</b>					
					Optional Ap- proved Survey Method
			<b>SEAS/TOTHH</b>		or
			<b>SEAS/TOTHH</b>		
SEASHH / (CHH + SEASHH) =					
<b>8. Calculation of Seasonal Resident Peak Population - Yr. of Interest (SEASPKPOP)</b>					
			<b>SEASPKPOP</b>		
RESUNITS x SEAS/TOTHH x SEASPPH =					
<b>9. Calculation of Permanent Resident Population for Yr. of Interest (PERMPOP)</b>					
			<b>PERMPOP</b>		
(1 - SEAS/TOTHH) x RESUNITS x PERMPPH =					
<b>10. Seasonal Proportional Residence Time (SEASPROP)</b>					
Beach	or Non-Beach	or Optional			
Destination	Destination	Approved			
County	County	Survey			
Default=0.442	Default=0.567	Method			
<b>SEASPROP</b>		<b>SEASPROP</b>		<b>SEASPROP</b>	





<b>Worksheet D: Peak Seasonal Resident Ratio</b>			
Page: of :			
Permittee Name:			
Permit Number(s):			
Population Year of Interest:			
<b>Data Entry Required in Solid Bold Bordered Cells</b>			
<b>Calculated Output in Dashed Bordered Cells</b>			
NOTE: See Appendix "A", Section 3, "Worksheet D: Peak Seasonal Residential Ratio", in Part D "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area" of the Water Use Permit Information Manual for identification and selection of ZIP Codes, Census Year Estimated Peak Seasonal Resident Population and permanent population by ZCTA. Additional ZIP Code rows may be added as needed.			
<b>Part 1: District - Provided Admissions and Census Year Peak Seasonal and Permanent Resident Population</b>			
Geographic ZIP Codes/ZCTAs	Average Annual 3rd Quarter Admissions by ZIP/ZCTA Only if Small Service Area Partial ZCTA Selection Criteria Used	ZIP Code/ZCTA Estimated CensusYear Peak Seasonal Resident Population	Census Year ZCTA Permanent Population
	A	B	C
	Sum of A =		
		Sum of B = E	Sum of C = F
Sum Seasonal (B) & Permanent (C) Populations			
<b>District Data Peak Seasonal Resident Ratio (SEASRR) = (E + F) / F =</b>			

<b>Part 2: Survey Results for Peak Seasonal and Permanent Resident Population and Seasonal Duration</b>					
Year Survey Performed:					
Month Survey Performed (Jan/Feb/Mar)					
Residential Account Housing Units					
Served in Year Prior to Survey:					
Interpolated Minimum Number of					
Returned Surveys:					
Number of Usable Surveys Returned:					
Total Seasonal Resident Household	<b>A</b>				
Surveys Returned = A					
Total Persons in Seasonal	<b>B</b>				
Households from Returned Surveys = B					
<b>Seasonal Resident Persons Per</b>	<b>B/A</b>				
<b>Household (SEASPPH) = B/A</b>					
Total Months Seasonal Residents	<b>C</b>				
Reside in the Service Area = C					
<b>Seasonal Proportional Residence</b>	<b>(C/A)/12</b>				
<b>Time (SEASPROP) = (C/A)/12</b>					
Total Permanent Resident Household	<b>D</b>				
Surveys Returned = D					
Total Persons in Permanent	<b>E</b>				
Households from Returned Surveys = E					
<b>Permanent Resident Persons</b>	<b>E/D</b>				
<b>Per Household (PERMPPH) = E/D</b>					
<b>Seasonal to Total Household</b>	<b>A/(A+D)</b>				
<b>Ratio SEAS/TOTHH = A/(A+D)</b>					







<b>Worksheet F: Small Service Area ZCTAs</b>						
Page: of :						
Permittee Name:						
Permit Number(s):						
Population Year of Interest:						
<b>Data Entry Required in Solid Bold Bordered Cells</b>						
<b>Calculated Output in Dashed Bordered Cells</b>						
<b>Step 1. Enter Sum of Census Population in Households (CPOPNIH)</b>						<b>A</b>
from Worksheet B (Must not exceed 25,000) = A						
<b>Step 2. Determination of Minimum Average Annual 3rd Quarter Admissions Threshold Using a. or b. Below, as Applicable.</b>						
<b>a.</b>						
If the sum of population in households (A above) exactly matches a Table A-1 population value (Appendix A, Section 3.2.4), enter the corresponding minimum admissions threshold as "B", then continue to Step 3.						<b>B</b>
<b>or</b>						
<b>b.</b>						
<b>Interpolation</b> - If the sum of population in households is in-between Table A-1 population values, then an adjusted minimum average annual 3rd quarter admissions threshold must be calculated as outlined below.						
						<b>C</b>
Table A-1 Population Value That is More Than Sum of Population in Households in A above = C						
						<b>D</b>
Table A-1 Population Value That is Less Than Sum of Population in Households in A above = D						
						<b>E</b>
Difference Between C and D (C-D) = E						
						<b>F</b>
Minimum Admissions for Table A-1 Population Value That is More Than A above = F						
						<b>G</b>
Minimum Admissions for Table A-1 Population Value Less Than A above = G						
						<b>H</b>
Difference Between F and G (F-G) = H						
						<b>I</b>
Divide H by E (H/E) = I						
						<b>J</b>
Difference Between A and D (A-D) = J						
						<b>K</b>
Adjusted Minimum Admissions Threshold = G+(J x I) = K						

<b>Step 3. Selection Of ZCTAs to Include in the Service Area</b>						
The average annual third quarter hospital admissions by ZIP Code and the ZCTAs required to complete Step 2. are available at the District's website or from the District's Planning Department.						
First add admissions from ZIP Codes/ZCTAs entirely within the service area. If the minimum admissions threshold has not been reached, add admissions from ZIP Codes/ZCTAs partially in the service area until the minimum admissions threshold (B or K in Step 1. above) has been just met or exceeded in the "cumulative ZCTA" column. Those ZIP Codes entirely in the service area and those that are partially in that have been added to meet the minimum 3rd quarter admissions threshold shall be used in Worksheet D.						
				ZCTA		Cumulative ZCTA
List				Average Annual 3rd		Average Annual 3rd
ZIP Codes Entirely			Equivalent	Quarter Admissions		Quarter Admissions
Within Service Area			ZCTA	From Provided Data		From Provided Data
				A =		A =
				E =		A+B=C =
				D =		C+D=E =
				F =		E+F=G =
List	Number of					
ZIP Codes Partially	Times ZIP					
Within Service Area	Code			ZCTA		Cumulative ZCTA
in Order of Billing	Appears in			Average Annual 3rd		Average Annual 3rd
Occurrence - Highest	Billing		Equivalent	Quarter Admissions		Quarter Admissions
to Lowest	Records		ZCTA	From Provided Data		From Provided Data
				H =		G+H= I =
				J =		I+J= K =
				L =		K+L= M =
				N =		M+N= O =



						<b>C</b>
Sum of Monthly Occupancy Rates = C						
						<b>D</b>
Average Monthly Occupancy Rate = D = C/12						
<b>c. Average Guests Per Room (party size)</b>						
Documentation of data source and year collected required (other than defaults).						
Customer survey data must be weighted by number of rooms per customer respondent. See Section 5.1.4 of Appendix A..						
Enter an X under the source of the data and enter the selected value under E.						
Coastal Beach		All Other		Lodging	Other	
Destination County		Counties		Customer	(Must	
Default = 2.7		Default = 2.3		Survey	Document)	
						<b>E</b>
<b>d. Total Direct Data Daily Public Lodging Tourist Population</b>						
F = A x D x E						
<b>Part 2: Tourist Accomodations Lodging Tax Method</b>						
Documentation of data source and year collected required (other than defaults).						
If average daily room rate is from customer survey, room rates must be weighted by number of rooms per customer respondent (see Section 5.1.4 App. A).						
<b>a. Calculation of Room Days Per Month</b>						
				Average		
	Service Area Tourist		Monthly	Daily	Total Room	
	Accommodation Tax		Room	Room	Days Per	
Month	Collections	Tax Rate	Revenue	Rate	Month	
	<b>G</b>	<b>H</b>	<b>I = G/H</b>	<b>J</b>	<b>K = I/J</b>	
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
						<b>L</b>
Sum of Room Days Per Month = L						

<b>b. Average Guests Per Room (party size)</b>					
Documentation of data source and year collected required (other than defaults).					
Customer survey data must be weighted by number of rooms per customer respondent. See Section 5.1.4 of Appendix A.					
Enter an X under the source of the data and enter the selected value under M.					
Coastal Beach	All Other		Lodging		
Destination County	Counties		Customer		
Default = 2.7	Default = 2.3		Survey	Other	<b>M</b>
<b>c. Calculation of Tourist Tax Estimated Tourist Daily Population</b>					
					<b>N</b>
$N = (L \times M)/365$					
<b>Part 3. In-Home Tourist Population</b>					
Documentation of data source and year collected required.					
Note: See Worksheet A for total Service Area Residential Account Housing Units for the Year of Interest (RAHUYI)					
Average In-Home Tourist Days Per Household Per Year	Residential Account Housing Units				Average Annual In-Home Tourists per Day
<b>O</b>	<b>P</b>				<b>Q</b>
		$Q = (O \times P)/365$			
<b>Part 4: Total Functional (Daily) Tourist Population (FTOURPOP)</b>					
The total functional tourist population is the sum of "F" from Part 1 or "N" from Part 2 plus "Q" from Part 3.					
<b>FTOURPOP</b>	<b>F</b>	<b>or</b>	<b>N</b>	<b>+</b>	<b>Q</b>
					<b>FTOURPOP</b>









<b>Industrial/Commercial Accounts Worksheet</b>						
Do not include multi-family residential accounts.						
	<b>Number of Metered Connections</b>	<b>I/C Use in MGD</b>				
<b>Meter Size</b>						
5/8"						
5/8" x 3/4"						
3/4"						
1"						
1.5"						
2"						
3"						
4"						
6"						
8"						
10"						
12"						
Other						
<b>Totals</b>			<b>= A = Total Utility I/C Use in MGD</b>			
<b>Gross Use (MGD) from Line 5, Form A Public Supply Per Capita Water Use Survey = B</b>						
<b>Percent Gross Water Use That Is Industrial/Commercial Use = A/B = C</b>						
<b>District -Wide 3 Year Average Percent I/C Use (Provided by District) = D</b>						
(see District Website - <a href="http://www.watmatters.org">www.watmatters.org</a> )						
<b>If C is larger than D, continue. If D is larger than C, the deduction is not allowable.</b>						
<b>Difference in Percent Gross Use as I/C Use = C - D = E</b>						
<b>Allowable Deduction From Gross Use = E x B</b>						

Appendix D

Census Year Seasonal Resident and Permanent Population by  
Zip Code

To Part D of the Water Use Permit Information Manual:  
Requirement for the Estimation of Permanent and Temporal  
Service Area Populations in the Southern Water Use Caution  
Area

Sheet 1-Instructions

**Steps in the Calculation of Peak Seasonal Resident Ratio (SEASRR)**

**Step 1: Select ZIP Codes to Represent Water Service Area**

See rule for criteria for selecting appropriate ZIP Codes.

**Step 2: Sum the Seasonal Resident Populations for the Selected ZIP Codes**

**Step 3: Sum the Permanent Resident Populations for the Selected ZIP Codes**

**Step 4: Calculate the Peak Seasonal Resident Ratio (SEASRR)**

$$\frac{(\text{Sum of Census yr. seasonal residents} + \text{Sum of Census yr. permanent residents})}{\text{Sum of Census yr. permanent residents}}$$

**See Example Ratio Calculation**

Sheet 2-Sample Calculation of Peak Seasonal Resident Ratio (SEASRR)				
Sample Calculation of Peak Seasonal Resident Ratio				
(Data from "Data by ZIP Code" Worksheet)				
Selected ZIP Codes	Estimated Seasonal Resident Population	Permanent Census Population		
	A	B		
33837	7,121	21,315		
33838	972	2,843		
33844	7,378	26,600		
33850	315	4,039		
33868	1,659	10,885		
33881	2,459	28,225		Peak Seasonal Resident Ratio
	Sum of A	Sum of B		(Sum A + Sum B) / Sum B
	19,904	93,907		1.212

Sheet 3-Seasonal Resident and Permanent Population by ZIP Code

Emergency Admissions - Patients 55-84 Years Old, Seasonal & Permanent Population by Geographic ZIP Codes						
Geographic Patient ZIP Code	Sum 1999-2001	Sum 1999-2001	Difference Q1-Q3 divided by 3 Q3 <= Q1 c = a-b	Overall Emergency Incidence Age 35-64 d	Census Year Estimated Peak Seasonal Resident Population e = c/d	Permanent Population Census 2000 ZIP Code Tabulation Area April 1, 2000
	Quarter 1 Admissions January-March a	Quarter 3 Admissions July-September b				
33471	39	28	3.67	0.011656	315	5,700
33510	311	278	11.00	0.011656	944	22,374
33511	684	680	1.33	0.011656	114	44,927
33527	193	147	15.33	0.011656	1,315	11,431
33534	225	171	18.00	0.011656	1,544	7,496
33540	1,024	689	111.67	0.011656	9,580	18,837
33541	1,578	875	234.33	0.011656	20,104	23,017
33542	Please use Geographic Patient ZIP Codes 33540 and 33541					
33547	130	122	2.67	0.011656	229	8,527
33548	Please use Geographic Patient ZIP Code 33549					
33549	553	488	21.67	0.011656	1,859	44,672
33556	147	137	3.33	0.011656	286	13,995
33558	Please use Geographic Patient ZIP Code 33549					
33559	Please use Geographic Patient ZIP Code 33549					
33563	Please use Geographic Patient ZIP Codes 33541, 33564, 33565, and 33567					
33565	197	160	12.33	0.011656	1,058	16,814
33566	287	262	8.33	0.011656	715	21,552
33567	205	185	6.67	0.011656	572	25,920
33569	769	543	75.33	0.011656	6,463	35,689
33570	642	365	92.33	0.011656	7,922	12,857
33572	246	210	12.00	0.011656	1,030	7,461
33573	1,671	1,245	142.00	0.011656	12,183	16,321
33584	391	362	9.67	0.011656	829	20,490
33592	282	237	15.00	0.011656	1,287	9,970
33594	708	603	35.00	0.011656	3,003	47,721
33598	182	162	6.67	0.011656	572	8,019
33602	318	267	17.00	0.011656	1,458	8,955
33603	420	368	17.33	0.011656	1,487	20,947
33604	807	710	32.33	0.011656	2,774	36,785
33605	605	539	22.00	0.011656	1,887	17,081
33606	202	164	12.67	0.011656	1,087	14,960
33607	769	679	30.00	0.011656	2,574	22,801
33609	308	269	13.00	0.011656	1,115	16,180
33610	1,030	917	37.67	0.011656	3,232	32,397
33611	535	480	18.33	0.011656	1,573	29,837
33612	1,028	912	38.67	0.011656	3,317	42,961
33613	564	531	11.00	0.011656	944	29,424
33614	802	714	29.33	0.011656	2,517	43,803
33615	645	588	19.00	0.011656	1,630	41,349
33616	180	132	16.00	0.011656	1,373	12,014
33617	567	490	25.67	0.011656	2,202	42,281
33618	260	234	8.67	0.011656	744	20,358
33619	689	566	41.00	0.011656	3,518	28,459
33620	2	0	0.67	0.011656	57	2,532
33621	10	8	0.67	0.011656	57	2,689
33624	484	404	26.67	0.011656	2,288	45,065
33625	209	189	6.67	0.011656	572	20,781
33626	74	58	5.33	0.011656	458	11,116
33629	342	317	8.33	0.011656	715	22,858
33634	226	212	4.67	0.011656	400	19,255
33635	177	149	9.33	0.011656	801	12,439
33637	112	95	5.67	0.011656	486	12,534

33647	153	129	8.00	0.011656	686	26,290
33715	151	103	16.00	0.011656	1,373	7,403
33801	1,073	829	81.33	0.011656	6,978	31,593
33803	847	603	81.33	0.011656	6,978	26,994
33805	743	629	38.00	0.011656	3,260	20,426
33809	871	641	76.67	0.011656	6,577	28,855
33810	524	394	43.33	0.011656	3,718	28,563
33811	269	232	12.33	0.011656	1,058	16,176
33813	559	467	30.67	0.011656	2,631	35,411
33815	414	277	45.67	0.011656	3,918	13,620
33823	413	354	19.67	0.011656	1,687	26,485
33825	1,032	712	106.67	0.011656	9,151	23,257
33827	50	38	4.00	0.011656	343	2,527
33830	567	446	40.33	0.011656	3,460	25,723
33834	106	58	16.00	0.011656	1,373	7,274
33837	665	416	83.00	0.011656	7,121	21,315
33838	90	56	11.33	0.011656	972	2,843
33839	32	32	0.00	0.011656	0	1,591
33841	179	146	11.00	0.011656	944	7,881
33843	307	170	45.67	0.011656	3,918	10,668
33844	981	723	86.00	0.011656	7,378	26,600
33849	59	42	5.67	0.011656	486	418
33850	74	63	3.67	0.011656	315	4,039
33851	Please use Geographic Patient ZIP Code 33844					
33852	853	592	87.00	0.011656	7,464	19,653
33853	1,053	822	77.00	0.011656	6,606	34,439
33857	83	48	11.67	0.011656	1,001	1,645
33859	Please use Geographic Patient ZIP Code 33853					
33860	405	340	21.67	0.011656	1,859	17,015
33865	26	13	4.33	0.011656	372	681
33868	210	152	19.33	0.011656	1,659	10,885
33870	1,373	895	159.33	0.011656	13,670	22,563
33872	1,056	668	129.33	0.011656	11,096	20,593
33873	225	195	10.00	0.011656	858	14,442
33875	Please use Geographic Patient ZIP Code 33872					
33876	Please use Geographic Patient ZIP Code 33870					
33877	Please use Geographic Patient ZIP Code 33853					
33880	366	322	14.67	0.011656	1,258	33,778
33881	538	452	28.67	0.011656	2,459	28,225
33884	222	200	7.33	0.011656	629	20,016
33890	108	81	9.00	0.011656	772	5,088
33896	Please use Geographic Patient ZIP Code 33837					
33897	Please use Geographic Patient ZIP Code 33837					
33898	Please use Geographic Patient ZIP Code 33853					
33903	491	310	60.33	0.011656	5,176	23,107
33917	723	365	119.33	0.011656	10,238	28,561
33921	19	6	4.33	0.011656	372	1,500
33946	82	33	16.33	0.011656	1,401	1,064
33947	273	189	28.00	0.011656	2,402	5,238
33948	416	321	31.67	0.011656	2,717	14,692
33950	1,287	832	151.67	0.011656	13,012	19,361
33952	1,142	808	111.33	0.011656	9,552	30,543
33953	116	62	18.00	0.011656	1,544	3,452
33954	113	98	5.00	0.011656	429	7,383
33955	186	140	15.33	0.011656	1,315	6,227
33960	20	15	1.67	0.011656	143	701
33980	343	284	19.67	0.011656	1,687	9,081
33981	249	167	27.33	0.011656	2,345	7,225
33982	266	176	30.00	0.011656	2,574	9,289
33983	316	228	29.33	0.011656	2,517	10,960
34201	20	18	0.67	0.011656	57	1,877
34202	154	118	12.00	0.011656	1,030	15,335
34203	785	539	82.00	0.011656	7,035	26,017

34205	1,013	777	78.67	0.011656	6,749	31,817
34207	1,137	780	119.00	0.011656	10,209	30,690
34208	620	529	30.33	0.011656	2,602	30,750
34209	1,212	936	92.00	0.011656	7,893	33,228
34210	466	377	29.67	0.011656	2,545	13,883
34211	Please use Geographic Patient ZIP Code 34202					
34212	Please use Geographic Patient ZIP Code 34202					
34215	55	18	12.33	0.011656	1,058	792
34217	309	149	53.33	0.011656	4,576	6,385
34219	110	103	2.33	0.011656	200	5,812
34221	992	694	99.33	0.011656	8,522	31,646
34222	441	311	43.33	0.011656	3,718	8,732
34223	824	427	132.33	0.011656	11,353	18,002
34224	703	423	93.33	0.011656	8,007	14,984
34228	107	55	17.33	0.011656	1,487	7,603
34229	58	49	3.00	0.011656	257	4,850
34231	384	304	26.67	0.011656	2,288	31,885
34232	385	315	23.33	0.011656	2,002	31,969
34233	313	256	19.00	0.011656	1,630	14,745
34234	265	216	16.33	0.011656	1,401	20,511
34235	206	144	20.67	0.011656	1,773	13,028
34236	179	131	16.00	0.011656	1,373	11,636
34237	179	130	16.33	0.011656	1,401	16,890
34238	179	154	8.33	0.011656	715	14,042
34239	202	141	20.33	0.011656	1,744	15,800
34240	115	75	13.33	0.011656	1,144	6,757
34241	167	117	16.67	0.011656	1,430	12,106
34242	92	50	14.00	0.011656	1,201	9,581
34243	268	250	6.00	0.011656	515	20,508
34251	48	39	3.00	0.011656	257	4,239
34266	866	613	84.33	0.011656	7,235	31,964
34269	Please use Geographic Patient ZIP Code 34266					
34275	254	142	37.33	0.011656	3,203	15,005
34285	221	124	32.33	0.011656	2,774	8,039
34286	70	55	5.00	0.011656	429	8,610
34287	708	476	77.33	0.011656	6,635	19,089
34288	Please use Geographic Patient ZIP Code 34286					
34292	426	254	57.33	0.011656	4,919	17,443
34293	567	353	71.33	0.011656	6,120	30,750
34688	Please use Geographic Patient ZIP Code 34689					
34689	911	749	54.00	0.011656	4,633	28,752
34711	674	580	31.33	0.011656	2,688	38,447
34759	20	16	1.33	0.011656	114	7,553
34974	44	20	8.00	0.011656	686	21,784

Sheet 4-Average Third Quarter Emergency Admissions by Zip Code

**Example Calculation of Average Annual Third Quarter Hospital Admissions by Zip Code  
Patients Aged 55 - 84, Emergency Admissions Only**

Permittees wishing to select partial zip codes/Zip Code Tabulation Areas (ZCTA) to represent their service area using the "Zip Codes Partially Within Small Service Areas" provisions of the rule will find the three-year average of third quarter admissions by Zip Code in Sheet 5 "Average Annual Q3 Admissions by Zip Code".

Simply locate the selected zip code from the Geographic Patient Zip Code column and then locate the corresponding average emergency admissions in the "Avg. 1999-2001 Quarter 3 Admissions" column.

Note: Please scroll down to "Average Third Quarter Emergency Admissions - Patients 55-84 Years Old by Geographic Zip Codes" table



Sheet 4-Average Third Quarter Emergency Admissions by ZIP Code

Average Third Quarter Emergency Admissions - Patients 55-84 Years Old by Geographic Zip Code

Geographic Patient Zip Code	Sum 1999-2001 Quarter 3 Admissions July-September <i>b</i>	Avg. 1999-2001 Quarter 3 Admissions July-September <i>b / 3</i>
32102	15	5.00
32112	20	6.67
32113	85	28.33
32134	117	39.00
32148	51	17.00
32159	999	333.00
32162	See Patient ZIP Code 32159	
32179	128	42.67
32195	58	19.33
32617	51	17.00
32618	106	35.33
32621	122	40.67
32625	21	7.00
32626	229	76.33
32640	210	70.00
32667	50	16.67
32668	69	23.00
32669	151	50.33
32680	153	51.00
32686	113	37.67
32693	237	79.00
32696	256	85.33
32702	82	27.33
32712	386	128.67
32713	102	34.00
32720	25	8.33
32726	421	140.33
32735	67	22.33
32736	43	14.33
32757	393	131.00
32763	42	14.00
32767	27	9.00
32771	842	280.67
32776	112	37.33
32778	407	135.67
32779	315	105.00
32784	192	64.00
33471	28	9.33
33510	278	92.67
33511	680	226.67
33513	205	68.33
33514	32	10.67
33523	284	94.67
33525	571	190.33
33527	147	49.00
33534	171	57.00
33538	108	36.00
33540	689	229.67
33541	875	291.67
33542	See ZIP Codes 33540 and 33541	
33543	159	53.00
33544	105	35.00
33547	122	40.67

33548	See ZIP Code 33549	
33549	488	162.67
33556	137	45.67
33558	See ZIP Code 33549	
33559	See ZIP Code 33549	
33565	160	53.33
33566	262	87.33
33567	185	61.67
33569	543	181.00
33570	365	121.67
33572	210	70.00
33573	1,245	415.00
33576	66	22.00
33584	362	120.67
33585	17	5.67
33592	237	79.00
33594	603	201.00
33597	136	45.33
33598	162	54.00
33602	267	89.00
33603	368	122.67
33604	710	236.67
33605	539	179.67
33606	164	54.67
33607	679	226.33
33609	269	89.67
33610	917	305.67
33611	480	160.00
33612	912	304.00
33613	531	177.00
33614	714	238.00
33615	588	196.00
33616	132	44.00
33617	490	163.33
33618	234	78.00
33619	566	188.67
33620	0	0.00
33621	8	2.67
33624	404	134.67
33625	189	63.00
33626	58	19.33
33629	317	105.67
33634	212	70.67
33635	149	49.67
33637	95	31.67
33647	129	43.00
33701	687	229.00
33702	720	240.00
33703	514	171.33
33704	265	88.33
33705	772	257.33
33706	258	86.00
33707	564	188.00
33708	446	148.67
33709	868	289.33
33710	709	236.33
33711	367	122.33
33712	634	211.33
33713	577	192.33
33714	507	169.00
33715	103	34.33
33716	140	46.67
33755	616	205.33

33756	1,047	349.00
33759	479	159.67
33760	210	70.00
33761	552	184.00
33762	106	35.33
33763	680	226.67
33764	560	186.67
33765	340	113.33
33767	281	93.67
33770	906	302.00
33771	1,030	343.33
33772	631	210.33
33773	332	110.67
33774	553	184.33
33776	217	72.33
33777	358	119.33
33778	464	154.67
33781	721	240.33
33782	645	215.00
33785	121	40.33
33786	39	13.00
33801	829	276.33
33803	603	201.00
33805	629	209.67
33809	641	213.67
33810	394	131.33
33811	232	77.33
33813	467	155.67
33815	277	92.33
33823	354	118.00
33825	712	237.33
33827	38	12.67
33830	446	148.67
33834	58	19.33
33837	416	138.67
33838	56	18.67
33839	32	10.67
33841	146	48.67
33843	170	56.67
33844	723	241.00
33849	42	14.00
33850	63	21.00
33851	See ZIP Code 33844	
33852	592	197.33
33853	822	274.00
33857	48	16.00
33859	See ZIP Code 33853	
33860	340	113.33
33865	13	4.33
33868	152	50.67
33870	895	298.33
33872	668	222.67
33873	195	65.00
33875	See ZIP Code 33872	
33876	See ZIP Code 33870	
33877	See ZIP Code 33853	
33880	322	107.33
33881	452	150.67
33884	200	66.67
33890	81	27.00
33896	See ZIP Code 33837	
33897	See ZIP Code 33837	
33898	See ZIP Code 33853	

33903	310	103.33
33917	365	121.67
33920	68	22.67
33946	33	11.00
33947	189	63.00
33948	321	107.00
33950	832	277.33
33952	808	269.33
33953	62	20.67
33954	98	32.67
33955	140	46.67
33960	15	5.00
33980	284	94.67
33981	167	55.67
33982	176	58.67
33983	228	76.00
33993	11	3.67
34201	18	6.00
34202	118	39.33
34203	539	179.67
34205	777	259.00
34207	780	260.00
34208	529	176.33
34209	936	312.00
34210	377	125.67
34211	See ZIP Code 34202	
34212	See ZIP Code 34202	
34215	18	6.00
34217	149	49.67
34219	103	34.33
34221	694	231.33
34222	311	103.67
34223	427	142.33
34224	423	141.00
34228	55	18.33
34229	49	16.33
34231	304	101.33
34232	315	105.00
34233	256	85.33
34234	216	72.00
34235	144	48.00
34236	131	43.67
34237	130	43.33
34238	154	51.33
34239	141	47.00
34240	75	25.00
34241	117	39.00
34242	50	16.67
34243	250	83.33
34251	39	13.00
34266	613	204.33
34269	See ZIP Code 34266	
34275	142	47.33
34285	124	41.33
34286	55	18.33
34287	476	158.67
34288	See ZIP Code 34286	
34292	254	84.67
34293	353	117.67
34420	226	75.33
34428	66	22.00
34429	89	29.67
34431	92	30.67

34432	157	52.33
34433	32	10.67
34434	45	15.00
34436	132	44.00
34442	172	57.33
34446	147	49.00
34448	123	41.00
34449	35	11.67
34450	199	66.33
34452	216	72.00
34453	122	40.67
34461	75	25.00
34465	222	74.00
34470	323	107.67
34471	253	84.33
34472	263	87.67
34473	122	40.67
34474	303	101.00
34475	162	54.00
34476	247	82.33
34479	149	49.67
34480	161	53.67
34481	305	101.67
34482	183	61.00
34484	23	7.67
34488	193	64.33
34491	354	118.00
34498	3	1.00
34601	982	327.33
34602	138	46.00
34604	See ZIP Code 34609	
34606	645	215.00
34607	139	46.33
34608	664	221.33
34609	714	238.00
34610	205	68.33
34613	370	123.33
34614	45	15.00
34639	213	71.00
34652	402	134.00
34653	483	161.00
34654	187	62.33
34655	338	112.67
34667	448	149.33
34668	702	234.00
34669	89	29.67
34677	368	122.67
34683	605	201.67
34684	871	290.33
34685	234	78.00
34688	See ZIP Code 34689	
34689	749	249.67
34690	251	83.67
34691	357	119.00
34695	377	125.67
34698	1,130	376.67
34705	33	11.00
34711	580	193.33
34731	226	75.33
34736	175	58.33
34737	22	7.33
34739	3	1.00
34747	17	5.67

34748	1,095	365.00
34753	48	16.00
34756	45	15.00
34758	14	4.67
34759	16	5.33
34762	22	7.33
34772	21	7.00
34785	383	127.67
34787	540	180.00
34788	511	170.33
34797	23	7.67
34972	7	2.33
34974	20	6.67

## Sheet 5-Data Source and Modifications to the Data Set

**Source:**

The original source of the admissions data is the Hospital Inpatient Data compiled by the Florida Agency for Healthcare Administration (AHCA). The data are cumulative for the period 1999-2001. The age range for patients is 55-84 years old. The totals reflect emergency admissions only.

**Modifications to AHCA Dataset**Geographic ZIP Codes:

These are only ZIP Codes that have geographic boundaries. These ZIP Codes are assigned to street or physical addresses exclusively. Emergency patients who listed post office box addresses with post office box ZIP Codes were included in the ZIP Codes where those post office boxes are physically located. Consequently, emergency admissions totals by ZIP Code may differ from those calculated using the original admissions data from the Agency for Healthcare Administration.

Quarter 3 (July-September) Modification:

For each year 1999-2001, and each Geographic ZIP Code, if third quarter (June-August) emergency admissions were less than first quarter (January-March) emergencies, they were set equal to first quarter emergency admissions. Consequently, the difference between emergency admissions in the first quarter and those in the third quarter is greater than or equal to zero for each year and each Geographic ZIP Code. This ensures that the peak seasonal resident ratio is greater than or equal to 1.

## Sheet 6-Missing and New ZIP Codes

**Missing ZIP Codes**

If a ZIP Code is not listed, it is because there were no emergency admissions for patients 55-84 years old in any quarter between January 1999 and December 2001 to hospitals located in counties inside or adjacent to the Southwest Florida Water Management District.

**Reconciling New Geographic Patient ZIP Codes with Census 2000 ZIP Code Tabulation Areas (ZCTAs)**

There was no permanent population for some of the geographic ZIP Codes listed in Table 1 below. These geographic ZIP Codes did not exist at the time the Bureau of the Census mapped the ZCTAs and have no ZCTA equivalent. The admissions reported from these geographic ZIP Codes were reassigned to their original geographic ZIP Codes. For example, emergency admissions reported from new ZIP Code 32162 were added to those reported from 32159. ZIP Code 33542 was carved out of two ZIP Codes (33540 and 33541). In this case, the admissions were divided according the percentage of housing units from each of the zip codes now inside 33542. Table 1 indicates which ZCTAs received admissions from these 18 new geographic ZIP Codes.

Note: Please scroll down to see Tables 1 and 2.

**Table 1. Emergency Admissions for Patients 55-84 years old and Permanent Population for ZIP Codes and ZCTAs**

New Geographic Patient ZIP Code Admissions					Existing ZIP Code/ZCTA Admissions & Population					
Geographic Patient ZIP Code	Quarter 1 January-March	Quarter 2 April-June	Quarter 3 July-September	Quarter 4 October-December	Associated ZCTA	Quarter 1 January-March	Quarter 2 April-June	Quarter 3 July-September	Quarter 4 October-December	Perm. Pop. ZCTA 4/1/00
32162	2	11	2	47	32159	1,228	1,004	997	1,210	27,939
33542	29	19	16	21	33540	1,009	776	681	828	18,837
33542	29	19	16	21	33541	1,564	1,129	867	1,229	23,017
33548	6	5	4	19	33549	546	486	483	517	44,672
33558	1	0	1	19	33549	546	486	483	517	44,672
33559	0	0	0	7	33549	546	486	483	517	44,672
33896	0	0	0	8	33837	663	446	414	529	21,315
33897	2	0	2	12	33837	663	446	414	529	21,315
33859	57	40	53	75	33853	996	763	769	833	34,439
33898	0	3	0	50	33853	996	763	769	833	34,439
33876	24	39	24	57	33870	1,349	1,012	871	1,118	22,563
33875	37	44	36	116	33872	1,019	742	632	855	20,593
34211	0	0	0	6	34202	154	126	118	153	15,335
34212	0	2	0	8	34202	154	126	118	153	15,335
34269	0	0	0	13	34266	866	670	613	754	31,964
34288	0	0	0	2	34286	70	63	55	77	8,610
34604	20	29	19	44	34609	815	732	695	748	28,499
34688	25	18	17	27	34689	886	760	732	752	28,752

Table 2 shows the combined old and new ZIP Code admissions data as it appears in the Sheet 3 "Data By ZIP Code".

**Table 2. Combined Emergency Admissions for Selected Geographic Patient ZIP Codes**

Geographic Patient ZIP Code	Quarter 1 January-March	Quarter 2 April-June	Quarter 3 July-September	Quarter 4 October-December	Q1-Q3 where Q3 <= Q1	Perm. Pop. ZCTA 2000
32159	1,230	1,015	999	1,257	231	27,939
33540	1,024	786	689	839	335	18,837
33541	1,578	1,138	875	1,239	703	23,017
33549	553	491	488	562	63	44,672
33837	665	446	416	549	249	21,315
33853	1,053	806	822	958	231	34,439
33870	1,373	1,051	895	1,175	478	22,563
33872	1,056	786	668	971	388	20,593
34202	154	128	118	167	36	15,335
34266	866	670	613	767	253	31,964
34286	70	63	55	79	15	8,610
34609	835	761	714	792	121	28,499
34689	911	778	749	779	162	28,752

For information on the origins of new ZIP Codes, see Sheet 8 "Contacts".



Sheet 7-Seasonal Admissions Incidence

**Determination of the Overall Emergency Admission Incidence for Seasonal Residents 55-84 years old**

The admissions incidence is based on third quarter emergency hospital admissions for the age group 35 – 64 and is calculated as the admissions with patient ZIP Codes for this age group in ZIP Codes in the District divided by the total population of this age group in ZIP Codes in the District. The emergency admissions incidence is based on a younger age group because research indicates that the seasonal resident population is generally healthier than the equivalent age resident permanent population. The incidence is calculated as the 3-year average of 3rd quarter emergency admissions for the 35-64 age group divided by the Census year total 35-64 age group population for the ZIP Codes and ZCTA’s in the District. Again, the three years used to estimate the average Census year admissions are Census -1, Census, and Census +1. For the 2000 Census, the District-wide 35-64 emergency admissions incidence to be used in estimating the Census year seasonal resident population is 0.011656.

35-64 year old age group 1999 - 2001 Hospital Admissions Data (Emergency ONLY)							
Geography	Q1	Q2	Q3	Q4	TOTAL	Census 2000 Permanent Population 35-64 years old	Overall Incidence*
	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec			
SWFWMD Counties	63,737	61,809	63,811	64,846	254,203	1,824,904	0.011656
*Overall Incidence =							(63,811/3)/1,824,904

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004, and October 1, 2004

In addition, the District's Southern Water Use Caution Area public/staff work group met and public workshops were held on January 19, 2005 and September 19, 2005. The proposed rules were also considered during the District's Governing Board monthly meetings on January 25, 2005; August 30, 2005; October 25, 2005; December 1, 2005; January 24, 2006; February 21, 2006 and March 28, 2006, all of which were noticed in the FAW.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-8 Water Levels and Rates of Flow

RULE NOS.: RULE TITLES:

40D-8.041 Minimum Flows

40D-8.624 Guidance and Minimum Levels for Lakes

40D-8.626 Minimum Aquifer Levels

PURPOSE AND EFFECT: To establish minimum flows and levels for the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

SUMMARY: Minimum flows proposed for the upper Peace River to ensure that the minimum hydrologic requirements of fish and natural systems associated with the upper segment of the river are met and not jeopardized by withdrawals. The upper segment of the river includes that area between Bartow and Zolfo Springs. The minimum flows are based on the hydrologic requirements of biological communities associated with the upper Peace River system, as well as considering non-consumptive uses including fishing, wildlife observation, general recreation, aesthetic enjoyment, canoeing and boating. The minimum flows will be supported by District water development projects.

The District also proposes minimum low and minimum high lake levels, as well as the ten-year flood, and high and low guidance levels for Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County. The High Minimum Lake Level is the elevation that a lake's water levels

are required to equal or exceed ten percent of the time on a Long-term basis. The Minimum Lake Level is the elevation that the lake's water levels are required to equal or exceed fifty percent of the time on a Long-term basis. The High and Low Guidance Levels and the Ten-year Flood Guidance Level are advisory guidelines for lakeshore development of, including water dependent structures and operation of water management structures.

A minimum aquifer level is proposed for the coastal portion of the Southern Water Use Caution Area in southern Hillsborough, Manatee and northern Sarasota counties. The minimum aquifer level is to stabilize regional ground water level declines so that long-term management efforts can slow the rate of regional saltwater intrusion in the area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost, final draft dated March 14, 2006, has been prepared addressing the impact of the proposed minimum flows and levels, and the rules proposed simultaneously in Chapters 40D-2 and 40D-80, F.A.C., to implement the minimum flows and levels within the Southern Water Use Caution Area (the "SWUCA SERC"). The items to be addressed in a Statement of Estimated Regulatory Cost as set forth in Section 120.541(1)(c), F.S., are included in the SWUCA SERC. The SWUCA SERC is available upon request to the District.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-8.041 Minimum Flows.

(1) through (3) No change.

(4) Minimum Flows for upper Peace River.

(a) Over the last several decades there has been a significant decline in flow in the upper Peace River, especially during the dry season. One of the major contributing factors is the elimination of baseflow as a result of ground water withdrawals that have lowered the potentiometric surface of the upper Floridan aquifer. In addition, surface-water drainage alterations, reduction in surface storage, long-term cyclical

declines in rainfall and karst openings in the riverbed have played significant roles in reducing flow in the upper Peace River.

(b) The minimum flows are to ensure that the minimum hydrologic requirements of fish and natural systems associated with the river are met and not jeopardized by withdrawals. At this time only Minimum Low Flows are being established. It is anticipated that mid- and high-minimum flows will be established once the controlling factors that affect those flows are better understood.

(c) The Minimum Low Flows for the upper Peace River are set forth in Table 8-8 below. The Minimum Low Flows are established based on the lowest acceptable flow under the lowest anticipated flow conditions. This is determined by providing for the hydrologic requirements of biological communities associated with the upper Peace River system, as well as considering non-consumptive uses including fishing, wildlife observation, general recreation, aesthetic enjoyment, canoeing and boating. This determination uses professional experience and judgment to identify key habitats and hydrologic requirements for specific biotic assemblages. This approach results in establishing Minimum Low Flows for the upper Peace River based on maintaining the higher of the water elevations needed for fish passage (0.6 feet or 7.2 inches) or the lowest wetted perimeter inflection point (as much stream bed coverage as possible for the least amount of flow) as set forth below. A ninety-five percent annual exceedance occurs when the flow is greater than the Minimum Low Flow at least ninety-five percent of the days, or 350 days, of a calendar year.

(d) Compliance – The Minimum Low Flow is achieved when the measured flow rate is at or above the Minimum Low Flow for three consecutive years. Once the Minimum Low Flow has been achieved for three consecutive years, the Minimum Low Flow is not met when the measured flow rate is below the Minimum Low Flow for two out of ten years commencing the year after achievement. If the two years below the minimum flow occur anytime before the ten year period is complete, the upper Peace River is deemed below its Minimum Low Flow and the three consecutive years above the Minimum Low Flow is again required for compliance. Once the ten-year period is complete, the period will roll forward one year each year.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, \_\_\_\_\_.

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-8 Minimum Flows for the upper Peace River

<u>Location/Gage</u>	<u>Minimum Flow (cubic feet per second)</u>
<u>Bartow / USGS Bartow River Gage No. 02294650</u>	<u>Annual 95% exceedance flow of 17 cfs</u>
<u>Ft. Meade / USGS Ft. Meade River Gage No. 02294898</u>	<u>Annual 95% exceedance flow of 27 cfs</u>
<u>Zolfo Springs / USGS Zolfo Springs River Gage No. 02295637</u>	<u>Annual 95% exceedance flow of 45 cfs</u>

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten-Year Flood Guidance Level	High Level	Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (h) No change.							
(i) In Highlands County Within the Peace River Basin	<u>Jackson Lake</u> <u>S-30 T-24S</u> <u>R-29E</u>	<u>104.1</u>	<u>102.6</u>		<u>102.4</u> (Cat 3)	<u>101.3</u> (Cat 3)	<u>100.2</u>
<del>RESERVED</del>	<u>Letta Lake</u> <u>S-31 T-33S</u> <u>R-29E</u>	<u>100.5</u>	<u>99.5</u>		<u>99.5</u> (Cat 3)	<u>98.4</u> (Cat 3)	<u>97.1</u>
	<u>Little Jackson Lake</u> <u>S-06 T-35S</u> <u>R-29E</u>	<u>104.1</u>	<u>102.6</u>		<u>102.4</u> (Cat 3)	<u>101.3</u> (Cat 3)	<u>100.2</u>
	<u>Lotela Lake</u> <u>S-26 T-33S</u> <u>R-28E</u>	<u>108.5</u>	<u>107.5</u>		<u>106.8</u> (Cat 3)	<u>105.7</u> (Cat 3)	<u>105.0</u>
(j) – (y) No change.							
(z) In Polk County Within the Peace River Basin	<u>Clinch Lake</u> <u>S-31 T-31S</u> <u>R-8E</u>	<u>107.4</u>	<u>105.5</u>		<u>105.5</u> (Cat 3)	<u>104.4</u> (Cat 3)	<u>103.1</u>
<del>RESERVED</del>	<u>Eagle Lake</u> <u>S-01 T-29S</u> <u>R-25E</u>	<u>131.3</u>	<u>129.6</u>		<u>129.0</u> (Cat 3)	<u>127.9</u> (Cat 3)	<u>127.2</u>
	<u>McLeod Lake</u> <u>S-07 T-29S</u> <u>R-26E</u>	<u>133.3</u>	<u>129.4</u>		<u>129.4</u> (Cat 3)	<u>128.3</u> (Cat 3)	<u>127.0</u>
	<u>Wales Lake</u> <u>S-01 T-30S</u> <u>R-27E</u>	<u>114.1</u>	<u>ND</u>		<u>107.7</u> (Cat 3)	<u>106.6</u> (Cat 3)	<u>ND</u>

(aa) – (cc)  
No change.

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

Location of Impoundment County and Basin	Ten-Year Guidance Level in Feet Above Mean Sea Level (msl)	Flood High Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)
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(a) – (h)

No change.

(i) In Highlands County Within the Peace River Basin

LAKES

Sec Twsp Rng Jackson, Lake 30-34S-29E	103.20	103.00	100.00	98.00		
Letta, Lake 31-33S-29E	100.00	100.00	97.00	95.00		
Little Lake Jackson 6-35S-29E	103.20	103.00	100.00	98.00		
Lotela, Lake 26-33S-28E	106.60	108.50	105.00	104.00		

(j) – (y)

No change.

(z) In Polk County Within the Peace River Basin

Clinch, Lake 31-31S-28E	108.00	106.75	104.00	102.50		
Eagle Lake 1-29-25E	131.00	130.75	128.50	126.50		
Lake McLeod 7-29-26E	133.10	132.00	129.50	128.00		
Wales, Lake S01 T30 R27	114.10	112.50	110.00	108.00		

(aa) – (cc)

No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-05-05.

40D-8.626 Minimum Aquifer Levels in Hillsborough County North of State Road 60, and Pasco and Pinellas Counties.

(1) Hillsborough County North of State Road 60, and Pasco and Pinellas Counties Salt Water Intrusion Minimum Aquifer Levels. Salt Water Intrusion within this area has not been regional in nature, but is of localized concern in some

coastal areas. The District has chosen the North Pinellas, Southwest Pasco and Northwest Hillsborough Counties region as the priority area for the establishment of Salt Water Intrusion Minimum Aquifer Levels (“SWIMAL”) to prevent regional seawater intrusion because of the availability of data and the potential for future intrusion. The SWIMALs for the Upper Floridan aquifer shall be established as follows:

(1) through (3) renumbered (a) through (c) No change.

(2) SWUCA Salt Water Intrusion Minimum Aquifer Level.

(a) The District has determined that ground water withdrawals in the SWUCA have contributed to water level declines that advance saltwater intrusion. The coastal portion of the SWUCA in southern Hillsborough, Manatee and northern Sarasota counties (the Most Impacted Area or MIA) is a priority area for the establishment of minimum aquifer levels because of its proximity to the saltwater interface and the large

effect on interface movement caused by lowering of the potentiometric surface in this area. The Salt Water Intrusion Minimum Aquifer Level (SWIMAL) is established to stabilize regional water level declines so that long-term management efforts can slow the rate of regional saltwater intrusion in the MIA. This is based on an average value to address the regional nature of the problem and avoids the potential for localized lowering of a minimum level.

(b) The SWIMAL over the surface of the MIA is 13.1 feet (National Geodetic Vertical Datum of 1929 or NGVD 1929). The SWIMAL is derived using the method set forth in paragraph (2)(c) below.

(c) The reference period for which the SWIMAL is calculated is the period 1990 through 1999. Ten wells from within or adjacent to the MIA (Table 8-5), are used to determine the minimum level. The annual average elevation for each of the years 1990 through 1999 is established utilizing monthly water level data for each of the wells. The annual averages over the period are then used to calculate the decadal average for the period. The 1990-99 average Upper Floridan aquifer potentiometric surface of the MIA is constructed by calculating the average of these annual average values weighted spatially using the Thiessen polygon methodology. The resulting Minimum Level over the surface of the MIA is 13.1 feet (National Geodetic Vertical Datum of 1929).

Table 8-5: Wells utilized to determine the Salt Water Intrusion Minimum Aquifer Level.

Site Number	Sequence Number	Site Name
564	0	KIBLER DEEP
87		ROMP 123 Hawthorn/Ocala
		HAWTHORN/OCALA
10914	0	ROMP 50 TAMPA/OCALA
10883	0	ROMP TR 10-2 TAMPA
287	0	ROMP TR 7-1 TAMPA
10926	0	ROMP TR 7-4
		Suwannee/Ocala
		SUWANNEE/OCALA
10920	0	ROMP TR 8-1 Upper Avon
		Park PARK
10909	1	ROMP TR 9-3 Ocala/Avon
		Park
561	0	SARASOTA 9 DEEP
456	0	VERNA 1 0-4

(d) Implementation of The SWUCA Salt Water Intrusion Minimum Aquifer Level – The SWIMAL shall be used to gauge the status of the ground water resource with respect to saltwater intrusion in the region. Determining the status of the rate of movement of the saltwater interface shall be based on comparison of the average Floridan aquifer water level over the MIA with the Floridan aquifer minimum level over ten-year moving windows of time. The ten-year average water

level for a particular year shall be calculated as the average water level for that year and the previous nine years. The process of calculating the ten-year average is the same as described in paragraph (c) above for calculating the minimum level.

(e) Compliance – The objective of the District's management efforts is for the ten-year moving annual average water level to fluctuate in a range at or above the minimum level. The minimum level is achieved if the ten-year moving annual-average water level has fluctuated at or above the minimum level for a minimum of five consecutive years. Once the minimum level is achieved, the minimum level is no longer met when the ten-year moving annual average water level falls below the minimum level for more than two consecutive years. Then, the five consecutive years above the minimum level is again required for compliance.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History–New 8-7-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004 and October 1, 2004

In addition, the District's Southern Water Use Caution Area public/staff work group met and public workshops were held on January 19, 2005 and September 19, 2005. The proposed rules were also considered during the District's Governing Board monthly meetings on January 25, 2005; August 30, 2005; October 25, 2005; December 1, 2005; January 24, 2006; February 21, 2006 and March 28, 2006, all of which were noticed in the FAW.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-80  
 RULE CHAPTER TITLE: Recovery and Prevention Strategies for Minimum Flows and Levels

RULE NO.: 40D-80.074  
 RULE TITLE: Regulatory Portion of Recovery Strategy For the Southern Water Use Caution Area

PURPOSE AND EFFECT: To adopt rules describing the recovery strategy for minimum flows and levels within the Southern Water Use Caution Area which minimum flows and levels are being developed simultaneously with these rules.

SUMMARY: The proposed rule describes the overall regulatory, and non-regulatory mechanisms the District will use to achieve the recovery required by Section 373.0421, F.S., for minimum flows and levels being established for the Southern Water Use Caution Area pursuant to Section 373.042, F.S., simultaneously with this rule. This proposed rule also describes how recovery will be monitored and the recovery mechanisms adjusted if needed to achieve recovery to the minimum flows and levels by the year 2025.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost, final draft dated March 14, 2006, has been prepared addressing the impact of the proposed minimum flows and levels recovery strategy rules and the rules proposed simultaneously in Chapters 40D-2 and 40D-8, F.A.C., to establish and to implement the minimum flows and levels within the Southern Water Use Caution Area (the "SWUCA SERC"). The items to be addressed in a Statement of Estimated Regulatory Cost as set forth in Section 120.541(1)(c), F.S., are included in the SWUCA SERC. The SWUCA SERC is available upon request to the District.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-80.074 Regulatory Portion of Recovery Strategy For the Southern Water Use Caution Area.

(1) Background.

Section 373.042, F.S., requires the District to establish Minimum Flows and Levels for priority waters within its boundaries. The District has established Minimum Flows and Levels (MFLs) within the Southern Water Use Caution Area (SWUCA), described in subsection 40D-2.801(3), F.A.C., which includes all or portions of Hillsborough, Polk, Highlands, Hardee, DeSoto, Manatee, Sarasota, and Charlotte counties. In establishing the MFLs, the District determined that the existing flow rates and water levels of some of the priority waters are below the MFLs established for them. In such circumstances Section 373.0421, F.S., requires the District to implement a recovery strategy. The District has developed a recovery strategy that includes both regulatory and

non-regulatory mechanisms as described in the SWUCA Recovery Strategy, dated \_\_\_\_\_, 2006. The regulatory approach does not make impacts on an MFL water body from permitted quantities existing as of [the effective date of rule] a basis for permit denial because the Recovery Strategy taken as a whole is intended to achieve recovery to the established minimum flows and levels as soon as practicable. The Recovery Strategy involves water supply planning, an emphasis on conservation, the development of alternative water supplies to meet growing demands and allows for reductions in existing ground water withdrawals that are impacting water bodies with established MFLs, restoration of water bodies and flow patterns, and the regulation of existing and new water withdrawals. This Rule 40D-80.074, F.A.C., describes the regulatory approach of the Recovery Strategy.

(2) Objectives of Recovery Strategy.

Long-term (as defined in section 4.3 A of the Basis of Review for Water Use Permits, incorporated by reference in Rule 40D-2.091, F.A.C.) flow rates and water levels for most MFL water bodies are below the MFLs predominantly because ground water withdrawals have lowered Floridan aquifer levels in the SWUCA. As a result of the lowered aquifer levels, salt water intrusion is occurring, and river flows and lake levels are impacted by reduced water levels, including some of those rivers and lakes for which MFLs have been established. The goals of the District's Recovery Strategy are the recovery of flows and levels to the MFLs and the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses. The MFLs for rivers, lakes and aquifers are described in and established in subsection 40D-8.041(2), F.A.C., and Table 8-5 in Rule 40D-8.624, F.A.C., and Table 8-2 and Rule 40D-8.626, F.A.C., Table 8-6. The District intends to maintain on its website at [www.swfwmd.state.fl.us](http://www.swfwmd.state.fl.us) a current listing of those water bodies for which a recovery or prevention strategy is in effect.

(3) Recovery Strategy Mechanisms.

(a) The non-regulatory mechanisms include conservation and water resource development efforts intended to increase the availability of alternative water supplies and to enhance the water resources of the SWUCA. Conservation, transitions in land use from agricultural to other use or changes in supply source, and the availability of alternative water supplies will help meet growing water demands in the SWUCA, and will also allow for reductions in ground water withdrawals.

(b) The guiding principles for the regulatory portion of the Recovery Strategy are that it should:

1. Contribute significantly to resource management and recovery;
2. Protect the investments of existing water use permit holders; and,
3. Allow for economic expansion and new economic activities in the SWUCA.

In addition, the District recognizes that the water resources in the SWUCA are subject to varying degrees of stress. The regulatory component of the Recovery Strategy has been designed in recognition of these variations. How water use permit applications will be affected by the regulatory mechanisms will vary depending on the resource conditions in the area affected by a proposed withdrawal and the extent to which the withdrawals will contribute to these resource conditions. For example, the regulatory mechanisms continue the existing "Most Impacted Area" (MIA) designation in coastal portions of southern Hillsborough, Manatee and northern Sarasota counties. The Salt Water Intrusion Minimum Aquifer Level is established within the MIA. New ground water withdrawals within the MIA and the area surrounding the MIA that impact salt water intrusion will be affected more by the MIA designation and the Salt Water Intrusion Minimum Aquifer Level, than will permit applications for new ground water withdrawals in the eastern portions of the SWUCA. Conversely, permit applications for new ground water withdrawals in the coastal areas will be much less affected by the MFLs established for the upper Peace River and the priority lakes in Polk and Highlands counties than permit applications for new ground water withdrawals on the Lake Wales Ridge.

(c) The water use permitting rules in Chapter 40D-2, F.A.C., address water conservation, alternative water supplies and recovery to MFLs. These water conservation and alternative water supplies rules include the amendments to Chapter 40D-2, F.A.C., \_\_\_\_\_, 1990, January 1, 2003, as well as subsequent rules adopted as of \_\_\_\_\_, 2006, developed in conjunction with the implementation of the Minimum Flows and Levels Recovery Strategy. In combination, these rules result in more efficient use of water and a lessening of impacts from withdrawals on water bodies with established MFLs.

(4) Restoration of river flows and lake levels.

In addition to the reduction of pumpage and permitted quantities, and the development of new water supplies, the supplemental augmentation of rivers and lakes that are below their established Minimum Flow or Level will contribute to the attainment of the objectives of the Recovery Strategy set forth in subsection 40D-80.074(2), F.A.C. The District will reserve quantities of water from water sources necessary for such augmentation.

(5) Periodic Review of Recovery Strategy.

(a) The Governing Board will measure progress based on an annual assessment of the water resource criteria and cumulative impact analysis described below.

1. The water resource criteria referred to above are:

a. Improving upper Peace River flows and Ridge Lake water levels;

b. Maintaining or increasing ground water levels below the upper Peace River and in the Ridge Lakes area; and

c. Increasing ground water levels in the Upper Floridan aquifer within the Most Impacted Area and the reduction in the rate of salt water intrusion.

2. The cumulative impact analysis referred to above consists of the following:

a. The development of alternative water supplies;

b. The effects of water conservation;

c. The hydrologic conditions and patterns;

d. The effects of climatic conditions;

e. The effects of water resource development activities;

f. The changes in amounts, distributions and use types of existing and new water use withdrawals (actual and permitted) within the SWUCA; and

g. The effect of land use changes on the water resources.

(b) Results of the annual assessment referred to above will be reported to the Governing Board on an annual basis.

(c) In addition to the annual assessments referred to the District will review the Recovery Strategy at least every five years to assess its progress as part of updating its Regional Water Supply Plan. If the annual assessments or five-year reviews do not indicate progress, the Governing Board will revise the Recovery Strategy, as appropriate, to achieve progress.

(6) The provisions of subsections 40D-80.074(1)-(4), F.A.C., are informational, intended to provide an overview of resource conditions related to the water bodies for which minimum flows and levels have been established and the components of the Recovery Strategy. The provisions of the SWUCA minimum flows and levels and permitting rules in Chapters 40D-2, 40D-4 and 40D-80, F.A.C., shall control in the event of any conflict or inconsistency with the provisions of subsections 40D-80.074(1)-(4), F.A.C.

(7) The District recognizes that although the rate of salt water intrusion (SWI) will be reduced through implementation of the Recovery Strategy, some existing legal uses of water may be affected by the continued movement of the salt water interface. The District's water supply planning indicates that much of the area potentially susceptible to SWI is experiencing land use transition from traditionally agricultural lands to forms of urban development. The water needs of these new land uses are planned to be met with alternative water supplies funded all or in part by the District to the greatest extent practical. In those cases where the existing permittee, impacted by SWI, desires to continue the existing legal water use, the District has a number of programs that address that situation. The District will make available its various preventative and remedial programs to permittees potentially at risk of salt water intrusion such as the Quality of Water Improvement Program (QWIP), the Facilitating Agricultural Resource Management Systems (FARMS) program, the New Water Source Initiative, the Water Supply and Resource Development Program, and the



Cooperative Funding Program (as it relates to replacement of potentially affected water sources with alternative water supplies).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.171 FS. History–New\_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004, and October 1, 2004

In addition, the District's Southern Water Use Caution Area public/staff work group met and public workshops were held on January 19, 2005 and September 19, 2005. The proposed rules were also considered during the District's Governing Board monthly meetings on January 25, 2005; August 30, 2005; October 25, 2005; December 1, 2005; January 24, 2006; February 21, 2006 and March 28, 2006, all of which were noticed in the FAW.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.165	Inpatient Mental Health and Tuberculosis Hospital Services

PURPOSE AND EFFECT: Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services, is obsolete. Medicaid does not have a tuberculosis hospital program, and the policies that pertain to state mental health hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older are being incorporated in a new Rule 59G-4.300, F.A.C. The effect will be to repeal Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services.

SUMMARY: The purpose of this rule amendment is to repeal Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services.

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

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

SPECIFIC AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.905(5), 409.906(18), 409.908, 409.913(5)(e), 409.913(8)(h) FS.

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

DATE AND TIME: Monday, June 5, 2006, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.165 Inpatient Mental Health and Tuberculosis Hospital Services.

Specific Authority 409.919 FS. Law Implemented 409.905(5), 409.906(18), 409.908, 409.913(5)(e), 409.913(8)(h) FS. History–New 1-1-77, Revised 10-1-77, Amended 3-10-83, Formerly 10C-7.46, Amended 5-26-93, Formerly 10C-7.046, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen Girard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.:	RULE TITLE:
61J2-3.009	Continuing Education for Active and Inactive Broker and Sales Associate Licensees

PURPOSE AND EFFECT: The Board proposes the amendment to add language clarifying the 3-hour Core Law course and credit hours received toward the 14 hour requirement.

SUMMARY: The proposed amendment is to add language clarifying the 3-hour Core Law course and credit hours received towards the 14 hour requirement.

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

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

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD IN THE FAW. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate Licensees.

(1) through (2)(a) No change.

(b) Excluding the first renewal period of the current license, a licensee must take the 3-hour Core Law course at least once during each licensure renewal period and will receive 3 hours credit toward the 14 hour requirement. In such event, the "specialty" course hours must total at least 11 hours. A licensee who takes the 3-hour Core Law course each year of the renewal period shall be allowed a total of 6 hours toward the 14-hour requirement. In such event, the "specialty" course hours must total at least 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law course in each year of the renewal period.

(3) through (7) No change.

Specific Authority 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183 FS. History—New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00, 1-12-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-24.006  
 RULE TITLE: Probation

PURPOSE AND EFFECT: The Commission proposes the amendment to the rule to add language clarifying when the Commission orders a respondent to attend one or more meetings as a term of probation, credit is obtained for attending the meeting.

SUMMARY: The rule amendment adds language clarifying when the Commission orders a respondent to attend one or more meetings as a term of probation, credit is obtained for attending the meeting.

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

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.227, 475.25 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.006 Probation.

(1) through (5) No change.

(6) When as a term of probation, the Commission orders a respondent to attend one or more meetings of the Commission, the respondent shall comply with the following in order to obtain credit for attending the meeting:

(a) The respondent shall arrive not less than 5 minutes prior to the published starting time and date on the meeting agenda, absent good cause. Inability to find a parking space shall not constitute good cause. The respondent is responsible for arriving early enough to obtain suitable parking;

(b) Appropriate dress is required. Appropriate dress includes casual business attire. Respondents may choose to wear coat, tie or other business attire at their option. Items of prohibited clothing include denim, shorts, flip-flops, sneakers, sandals, t-shirts, hats, caps or other leisure attire;

(c) The respondent shall pay attention. Engaging in disruptive behavior is prohibited. Disruptive behavior includes, but is not limited to, sleeping, excessive conversation, or the reading of newspapers, magazines, or other outside materials;

(d) The demeanor and behavior of all respondents shall be consistent with an orderly public meeting and consistent with judicial or quasi-judicial proceedings:

(e) The respondent is permitted short absences from the meeting for not more than 5 minutes each hour. Failure to remain in the meeting at least 55 minutes per hour without prior permission of Division staff or the Chair of the Commission will result in a Commission decision to not award credit for attendance at a Commission meeting:

(f) Except as otherwise allowed by this section, the respondent is required to attend the meeting in its entirety:

(g) All electronic devices must be turned off; and

(h) Failure to comply with this subsection or any other direction of the Commission consistent with an orderly public meeting will result in loss of credit for attendance at the entire meeting of the Commission.

(i) Any respondent requiring special accommodations to attend the meeting, because of a disability, must contact the Division of Real Estate staff at 400 West Robinson Street, Suite N801, Orlando, Florida 32801, [Call.Center@dbpr.state.fl.us](mailto:Call.Center@dbpr.state.fl.us), (850)487-1395 at least two weeks prior to the meeting date. The Commission will make a reasonable accommodation for those respondents who demonstrate they require special accommodations because they are a person who has a mental or physical impairment that substantially limits one or more of the major life activities of such individual.

Specific Authority 475.05 FS. Law Implemented 455.227, 475.25 FS. History—New 2-13-96, Amended 11-10-97, 12-8-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-2.003  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes an amendment that will define and specify that experience acquired as a part of a training program may not be used as pertinent clinical laboratory experience.

SUMMARY: The proposed rule amendment will define and specify that experience acquired as a part of a training program may not be used as pertinent clinical laboratory experience.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (7) No change.

(8) Pertinent clinical laboratory experience is experience in a clinical laboratory as defined in Section 483.041(2), Florida Statutes. If acquired in-state or in a state where licensure is required, experience must be accrued while licensed and working in a licensed laboratory unless otherwise authorized by the administrative rules of this Board. Experience acquired as a part of a training program may not be used as pertinent clinical laboratory experience. Exempt experience may not be utilized with the exception of experience in federal laboratories. Experience in industrial laboratories is not considered pertinent clinical laboratory experience. Experience in research laboratories is not considered pertinent clinical laboratory experience unless the research experience involved human subjects and used methodologies, quality control and quality assurance techniques comparable to those of clinical laboratories. If all of these requirements are met the Board will review the research experience to determine if it is relevant experience. If research experience was acquired under an exemption clause, it may not be utilized as pertinent clinical laboratory experience. Experience acquired in an exclusive use laboratory environment, waived laboratory environment or alternate site testing environment is generally unacceptable unless specifically authorized by rules of this Board.

(9) through (19) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, 1-8-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-12.016  
RULE TITLE: Subject Area Requirements

PURPOSE AND EFFECT: The Board proposes the amendment to clarify when continuing education credit shall be given for courses that do not directly relate to providing dental care and earned hours of continuing education renewal credit per biennium.

SUMMARY: The proposed amendment clarifies continuing education credit for dentistry practice management and for courses that do not directly relate to providing dental care and also clarifies the number of hours earned per biennium for continuing education renewal credit.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.0135, 466.014 FS.

LAW IMPLEMENTED: 456.031, 466.0135, 466.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B5-12.016 Subject Area Requirements.
- (1) No change.

(2) Except as expressly allowed below in this section, no continuing education credit shall be given for courses which do not directly relate to providing dental care. The following types of courses do not relate directly to providing dental care-organization or design of a dental office, practice development or management, marketing of dental services, investments or financial management and personnel management.

(3) No change.

(4) Notwithstanding any other provision of this section to the contrary, a dentist may earn up to three hours of continuing education renewal credit per biennium, by completing an approved course in dentistry practice management, that meets the criteria set forth in Section 466.0135(1)(c), Florida Statutes. For the biennium ending February 28, 2004 a licensee may receive a maximum of two hours of continuing education credit for completing Health Insurance Portability and Accountability (HIPPA) related courses.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History—New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, 5-20-01, 5-31-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-2.001	Definitions
64B9-2.002	Certification for Approval
64B9-2.008	Clinical Training
64B9-2.011	Approval of Nursing Education Programs
64B9-2.013	Program Changes Requiring Board Approval
64B9-2.015	Standards of Nursing Education

PURPOSE AND EFFECT: Rule 64B9-2.001, F.A.C., the purpose is to add to the definition of "approved nursing education program" a requirement for the Board's separate approval of each campus and geological location and to add a definition for a "Distance Learning Program." Rule 64B9-2.002, F.A.C., the purpose is to require course outlines for all courses, and to permit nursing programs to submit letters of intent from clinical facilities in lieu of previously executed contracts; to permit new, small programs to combine statistics from two graduating classes to determine if the

program meets the required passing rates on the national licensing exam; to extend the program approval period from three to five years or to be concurrent with national or regional accreditation, and to clarify documentation required with applications for approval. Rule 64B9-2.008, F.A.C., the purpose is to permit more efficient requirements for clinical facility approval and to correct erroneous language. Rule 64B9-2.011, F.A.C., the purpose is to extend program approval requirements to out-of-state programs with clinical instruction in Florida and to distance learning programs; Rule 64B9-2.013, F.A.C., the purpose is to set forth the changes related to multiple locations that require Board approval and Rule 64B9-2.015, F.A.C., the purpose is to clarify that the programs requirements apply to all programs, regardless of the educational delivery method.

SUMMARY: In Rule 64B9-2.001, F.A.C., a requirement for the Board's separate approval of each campus and geographical location is added to the definition of "approved nursing education program" and a definition for a "Distance Learning Program" is added. In Rule 64B9-2.002, F.A.C., course outlines for all courses is made a requirement and the submission of letters of intent from clinical facilities in lieu of previously executed contracts is made permissible for nursing programs; the combining of statistics from two graduating classes to determine if the program meets the required passing rates on the national licensing exam is made permissible for new, small programs; the program approval period is extended from three to five years or to be concurrent with national or regional accreditation, and documentation required with applications for approval is clarified. In Rule 64B9-2.008, F.A.C., more efficient requirements for clinical facility approval is permitted and erroneous language is corrected. In Rule 64B9-2.011, F.A.C., program approval requirements to out-of-state programs with clinical instruction in Florida and to distance learning programs is extended. In Rule 64B9-2.013, F.A.C., the changes related to multiple locations that require Board approval are set forth and in Rule 64B9-2.015, F.A.C., it is clarified that the programs requirements apply to all programs, regardless of the educational delivery method.

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

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

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Acting Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-2.001 Definitions.

(1) Approved nursing education program: a nursing education program leading to initial licensure which has been approved by the Board after having met the standards of nursing education. Each campus and geographical location of the nursing education program is approved separately.

(2) through (23) No change.

(24) Distance Learning Program: a nursing education program leading to initial licensure which uses Internet, Web assisted, home study, correspondence, video conferencing, and other non-classroom methods for courses, instruction, and educational program delivery.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, \_\_\_\_\_.

64B9-2.002 Certification for Approval.

(1) Provisional approval – Provisional approval will be granted to an institution to initiate a nursing program when it has presented documentation satisfactory to the Board that it meets the following requirements:

(a) No change.

1. through 2. No change.

3. Course outlines for all first-level courses shall be completed.

4. Contractual agreements, or a letter of intent to establish a contract once program approval has been received, with facilities and agencies to be used for clinical instruction for first level courses shall be in force.

5. through (b)1. No change.

~~2. Course outlines for total curriculum shall be completed.~~

~~2.3. Contractual agreements with facilities and agencies to be used for clinical instruction in the total curriculum shall be in force.~~

~~3.4. Evidence of compliance with all rules in this rule chapter with the exception Rule 64B9-2.009, F.A.C., shall be demonstrated.~~

(c) Programs which have been granted provisional approval may be granted full approval when they have demonstrated they are in compliance with these rules and the licensure examination results of the first graduating class have met or exceeded the national average the standard as set forth in Rule 64B9-2.009, F.A.C. If the first graduating class has fewer than 21 students who have taken the licensure

examination, the results of the next graduating class will be included in the determination of the program's passing rate on the licensure examination.

(2) Approval – An institution seeking renewed approval of a nursing program shall present documentation of compliance with these rules at least every ~~five~~ three years, except programs with national accreditation from an accrediting body recognized by the U.S. Department of Education may have program approval concurrent with the period of national accreditation good cause the Board may extend the period to five years. The administrator shall notify the Board within 30 days of any change, loss or lapse in accreditation status and shall submit to the Board within 30 days any report from a national accrediting agency citing deficiencies or recommendations. Such documentation shall also be presented upon request.

(3) No change.

(4) The Board may decline to approve any program on provisional status, or decline to renew or rescind approval of any program ~~on probationary status~~ which fails to meet required standards or which fails to make satisfactory progress for corrections of deficiencies within the time period outlined by the Board.

(5) No change.

(6) Programs reapplying for approval shall submit a proposal and required fee pursuant to subsection 64B9-7.001(14), F.A.C., and shall meet required standards in Rules 64B9-2.011 and 64B9-2.015, as outlined in paragraph 64B9-2.002(1)(a), F.A.C., prior to renewal of the program approval by the Board. As a condition of renewal, a program may be placed on probation if it does not meet the required standards.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.21, Amended 2-5-87, 6-8-88, 3-24-91, Formerly 21O-7.021, 61F7-2.002, 59S-2.002, Amended 12-11-97, 1-26-98, 7-7-02, \_\_\_\_\_.

64B9-2.008 Clinical Training.

(1) through (9) No change.

(10) Prior approval of the nursing program director board is required for any agency/facility utilized for student clinical learning experiences. A Nursing programs shall submit the request for approval along with Board approved forms which have been completed by the agency/facility and a completed report of the site survey conducted by the nursing program shall be maintained for board review if requested.

(11) through (13) No change.

(14) Level Two Preceptorships may be included in a professional nursing curriculum when approved by the Board or when they meet all the criteria of subsection 64B9-2.008(13), F.A.C., except:

(a) The student shall have received clinical and theoretical instruction in all areas of nursing specified in subsection 64B9-2.006(2), F.A.C., for the professional nursing program and in subsection 64B9-2.006(3), F.A.C., for the practical professional nursing program.

(b) through (g) No change.

(15) No change.

Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.27, Amended 6-8-88, 2-15-90, 3-12-91, 3-24-91, Formerly 21O-7.027, Amended 9-7-93, 5-1-94, Formerly 61F7-2.008, Amended 11-16-95, Formerly 59S-2.008, Amended 12-11-97, \_\_\_\_\_.

64B9-2.011 Approval of Nursing Education Programs.

(1) Statement of Intent for Approval: Before a nursing education program is permitted to admit students, the program shall submit evidence of the ability to meet the standards for nursing education. A parent institution desiring to initiate a nursing education program shall, at least one year in advance of the expected opening date, submit to the Department:

(a) A Statement of Intent to establish a nursing education program accompanied by a nonrefundable program fee per subsection 64B9-7.001(14), F.A.C. review fee of \$1,000.00;

(b) No change.

1. through 12. No change.

(c) No change.

(2) through (4) No change.

(5) An out-of-state nursing program that plans to provide both didactic and clinical instruction for initial nursing licensure in Florida shall comply with the application requirements in this rule.

(6) A nursing program that delivers didactic instruction by distance learning methods shall ensure that the methods of instruction are compatible with the program curriculum plan and enable a student to meet the goals, competencies, and objectives of the educational program and standards of the Board.

(a) A distance learning nursing program shall establish a means for assessing individual student outcomes, and program outcomes as required in Rule 64B9-2.015, F.A.C.

(b) For out-of-state nursing programs, the program shall be accredited by a national nursing accrediting body recognized by the U.S. Department of Education, and approved within the jurisdiction of and regulated by an equivalent nursing regulatory authority in the state from which the program originates, unless also providing clinical experience in Florida which then requires the program to apply for approval in Florida.

(c) Faculty shall be licensed in the state of origination of a distance learning nursing program or in Florida. Clinical preceptors providing clinical experiences within Florida shall have an active Florida license and meet requirements in subsection 64B9-2.008(13), F.A.C.

(d) A distance learning nursing program shall provide students with supervised/precepted clinical and laboratory experiences so that program objectives are met and didactic learning is validated by supervised, land-based clinical and laboratory experiences.

(e) A distance-learning nursing program shall provide students with access to technology, resources, technical support, and the ability to interact with peers, preceptors, and faculty.

(7) A nursing program, located in another state or territory of the United States that wishes to provide clinical experiences leading to initial nursing licensure in Florida shall obtain Board approval before offering or conducting a clinical session. To obtain approval, the program shall submit a proposal package that contains:

(a) A self study describing the program's compliance with the standards in Chapter 64B9-2, F.A.C.; and

(b) A statement regarding the anticipated effect on clinical placements for students currently enrolled in a Florida-approved nursing programs.

(8) A nursing program which has full approval per subsection 64B9-2.011(4), F.A.C., and is also accredited by a national nursing accrediting body recognized by the U.S. Department of Education may establish a campus in another geographical location by prior notification to the board at least 3 months in advance, payment of the fee required in subsection 64B9-7.001(14), F.A.C., and completion of a site visit by board staff which demonstrates compliance with the standards in Chapter 64B9-2, F.A.C.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 5-2-02, Amended \_\_\_\_\_.

#### 64B9-2.013 Program Changes Requiring Board Approval.

(1) A written request with rationale for permission of the Board must be obtained before implementation of any of these changes:

(a) A change in geographical location of the nursing education program or expansion of the program to a non-approved geographical location, changing the level of education preparation provided, transferring the nursing program from one institution to another, a significant change in the number of students per class by more than 20%, number of classes, or starting date of classes and requires demonstration by the nursing education program that the change does not adversely affect the clinical facilities/agencies/sites, the faculty, or other nursing education programs in the same region.

(b) through (d) No change.

(2) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 1-28-02, Amended \_\_\_\_\_.

64B9-2.015 Standards of Nursing Education.

(1) through (5) No change.

(6) Curriculum for a Professional Nursing Education Program: To ensure the preparation of nurses capable of competent practice, the curriculum for a professional nursing education program shall be implemented by the program director and faculty as written and shall include at least the following, regardless of educational delivery method:

(a) through (b) No change.

(c) A curriculum content that:

1. Includes courses or content in three major areas;

a. No change.

b. Social and behavioral sciences, which shall include concepts that assist a student in the development of a foundation for:

(i) through (ii) No change.

(iii) Understanding of content for any required continuing education courses in Chapter 64B9-5, F.A.C., ~~mandatory instruction on domestic violence and human immunodeficiency virus/acquired immune deficiency syndrome under Sections 456.031 and 456.033, F.S.~~

c. No change.

(d) through (e) No change.

(7) Curriculum for a Practical Nursing Education Program: To ensure the preparation of nurses capable of competent practice the curriculum for a practical nursing education program shall be implemented by the program director and faculty as written and shall include the following, regardless of educational delivery method:

(a) through (d) No change.

(8) Clinical Experiences. All clinical experiences shall:

(a) through (h) No change.

(i) Simulated clinical experiences using the Human Patient Simulator © or its substantial equivalent may be substituted for no more than 25% ~~40%~~ of direct care experiences provided that:

1. through 3. No change.

(j) Include a minimum of 675 hours supervised by appropriate faculty or preceptor for practical nursing programs and a minimum of 600 hours supervised by appropriate faculty or preceptor for professional nursing programs.

(k) Be provided within the state by board approved nursing programs only. Out-of-state programs that are fully approved by another state board of nursing may apply to the board per subsection 64B9-2.011(7), F.A.C. The board may add requirements for maintaining such approval.

(9) through (12) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 1-28-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 8, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 7, 2006

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-8.003	Citations
64B9-8.005	Disciplinary Proceedings
64B9-8.006	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Rules 64B9-8.003 and 64B9-8.005, F.A.C., it is to add to this rule a citation violation with penalties and a prohibition as unprofessional conduct violating the integrity of a medication administration system or an information technology system. Rule 64B9-8.006, F.A.C., it is to include revocation in the discipline range for specific violations.

SUMMARY: In Rules 64B9-8.003 and 64B9-8.005, F.A.C., a citation violation with penalties and a prohibition as unprofessional conduct violating the integrity of a medication administration system or an information technology system is added. In Rule 64B9-8.006, F.A.C., revocation in the discipline range for specific violations is included.

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

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

SPECIFIC AUTHORITY: 456.072, 456.077, 456.079, 464.006 FS.

LAW IMPLEMENTED: 456.072, 456.077, 456.079, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Acting Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-8.003 Citations.

(1) through (4) No change.

(5) The Board designates the following a citation violation, which shall result in a penalty of \$1,500: Providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in a violation of, or threatens, the integrity of a medication administration system or an information technology system. In addition to the fine, the licensee will be required to complete a 2-hour continuing education course in legal aspects of nursing within 60 days of the issuance of the citation.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History—New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00, 2-22-04,\_\_\_\_\_.

64B9-8.005 Disciplinary Proceedings.

(1) Unprofessional conduct shall include:

(a) through (f) No change.

(g) Failure of an ARNP dispensing practitioner to comply with the registration and compliance requirements of Rule 64B9-4.011, F.A.C., or

(h) Violating the integrity of a medication administration system or an information technology system.

(2) No change.

(a) through (n) No change.

Specific Authority 464.006 FS. Law Implemented 464.018 FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02,\_\_\_\_\_.

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) No change.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. (Section 464.018(1)(b), F.S.)



	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$250 fine and suspension to be followed by probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(c) through (f) No change.

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 817, F.S., relating to fraudulent practices. (Section 464.018(1)(d)3., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(i) No change.

(j) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse. (Section 464.018(1)(d)6., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(k) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation. (Section 464.018(1)(d)7., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(l) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect. (Section 464.018(1)(d)8., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(m) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, F.S. (Section 464.018(1)(e), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(n) through (o) No change.

(p) Unprofessional conduct in which case actual injury need not be established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	No change
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

Unprofessional conduct in which case actual injury has been established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	\$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(q) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part. (Section 464.018(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(r) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. (Section 456.072(1)(y) or 464.018(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(s) through (u) No change.

(v) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession. (Section 456.072(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(w) through (bb) No change.  
 (cc) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(dd) through (ii) No change.  
 (jj) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(kk) through (tt) No change.  
 (uu) Acts of gross negligence, either by omission or commission. (paragraph 64B9-8.005(2)(g), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	\$500 fine and suspension to be followed by probation or <u>revocation</u>
SECOND OFFENSE	No change	\$750 fine and suspension to be followed by probation or <u>revocation</u>
THIRD OFFENSE	No change	No change

(vv) to (zz) No change.

(aaa) Being terminated from or failing to successfully complete an impaired practitioner treatment program (Section 456.072(1)(gg) F.S.):

Minimum: \$250 fine and suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated.

Maximum: Permanent revocation or denial of licensure.

(bbb) Failing to comply with the education course requirements for prevention of medical errors (Section 456.013(7), F.S.)

	MINIMUM	MAXIMUM
<u>FIRST OFFENSE</u>	<u>\$250 fine and complete the course</u>	<u>\$500 fine and suspension until the course is completed</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and complete the course</u>	<u>\$750 fine and suspension until the course is completed</u>
<u>THIRD OFFENSE</u>	<u>\$750 fine and suspension until the course is completed plus probation</u>	<u>\$1,000 fine and suspension until the course is completed plus probation</u>

(4) through (6) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-7.003  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to implement an amendment to Section 456.072(1), F.S., and to implement Section 456.072(4), F.S.

SUMMARY: The proposed rule amendment implements an amendment to Section 456.072(1), F.S., and implements Section 456.072(4), F.S.

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

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

SPECIFIC AUTHORITY: 456.072(4), 456.079(1), 468.802 FS.

LAW IMPLEMENTED: 456.072(4), 456.079, 468.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-7.003 Disciplinary Guidelines.

(1) No change.

(2) Violations and Ranges of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(a) through (dd) No change.

(ee) Being terminated from an impaired practitioner treatment program, for failure to comply with terms of contract or for not successfully completing any drug-treatment or alcohol-treatment program. (Section 456.072(1)(gg), F.S.)

	MINIMUM	MAXIMUM
<u>FIRST OFFENSE</u>	<u>Suspension until the licensee is able to demonstrate his/her ability to practice with reasonable skill and safety, followed by up to 5 years probation with conditions.</u>	
<u>SECOND OR SUBSEQUENT OFFENSE</u>	<u>Suspension until the licensee is able to demonstrate his/her ability to practice with reasonable skill and safety, up to 5 years probation with conditions, or revocation, and up to \$2,000.00 fine.</u>	

(3) No change.

(4) Whenever the Board, in any proceeding, imposes a fine, costs, or orders repayment of any monies, unless a longer period of time is stated in the order imposing the obligation, the money shall be paid within 30 days of the date of the order that imposes the obligation.

Specific Authority 456.072(4), 456.079(1), 468.802 FS. Law Implemented 456.072(4), 456.079, 468.811 FS. History--New 7-1-98, Amended 9-17-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program Office**

RULE NO.: 65A-4.2081  
RULE TITLE: Hurricane Katrina Emergency Assistance Program for Evacuees

PURPOSE AND EFFECT: The purpose of this proposed rule is to keep the subject matter of Emergency Rule 65AER05-1 in effect without interruption for the provision of Emergency Cash Assistance benefits to eligible evacuees of the Hurricane Katrina disaster. The Hurricane Katrina Emergency Assistance Program for Evacuees or Emergency Cash Assistance (ECA) program provides a one-time cash assistance payment equal to four months of temporary cash assistance (TCA) at the maximum payment level for the household size with a Tier-One Shelter Standard to evacuees from Louisiana, Mississippi, and Alabama.

SUMMARY: Specific provisions for the Hurricane Katrina Emergency Assistance Program for Evacuees or ECA program include definitions; requirements related to application, eligibility, income and assets, residency, and verification; and,

the length of time the ECA program will be available. It provides for a one-time cash assistance payment equal to four months of TCA at the maximum payment level for the household size with a Tier-One Shelter Standard. It also provides verification requirements for Katrina evacuee applicants and an application form incorporated by reference.

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

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.16 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Economic Self-Sufficiency, (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.2081 Hurricane Katrina Emergency Assistance Program for Evacuees.

(1) Definitions:

(a) Application for ECA means the application for public assistance described in Administrative Rule 65A-1.205, F.A.C. The Hurricane Katrina Emergency Assistance Program for Evacuees Supplement to the Application for Assistance, Form CF-ES 2346, Sep 2005, incorporated by reference, may be attached to the application.

(b) Assistance Group or Eligible Family means individuals whose needs, income, and resources are considered to determine eligibility for the ECA.

(c) Available Countable Income and Assets means only income and assets available to the family at the time of application based on the applicant's statement of circumstances.

(d) Minor Child means a child under 18 years of age (or under 19 years of age if a full-time student in high school or its equivalent) living with a parent(s) or caretaker relative.

(e) Evacuee means a minor child, parent(s), or caretaker relative who relocated from Louisiana, Mississippi, or Alabama (any county or parish) as a result of Hurricane Katrina and is currently living in Florida.

(f) Pregnant Individual means a pregnant woman with no other children and in her third trimester of pregnancy with or without medical verification of ability to work.

(g) Student criteria includes an 18-year-old child who was attending or enrolled in high school in the affected state when the hurricane struck and is now enrolled or attending school in Florida.

(h) Tier-One Shelter Standard means the shelter standard set forth in Section 414.095(11), F.S.

(2) Household Eligibility Requirements for ECA. The family:

(a) Must have resided in Louisiana, Mississippi, or Alabama (any county or parish) and evacuated from such state as a result of Hurricane Katrina and resides in Florida at the time of application.

(b) Must contain a minor child(ren) living with a parent(s) or caretaker relative.

(c) Must meet the standard filing unit and familial relationship policies prescribed for TCA in Administrative Rule 65A-4.208, F.A.C., except:

1. Student criteria is governed by this rule.

2. Pregnant women as defined in this rule with no other children in the household can qualify for ECA as a family of one.

(d) Will have eligibility determined counting only the needs of family members who evacuated to Florida.

(e) Must have available income equal to or less than 200 percent of the federal poverty level for their household size. Income and assets available to the family at the time of application will be considered when determining eligibility. If the income or assets exceed the applicable limit in the month of application, but are reduced below such limit by the following month, ECA for the month of application will be denied. ECA will be approved for the following month, but ECA will not be disbursed until the month for which eligibility is established. For deferred payments, the applicant(s) or assistance group is not required to resubmit an application.

(f) Must have countable assets equal to or less than \$2,000.

(g) Must meet the technical requirements of citizenship/alien status set forth in Section 414.095(3), F.S. and the non-fleeing felon status set forth in Section 414.095(14)(g), F.S.

(h) Cannot be concurrently receiving Temporary Assistance for Needy Families (TANF) cash assistance in any state.

(i) Cannot receive ECA more than one time.

(j) Must apply for ECA no later than August 1, 2006.

(3) Children who were evacuated without their parent/caretaker relative and are now living with a non-evacuee caretaker relative can qualify as a child-only ECA case.

(4) Households that receive an ECA payment cannot receive TCA benefits for four consecutive months beginning with the month of ECA eligibility.

(5) Eligible evacuee households that were denied for TCA prior to implementation of the ECA program will be reviewed and their eligibility and payments will be authorized under the ECA program, without a separate application. Eligible evacuee households that were approved for food stamp or Medicaid benefits prior to implementation of the ECA program may request ECA benefits and be approved without a separate application.

(6) For ECA, the following verification procedures apply:

(a) Verification of applicant(s) or assistance group evacuee status should be obtained when available. Examples include:

1. Driver's license from Louisiana, Mississippi, or Alabama;

2. Documents or collateral contacts with the Red Cross, other relief agencies, or other individuals who can attest to the household's evacuee status; or

3. Household's statement when no other verification is readily available.

(b) The applicant(s) or assistance group statement regarding available income and resources is acceptable when no other verification is readily available.

(c) Verification of eligible TANF status is required:

1. If the applicant(s) or assistance group claims non-receipt of TANF in another state, an attempt will be made to verify the statement with the other state. If the attempted contact is unsuccessful, the statement will be accepted and recorded in the case file.

2. If the applicant(s) or assistance group claims receipt of TANF in another state, but wants to receive ECA in Florida, an attempted telephone contact to the other state will be made to request case closure. If the attempted contact is unsuccessful, the applicant's or assistance group's statement will be accepted and recorded in the case file, and an e-mail or other form of transmittal will be sent to the other state requesting closure by the next month. ECA will be approved for the following month.

3. If the applicant(s) or assistance group is receiving TANF in another state, but claims not have access to the funds, an attempt will be made to contact the other state to verify, advise the state of the request for assistance in Florida, and to request case closure by the next month. Approval for receipt of ECA will be made for the month of application, if benefits are determined to be unavailable. If it is determined that the funds are available, the application will be approved for the following month.

4. ECA will be denied if the applicant(s) or assistance group claims receipt of TANF, has access to the funds, and indicates they plan to continue receiving TANF in the other state.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—New \_\_\_\_\_.

NAME OR PERSON ORGINATING PROPOSED RULE: Lonna Cichon, Government Operations Consultant II  
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Jennifer Lange  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

RULE NO.: 69H-1.003                      RULE TITLE: Certificate and Other Forms Adopted  
PURPOSE, EFFECT AND SUMMARY: The Certificate of Proof of Loss form is being updated by deleting a reference that requires the agency to use claim funds payments solely for the purposes identified in the claim summary.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 284.17 FS.  
LAW IMPLEMENTED: 255.03(1), 284.01 FS.  
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, June 6, 2006, 9:00 a.m.  
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 69H-1.003 Certificate and Other Forms Adopted.
- (1) through (7) No change.
- (8) Form ~~DFS-D014~~ 856, Certificate of Proof of Loss, rev. ~~11/05~~ 6/00.
- (9) through (11) No change.

Specific Authority 284.17 FS. Law Implemented 255.03(1), 284.01 FS. History–New 7-29-72, Formerly 4-29.04, 4-29.004, Amended 1-7-92, 10-3-94, 12-27-95, 6-21-01, Formerly 4H-1.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trilly Lester, Director of Risk Management, Division of Risk Management, Department of Financial Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

RULE NO.: 69H-2.003                      RULE TITLE: Premium Assessments  
PURPOSE, EFFECT AND SUMMARY: The amendment updates statutory citations and requirements for forms used in premium assessments by the Division of Risk Management.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 284.39 FS.  
LAW IMPLEMENTED: 284.36 FS.  
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, June 6, 2006, 9:00 a.m.  
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.003 Premium Assessments.

(1) through (2) No change.

(3) Prior to July 1 of each budget year the Division of Risk Management will send the appropriate exposure base inquiry form to each insured agency to determine risk exposure. These forms are hereby adopted and incorporated by reference. Each agency shall complete the form and return it to the Division within 30 days.

(a) ~~DI4-861~~, “Exposure Base Inquiry”, rev. 6/00.

(b) ~~DFS-D014-1392~~, “Statutory EBI Agency For Workforce Innovation Community Service Participants”, Section 445.025(1)(d), F.S. and Section 445.024(1)(e), F.S., FY 2006-2007”, rev. 11/05 3/01.

(c) ~~DFS-D014-1393~~, “Statutory EBI Department of Juvenile Justice, Sections ~~985.21(4)(a)2;~~ 985.231(1)(a) and 985.231(10)(g), F.S., FY 2006-2007”, rev. 11/05 3/01.

(d) ~~DFS-D014-1394~~, “Statutory EBI Department of Juvenile Justice, Section 768.28(11), F.S., FY 2006-2007”, rev. 11/05 6/00.

(e) ~~DFS-D014-1395~~, “Statutory EBI Department of Health, Section 768.28(10)(c), F.S., FY 2006-2007”, rev. 11/05 6/00.

(f) ~~DFS-D014-1396(A)~~, “Statutory EBI Department of Health, Section 766.1115, F.S., FY 2006-2007”, rev. 6/00.

(g) ~~DFS-D0-1396(B)~~, “Statutory EBI Department of Health, Chapter 381.0302, F.S., FY 2006-2007”, rev. 11/05.

(h) ~~(g) DFS-D014-1397~~, “Statutory EBI Department of Corrections, Sections ~~948.01(2) and 948.036(1)(8)(a), F.S., FY 2006-2007~~”, rev. 11/05 3/01.

(i) ~~(h) D FS-D014-1398~~, “Statutory EBI Department of Corrections, Section 768.28(10)(a), F.S., FY 2006-2007”, rev. 11/05 6/00.

(j) ~~(i) DI4-1399~~, “Statutory EBI Community Service Participants, Section 569.11(4), F.S.”, rev. 6/00.

(k) ~~(j) DI4-1400~~, “Statutory EBI 01381 Children and Families, Section 409.175(14)(a), F.S.”, rev. 6/00.

(l) ~~DFS-D0-1665~~, Statutory EBI Department of Transportation, Section 768.28(100)(d), F.S., FY 2006-2007”, rev. 11/05.

(m) ~~DFS-D0-1666~~, Statutory EBI Agency For persons With Disabilities, Section 393.075(1), F.S., FY 2006-2007”, rev. 11/05.

(n) ~~DFS-D0-1667~~, “Statutory EBI Department of Transportation, Section 768.28(10)(e), F.S., FY 2006-2007”, rev. 11/05.

(4) No change.

Specific Authority 284.39 FS. Law Implemented 284.36 FS. History—New 7-29-72, Formerly 4-30.03, 4-30.003, Amended 1-7-92, 6-28-01, Formerly 4H-2.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trilly Lester, Director of Risk Management, Division of Risk Management, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

RULE NO.: 69H-2.004  
 RULE TITLE: Certificate of Coverage

PURPOSE, EFFECT AND SUMMARY: The amended form DFS-D0-862, Certificate of Coverage for Court-Awarded Attorney Fees elaborates on insured’s responsibility to the Division of Risk Management when claims are brought for attorney fees. The certificate clarifies conditions and lists consequences when insured’s actions prejudice the ability of the Division of Risk Management to perform its mission. These changes also specify monetary coverage limits.

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

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

SPECIFIC AUTHORITY: 284.311, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.31 FS.

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

DATE AND TIME: Tuesday, June 6, 2006, 9:00 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.004 Certificate of Coverage.

(1) through (6) No change.

(7) Form ~~DFS-D014~~-862, "Court Awarded Attorney Fees Certificate of Coverage," rev. 11/05 ~~3/04~~, which is hereby adopted and incorporated by reference, will be used to provide coverage for court awarded attorney's fees in other proceedings against the agency named on the certificate.

(8) No change.

Specific Authority 284.311, 284.39 FS. Law Implemented 284.30, 284.31 FS. History--New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, Formerly 4H-2.004, Amended 5-4-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trilly Lester, Director of Risk Management, Division of Risk Management, Department of Financial Services

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: March 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Board of Funeral, Cemetery, and Consumer Services**

RULE NOS.:	RULE TITLES:
69K-17.0030	Direct Disposer/Establishment; Fees
69K-17.0034	Continuing Education for License Renewal

PURPOSE AND EFFECT: To update the rules to reflect legislative changes to application fees for direct disposers and the continuing education requirements for direct disposers.

SUMMARY: The application fee for a direct disposer license is raised to \$300 and the continuing education requirement for direct disposers is raised to six hours.

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

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

SPECIFIC AUTHORITY: 497.103, 497.140, 497.147, 497.367, 497. 378, 497.602, 497.603, 497.604 FS.

LAW IMPLEMENTED: 497.140, 497.147, 497.367, 497.378, 497.602, 497.603, 497.604 FS.

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

DATE AND TIME: June 5, 2006, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least 5 calendar days before the hearing by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-17.0030 Direct Disposer/Establishment; Fees.

(1) The direct disposer nonrefundable application fee shall be ~~\$300~~ ~~50.00~~.

~~(2) The direct disposer registration fee shall be \$200.~~

~~(2)(3) The direct disposer renewal fee shall be \$250.~~

~~(3)(4) The direct disposal establishment nonrefundable application registration fee shall be \$300.~~

Specific Authority 497.103, 497.140, 497.602, 497.603, 497.604 FS. Law Implemented 497.140, 497.602, 497.603, 497.604 FS. History--New 3-10-98, Formerly 61G8-17.0030, Amended \_\_\_\_\_.

69K-17.0034 Continuing Education for License Renewal.

(1) through (3) No change.

(4) No license shall be renewed unless the licensee has completed the required continuing education hours together with completion of a single board approved course on communicable diseases, including HIV/AIDS, which course shall contain the subject area requirements set out in subsection 69K-17.0042(3), F.A.C. Courses approved in communicable diseases shall meet the requirements of Sections 497.367, 497.378, 497.603 and 497.162, F.S.

(a) Funeral directors and embalmers shall complete twelve (12) hours of continuing education.

(b) Registered direct disposers shall complete six (6) ~~three (3)~~ hours of continuing education.

(5) through (6) No change.

Specific Authority 497.103, 497.147, 497.367, 497.378, 497.603 FS. Law Implemented 497.147, 497.367, 497.378, 497.603 FS. History--New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 9-25-97, 11-11-99, 11-20-00, 6-24-01, 11-29-01, 4-27-03, Formerly 61G8-17.0034, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Board of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-22.003  
 RULE TITLE: Fees

PURPOSE AND EFFECT: To update the rule to reflect legislative changes to the application fee for cinerator facilities.  
 SUMMARY: The license fee for cinerator facilities is raised to \$300.

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

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

SPECIFIC AUTHORITY: 497.103, 497.140, 497.606 FS.

LAW IMPLEMENTED: 497.140, 497.606 FS.

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

DATE AND TIME: June 5, 2006, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least 5 calendar days before the hearing by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-22.003 Fees.

(1) The application fee for a cinerator facility shall be \$300 ~~250~~ and will include licensure for the remainder of the biennium during which license application is granted.

(2) through (4) No change.

Specific Authority 497.103, 497.140, 497.606 FS. Law Implemented 497.140, 497.606 FS. History—New 2-13-80, Formerly 21J-22.03, Amended 4-1-90, 12-18-90, Formerly 21J-22.003, Amended 2-21-95, 7-4-95, 9-17-97, 2-16-98, 11-17-99, Formerly 61G8-22.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 69O-137.001  
 RULE TITLE: Annual and Quarterly Reporting Requirements

PURPOSE, EFFECT, AND SUMMARY: To adopt the 2006 NAIC Quarterly and Annual Statement Instructions and NAIC’s Accounting Practices and Procedures Manual, as permitted by Section 624.424, F.S.

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

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

SPECIFIC AUTHORITY: 624.308(1), 624.424(1) FS.

LAW IMPLEMENTED: 624.424(1) FS.

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

DATE AND TIME: June 5, 2006, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail [kerry.krantz@dfs.state.fl.us](mailto:kerry.krantz@dfs.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 2006 ~~2005~~;
2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2006 ~~2005~~;
3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2006 ~~2005~~; and
4. The NAIC's Quarterly and Annual Statement Instructions/Title, 2006; and

~~5.4.~~ The NAIC's Accounting Practices and Procedures Manual, as of March 2006 ~~2005~~.

(b) No change.

Specific Authority ~~624.307,~~ 624.308(1), 624.424(1) FS. Law Implemented ~~624.307(1),~~ 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-138.001  
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE, EFFECT AND SUMMARY: To adopt the 2006 NAIC Financial Condition Examiners Handbook Adopted, as permitted by Section 624.316, F.S.

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

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

SPECIFIC AUTHORITY: 624.308(1), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c), 624.316(1)(c) FS.

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

DATE AND TIME: June 5, 2006, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail [kerry.krantz@dfs.state.fl.us](mailto:kerry.krantz@dfs.state.fl.us)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (2006 ~~2005~~) is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c), ~~624.307(1)~~ 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

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

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.001  
 RULE TITLE: Division of Cultural Affairs  
 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. in response to comments received from the Joint Administrative Procedures Committee as well as a public hearing held on 24 April 2006. The rule was originally published in Vol. 32, No. 13 of the March 31, 2006 issue of the Florida Administrative Weekly.