

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NOS.:	RULE TITLES:
5E-14.102	Definitions
5E-14.105	Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms
5E-14.110	Fumigation Requirements – Notices
5E-14.111	Fumigation Requirements – Application; Restrictions and Precautions
5E-14.112	Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to clarify the definition of a “connected structure” and delineate requirements for structural connections which have not previously been provided in rule for fumigation pest control, alert consumers to the possibility that fumigations may be performed by a subcontracted company; appropriately address the need to provide the department prior notice of a fumigation as well as set forth new requirements for emergency information required on fumigation signage; provide fumigator’s the option of using the chloropicrin warning agent at label prescribed rates; and require records be maintained with respect to cylinder usage as part of the overall fumigation record keeping.

**SUBJECT AREA TO BE ADDRESSED:** Fumigation operations.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.051(1), 482.051(3), 482.051(4), 482.152, 482.241, 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS., Section 1, Chapter 92-203, Laws of Florida.

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

**DATE AND TIME:** October 10, 2007, 10:00 a.m.

**PLACE:** The Mid-Florida Research and Education Center, Room 185, 2725 Binion Road, Apopka, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.:	RULE TITLE:
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to add an amendment that will accommodate newer phone communication technology in the conduct of pest control by removing a requirement for a phone terminating in the licensed business location, while providing for accountability for pest control sales calls. This will allow the use of cell phones which are increasingly important for pest control operators.

**SUBJECT AREA TO BE ADDRESSED:** Responsibilities and Duties – Records, Reports, Advertising, Applications.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.051, 482.021(21) FS.

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

**DATE AND TIME:** October 10, 2007, 3:00 p.m.

**PLACE:** The Mid-Florida Research and Education Center, Room 185, 2725 Binion Road, Apopka, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Steve Dwinell, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399; telephone (850)488-7447

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.:	RULE TITLE:
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to clarify expectations of a Wood-Destroying Organisms Inspection Report to consumers and address the need to better document conditions within a structure with respect to wood-destroying organisms for the purposes of a real estate transaction and when a fee is charged for the inspection or a written report requested by the consumer.

**SUBJECT AREA TO BE ADDRESSED:** Wood-Destroying Organisms Inspection Report Form 13645.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS.

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

**DATE AND TIME:** October 10, 2007, 1:00 p.m.

**PLACE:** The Mid-Florida Research and Education Center, Room 185, 2725 Binion Road, Apopka, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
5N-1.140	School Curriculum; Examinations; Retention of Records

**PURPOSE AND EFFECT:** The purpose is to amend Rule 5N-1.140, F.A.C., to establish the general content of a 40-hour private investigative intern course; and to add a form for use by the school, community college, college or university to prove successful completion of each part of the approved course and passage of any required examination for a private investigative intern. The effect is to implement 2007 Laws of Florida, s. 1, Ch. 2007-232.

**SUBJECT AREA TO BE ADDRESSED:** Development of the content of a private investigative intern course.

**SPECIFIC AUTHORITY:** Section 1, Ch. 2007-232, Laws of Florida.

**LAW IMPLEMENTED:** 493.6203(6)(b) FS. (2007)

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

**DATE AND TIME:** November 15, 2007, 8:30 a.m.

**PLACE:** Hawthorn Suites Orlando Airport, Ballroom, 7450 Augusta National Drive, Orlando, FL 32822; telephone: (407)438-2121

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John V. McCarthy, Assistant General Counsel, Division of Licensing, Department of Agriculture and Consumer Services, 2520 North Monroe Street, Tallahassee, FL 32303; telephone: (850)245-5506; Fax: (850)245-5505

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-6.03028	Development of Individual Educational Plans for Students with Disabilities
6A-6.030281	Development of Services Plans for Students with Disabilities Enrolled in Private School by Their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board
6A-6.0331	Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction
6A-6.03311	Procedural Safeguards for Students with Disabilities
6A-6.03312	Discipline Procedures for Students with Disabilities
6A-6.03314	Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents
6A-6.0333	Surrogate Parents
6A-6.0334	Temporary Assignment of Transferring Exceptional Students
6A-6.03411	Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students

**PURPOSE AND EFFECT:** The purpose of the rule development is to incorporate the changes made to the Individuals with Disabilities Education Act of 2004 (IDEA) and the 2006 federal regulations.

**SUBJECT AREA TO BE ADDRESSED:** The rules address exceptional student education including, but not limited to, the development of Individual Educational Plans for students with disabilities; the general education interventions, evaluation, eligibility and reevaluation of students with disabilities; discipline procedures; procedural safeguards; development of service plans for students with disabilities enrolled in private schools by their parents; surrogate parents; transfer of students with disabilities from other school districts or other states; and, policies and procedures for the provision of services.

SPECIFIC AUTHORITY: 1003.57 FS.

LAW IMPLEMENTED: 20 U.S.C. Section 1408 et seq., Individuals with Disabilities Education Act of 2004

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

DATES AND TIMES: October 10, 2007, 11:30 a.m. – 1:30 p.m.; October 12, 2007, 11:30 a.m. – 1:30 p.m.; October 15, 2007, 11:30 a.m. – 1:30 p.m.

PLACE: October 10, 2007 – Schultz Center for Teaching and Leadership, 4019 Boulevard Center Drive, Jacksonville, Florida 32207

October 12, 2007 – Polk County School Board, Jim Miles Professional Development Center, 5204 US Highway 98 South, Lakeland, Florida 33812

October 15, 2007 – Department of Education, Turlington Building; Room 1725, 325 W. Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Komisar, Program Director, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32339-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on the Bureau website at [www.fldoe.org](http://www.fldoe.org) under *Topics of Special Interest*. Comments may be made online or forwarded to the Florida Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32339-0400, Attention: Kim Komisar

#### DEPARTMENT OF EDUCATION

##### Florida School for the Deaf and the Blind

RULE NO.: 6D-12.002                      RULE TITLE: Campus Security/Police Department

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of this Department have been reviewed and revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Elaine F. Ocuto. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

#### DEPARTMENT OF LAW ENFORCEMENT

##### Criminal Justice Standards and Training Commission

RULE NO.:	RULE TITLE:
11B-27.014	Implementation of the Federal Law Enforcement Officers Safety Act of 2004

PURPOSE AND EFFECT: To develop requirements for retired law enforcement officers to carry a concealed firearm in Florida under the federal Law Enforcement Officers Safety Act of 2004, as defined in (18 U.S.C.A., §926C).

SUBJECT AREA TO BE ADDRESSED: Retired law enforcement officers carrying a concealed firearm in Florida and the requirements thereof.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.132 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act of 2004.

(1) Requirements to demonstrate the firearms proficiency requirements under the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C.A. § 926C) in Florida.

(a) To carry a concealed firearm under the Federal Law Enforcement Officers Safety Act of 2004 ("Act"), a qualified retired law enforcement ("retiree"), as defined in 18 U.S.C.A. § 926C, shall show that he or she has demonstrated the firearms proficiency required by the Act within the past twelve months of the time he or she possesses a concealed firearm.

(b) The Act provides the following two methods for a retiree to demonstrate firearms proficiency:

1. One method allows the retiree to return to the agency from which he or she retired to meet the agency's firearms proficiency standards as applied to the agency's active officers. Under the Act, an agency has the option to offer this alternative.

2. The second method allows the retiree to meet the minimum firearms standards applied to active law enforcement officers by the state of the retiree's residence.

(c) For retirees who reside in Florida, the option to meet the state's minimum firearms standards shall be demonstrated using the Commission's approved minimum firearms proficiency course of fire ("course of fire"), conducted in a manner specified in paragraph (2)(c) of this rule section, pursuant to the Law Enforcement Officer Firearms Qualification Standard on form CJSTC-86A, incorporated by reference in subsection 11B-27.00212(14), F.A.C.

(2) Requirements for administering the course of fire are as follows:

(a) The range master conducting the course of fire shall be an active Commission-certified firearms instructor pursuant to paragraphs 11B-20.0014(2)(c) or (d), F.A.C.

(b) The range master shall issue a Commission-approved Firearms Proficiency Verification Card, form CJSTC-600, created on July 9, 2007, hereby incorporated by reference, to each retiree who successfully completes the course of fire as required on form CJSTC-86A.

(c) The range master shall maintain the following documentation that is related to the completion of the course of fire for each retiree who successfully completes the course, and the retained documentation shall be subject to audit during regular business hours upon a two-day written notice by Commission staff:

1. Full name of the retiree completing the course of fire.

2. Address of the retiree completing the course of fire.

3. The Course of Fire Proficiency Score. A passing score is a minimum score of 80%, which is 32 of 40 rounds in the scoring area. The scoring shall be any hit that is inside or touches the exterior scoring line of the four and five zone of the B-21E target. The B-21E target is commercially available through retailers.

4. Date the course of fire was completed.

5. Location where the course of fire was conducted.

6. The specific number imprinted on the CJSTC-600 form issued to the retiree who completed the course of fire.

(3) Firing Range Requirements.

(a) The course of fire is authorized to be conducted on any public or private range that meets the shooting distance requirements on form CJSTC-86A.

(b) The owner of a firing range is not required to administer the course of fire on the owner's firing range.

(c) The retiree shall be responsible for any fee associated with the course of fire.

(4) Issuance and Maintenance of form CJSTC-600.

(a) A request for form CJSTC-600 shall be made in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Officer Records Section.

1. A Commission-certified firearms instructor is allowed to receive up to 50 each of the CJSTC-600 form, one time a month with each written request, and the request shall include the firearm instructor's full name, mailing address and physical address if different from the mailing address, telephone number, and the name of the Commission-certified training school, defined as "training school" in subsection 11B-18.003(23), F.A.C., affiliation or criminal justice agency affiliation.

2. A training school is allowed to receive up to 200 each of the CJSTC-600 form one time a month with each written request, and the request shall be made on the training school's letterhead signed by the training center director.

3. If a retiree loses form CJSTC-600, a replacement card shall not be reissued. The retiree shall be required to complete the course of fire, again, prior to issuing a new CJSTC-600 form.

(b) A Commission-certified firearms instructor shall only issue a CJSTC-600 form for successful completion of the course of fire. Each CJSTC-600 form shall be issued with a specific number imprinted on the form and the firearms instructor shall maintain documentation for a period of two years indicating to whom the CJSTC-600 was issued, which shall be subject to audit by Commission staff during regular business hours upon a two-day written notice by Commission staff.

(c) The CJSTC-600 form shall expire one year from the date the retiree completed the course of fire.

(5) Admission to a range to attempt to complete the course of fire shall be under the terms and conditions of the range master, and solely at the range master's discretion. Neither state law nor the Act provide a retiree with a right to demand access to a range or an opportunity to attempt the course of fire.

(6) It is not the responsibility of the Commission, any Commission certified firearms instructor, a training school, or any other entity operating a firearms range, at the time of the firearms qualification, to verify or certify that a retiree meets any of the additional requirements of a "qualified retired law

enforcement officer” under the Act. Meeting the Act’s qualifications is solely the responsibility of the retiree. The range master is not required to otherwise verify a retiree’s status under the Act at the time of the firearms qualification.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-1.0142  
 RULE TITLE: Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies

PURPOSE AND EFFECT: The purpose of the creation of Rule 12A-1.0142, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), is to provide for the administration of Section 212.08(7)(ccc), F.S., created by s. 9, Chapter 2006-230, L.O.F. When adopted, this rule will provide: (1) a list of items for which the refund of sales tax paid is available; (2) the statutory limitation of the amount of refund available; (3) information on how to obtain and to file the application for certification of the items available for a refund of sales tax paid with the Department of Environmental Protection; and (4) the procedures for claiming a refund of sales tax paid on eligible equipment, machinery, and materials used in renewable energy technologies from the Department of Revenue, including the necessary application form and documentation to support the claim for refund.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is proposed procedures and requirements being developed by the Department of Revenue and the Department of Environmental Protection for purposes of administering the refund of Florida sales tax paid on equipment, machinery, and materials used in renewable energy technologies.

SPECIFIC AUTHORITY: 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(7)(ccc), 377.801-377.806 FS. A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 8, 2007, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jeff Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0142 Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies.

(1) Who May Claim the Refund. Any applicant who has received approval from the Department of Environmental Protection for purchases of equipment, machinery, and other materials for renewable energy technologies will be allowed a refund of Florida sales and use taxes previously paid, not to exceed the statutory limitations provided in Section 212.08(7)(ccc), F.S.

(a) The refund of Florida sales and use tax previously paid is applicable to the following items:

1. Hydrogen-powered vehicles.
2. Materials incorporated into hydrogen-powered vehicles.
3. Hydrogen fueling stations.
4. Commercial stationary hydrogen fuel cells.
5. Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-E100), including fueling infrastructure, transportation, and storage for these fuels.

(b) Section 212.08(7)(ccc), F.S., limits the total amount available for a refund of Florida sales and use tax paid to the following:

1. For tax paid on hydrogen-powered vehicles, materials incorporated into hydrogen-powered vehicles, and hydrogen-fueling stations, the total amount available for refund is limited to \$2 million in tax each state fiscal year.
2. For tax paid on commercial stationary hydrogen fuel cells, the total amount available for refund is limited to \$1 million in tax each state fiscal year.
3. For tax paid on materials used in the distribution of biodiesel and ethanol, including fueling infrastructure, transportation, and storage for these fuels, the total amount available for refund is \$1 million in tax each state fiscal year.

(2) Obtaining the Refund.

(a) Taxpayers claiming the refund must first file Form 62-16.900(5), Florida Renewable Energy Technologies Sales Tax Program Application (hereby incorporated by reference).



F.S. (Florida Renewable Energy Production Credit), created by s. 13, Chapter 2006-230, L.O.F. When adopted, this rule will provide the procedures for applying for an allocation of the Florida renewable energy production credit, for claiming the Florida renewable energy production credit on a Florida Corporate Income Tax Return, and for transferring the Florida renewable energy production credit.

The purpose of proposed Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, new Form F-1193 (Application for Florida Renewable Energy Production Credit Allocation) and new Form F-1193T (Notice of Intent to Transfer Florida Renewable Energy Production Tax Credit), which, effective January 2008, will be used by the Department in the administration of the Florida Renewable Energy Production Credit for corporate income tax purposes.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is proposed procedures and requirements being developed by the Department for purposes of the Florida renewable energy production credit, as provided in Section 220.193, F.S.

**SPECIFIC AUTHORITY:** 213.06(1), 220.193, 220.51 FS.

**LAW IMPLEMENTED:** 213.35, 213.755, 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

**DATE AND TIME:** October 8, 2007, 10:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Gary Moreland, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4831

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12C-1.0193 Florida Renewable Energy Production Credit.

(1) A Florida Renewable Energy Product Credit is provided in Section 220.193, F.S., for increases of more than five percent (5%) in the production and sale of electrical energy from renewable energy sources at a Florida renewable energy facility. To claim the credit, an Application for Florida Renewable Energy Production Credit Allocation (Form F-1193, incorporated by reference in Rule 12C-1.051, F.A.C.) must be filed with the Department on or before February 1 of each year for an allocation of available credit. The allocation of the available credit is based upon the applicant's production and sales of electricity and the increased production and sales of all applicants during the previous calendar year.

(2) Corporations that increase both production and sales of renewable energy by more than five percent (5%) over the 2005 calendar year for each new or expanded Florida renewable energy facility may submit one application each year for each qualifying facility. A corporation may not transfer its right to apply for a credit to another corporation. Florida Renewable Energy Production credits may only be taken once against the Florida corporate income tax, may not be carried back to an earlier tax year, and must be taken in the order prescribed in Section 220.02(8), F.S. A corporation claiming the credit on its Florida corporate income tax return must add back the amount of the credit to its Florida net income. Credit amounts that are not granted in full or in part due to the annual \$5 million limitation are not eligible for a Florida Renewable Energy Production credit in later years.

(3) The Florida Renewable Energy Production Credit may be transferred in a merger or acquisition. In addition, unused credits may be transferred one time (outside a merger or acquisition) to another corporation in whole or in increments of not less than twenty-five percent (25%) of the remaining credit. Taxpayers are required to file a Notice of Intent to Transfer Florida Renewable Energy Production Tax Credit (Form F-1193T, incorporated by reference in Rule 12C-1.051, F.A.C.) to transfer the unused renewable energy production credits available for transfer. The transfer must be approved by the Department. The transferor and the transferee must execute a written agreement detailing the transfer of the available credit. Within 15 days of receipt of a completed Form F-1193T, the Department will notify the transferor and the transferee of the amount of tax credit authorized for transfer. A copy of the letter from the Department allowing the transfer must be attached by the transferee to the Florida Corporate Income/Franchise and Emergency Excise Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) on which the credit is claimed. The transfer of a credit does not affect the time for taking the credit, and the credit is subject to the same limitations imposed on the transferor.

(4) Every corporation claiming a Florida Renewable Energy Production Credit must retain a copy of the letter received from the Department granting the credit and a

schedule reconciling all credit carryovers, transfers, and sales until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(5) Corporations that are required to file returns and remit payments by electronic means pursuant to Section 213.755, F.S., and Rule Chapter 12-24, F.A.C., must file Form F-1193 (Application for Florida Renewable Energy Production Credit Allocation) and Form F-1193-T (Notice of Intent to Transfer Florida Renewable Energy Production Credit) electronically with the Department by using the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor). Taxpayers who are not required to file returns and remit payments by electronic means are encouraged, but not required, to file these forms electronically, using the Department's Internet site.

Specific Authority 213.06(1), 220.193, 220.51 FS. Law Implemented 213.35, 213.755, 220.03(1), 220.131, 220.193, 220.44 FS. History--New \_\_\_\_\_.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
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(2) through (13) No change.

(14) F-1193	<u>Application for Florida Renewable Energy Production Credit Allocation (N. 01/08)</u>	_____
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(15) F-1193T	<u>Notice of Intent to Transfer Florida Renewable Energy Production Tax Credit (N. 01/08)</u>	_____
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(14) through (15) renumbered (16) through (17) No change.

Specific Authority 213.06(1), 220.193, 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History--New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05 5-1-06, 4-5-07, \_\_\_\_\_.

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

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.:	RULE TITLE:
40B-1.901	General

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-1, Florida Administrative Code, to adopt the most current version of the Application for General Work of the District Development Permit, incorporated by reference. The effect of the rule will incorporate the updated Application for General Work of the District Development Permit, to conform to Chapter 40B-4, Florida Administrative Code, which was updated in August 2007.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will incorporate by reference the updated Application for General Work of the District Development Permit.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.:	RULE TITLE:
40B-4.2030	Conditions for Issuance of Environmental Resource Permits

PURPOSE AND EFFECT: The purpose of the rule development is to codify road design and construction standards for roads not subject to regulation by units of local government. The effect of the proposed rule amendments will ensure proposed roads satisfy the objectives of District rules.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will codify road design and construction standards for roads not subject to regulation by units of local government.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS.



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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.6105	Limiting Conditions
40D-1.659	Forms and Instructions

**PURPOSE AND EFFECT:** The amendments incorporate application forms to be used in applying for a water use permit for water withdrawals within the Southern Water Use Caution Area (“SWUCA”). Permitting requirements within the Southern Water Use Caution Area are supplemental to the District-wide water use permitting requirements and require different information at the application stage. The proposed forms facilitate applicants in providing the information required by the SWUCA rules. The amendments also correct form names and punctuation and changes the name of the form used to transfer water use permits.

**SUBJECT AREA TO BE ADDRESSED:** The rulemaking will adopt water use permit application forms for use by applicants in the Southern Water Use Caution Area.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.219, 373.413, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40D-1.6105 Limiting Conditions.
- (1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit, a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit, Form No. 04-10R-022 (7/01) or ~~an Application to a Notification and Request for Transfer of~~ a Water Use Permit, Form No. LEG-R002.032 (~~\_\_\_\_~~ 10/05), as appropriate, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District.

- (3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History—Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-03, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05,\_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) APPLICATION FOR WATER WELL CONTRACTOR’S LICENSE, FORM NO. LEG-R003.00 (10/05).

(2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR’S LICENSE, FORM NO. LEG-R004.01 (\_\_\_).

(3) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM, FORM NO. LEG-R.006.00 (2/07).

(4) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL, FORM NO. 41.10-410(1) REV. 9/04.

(5) WELL COMPLETION REPORT, FORM NO. LEG-R005.00 (10/05).

(6) WELL GROUTING/ABANDONMENT FORM, FORM NO. 41.10-410 (6/01).

(7) WELL VERIFICATION FOR ALL NON-DOMESTIC WELLS LOCATED IN THE MOST IMPACTED AREA OF THE EASTERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. 42.10-005 (10/95).

(8) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY, FORM NO. WUP-1 FORM 46.20-001 (12/98).

(9) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY, FORM NO. WUP-2 FORM 46.20-002 (12/98).

(10) INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER, FORM NO. WUP-3 FORM 46.20-003 (12/98).

(11) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – AGRICULTURE, FORM NO. WUP-4 FORM 46.20-004 (09/07+98).

(12) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – INDUSTRIAL OR COMMERCIAL, FORM NO. WUP-5 FORM 46.20-005 (12/98).

(13) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – MINING AND DEWATERING, FORM NO. WUP-6 FORM 46.20-006 (12/98).

(14) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – PUBLIC SUPPLY, FORM NO. WUP-7 FORM 46.20-007 (12/98).

(15) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – RECREATION OR AESTHETIC, FORM NO. WUP-8 FORM 46.20-008 (12/98).

(16) MODIFICATION SHORT FORM, FORM NO. 42.00-034 (3/00).

(17) AGRICULTURAL WATER USE FORM – SEASONAL REPORT, FORM NO. WUP-14.1 (1/93).

(18) AGRICULTURAL WATER USE FORM – ANNUAL REPORT, FORM NO. WUP-15 (1/93).

(19) AGRICULTURAL WATER ALLOTMENT FORM, FORM NO. WUP-16 (8/90).

(20) APPLICATION TO NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT, FORM NO. LEG-R002.032 (09/07+05).

(21) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.00 (09/07).

(22) ALTERNATIVE WATER SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.009.00 (09/07).

(23) NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.00 (09/07).

(24) SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.00 (09/07).

(25) PUBLIC SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.012.00 (09/07).

**SURFACE WATER**

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.351	Transfer of Permits

**PURPOSE AND EFFECT:** The amendments delete a form no longer needed and change the name of the form used to request a transfer of a water use permit. The amendments also add a reference to the District rule where water use permit application forms can be found and explain which application and supplemental form to use when applying for a water use permit for water withdrawals within the Southern Water Use Caution Area (“SWUCA”).

**SUBJECT AREA TO BE ADDRESSED:** The proposed rules explain which water use permit application forms applicants in the Southern Water Use Caution Area should use, delete one form and change the name of another form.

**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.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

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) Part B, “Basis of Review for Water Use Permit Applications” (~~\_\_\_\_\_ 8/07~~) and Part D, “Requirements for the Estimation of Permanent and Temporal Service Area populations in the Southern Water Use Caution Area (1/07), of the Water Use Permitting Manual;

(2) ~~“Standby Alternative Source” Form 48.10.009 (10/01) WUP-9;~~

(3) through (6) renumbered (2) through (5) 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, 10-19-05, 1-1-07, 8-23-07, \_\_\_\_\_.

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) No change.

(2) Information required on the appropriate Water Use Permit Application and supplemental forms listed in Rule 40D-1.659, F.A.C., GROUND WATER (8)-(15), (21)-(25) numbered WUP-1 through WUP-16.

(3) 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, 1-1-07, \_\_\_\_\_.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using the “Application to a Notification and Request for Transfer of a Water Use Permit”, Form No. LEG-R002.032 (09/07 10/05). The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, \_\_\_\_\_.

The following provisions are incorporated into District rules by reference in 40D-2.091, F.A.C.:

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS  
CHAPTER 1

1.4 APPLICATION FORMS

Permit Applicants ~~shall should~~ submit the Water Use Individual Permit Application Form appropriate to the annual average quantities requested, as provided in subsections 40D-1.659(8), (9), and (10), F.A.C. Applicants for 100,000 gpd or more annual average quantities shall also submit and the Water Use Permit Application Information Supplemental Form applicable to their water use type, as provided in Rule 40D-1.659(11) through (15), F.A.C. Applicants for a Letter Modification to their water use permit shall submit, or the General Permit Application or the Modification Short Form, referenced in subsection 40D-1.659(16), F.A.C., as appropriate. Information supplements include the following:

1. ~~Agriculture, Form WUP-4~~
2. ~~Industrial or Commercial, Form WUP-5~~
3. ~~Mining or Dewatering, Form WUP-6~~
4. ~~Public Supply, Form WUP-7~~
5. ~~Recreation or Aesthetic, Form WUP-8~~
6. ~~Standby Alternative Source, Form 48.10.009 Form WUP-9, (10/01)~~
7. ~~Irrigation Water Use Form — Annual Crops Form 46.20-010 WUP-10 (10/01);~~
8. ~~Irrigation Water Use — Annual Recreational /Aesthetic/Golf Form 46.20-009 WUP-11 (10/01);~~
9. ~~Irrigation Water Use — Summer & Fall Seasonal, 46.20-011 WUP-13 (10/01), and~~
10. ~~Irrigation Water Use — Winter & Spring Seasonal, 46.20-012 Form WUP-12 (10/01)~~

These forms may be obtained from any District Service Office, or from the District website.

~~No.’s 6, 10. New 1-1-03, Amended \_\_\_\_\_.~~

1.4.1 SWUCA APPLICATION FORMS

All Permit Applicants in the SWUCA shall submit the “Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.007.00 (09/07), in addition to the appropriate application and supplemental form(s) described in section 1.4, above. Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the “Public Supply Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.012.00 (09/07). Permit Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of this Basis of Review for Water Use Permit Applications” ( \_\_\_\_\_ ), of the Water Use Permitting Manual:

1. “Alternative Water Supply Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.009.00 (09/07);

2. “Net Benefit Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.010.00 (09/07); and

3. “Southern Water Use Caution Area Ground Water Replacement Credit Application”, Form No. LEG-R.011.00 (09/07).

New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:

40D-2.302                      Reservations From Use

PURPOSE AND EFFECT: The amendment will establish a reservation of water from the Morris Bridge Sink in Hillsborough County, Florida to be used to as necessary to contribute to achieving or maintaining the minimum flows for the Lower Hillsborough River.

SUBJECT AREA TO BE ADDRESSED: Establishment of a reservation from water use permitting of water from the Morris Bridge Sink in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0421, 373.223(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.302 Reservations From Use.

(1) All available water from the Morris Bridge Sink but not greater than 3.9 million gallons of water on any given day is reserved to be used to contribute to achieving or maintaining the Minimum Flows for the Lower Hillsborough River set forth in 40D-8.041, F.A.C. The Morris Bridge Sink is located in Section 5, Township 28S, Range 20E, approximately 0.6 miles south of the Hillsborough River and 0.5 miles north of Cow House Creek in Hillsborough County, Florida.

(2) 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 373.0421, 373.223(4) FS. History–New 1-1-07, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:

40D-8.041                      Minimum Flows

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate minimum flows for the upper segment of the Braden River which is a priority river pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum flows for the upper segment of the Braden River from Linger Lodge to Lorraine Road. Staff will present an overview of minimum flows development and discussion of the proposed minimum flows.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

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

DATE AND TIME: October 12, 2007, 6:00 p.m.

PLACE: Southwest Florida Water Management District Sarasota Service Office, Governing Board Room, 6750 Fruitville Road, Sarasota, Florida 34240-9711

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan Morales, Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4273

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

**WATER MANAGEMENT DISTRICTS****Southwest Florida Water Management District**

RULE NO.: RULE TITLE:

40D-8.041 Minimum Flows

**PURPOSE AND EFFECT:** The amendments establish minimum flows pursuant to Section 373.042, F.S., for the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, all located in Hillsborough County, Florida. These water bodies are listed on the District's minimum flow and levels priority list for establishment of minimum flows. These minimum flows will be used in the District's permitting and resource management and development programs.

**SUBJECT AREA TO BE ADDRESSED:** The rulemaking will establish minimum flows for the priority water bodies of the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.0361, 373.042, 373.0421 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Karen A. Lloyd, Assistant General Counsel

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40D-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River.

(a) No change.

(b) The Minimum Flows for the Lower Hillsborough River are based on extending a salinity range less than 5 ppt from the Hillsborough River Dam toward Sulphur Springs. The Minimum Flows for the Lower Hillsborough River are 20 cubic feet per second ("cfs") freshwater equivalent from July 1 through March 31 and 24 cfs fresh water equivalent from April 1 through June 30 at the base of the dam as adjusted based on a proportionate amount that flow at the United States Geological Survey Gauge No. 01203000 near Zephyrhills, Florida ("Gauge") is below 58 cfs. The adjustment is that for each one cfs that Hillsborough River flow at the Gauge is below 58 cfs, when 20 cfs freshwater equivalent is otherwise required, the Minimum Flow is adjusted by reducing it by 0.35 cfs; when 24 cfs freshwater equivalent is otherwise required, the Minimum Flow is adjusted by reducing it by 0.40 cfs. For purposes of this paragraph 40D-8.041(1)(b), F.A.C., freshwater equivalent means water that has a salinity concentration of 0.0 ppt for modeling purposes. Effective August 7, 2000 the Minimum Flow for the Lower Hillsborough River shall be at the rate of

~~flow of ten cubic feet per second (cfs) at the base of the dam as measured at the Rowlett Park Drive bridge gauging station. Through December 31, 2007, the City shall be required to supply this Minimum Flow from the Reservoir when the surface water elevation is above 22.5 feet NGVD at USGS Gauge 02304500. Because the storage of water within the Reservoir is critical to the public health, safety, and welfare of those dependent on the City potable water supply, this flow requirement may be met by diverting flow from sources other than the City's Reservoir. The City shall provide this flow from sources other than the City's Reservoir, when the surface water elevation is below 22.5 feet NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising public health, safety or welfare. This Minimum Flow has been determined based on the loss of historical hydrologic functions, the existing changes and structural alterations in and along the river and its watershed pursuant to subsection 373.0421(1), F.S., and the dependence of viable ecological communities downstream of the dam on flows from the Hillsborough River and Sulphur Springs. Following completion of the District and City study described in Rule 40D-80.073(4)(d), F.A.C., the Minimum Flow shall be re-established, as necessary, based on the results of the study.~~

(2) Minimum Flow for Sulphur Springs – The Minimum Flow for Sulphur Springs is based on minimization of salinity incursions into the Upper Sulphur Springs Run ("Upper Run") from the Lower Hillsborough River ("LHR") and to moderate temperature levels within the manatee protection zone of the LHR.

(a) As of [October 1, 2012] the City of Tampa shall maintain a Minimum Flow for Sulphur Springs of:

1. 18 cfs, as measured at the United States Geological Survey Sulphur Springs Gauge No. 02306000 at Sulphur Springs, Florida, or;

2. 13 cfs when water levels in the Hillsborough River reservoir fall below 19 feet NGVD; and

3. 10 cfs during low tide stages in the LHR, provided that salinity incursions from the LHR into the upper spring run do not occur. Salinity incursions shall be defined as when salinity values in the upper spring run as measured at the United States Geological Survey Gauge Sulphur Springs Run at Sulphur Springs, Florida (#023060003) are greater than 1 ppt than the concurrent salinity value in the spring pool as measured at the United States Geological Survey Gauge Sulphur Springs Run at Sulphur Springs, Florida (#023060000) for a period of greater than 1 hour.

(b) Notwithstanding paragraph 40D-8.041(2)(a), F.A.C., above, and beginning the effective date of this rule, when spring flow is available, a Minimum Flow of 18 cfs shall be required if the temperature of either surface or bottom waters in the LHR near the Spring Run's outlet is below 15°C.

(c) The City of Tampa may propose to the District modifications to the weirs and gates located within the upper and lower spring run that affect the flow rates and salinity levels in the Upper Run and the LHR. The District shall evaluate the modifications to determine whether the flow resulting from the operating capabilities of the modifications and modeling simulations of the resulting salinity incursions into the Upper Spring Run achieve the salinity goal of the Minimum Flow for Sulphur Springs. If the District determines that flows different from the Minimum Flows (“Different Flows”) will achieve the salinity goal and otherwise protect the resources of the Upper Spring Run, the District, upon request by the City, will recommend to the Governing Board revision of the Minimum Flow to reflect the Different Flow.

~~Pursuant to the District priority schedule for establishment of minimum flows and levels required by Section 373.042, F.S., the District will establish a Minimum Flow for Sulphur Springs by December 31, 2001.~~

(3) The Minimum Flow for the Tampa Bypass Canal at structure 160 shall be 0 cfs.

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

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, 1-1-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.624  
 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Annie, Lake Bonnie, Dinner Lake, Lake Lee, Lake Mabel, Lake Starr and Venus Lake in Polk County, Florida. Staff will present an overview of minimum levels development and discussion of the proposed minimum levels for the lakes.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: October 10, 2007, 6:00 p.m.

PLACE: City of Lake Wales Municipal Building, Commission Chambers, 201 Central Avenue West, Lake Wales, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476,

extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-80.073  
 RULE TITLE: Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties

PURPOSE AND EFFECT: The amendments will establish a recovery strategy to achieve the minimum flows for the Lower Hillsborough River. The minimum flows for the Lower Hillsborough River are proposed to be adopted simultaneously with this rulemaking. The existing flows of Lower Hillsborough River are below the proposed minimum flows. Pursuant to subsection 373.0421(2), F.S., the District must implement a recovery strategy for a water body that is below the applicable minimum flow. The amendments outline the timetable and projects to be implemented by the City of Tampa to achieve the minimum flows by October 1, 2017.

SUBJECT AREA TO BE ADDRESSED: The rulemaking sets forth a timetable and projects to be undertaken to achieve recovery of river flows to minimum flows that are currently being established for the Lower Hillsborough River.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.171, 373.0421 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-80.073 Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties.

(1) through (3) No change.

(4) Hillsborough River Strategy.

~~(a) Beginning [effective date of rule] August 3, 2000, the Minimum Flow for the Lower Hillsborough River shall be as provided in subsection 40D-8.041(1), F.A.C., to be achieved on the time schedule as set forth below at the rate of flow of 10 cubic feet per second (cfs). The District and the City of Tampa (City) shall provide measurement of the delivery of water to the base of the dam relative to their respective elements as described below. The City shall report this information to the District monthly on the 15th day of the following month. In addition, the City shall submit a quarterly written report of all activities and all progress towards timely completion of its elements of the recovery strategy. Such reports will be submitted to the District within 15 calendar days after each calendar year quarter. The Minimum Flow shall be measured at the net downstream flow at the Rowlett Park Drive bridge gauging station.~~

~~(a) The District and the City have entered into the Joint Funding Agreement Between The Southwest Florida Water Management District and The City of Tampa For Implementation of Recovery Projects To Meet Minimum Flows Of The Lower Hillsborough River (the "Agreement"). The Agreement and subsection 40D-80.073(4), F.A.C., constitutes the District's recovery strategy for the Lower Hillsborough River required by Section 373.0421(2), F.S., and shall not compromise public health, safety and welfare.~~

~~(b) The schedule to achieve the Minimum Flows for the Lower Hillsborough River is as follows:~~

~~1. Sulphur Springs – Beginning on [effective date of rule] Through December 31, 2007, the City shall be required to provide 10 cubic feet per second (cfs) of water to the base of the City's dam 6.5 million gallons each day provided such use will not compromise public health, safety and welfare 40 cfs. Minimum Flow from the Reservoir when the surface water elevation is above 22.5 ft. NGVD at USGS Gauge 02304500. The City shall provide this flow from sources other than the City's Reservoir when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising the public health, safety and welfare of the City. Once the City has determined that flow from another source or sources is feasible pursuant to paragraph 40D-80.073(4)(b), F.A.C., below and the evaluation of the source(s) pursuant to paragraph 40D-80.073(4)(c), F.A.C., is complete, such flow shall be supplied when necessary to maintain the Minimum Flow.~~

~~2. Tampa Bypass Canal Diversions – By January 1, 2008, provided that any permit that may be required is approved, the District shall divert up to 7.1 million gallons of water on any given day from the District's Tampa Bypass Canal ("TBC") to the Hillsborough River at the District's Structure 161. The~~

~~District shall then deliver water from the Hillsborough River immediately above the City's dam to the base of the City's dam to help meet the minimum flow requirements of the Lower Hillsborough River. Such diversions shall not occur if public health, safety and welfare will be compromised.~~

~~a. The District shall complete a comprehensive analysis of these diversions within 90 days of the first year of operation to identify and subsequently make any mechanical or efficiency adjustments that may be necessary. The District shall use its best efforts to expedite obtaining any permit that may be needed to undertake these actions.~~

~~b. By October 1, 2013, provided that the transmission pipeline has been constructed and is operational, all of the water diverted from the TBC middle pool under this provision to help meet the minimum flow shall be provided to the Lower Hillsborough River per provision subparagraph 40D-80.073(4)(b)7., F.A.C.~~

~~c. These diversions shall be prioritized as follows:~~

~~(i) Priority Source One – Diversions From the TBC Middle Pool When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and There is Flow of at Least 11 cfs Over the District's Structure 162 – On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and there is flow of at least 11 cfs over the District's Structure 162, the District shall divert water from the TBC middle pool to the Hillsborough River.~~

~~A. The District shall then deliver 75 percent of any water diverted from the TBC to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to the base of the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 8., F.A.C.~~

~~B. The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River set forth in subsection 40D-8.041(1), F.A.C., but will not exceed 7.1 million gallons on any given day.~~

~~C. Such diversions shall cease from the TBC middle pool if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.~~

~~D. On days when flow over the Hillsborough River Dam naturally exceeds 20 cfs during the months of July through March or 24 cfs during the months of April through June and when diversions from the TBC middle pool are not needed to replenish the supply from Storage Projects described in paragraphs 40D-80.073(4)(c) and (d), F.A.C., diversions from~~

the TBC middle pool shall not occur, and any flows in the TBC lower pool above elevation 9.0 feet NGVD (1929 or its 1988 equivalent), shall be available for water supply.

E. Prior to October 1, 2013, and during the months of March through June, on days when some water is needed from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River, all available water from the TBC middle pool not needed to be diverted in accordance with SWFWMD Water Use Permit No. 20006675 but not exceeding 7.1 million gallons on any given day will be diverted to the Hillsborough River. Water delivered to the Hillsborough River in excess of that needed to help meet the minimum flow of the Lower Hillsborough River shall remain in the Hillsborough River above the dam. Keeping this water in the Hillsborough River above the dam will reduce the time and quantities of supplemental flow needed to help meet the minimum flow requirements.

F. During the months of July through February, on days when water is needed from the TBC middle pool to help meet the minimum flow of the Lower Hillsborough River, only that amount of water needed to help meet the minimum flow but not in excess of 7.1 million gallons on any given day shall be diverted from the TBC middle pool to the Hillsborough River, and any water in the TBC middle and lower pools above elevations 12.0 and 9.0 feet NGVD (1929 or its 1988 equivalent), respectively, shall be available for water supply.

(ii) Priority Source Two – Diversions When the TBC Middle Pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), and the Flow Over the District's Structure 162 is Less Than 11 cfs – On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and the flow over the District's Structure 162 is less than 11 cfs, the District shall divert water from the TBC middle pool to the Hillsborough River.

A. The District shall then deliver 75 percent of any water diverted from the TBC middle pool to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 8., F.A.C.

B. The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, but will not exceed 7.1 million gallons on any given day.

I. On days such diversions occur, the District will divert from the TBC lower pool to the TBC middle pool a quantity equivalent to that diverted by the District from the TBC middle pool to the Hillsborough River.

II. Such diversions shall cease from both the TBC middle and lower pool when the stage of the TBC lower pool reaches 6.0 feet NGVD (1929 or its 1988 equivalent), as measured by the gauge at the District's Structure 160, or the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

C. Once the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), withdrawals from this priority source to help meet the minimum flow for the lower Hillsborough River are considered withdrawals from the storage of the TBC lower pool. When the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

I. At no time shall withdrawals from the lower pool to help meet the minimum flow for the lower Hillsborough River cause the stage in the lower pool to go below 6.0 feet NGVD (1929 or its 1988 equivalent), or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

II. If supplemental flows are required to help meet the lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC lower pool reaches an elevation of 6.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-subparagraph 40D-80.073(4)(b)2.(ii)C.I., F.A.C., above, are met, the District shall cease withdrawals from the TBC lower pool. The District shall only reinitiate withdrawals from the TBC lower pool when its elevation equals or exceeds 9.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC lower pool replenishment.

III. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons on any given day.

IV. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C.

(iii) Priority Source Three – Diversions When TBC Middle Pool Elevations are Between 10.0 and 12.0 Feet NGVD (1929 or its 1988 equivalent) – The District will make all reasonable efforts to obtain authorization from the United States Army Corps of Engineers to allow the withdrawals of up to 7.1 million gallons on any given day from the TBC middle pool to aid in the Lower Hillsborough River minimum flow requirements when the TBC middle pool is below 12.0 feet and above 10.0 feet NGVD (1929 or its 1988 equivalent).



A. These diversions will only occur when the stage of the TBC lower pool has reached 6.0 feet NGVD (1929 or its 1988 equivalent), or the TBC lower pool is in a state of replenishment as described in sub-sub-sub-paragraphs 40D-80.073(4)(b)2.(ii)C.II., F.A.C. These diversions will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C., but will not exceed 7.1 million gallons on any given day.

B. These diversions shall cease if the elevation difference between the Hillsborough River and TBC middle pool exceeds 9.5 feet, if approved by the United States Army Corps of Engineers, as measured on either side of the District's Structure 161, or if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet, as measured on either side of the District's Structure 162.

C. Diversions associated with this provision will not occur until the water transmission pipeline as set forth in subparagraph 40D-80.073(4)(b)7., F.A.C., is completed or by October 1, 2013, whichever is sooner. Once the stage in the TBC middle pool is below 12.0 feet NGVD (1929 or its 1988 equivalent), withdrawals to help meet the minimum flow for the Lower Hillsborough River are considered withdrawals from the storage of the TBC middle pool. When the stage is below 12.0 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

I. At no time shall withdrawals from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River cause the stage in the middle pool to go below 10.0 feet NGVD (1929 or 1988 equivalent), or cause the elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet, as measured on either side of the District's Structure 161, or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

II. If supplemental flows are required to help meet the Lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC middle pool reaches an elevation of 10.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-paragraph 40D-80.073(4)(b)2.(iii)C.I., F.A.C., above, are met, the District shall cease withdrawals from the TBC middle pool. The District shall only reinstate withdrawals from the TBC middle pool when its elevation equals or exceeds 12.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC Pool Replenishment, and there is less than 11 cfs of flow over the District's Structure 162.

III. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons.

IV. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C.

### 3. Sulphur Springs Project.

a. By October 1, 2009, and as specified in the Agreement, the City shall complete the modification of the lower weir to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

b. By October 1, 2010, the City shall complete the construction of the upper gates and the pump station to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

c. By October 1, 2012, and as specified in the Agreement, the City is to provide to the base of the dam all available flow, from Sulphur Springs not needed to maintain the minimum flow for Sulphur Springs as set forth in paragraph 40D-8.041(2)(a), F.A.C.

(i) These diversions shall not exceed 11.6 million gallons on any given day.

(ii) The City is authorized to use any remaining quantities at Sulphur Springs for water supply purposes consistent with SWFWMD Water Use Permit No. 20002062.

d. Additionally, beginning on October 1, 2010, on days when the minimum flow requirements are being adjusted for the Lower Hillsborough River, as described in paragraph 40D-8.041(1)(b), F.A.C., and there is flow at Sulphur Springs in excess of the quantity needed to help meet the adjusted flow as described in paragraph 40D-8.041(1)(b), F.A.C., and the minimum flow requirements in paragraph 40D-8.041(2)(b), F.A.C., and the City is not using such flow to augment the Hillsborough River above the dam, the City shall move such quantity to the base of the City's dam up to the unadjusted quantities described in paragraph 40D-8.041(1)(b), F.A.C.

4. Blue Sink Analysis – By October 1, 2010, and as specified in the Agreement, the City in cooperation with the District shall complete a thorough cost/benefit analysis to divert all available flow from Blue Sink in north Tampa to a location to help meet the minimum flow or to the base of the City's dam.

5. Transmission Pipeline Evaluation – By October 1, 2010, and as specified in the Agreement, the City shall complete a thorough design development evaluation to construct a water transmission pipeline from the TBC middle pool to the City's David L. Tippin Water Treatment Facility, including a spur to just below the City's dam.

6. Blue Sink Project – By October 1, 2011, and as specified in the Agreement, the City will provide all available flow from Blue Sink project to help meet the minimum flow

provided that all required permits are approved, and it is determined that the project is feasible. Once developed, all water from this source shall be used to the extent that flow is available to help meet the minimum flow for the Lower Hillsborough River.

7. Transmission Pipeline Project – By October 1, 2013, and as specified in the Agreement, the City shall complete the water transmission pipeline described in subparagraph 40D-80.073(4)(b)5., F.A.C., and move the water the District will move as specified in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C., to the Lower Hillsborough River directly below the dam as needed to help meet the minimum flow or to transport water in accordance with SWFWMD Water Use Permit No. 20006675.

a. This transmission line will eliminate all adjustment for losses described in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.

b. Additionally, the City will provide an additional flow of 1.9 million gallons each day to the base of the dam from the TBC middle pool provided that water is being transported in accordance with SWFWMD Water Use Permit No. 20006675. This additional 1.9 million gallons each day is anticipated to be part of the water savings associated with this transmission pipeline.

c. Once the pipeline is completed, the 1.9 million gallons each day of additional flow provided by the City as part of the water savings associated with the pipeline will be used in preference to all other sources except Sulphur Springs and Blue Sink to the help meet the minimum flow for the Lower Hillsborough River.

d. In the event that this pipeline is not substantially completed by October 1, 2013, or that the City did not provide the District with a minimum ninety (90) days notice prior to October 1, 2013, of the delay of completion of the pipe due to circumstances beyond its control, then, the City will be responsible for delivering the flows the District was previously obligated to divert from the TBC middle pool to the Hillsborough River and then to immediately below the City's dam under subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.; except that the District shall continue to be responsible to pump water from the TBC lower pool to the middle pool as described in sub-subparagraph 40D-80.073(4)(b)2.b., F.A.C., and from Morris Bridge Sink to the TBC middle pool as described in subparagraph 40D-80.073(4)(b)8., F.A.C.

e. The City shall also provide the 1.9 million gallons each day if needed to help meet the flow described in this provision, from some other permitable source and is obligated to do so pursuant to d. above.

8. Morris Bridge Sink Project.

a. By October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District shall divert up to 3.9 million gallons of water on any given day from the Morris Bridge Sink to the TBC middle pool.

(i) The Morris Bridge Sink diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, after utilizing the quantity diverted from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 7., F.A.C.

(ii) However, on days when TBW does not draw the TBC lower pool down to 9.0 feet NGVD (1929 or its 1988 equivalent) for water supply purposes, and supplemental flow is needed for the Lower Hillsborough River minimum flow requirements beyond water that can be delivered from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 7., F.A.C., the District shall divert up to 7.1 million gallons on any given day from the TBC lower pool to the TBC middle pool prior to diverting flows from the Morris Bridge Sink to the TBC middle pool.

(iii) The District shall cease to divert water from the TBC lower pool under this provision once the elevation of the TBC lower pool reaches 9.0 feet NGVD (1929 or its 1988 equivalent).

b. Prior to the completion of the pipeline described in subparagraph 40D-80.073(4)(b)7., F.A.C., the District shall transfer any water delivered to the TBC middle pool from the Morris Bridge Sink or the TBC lower pool under this provision to the Hillsborough River near the District's Structure 161.

(i) These deliveries shall be made on the same day the District delivers water from the Morris Bridge Sink or the TBC lower pool.

(ii) The District shall then deliver 75 percent of any water diverted to the Hillsborough River under this provision to the Lower Hillsborough River. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam.

(iii) The deliveries of the water from the Morris Bridge Sink to the TBC middle pool then on to the Hillsborough River are in addition to any other diversions from the TBC middle pool to the Hillsborough River described in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.

c. Once the City completes the water transmission pipeline described in subparagraphs 40D-80.073(4)(b)5. and 7., F.A.C., or as may be otherwise responsible for delivering the flows the District was previously obligated to divert pursuant to subparagraph 40D-80.073(4)(b)7., F.A.C., the City shall move any water the District delivers to the TBC middle pool from

Morris Bridge Sink or the TBC lower pool under this provision to the Lower Hillsborough River directly below the dam. Such delivery by the City will occur on the same day the District delivers the water from the Morris Bridge Sink or the TBC lower pool to the TBC middle pool.

d. At no time shall withdrawals from the TBC under this provision cause:

i. The elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet as measured on either side of the District's Structure 161; or

ii. The elevation difference between the TBC middle and lower pools to exceed 7.0 feet as measured on either side of the District's Structure 162.

9. Beginning October 1, 2017, the City shall be required to meet the minimum flows at the base of the dam as set forth in subsection 40D-8.041(1), F.A.C.

(c) The City and the District shall, as specified in the Agreement, cooperate in the evaluation of options for storage of water ("Storage Projects") such as aquifer storage and recovery (ASR), and additional source options (e.g., diversions from Morris Bridge Sink greater than those described in subparagraph 40D-80.073(4)(b)8., F.A.C.), in sufficient permitable quantities, that upon discharge to the base of the dam, together with the other sources of flow described in paragraph 40D-80.073(4)(b), F.A.C., will meet the minimum flows beginning October 1, 2017, or earlier.

(d) The City may propose for District approval additional source or storage projects that when completed may be used in lieu of all or part of one or more sources described in subparagraphs 40D-80.073(4)(b)2.-8., F.A.C.

(e) Any District sponsored project, which shall include evaluation of up to 3.9 million gallons per day of additional quantities other than those identified in subparagraph 40D-80.073(4)(b)8., F.A.C., from the Morris Bridge Sink, shall be implemented by the District no later than October 1, 2017, provided that it is deemed feasible by the District, to eliminate or reduce the need to divert water from the TBC middle and lower pool storage as described in subparagraph 40D-80.073(4)(b)2., F.A.C. Such projects shall be implemented only after receiving any required permits.

(f) Each spring, beginning in 2008, the District shall review the recovery strategy to assess the progress of implementation of the recovery strategy and report that progress to the Governing Board. This annual review and report shall include identification of the Storage Projects or other additional sources options that will be operational by October 1, 2017. If and when developed, Storage Projects or other additional source options to supply supplemental flows to meet the minimum flow will be used in preference to removal of water from storage in either the middle or lower pools of the TBC as described in paragraph 40D-80.073(4)(b), F.A.C.

(g) The City and the District shall continue the existing monitoring and analysis of the water resources within the Lower Hillsborough River and the District shall provide this information to the Governing Board as part of the its annual review and report described in paragraph (4)(d), above.

(h) In 2013, and for each five year period through 2023, the District shall evaluate the hydrology, dissolved oxygen, salinity, temperature, pH and biologic results achieved from implementation of the recovery strategy for the prior five years, including the duration, frequency and impacts of the adjusted minimum flow as described in paragraph 40D-8.041(1)(b), F.A.C. As part of the evaluation the District will assess the recording systems used to monitor these parameters. The District shall also monitor and evaluate the effect the Recovery Strategy is having on water levels in the Hillsborough River above the City's dam to at least Fletcher Avenue. The District will evaluate all projects described in this Recovery Strategy relative to their potential to cause unacceptable adverse impacts prior to their implementation.

(i) In conjunction with recovery of the Lower Hillsborough River and to enhance restoration of McKay Bay and Palm River estuary, the District intends to undertake a wetland restoration project adjacent to McKay Bay. The City agrees to contribute to the project by providing up to 7.1 million gallons on any given day of reclaimed water, as needed for the project. Within five years of completion of this wetland project, and for two subsequent five year periods thereafter, the District shall review the hydrologic, dissolved oxygen, salinity, temperature, pH and biologic results achieved from the implementation of the restoration project and other similar District projects that may occur.

~~2. Beginning January 1, 2008 through December 31, 2009, the City shall meet the Minimum Flow unless flow is not feasible from the other source(s) as set forth in paragraph 40D-80.073(4)(b), F.A.C., below. If flow from these other source(s) is not feasible, and if the provision of water for Minimum Flow from the City's drinking water supply would compromise the public health, safety, and welfare, the City shall not be required to meet the Minimum Flow until the City can obtain sufficient replacement water or January 1, 2010, whichever occurs first.~~

~~3. Beginning January 1, 2010, the City shall meet the Minimum Flow.~~

~~(b) By December 31, 2003, the City, with District consideration of financial participation, shall complete a study of the economic and technical feasibility of meeting the Minimum Flow for the Lower Hillsborough River from sources other than the City's Reservoir, including but not limited to Blue Sink, Curiosity Creek watershed, and the Howard F. Curren Advanced Wastewater Treatment Plant. The City shall submit to the District a written report each December~~



management and wetlands mitigation maintenance services, roadways and potable water and sanity sewer service to all of these residences.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Myakka Ranch Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

DATE AND TIME: Tuesday, October 9, 2007, 2:00 p.m.

PLACE: The Capitol, Conference Room 2107, 21st Floor, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Office of Policy and Budget, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Office of Policy and Budget, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

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

PURPOSE AND EFFECT: The purpose and effect is to consider alternate experience verification methods.

SUBJECT AREA TO BE ADDRESSED: Qualification for Certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W.

Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.032      RULE TITLE: Certification of Swimming Pool Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to consider alternate experience verification methods.

SUBJECT AREA TO BE ADDRESSED: Qualification for Certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.002      RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect is to clarify interactivity of distance learning.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 489.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W.

Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.004      RULE TITLE: Approval of Continuing Education Courses

PURPOSE AND EFFECT: The purpose and effect is to clarify interactivity of distance learning.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 445.2123, 455.213, 455.2179, 489.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.0045      RULE TITLE: Exemption of Members of Armed Forces from Renewal Provisions.

PURPOSE AND EFFECT: to amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the licensure qualifications.

SPECIFIC AUTHORITY: 455.02, 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.02 FS.

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

DATE AND TIME: October 8, 2007, 8:30 a.m., or as soon thereafter as possible

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.: 61J1-3.001      RULE TITLES: Application by Individuals  
 61J1-3.004      Issuance of Certification

PURPOSE AND EFFECT: To amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the licensure qualifications.

SPECIFIC AUTHORITY: 475.614, 475.613(2), 475.6171 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

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

DATE AND TIME: October 8, 2007, 8:30 a.m., or as soon thereafter as possible

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE CHAPTER NO.: 61J1-4      RULE CHAPTER TITLE: Minimum Educational Requirements

**PURPOSE AND EFFECT:** To amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rule provisions relating to the licensure qualifications.

**SPECIFIC AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 475.613, 475.615, 475.617, 475.619, 475.624 FS.

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

**DATE AND TIME:** October 8, 2007, 8:30 a.m., or as soon thereafter as possible

**PLACE:** Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

**IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61J1-5.001	Appraisal Examination Areas of Competency

**PURPOSE AND EFFECT:** to amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rule provisions relating to the licensure qualifications.

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

**DATE AND TIME:** October 8, 2007, 8:30 a.m., or as soon thereafter as possible

**PLACE:** Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

**IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
63D-3.001	Purpose and Scope
63D-3.002	Definitions
63D-3.003	Assessment and Recommendation
63D-3.004	Diversion Programs

**PURPOSE AND EFFECT:** The rule implements those portions of Chapter 985, Florida Statutes, Part III, that authorize juvenile delinquency diversion programs.

**SUBJECT AREA TO BE ADDRESSED:** The rule specifies the role of department staff in the various diversion programs authorized by statute.

**SPECIFIC AUTHORITY:** 985.601(3), 985.64 FS.

**LAW IMPLEMENTED:** 985.14(5), 985.601(3) FS.

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

**DATE AND TIME:** Tuesday, October 9, 2007, 10:00 a.m.

**PLACE:** DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3200, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: [lydia.monroe@djj.state.fl.us](mailto:lydia.monroe@djj.state.fl.us)

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B-3.005	Counterfeit-Resistant Prescription Pads

**PURPOSE AND EFFECT:** The Department proposes to promulgate a new rule to address the creation of counterfeit-resistant prescription pads in accordance with Section 893.065, Florida Statutes (2007).

**SUBJECT AREA TO BE ADDRESSED:** The proposed Rule 64B-3.005, F.A.C., will provide the form and content for a counterfeit-resistant prescription pad produced by a vendor which may be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV of Section 893.03, Florida Statutes.

**SPECIFIC AUTHORITY:** 893.065 FS.

**LAW IMPLEMENTED:** 893.065, 831.311 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

**RULE NO.:** 64B-11.001  
**RULE TITLE:** Certified Nursing Assistant Certification Renewal

**PURPOSE AND EFFECT:** The rule is intended to set the renewal and delinquency fees for certified nursing assistants.

**SUBJECT AREA TO BE ADDRESSED:** Certified Nursing Assistant Certification Renewal.

**SPECIFIC AUTHORITY:** 464.203 FS.

**LAW IMPLEMENTED:** 464.203 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3250

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B-11.001 Certified Nursing Assistant Certification Renewal.

(1) The renewal application for the Certified Nursing Assistant shall be accompanied by the biennial renewal fee for the biennium or for the allocated renewal fee period and the certificate holder shall maintain documentation of compliance with Rule 64B9-15.011, F.A.C., beginning on July 1, 2006, and for at least the four calendar years preceding each subsequent renewal.

(2) The biennial renewal fee for certified nursing assistants shall be \$50 and the delinquency fee for reactivation of a delinquent license shall be \$50.

(3) The unlicensed activity fee for certified nursing assistants is \$5.

Specific Authority 464.203 FS. Law Implemented 464.203 FS. History--New.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

**RULE NO.:** 64B2-18.008  
**RULE TITLE:** Delegation of Professional Responsibilities

**PURPOSE AND EFFECT:** The purpose and effect of this new rule is to establish requirements governing the delegation of professional responsibilities by chiropractic physicians.

**SUBJECT AREA TO BE ADDRESSED:** Delegation of Professional Responsibilities.

**SPECIFIC AUTHORITY:** 460.413(1)(u), 460.405, 460.4165(10) FS.

**LAW IMPLEMENTED:** 460.413(1)(u), 460.4165(2),(10),(12), 460.4166(2) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

**RULE NO.:** 69A-64.005  
**RULE TITLE:** Adjustments to Reflect Consumer Price Index

**PURPOSE AND EFFECT:** To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2007-2008.



SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

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

DATE AND TIME: Wednesday, October 10, 2007, 10:30 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Georgia Dowell, (850)413-3170. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340; phone: (850)413-3170; Fax: (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2007~~ ~~2006~~ through June 30, ~~2008~~ ~~2007~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2007~~ ~~2006~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ ~~55,835.12~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ ~~55,835.12~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$173,278.31~~ ~~167,505.33~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Library and Information Services

RULE NO.: 1B-2.011  
RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the guidelines, application, and reporting forms for the Library Cooperative Grant program. These revisions will clarify the roles and responsibilities for the multitype library cooperatives and the division, increase accountability for the grant funds to ensure that the state's interests are met, update the application and reporting process and forms, and incorporate plain English into the guidelines.

SUMMARY: The purpose of this amendment is to modify the guidelines, application, and reporting forms for the Library Cooperative Grant program. These revisions will clarify the roles and responsibilities for the multitype library cooperatives and the division, increase accountability for the grant funds to ensure that the state's interests are met, update the application and reporting process and forms, and incorporate plain English into the guidelines.

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

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

SPECIFIC AUTHORITY: 257.14, 257.15, 257.40, 257.41, 257.42 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.40, 257.41, 257.42 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: Thursday, October 18, 2007, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).