

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Financial Services. For dealers that are member of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. No change.
2. Statutory fee ~~in the amount of \$30~~, for each registration sought, in the amount as required by Section 517.12(10), F.S.
3. through 4. No change.
5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable ~~\$42.25~~ \$47 processing fee. Form (FL921250Z), Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

- (c) No change.
- (2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History--New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07,_____.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), Florida Statutes, shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable ~~\$42.25~~ \$47 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The fingerprint card requirement is waived for those associated persons requesting registration with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC. rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07,_____.

Section II Proposed Rules

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."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.314	Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to subdivide and revise disciplinary charges for clarity and tracking purposes.

SUMMARY: Disciplinary charges related to assault and battery are subdivided according to victim status and severity of offense. Charges related to tattooing and body piercing are combined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 944.09 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

	Maximum Actions	Disciplinary
SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT		
1-1 Assault or battery or attempted assault or battery, with a deadly weapon	60 DC + All GT	
1-2 Other assault or battery or attempted assault or battery	60 DC + 180 GT	
1-3 through 1-6 No change		
<u>1-7</u> Aggravated battery or attempted aggravated battery on a correctional officer	<u>60 DC + All GT</u>	
<u>1-8</u> Aggravated battery or attempted aggravated battery on staff other than correctional officer	<u>60 DC + All GT</u>	
<u>1-9</u> Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.)	<u>60 DC + All GT</u>	
<u>1-10</u> Aggravated battery or attempted aggravated battery on an inmate	<u>60 DC + All GT</u>	
<u>1-11</u> Aggravated assault or attempted aggravated assault on a correctional officer	<u>60 DC + All GT</u>	
<u>1-12</u> Aggravated assault or attempted aggravated assault on staff other than correctional officer	<u>60 DC + All GT</u>	
<u>1-13</u> Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.)	<u>60 DC + All GT</u>	
<u>1-14</u> Aggravated assault or attempted aggravated assault on an inmate	<u>60 DC + All GT</u>	
<u>1-15</u> Battery or attempted battery on a correctional officer	<u>60 DC + All GT</u>	
<u>1-16</u> Battery or attempted battery on staff other than correctional officer	<u>60 DC + All GT</u>	
<u>1-17</u> Battery or attempted battery on someone other than staff or inmates (vendor, etc.)	<u>60 DC + All GT</u>	
<u>1-18</u> Battery or attempted battery on an inmate	<u>60 DC + All GT</u>	
<u>1-19</u> Assault or attempted assault on a correctional officer	<u>60 DC + 180 GT</u>	
<u>1-20</u> Assault or attempted assault on staff other than correctional officer	<u>60 DC + 180 GT</u>	
<u>1-21</u> Assault or attempted assault on someone other than staff or inmates (vendor, etc.)	<u>60 DC + 180 GT</u>	
<u>1-22</u> Assault or attempted assault on an inmate	<u>60 DC + 180 GT</u>	
SECTIONS 2 – 8 No change.		
SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED		
SECTION 9 – MISCELLANEOUS INFRACTIONS		
9-1 through 9-7 No change.		
9-9 Tattooing, or being tattooed, or body art to include body piercing, scarring or other non-life threatening acts.	30 DC + 60 GT	
9-10 through 9-29 No change.		

9-30 ~~Self-Mutilation — includes self-disfigurement such as body piercing, scarring or other non-life-threatening acts. Determination of whether an act constitutes self-mutilation as opposed to a suicide attempt shall be made by health care staff.~~

30 DC + 60 GF

9-31 through 9-36 No change
SECTIONS 10 through 11 No change

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER NO.: 40C-2
RULE CHAPTER TITLE: Permitting of Consumptive Uses of Water
RULE NOS.: 40C-2.101
RULE TITLES: Publications Incorporated by Reference
40C-2.301 Conditions for Issuance of Permits

PURPOSE AND EFFECT: To implement an interim regulatory strategy for protecting the public interest against excessive stress on the water resources of Central Florida due to the consumptive use of water, providing for allocations of available groundwater and expeditious development of supplemental water supply projects to avoid the adverse effects of competition as well as harm to the water resources.

SUMMARY: The proposed rules identify an area (the Central Florida Coordination Area, or CFCA) in which stress on the water resources is rapidly increasing because of escalating withdrawals of groundwater for consumptive use. The rules provide an interim regulatory framework for the portion of the CFCA lying within the jurisdictional boundaries of the St. Johns River Water Management District (SJRWMD); other portions of the CFCA lie within the South Florida Water Management District and the Southwest Florida Water

Management District, which are also proposing to adopt rules similar to this one. The CFCA in the SJRWMD includes all of Seminole County, southern Lake County, and those portions of Orange and Osceola Counties located in the SJRWMD. Under the proposed rules, public supply utilities and similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to no more than their demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for its 2013 demand if the applicant develops and uses at least one specific supplemental water supply project (SWS) to meet all the increase in quantity above its demonstrated 2013 demand for the duration of the permit. Alternatively, the applicant may demonstrate that SWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of SWS to meet as much of the increase as is feasible and use SWS for the remainder of the increase when provided by others at an economically feasible cost. Public supply utilities or similar applicants will be restricted to permit durations of no more than December 31, 2013, if such applicants do not develop SWS projects or use SWS to meet as much of their increases above 2013 demands as is feasible. The rules also provide clarifying definitions, a statement of intent, exceptions to the restrictions on groundwater allocations, a map and description of the portion of the CFCA lying within the District, a description of CFCA permit conditions, and a sunset provision. Additionally, the relationship between Rule 40C-2.301, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water will be clarified for all permit applicants in the SJRWMD. Finally, the definition of “reclaimed water” is broadened for such applicants.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.196, 373.219, 373.223, 373.233, 373.236 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on October 9, 2007, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida

Any person who decides to appeal the Governing Board decision on this matter may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based. Any person requiring special accommodation to participate in this hearing is asked to advise the District at least 5 work days before the meeting by contacting Norma Messer at (386)329-4459 or (386)329-4450 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference parts I, II, and III, ~~and~~ the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” (effective date) 2-15-06.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250 FS. History–New 1-1-83, Amended 5-31-84, Formerly 40C- 2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06,_____.

40C-2.301 Conditions for Issuance of Permits.

(1) through (6) No change.

(7) The applicant shall have the burden of proof to establish and present sufficient data to support a finding by the Board that the proposed use meets the conditions specified in subsection (1) or (2). The standards, criteria, and conditions in the Applicant’s Handbook: Consumptive Uses of Water,

adopted by reference in Rule 40C-2.101, F.A.C., shall be used in determining whether the requirements of subsection (1) or (2) are met.

Specific Authority 373.044, 373.113, 373.171, 373.229 FS. Law Implemented 373.196, 373.223, 373.224, 373.226, 373.250 FS. History–New 1-1-83, Amended 5-31-84, Formerly 40C-2.301, 40C-2.0301, Amended 7-23-91, 9-16-92, 1-20-93, 6-7-93, 1-7-99,_____.

APPLICANT’S HANDBOOK SECTIONS

2.0 Definitions

(a) through (c) No change.

(d) Brackish Groundwater – For purposes of the additional permitting requirements within the Central Florida Coordination Area, brackish groundwater means groundwater in or below the Lower Floridan Aquifer that has chloride concentrations at or above 1000 milligrams per liter (mg/L) or total dissolved solids concentrations at or above 1500 mg/L.

(d) through (g) renumbered (e) through (h) No change.

(i) Demonstrated 2013 Demand – For purposes of the additional permitting requirements within the Central Florida Coordination Area, demonstrated 2013 demand means the quantity of water that an applicant establishes it will need to meet demands in 2013.

(j) Due Diligence – Taking all actions that a reasonably prudent person would take to meet the schedule requirements in the permit for developing and using all required supplemental water supplies. Particular circumstances beyond the permittee’s control will be considered in determining whether due diligence has been exercised.

(h) through (u) renumbered (k) through (x) No change.

(y) Public Supply Utility – Any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multijurisdictional water supply authority, that provides water for use by the general public.

(z)(v) Reclaimed Water – Water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses meets or exceeds FDEP standards for reuse and that is reused for a beneficial purpose after flowing out of any wastewater treatment facility.

(w) renumbered (aa) No change.

(bb) Saltwater – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area, saltwater means

ground or surface water having chloride concentrations at or above 19,000 milligrams per liter (mg/L).

(x) through (aa) renumbered (cc) through (ff) No change.

(gg) Similar Applicant – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area, a similar applicant means an applicant, other than a public supply utility, whose projected water demand after 2013 will exceed its demonstrated 2013 demand.

(hh) Supplemental Water Supply – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area (CFCA), supplemental water supply means surface water, stormwater, reclaimed water, and saltwater. Brackish groundwater may be considered a supplemental water supply if it can be developed in a manner that will not cause or contribute to

harmful impacts from cumulative groundwater withdrawals in the CFCA. This definition shall not govern the District's funding decisions made pursuant to Section 373.1961(3), F.S.

(bb) through (mm) renumbered (ii) through (tt) No change.

3.0 Activities Requiring a Permit

3.1 Implementation Date of the Consumptive Use Permitting Program

3.1.1 through 3.1.6 No change.

3.1.7 The effective date of implementation of additional permitting criteria for the District's Central Florida Coordination Area (CFCA) is (effective date). The CFCA is delineated in Figure 3.1-2. The legal description of the CFCA is in Appendix L.

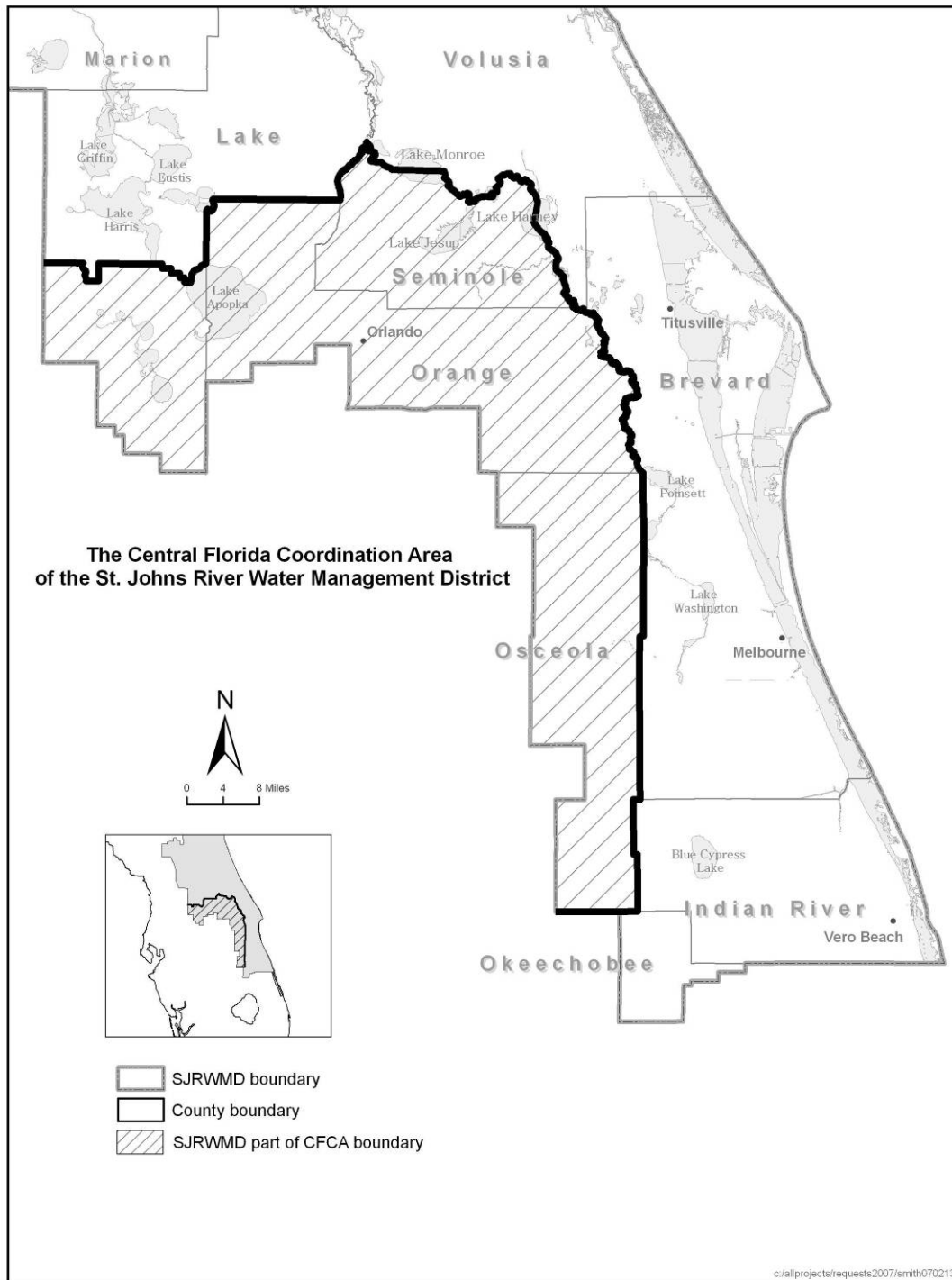


Figure 3.1-2 The Central Florida Coordination Area of the St. Johns River Water Management District.

6.5 Permit Duration

6.5.1 No change.

6.5.2 Durations other than 20 Years:

(a) and (b) No change.

(c) For a public supply utility or similar applicant proposing to withdraw groundwater in the Central Florida Coordination Area, the permit duration will be determined pursuant to section 6.5.4.

6.5.3 No change.

6.5.4 Permit Duration for Public Supply Utility Applicants and Similar Applicants in the Central Florida Coordination Area (CFCA)

(a) The maximum permit duration for a public supply utility applicant or similar applicant proposing to withdraw groundwater in the CFCA will be limited to December 31, 2013, unless the applicant will meet all the increase in its need for water after 2013 by using at least one supplemental water supply project as set forth in subsection 12.10(b) or otherwise comply with that subsection. If the applicant complies with subsection 12.10(b), the permit duration shall be up to 20 years, consistent with sections 6.5.1 through 6.5.3.

(b) When a public supply utility applicant or similar applicant cannot establish that it will use at least one supplemental water supply project to meet all the increase in its need for water after 2013 as set forth in subsection 12.10(b) or otherwise comply with that subsection, the permit duration will be determined in accordance with sections 6.5.1 through 6.5.3, but in no event shall the duration extend beyond 2013.

6.5.4 renumbered 6.5.5 No change.

12.0 Evaluation of Proposed Use of Water

12.1.1 Annual Allocation – No change.

12.1.2 Special Area – Central Florida Coordination Area.

(a) The Central Florida Coordination Area (CFCA) is located within portions of three water management districts and includes Polk, Orange, Osceola, and Seminole Counties, and southern Lake County. Within the St. Johns River Water Management District, the CFCA is the area delineated in Figure 3.1-2. In this area, stress on the water resources is escalating because of rapidly increasing withdrawals of groundwater. The public interest requires protection of the water resources from harm. The CFCA rules address the public interest by providing an interim regulatory framework to allow for the allocation of available groundwater in the area, subject to avoidance and mitigation measures to prevent harm, and by requiring the expeditious implementation of supplemental water supply projects (as defined in section 2.0). This interim regulatory framework is one component of a comprehensive joint water management district

strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding, and water resource investigations and analysis that will result in a long-term approach for water supply within the CFCA. The interim CFCA rules (as listed in section 12.1.2(b) below) shall remain in effect only through December 31, 2012, except that if the District initiates rulemaking to provide a long-term regulatory framework to replace the interim rules and a petition challenging all or part of the proposed rules is filed under Section 120.56 of the Florida Statutes before that date, the interim rules shall remain effective until 100 days after a final determination of the validity or invalidity of the proposed rules.

(b) Special additional rules apply to public supply utility applicants and similar applicants (see definitions in section 2.0) proposing to withdraw groundwater in the CFCA. These rules are found in subsections 2.0(d) (i), (j), (y), (bb), (gg), and (hh), and sections 6.5.4, 12.1.2, 12.10, 13.3, and 19.0.

12.2 through 12.9 No change.

12.10 Central Florida Coordination Area (CFCA)

The following requirements shall apply to any public supply utility applicant or similar applicant proposing to withdraw groundwater in the CFCA.

(a) An applicant will be restricted to a maximum allocation of groundwater in an amount no greater than its demonstrated 2013 demand; however, an applicant may seek a duration that extends beyond 2013 for that level of allocation.

(b) Any applicant seeking a permit duration extending beyond 2013 whose projected water demand after 2013 will exceed its demonstrated 2013 demand must:

1. Identify at least one specific supplemental water supply project that the applicant will develop (either singly or in concert with others) and use to meet all the increase in quantity above its demonstrated 2013 demand, for the duration of the permit; and provide for each identified project a project development schedule with milestones that when followed will result in the applicant's using supplemental water supply by the end of 2013; or

2. Demonstrate that the development (either singly or in concert with others) of a sufficient supplemental water supply to meet all the increase in quantity above its demonstrated 2013 demand is not economically, environmentally, or technologically feasible; and establish that it will maximize the use of supplemental water supply to meet as much of the increase as is economically, environmentally,

and technologically feasible and will obtain any remaining portion of the increase by using water from one or more supplemental water supply projects when provided by others at a cost that is economically feasible. The affordability of an increase in water rates for a public supply utility's customers is a consideration in evaluating economic feasibility; however, an increase in water rates shall not, by itself, constitute economic infeasibility.

- (c) The restriction in subsection 12.10(a) on groundwater allocations to an amount no greater than a permittee's demonstrated 2013 demand shall not limit permitted groundwater withdrawals from:
 - 1. Aquifer storage and recovery wells that receive only surface water, stormwater, or reclaimed water, when the volume of water withdrawn does not exceed the volume of water injected; or
 - 2. The surficial aquifer immediately below or adjacent to a stormwater management system or surface water reservoir where any drawdown in the surficial aquifer will be offset by recharge from the system or reservoir; or
 - 3. An injection/recovery wellfield that injects surface water, stormwater, or reclaimed water that is not provided to users in accordance with District rules, through one or more wells for storage within an aquifer zone and subsequently recovers it through wells from the same aquifer zone and in the same wellfield, when the volume of water withdrawn does not exceed the volume of water injected; or
 - 4. A recharge/recovery project that receives only surface water, stormwater, or reclaimed water that is not provided to users in accordance with District rules, when the volume of water recovered does not exceed the volume of water recharged, and the drawdown due to recovery of water from the Floridan aquifer will be offset in the:
 - a. surficial aquifer by recharge from the project, and
 - b. Floridan aquifer by recharge from the project, except immediately adjacent to the recovery well(s).
- (d) In determining the amount of supplemental water that must be used as set forth in subsection 12.10(b), the applicant may subtract the portion of its demand that the applicant demonstrates will be satisfied by water conservation under subsection 10.3(e), and the sources identified in paragraphs 12.10(c)1., 2., 3., and 4., in effect after 2013.
- (e) A permittee that will lack sufficient supplemental water supplies after 2013 from which to obtain the increase in quantity above its demonstrated 2013 demand can be allocated a temporary amount of

groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using supplemental water supply and providing that other conditions for issuance in Rule 40C-2.301, F.A.C., and this Handbook are met. Any such temporary allocation shall cease when water from the supplemental water supply project becomes available.

13.0 Available Water/Competing Applications
 13.1 and 13.2 No change.

13.3 Effect of the Central Florida Coordination Area (CFCA)

In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects to minimize competition and thereby provide greater certainty of outcome than competition.

19.0 Central Florida Coordination Area (CFCA) Conditions

In addition to the general and special conditions described in this part, permits for public supply utility applicants and similar applicants authorizing groundwater withdrawals in the CFCA shall include special conditions that address the following:

- (a) Implementation of a District-approved plan to monitor hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.
- (b) Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.
- (c) Implementation of District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permit allocation.
- (d) Expeditious development and use of supplemental water supply to meet water demands.

- (e) Submittal of five-year compliance reports for 20-year duration permits as described in section 6.5.5.
- (f) The reduction in allocation or other modification to the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts as a result of the permitted use, unless the harmful impacts can be mitigated by the permittee. The permittee shall be provided with notice and an opportunity for a hearing under Chapter 120, F.S., if the District makes such a reduction or other modification.

20.0 ~~19.0~~ Other Conditions

In addition to the special conditions listed in subsection 18.0.1 and 19.0, the Governing Board may apply such other reasonable special conditions to meet localized problems as it deems necessary to ensure that the use meets the criteria established in Section 40C-2.301, F.A.C.

APPENDIX L
LEGAL DESCRIPTION
CENTRAL FLORIDA COORDINATION
AREA OF THE ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

Begin at the northwest corner of Section 6, Township 23 South, Range 24 East, being on the Sumter County – Lake County line, also being the range line between Ranges 23 and 24 East; thence north along said range line to the northwest corner of Section 7, Township 21 South, Range 24 East; thence east along the north line of Sections 7, 8, 9 and 10, Township 21 South, Range 24 East to the northeast corner of Section 10, Township 21 South, Range 24 East, also being the northwest corner of Section 11, Township 21 South, Range 24 East, thence continue east along the north line of said Section 11 to the north quarter corner of said Section 11, thence south along the quarter-section line of said Section 11 to the south quarter corner of said Section 11, also being the north quarter corner of Section 14, Township 21 South, Range 24 East, thence continue south along the quarter-section line of said Section 14 to the south quarter corner of said Section 14, said corner also being on the north line of Section 23, Township 21 South, Range 24 East; thence east along the North line of Sections 23 and 24, Township 21 South, Range 24 East; thence north along the West line of Sections 18 and 7, Township 21 South, Range 25 East; thence east along the North line of Sections 7, 8, 9, 10, 11 and 12, Township 21 South, Range 25 East to the northwest corner of Section 7, Township 21 South, Range 26 East; thence continue east along the north line of Section 7 to the northwest corner of Section 8, Township 21 South, Range 26 East; thence south along the west line of Section 8 to the north line of the south 1/2 of Section 8; thence east along said north line of

south 1/2 to the east line of Section 8; thence south along the east line of Section 8 to the northwest corner of Section 16, Township 21 South, Range 26 East; thence east along the north line of Section 16 to the northwest corner of Section 15, Township 21 South, Range 26 East; thence south along the west line of Section 15 to the northwest corner of the southwest 1/4 of Section 15; thence east along the mid-section line to the northeast corner of the southwest 1/4 of Section 15; thence south along the east line of said southwest 1/4 to the south line of Section 15; thence east along said south line to the northeast corner of fractional Section 22, Township 21 South, Range 26 East; thence continue east along the north line of fractional Section 23, Township 21 South, Range 26 East to the west shore line of Lake Apopka; thence northeasterly along said shore line to an intersection with the the range line dividing Ranges 26 and 27 East; thence north on said range line to the township line dividing Townships 19 and 20 South; thence east on said township line to the thread of the Wekiva River; thence north along said thread of the Wekiva River to an intersection with the thread of the St. Johns River, said intersection being the corner common to Lake, Volusia and Seminole Counties; thence southeasterly and following the thread of the St. Johns River along the north and east boundary of Seminole County, to an intersection with the line dividing Townships 21 and 22 South, said intersection being the corner common to Volusia, Seminole, Orange and Brevard Counties; thence continue southeasterly and southerly along the thread of the St. Johns River and the Orange – Brevard county line to the northeast corner of Township 25 South, Range 34 East and the St. John’s River; thence south along the east line of Range 34 East to the south line of Township 32 South, also being on the Okeechobee County – Osceola County line; thence west along said Okeechobee County – Osceola County line to the southwest corner of Section 34, Township 32 South, Range 33 East; thence north along the section line to the northwest corner of Section 3, Township 31 South, Range 33 East; thence east along the township line between Townships 30 and 31 South to the southeast corner of Section 36, Township 30 South, Range 33 East; thence north along the range line between Ranges 33 and 34 East to the northeast corner of Section 1, Township 30 South, Range 33 East; thence west along the township line between Townships 29 and 30 south to the southwest corner of Section 31, Township 29 South, Range 33 East; thence north along the range line between Ranges 32 and 33 East to the northwest corner of Section 6, Township 28 South, Range 33 East; thence east along the township line between Townships 27 and 28 south to the southeast corner of Section 36, Township 27 South, Range 32 East; thence north along the range line between Ranges 32 and 33 East to the northeast corner of Section 1, Township 26 South, Range 32 East; thence west along the township line between Townships 25 and 26 South to the southwest corner of Section 33, Township 25 South, Range 32 East; thence north along the section line to the Orange County – Osceola County line;

thence westerly along the Orange County – Osceola County line to the Southwest corner of Section 31, Township 24 South, Range 32 East; thence north along the range line to the intersection with the northerly right-of-way line of State Road 528; thence westerly along the northerly right-of-way line of State Road 528 to the intersection with the northerly right-of-way line of State Road 528A; thence westerly along the northerly right-of-way line of State Road 528A to the westerly right-of-way line of U.S. Highway 441; thence northerly along the right-of-way line to the section line between Sections 22 and 27 of Township 22 South, Range 29 East; thence west along the section lines to the northeast corner of Section 25, Township 22 South, Range 28 East; thence south along the range line between Ranges 28 and 29 East to the southeast corner of Section 36, Township 22 South, Range 28 East; thence west along the township line between Townships 22 and 23 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence south to the southeast corner of Section 11, Township 23 South, Range 27 East; thence west along the section lines to the Southwest corner of Section 7, Township 23 South, Range 27 East, also being on the Lake County - Orange County line; thence south along the range line between Ranges 26 and 27 East to the Lake county - Polk County line; thence west along said county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East, and the Point of Beginning.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hal Wilkening, Director, Department of Resource Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4250, suncom 860-4250

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 20, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.321	Duration of Permits
40D-2.801	Water-Use Caution Areas

PURPOSE AND EFFECT: To implement an interim regulatory strategy for protecting the public interest against excessive stress on the water resources of Central Florida due to the consumptive use of water, providing for allocations of available groundwater and expeditious development of supplemental water supply projects to avoid the adverse effects of competition as well as harm to the water resources.

SUMMARY: The proposed rules identify an area (the Central Florida Coordination Area, or CFCA) in which stress on the water resources is rapidly increasing because of escalating withdrawals of groundwater for consumptive use. The rules provide an interim regulatory framework for the portion of the CFCA lying within the jurisdictional boundaries of the Southwest Florida Water Management District (SWFWMD); other portions of the CFCA lie within the South Florida Water Management District and the St. Johns River Water Management District, which are also proposing to adopt rules similar to this one. The CFCA in the SWFWMD includes all of Polk County and southwestern Lake County located in the SWFWMD. Under the proposed rules, water supply utilities and similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to no more than their demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for its 2013 demand if the applicant develops and uses at least one supplemental water supply project (SWS) to meet all the increase in quantity above its demonstrated 2013 demand for the duration of the permit. Alternatively, the applicant may demonstrate that SWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of SWS to meet as much of the increase as is feasible and use SWS for the remainder of the increase when provided by others at an economically feasible cost. Public supply utilities or similar applicants will be restricted to permit durations of no more than December 31, 2013, if such applicants do not develop SWS projects or use SWS to meet as much of their increases above 2013 demands as is feasible. The rules also provide clarifying definitions, a statement of intent, exceptions to the restrictions on groundwater allocations, including exceptions for withdrawals within the Southern Water Use Caution Area within the SWFWMD, a map and description of the portion of the CFCA lying within the SWFWMD, a description of CFCA permit conditions, and a sunset provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 373.044, 373.103, 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, 373.236, 373.239, 373.243 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 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) (4/07), of the Water Use Permitting Manual;

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History--New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, _____.

40D-2.321 Duration of Permits.

(1) through (6) No change.

(7) Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within the Central Florida Coordination Area the maximum permit duration for a Public Supply Utility applicant or Similar

Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a., or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.

Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, _____.

40D-2.801 Water-Use Caution Areas.

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

(c) Central Florida Coordination Area ("CFCA") – The CFCA is located within portions of three water management districts and includes Polk, Orange, Osceola and Seminole counties, and southern Lake County. The portion of the CFCA located within this District is delineated below. In this area, stress on the water resources is escalating because of rapidly increasing withdrawals of groundwater. The public interest requires protection of the water resources from harm. The CFCA rules address the public interest by providing an interim regulatory framework to allow for the allocation of available groundwater in the area, subject to avoidance and mitigation measures to prevent harm, and by requiring the expeditious implementation of Supplemental Water Supply projects (as defined in Section 3.6 of the Basis of Review). This interim regulatory framework is one component of a comprehensive, joint water management district strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding and water resource investigations and analysis that will result in a long-term approach for water supply within the CFCA. The effective date of implementation of the interim CFCA rules is [effective date]. The interim CFCA rules shall remain in effect only through December 31, 2012, except that if the District initiates rulemaking to provide a long-term regulatory framework to replace the interim rules and a petition challenging all or part of the proposed rules is filed under Section 120.56 of the Florida Statutes before that date, the interim rules shall remain effective until 100 days after a final determination of the validity or invalidity of the proposed rules.

1. As shown in Figure 2-2, the boundary for the portion of the Central Florida Coordination Area located within this District is as follows:

Begin at the northwest corner of Section 6, Township 23 South, Range 24 East same being on the Sumter-Lake County line and run thence south along the range line dividing Ranges 23 and 24 East, to the thread of the Withlacoochee River; thence westerly along the thread of said river, to its intersection with the range line dividing Ranges 22 and 23 East; thence south

along said range line, to the township line dividing Townships 25 and 26 South; thence west along said township line, to the section line dividing Sections 3 and 4 in Township 26 South, Range 22 East; thence south along the section lines, to the township line dividing Townships 26 and 27 South; thence east along said township line, to the range line dividing Ranges 22 and 23 East; thence south along said range line, to an intersection with the range line between Ranges 22 and 23 East with the township line between Townships 32 and 33 South; thence east along said township line, to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2-section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21, and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4-section line to the intersection of said 1/4-section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2-section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2-section line to the northwest corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28

East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 27 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the Point of Beginning.

2. Applications for groundwater withdrawals located within the areas encompassed both by the SWUCA, as described in paragraph 40D-2.801(3)(b), F.A.C., or deemed within the SWUCA pursuant to subparagraph 40D-2.801(3)(b)5., F.A.C., above, and the District's portion of the CFCA as described in paragraph 40D-2.801(3)(c), F.A.C., shall only be subject to the provisions of Chapter 40D-2, F.A.C., and the Basis of Review described in Rule 40D-2.091, F.A.C., applicable to groundwater withdrawals within the SWUCA. The CFCA provisions shall not be applicable to those permits. These provisions are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Parts B and D of the Water Use Permit Information Manual.

3. Regulations applicable to the CFCA are specified in Rule 40D-2.321 and paragraph 40D-2.801(3)(c), F.A.C., and in Sections 1.9, 3.6 and 6.2 of the Basis of Review described in

Rule 40D-2.091, F.A.C., and are incorporated into this rule, and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Part B and D of the Water Use Permit Information Manual. The CFCA regulations shall not be construed to affect any water use permit application that does not have a groundwater withdrawal point within the CFCA.

4. Special requirements for Public Supply Utility applicants for groundwater withdrawals are explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Sections 1.9, 3.6 and 6.2 of the Basis of Review described in Rule 40D-2.091, F.A.C. In addition, a Similar Applicant, as defined in Section 3.6 of the Basis of Review, is subject to those requirements.

5. In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of

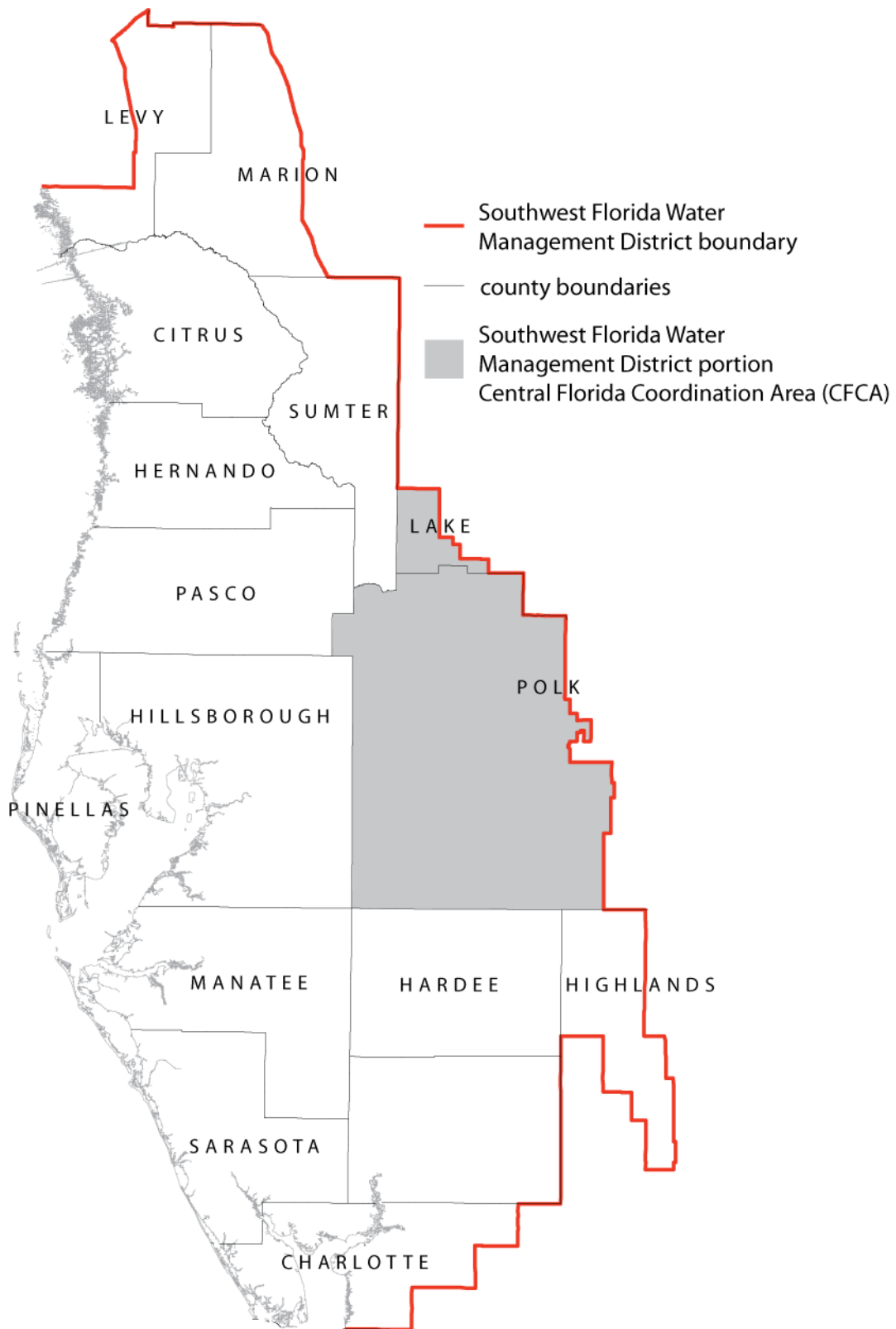
any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects to minimize competition and thereby provide greater certainty of outcome than competition.

6. Any Public Supply Utility applicant, or Similar Applicant described in subparagraph 40D-2.801(3)(c)4., F.A.C., above, with an existing or proposed groundwater withdrawal point within the boundaries of the CFCA is deemed to be within the CFCA, provided that the regulation of that withdrawal is governed by subparagraph 40D-2.801(3)(c)2., F.A.C., above.

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

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~373.0395~~, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, _____.

Figure 2-2



Basis of Review for Water Use Permits:1.9 PERMIT DURATION

1. through 5. No change.

6. Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within the Central Florida Coordination Area the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a. or b., the permit duration shall be up to 20 years.

6.7. No change.

Amended _____, 2007

3.6 PUBLIC SUPPLYRequirements for APPLICANTS for GROUNDWATER WITHDRAWALS WITHIN THE Central Florida Coordination Area (CFCA)

A. The following definitions shall apply within the CFCA.

1. "Brackish Groundwater" – groundwater in or below the Lower Floridan Aquifer that has chloride concentrations at or above 1000 milligrams per liter (mg/L) or total dissolved solids concentrations at or above 1500 mg/L.

2. "Demonstrated 2013 Demand" – the quantity of water that an applicant establishes it will need to meet demands in 2013.

3. "Due Diligence" – Taking all actions that a reasonably prudent person would take to meet the schedule requirements in the permit for developing and using all required supplemental water supplies. Particular circumstances beyond the permittee's control will be considered in determining whether due diligence has been exercised.

4. "Public Supply Utility" – any municipality, county, regional water supply authority, special district, publicly or privately owned water utility, or multi-jurisdictional water supply authority, that provides water for use by the general public.

5. Saltwater – ground or surface water having chloride concentrations at or above 19,000 milligrams per liter (mg/L).

6. Similar Applicant – an applicant, other than a Public Supply Utility, whose projected water demand after 2013, will exceed its Demonstrated 2013 Demand.

7. Supplemental Water Supply – surface water, stormwater, water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses, and saltwater. Brackish groundwater may be considered a Supplemental Water Supply if it can be developed in a manner

that will not cause or contribute to harmful impacts from cumulative groundwater withdrawals in the CFCA. This definition shall not govern the District's funding decisions made pursuant to Section 373.1961(3), F.S.

B. The following requirements shall apply to any Public Supply Utility applicant and Similar Applicants proposing to withdraw groundwater in the CFCA.

1. Except as provided for in paragraph 2. below, an applicant will be restricted to a maximum allocation of groundwater in an amount no greater than its Demonstrated 2013 Demand; however, an applicant may seek a duration that extends beyond 2013 for that level of allocation.

2. Any applicant seeking a permit duration extending beyond the year 2013 whose projected water demand after 2013 will exceed its Demonstrated 2013 Demand must:

a. Identify at least one specific Supplemental Water Supply project that the applicant will develop (either singly or in concert with others) and use to meet all the increase in quantity above its Demonstrated 2013 Demand, for the duration of the permit; and provide for each identified project a project development schedule, with milestones that when followed, will result in the applicant using Supplemental Water Supply by the end of 2013; or

b. Provide the following:

i. A demonstration that the development (either singly or in concert with others) of sufficient Supplemental Water Supply to meet all the increase in quantity above its Demonstrated 2013 Demand is not economically, environmentally, or technically feasible; and

ii. Verification that will establish that the applicant will maximize the use of Supplemental Water Supply to meet as much of the increase as is economically, environmentally, or technologically feasible and will obtain any remaining portion of the increase by using water from one or more Supplemental Water Supply projects when provided by others at a cost that is economically feasible. The affordability of an increase in water rates for a Public Supply Utility's customers is a consideration in evaluating economic feasibility; however, an increase in water rates shall not, by itself, constitute economic infeasibility.

3. The restriction in paragraph B.1. immediately above on groundwater allocations to an amount no greater than a permittee's Demonstrated 2013 Demand shall not limit permitted groundwater withdrawals from:

a. Aquifer storage and recovery wells that receive only surface water, stormwater, or water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses, when the volume of water withdrawn does not exceed the volume of water injected, or

b. The surficial aquifer immediately below or adjacent to a stormwater management system or surface water reservoir where any drawdown in the surficial aquifer will be offset by recharge from the system or reservoir, or

c. An injection/recovery wellfield that injects surface water, stormwater, or water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses that is not provided to users in accordance with District rules, through one or more wells for storage within an aquifer zone and subsequently recovers it through wells from the same aquifer zone and in the same wellfield, when the volume of water withdrawn does not exceed the volume of water injected; or

d. A recharge/recovery project that receives only surface water, stormwater, or water that is reused after one or more public supply, municipal, industrial, commercial or agricultural uses that is not provided to users in accordance with District rules, when the volume of water recovered does not exceed the volume of water recharged, and the drawdown due to recovery of water from the Floridan aquifer will be offset in the:

i. Surficial aquifer by recharge from the project, and

ii. Floridan aquifer by recharge from the project, except immediately adjacent to the recovery well(s).

4. In determining the amount of Supplemental Water Supply that must be used as set forth in paragraph B.2. above, the applicant may subtract the portion of its demand that the applicant demonstrates will be satisfied by water conservation and the sources identified in paragraphs B.3.a., b., c. and d immediately above, in effect after 2013.

5. A permittee that will lack sufficient Supplemental Water Supply after 2013 from which to obtain the increase in quantity above its Demonstrated 2013 Demand can be allocated a temporary amount of groundwater to meet that increase only if it has exercised Due Diligence to meet all schedule requirements in the permit for developing and using Supplemental Water Supply and providing that other conditions of issuance in Rule 40D-2.301, F.A.C., and Parts B and D of the Water Use Permit Information Manual are met. Any such temporary allocation shall cease when water from the Supplemental Water Supply project becomes available.

4.11 UTILIZATION OF ALTERNATIVE WATER SUPPLIES

Applicants shall demonstrate whether alternative water supplies are available and appropriate for use and shall incorporate use of alternative water supplies to the greatest extent practicable. Use of alternative water supplies is not environmentally feasible if it interferes with recovery of a water body to its established Minimum Flow or Level or if the water body is either currently or projected to be adversely impacted. In determining whether an Applicant has demonstrated that alternative water supplies are available and appropriate for use, the District shall consider whether the alternative water supplies are economically, environmentally and technically feasible. Additionally, applicants with groundwater withdrawals in the Central Florida Coordination Area are subject to the provisions in the Basis of Review in

Section 3.6, under the heading "Requirements For Applicants For Groundwater Withdrawals Within The Central Florida Coordination Area".

Amended 1-1-07, _____, 2007

6.2 SPECIAL PERMIT CONDITIONS

In addition to the general, standard and other conditions, permits for applicants specified in subparagraph 40D-2.801(3)(c)4., F.A.C., authorizing groundwater withdrawals in the CFCA shall include special conditions that address the following:

1. Implementation of a District-approved plan to monitor hydrology, ecology and water quality in the areas subject to impacts from the permitted withdrawals, with at least annual data reporting and analysis.

2. Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

3. Implementation of District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permitted allocation.

4. Expeditious development and use of Supplemental Water Supply to meet water demands.

5. Submittal of five-year compliance reports as described in subsection 373.236(4), F.S., for 20-year duration permits.

6. The reduction in allocation or other modification of the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts as a result of the permitted use, unless the harmful impacts can be mitigated by the permittee. The permittee shall be provided with notice and an opportunity for a hearing under Chapter 120, F.S., if the District makes such a reduction or other modification.

New _____, 2007

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006, April 20, 2007

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-2.091	Publications Incorporated by Reference
40E-2.301	Conditions for Issuance of Permits
40E-2.321	Duration of Permit
40E-2.331	Modification of Permits
40E-2.381	Limiting Conditions

PURPOSE AND EFFECT: To implement an interim regulatory strategy for protecting the public interest against excessive stress on water resources of Central Florida due to the consumptive use of water, providing for allocations of available groundwater and expeditious development of supplemental water supply projects to avoid the adverse effects of competition as well as harm to the water resources. In addition, the District proposes to update references to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District.”

SUMMARY: The proposed rules identify an area (the Central Florida Coordination Area, or CFCA) in which stress on the water resources is rapidly increasing because of escalating withdrawals of groundwater for consumptive use. The rules provide an interim regulatory framework for the portion of the CFCA lying within the jurisdictional boundaries of the South Florida Water Management District (SFWMD); other portions of the CFCA lie within the St. Johns River Water Management District and the Southwest Florida Water Management District, which are also proposing to adopt rules similar to this one. The CFCA in the SFWMD includes portions of Orange, Osceola and Polk Counties located in the SFWMD. Under the proposed rules, public supply utilities and similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to no more than their demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for its 2013 demand if the applicant develops and uses at least one specific supplemental water supply project (SWS) to meet all the increase in quantity above its demonstrated 2013 demand for the duration of the permit. Alternatively, the applicant may demonstrate that SWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of SWS to meet as much of the increase as is feasible and use SWS for the remainder of the increase when provided by others at an economically feasible cost. Public supply utilities or similar applicants will be restricted to permit durations of no more than December 31, 2013, if such applicants do not develop SWS projects or use SWS to meet as much of their increases above 2013 demands as is feasible. The rules also provide clarifying definitions, a statement of intent, exceptions to the restrictions on groundwater allocations, a map and description of the portion of the CFCA lying within the District, a description of CFCA permit conditions, and a sunset provision.

Additionally, the proposed rules update references to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.023, 373.042, 373.0421, 373.109, 373.185, 373.196, 373.219, 373.223, 373.224, 373.226, 373.229, 272.232, 373.233, 373.236, 373.239, 373.250 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 11, 2007, beginning 9:00 a.m.
PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. 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 IS: Keith R. Smith, Deputy Department Director – Water Supply, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov or Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045 ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-2.091 Publications Incorporated by Reference.
 The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – (effective date), ~~April 23, 2007,~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07,

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District, April 23, 2007”)

1.3.2.1 Competition within the Central Florida Coordination Area

In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the Legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects to minimize competition and thereby provide greater certainty of outcome than competition.

1.7.2.2 Special Duration Factors

- A. No change.
- B. Sources of Limited Availability. For purposes of the Section, the following are Sources of Limited Availability:

- 1. through 3. No change.
- 4. Kissimmee Regional Water Supply Planning Area within the Central Florida Coordination Area: Groundwater.

- C. The following uses shall receive a 20 year permit, if:

- 1. For uses from sources other than those listed in subparagraphs B. 1. through 4., above, the allocation necessary to meet the 20 year demands is consistent with Chapters 40E-2 and 40E-20, F.A.C., as applicable, provided that the demands are realized according to the schedule set forth in the permit, for the duration of the permit; or

- 2. through 3. No change.

- 4. The applicant proposes groundwater withdrawals within the Central Florida Coordination Area to satisfy demands from that source up to its demonstrated 2013 demand and proposes to develop at least one specific supplemental water supply project to meet demands greater than the

2013 demand as set forth in subsection 3.2.1.F.3, or otherwise complies with subsection 3.2.1.F.3, and otherwise satisfies the requirements of Chapter 40E-2 or 40E-20, F.A.C., as applicable, for the duration of the permit.

- D. Requests for Allocations in Excess of Subsection 1.7.2.2.C.3., Permit Modifications, or Initial Permits, from Sources of Limited Availability other than applicants governed by subsection 1.7.2.2.C.4.:

The baseline duration under this Section shall be five years or as otherwise provided below. The following factors shall be considered and balanced in determining the duration of a permit:

- 1. through 3. No change.
- 4. Whether the requested allocation is supplied by a brackish water source, consistent with the use of saline water in Section 3.4; ~~or~~
- 5. Whether the modification of the permit results in no more than a de minimis increase in impact to water resources and existing legal uses, as compared to the existing permit. Consideration of this factor will lead to a duration consistent with the permit being modified; or
- 6. A public supply utility applicant or similar applicant proposing groundwater withdrawals within the Central Florida Coordination Area and does not propose to satisfy demands greater than demonstrated 2013 demands with at least one specific supplemental water supply project as set forth in subsection 3.2.1.F.3, or does not otherwise comply with subsection 3.2.1.F.3. Consideration of this factor will lead to a maximum permit duration of up to 2013.

- E. No change.

1.8 Definitions

Allocation Coefficient through Area of Influence – No change.
Brackish Groundwater – For purposes of the additional permitting requirements within the Central Florida Coordination Area (CFCA), brackish groundwater means groundwater in or below the Lower Floridan Aquifer that: has chloride concentrations at or above 1000 milligrams per liter (mg/L); has total dissolved solids concentrations at or above 1500 mg/L; or is located east of the C-35, C-36, and C-37 canals; south of latitude 28 degrees 7 minutes north; north of latitude 27 degrees, 54 minutes north and west of the District’s boundary lying between these two latitude lines as described in section 373.069(2)(e), F.S., delineated on Figure 3-3.

Cone of Depression through Drawdown – No change.
Demonstrated 2013 Demand – For purposes of the additional permitting requirements within the Central Florida Coordination Area demonstrated 2013 demand means the quantity of water that an applicant establishes it will need to meet demands in 2013.

Due Diligence – Taking all actions that a reasonably prudent person would take to meet the schedule requirements in the permit for developing and using all required supplemental water supplies. Particular circumstances beyond the permittee's control will be considered in determining whether due diligence has been exercised.

Effluent through Potentiometric Surface – No change.

Public Supply Utility – Any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multi-jurisdictional water supply authority, that provides water for use by the general public.

Public Water Supply through Seasonal High Water Level – No change.

Seawater or Saltwater – Groundwater or surface water with a chloride concentration at or above 19,000 mg/L.

See page Irrigation System through Service Area – No change.

Similar Applicant – For purposes of the additional permitting requirements within the Central Florida Coordination Area (CFCA), a similar applicant means an applicant, other than a public supply utility, whose projected water demand after 2013 will exceed its demonstrated 2013 demand.

Staff report through Supplemental Irrigation Requirement – No change.

Supplemental Water Supply – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area (CFCA), supplemental water supply means surface water, stormwater, water that is reused after one or more public supply, municipal, industrial commercial or agricultural uses, and saltwater. Brackish groundwater may be considered a supplemental water supply if it can be developed in a manner that will not cause or contribute to harmful impacts from cumulative groundwater withdrawals in the CFCA. This definition shall not govern the District's funding decisions made pursuant to Section 373.1961(3), F.S.

Traveling Guns through Xeriscape – No change.

3.0 WATER RESOURCE EVALUATIONS

3.2.1 Restricted Allocation Areas

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

A. through E. No change.

F. Groundwater Allocation in the Central Florida Coordination Area (CFCA) –

1. Overall Intent:

The Central Florida Coordination Area (“CFCA”) is located within portions of three water management districts and includes Polk, Orange, Osceola and Seminole Counties, and southern Lake County. Within the South Florida Water Management District, the CFCA is the area delineated in Figure 3-4. As shown in Figure 3-4, the boundary for the portion of the CFCA located within this District is that portion

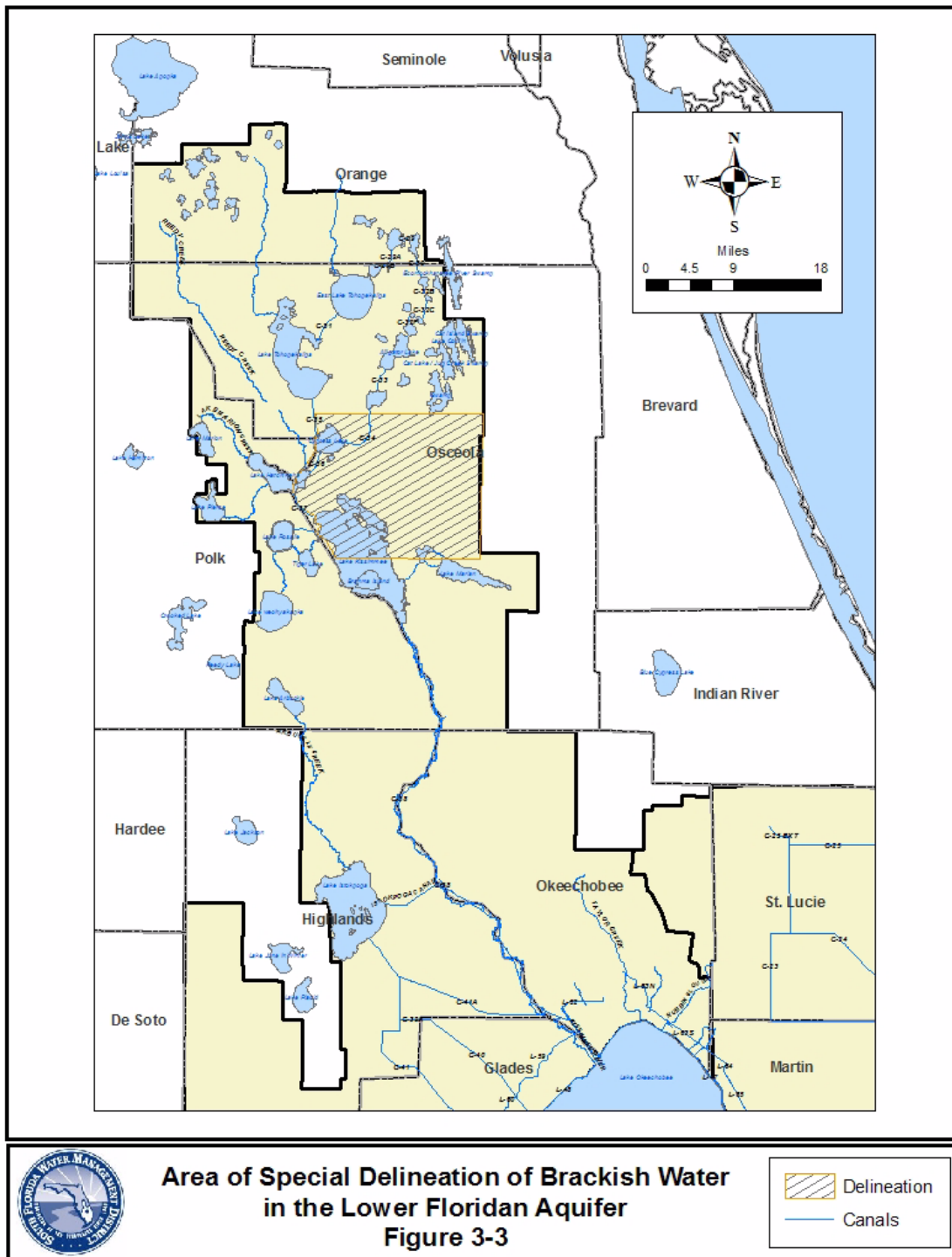
of the south line of Polk County and the South line of Osceola County as said county boundaries are described in Sections 7.53 and 7.49, F.S., respectively, lying within the boundaries of the South Florida Water Management District as described in subsection 373.069(2)(e), F.S. In this area, stress on the water resources is escalating because of rapidly increasing withdrawals of groundwater. The public interest requires protection of the water resources from harm. The CFCA rules address the public interest by providing an interim regulatory framework to allow for the allocation of available groundwater in the area, subject to avoidance and mitigation measures to prevent harm, and by requiring the expeditious implementation of supplemental water supply projects (as defined in Section 1.8). This interim regulatory framework is one component of a comprehensive, joint water management district strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding, and water resource investigations and analysis that will result in a long-term approach for water supply within the CFCA. The interim CFCA rules (as listed in section 3.2.1 (F) 1. (a) below) shall remain in effect only through December 31, 2012, except that if the District initiates rulemaking to provide a long-term regulatory framework to replace the interim rules and a petition challenging all or part of the proposed rules is filed under Section 120.56 of the Florida Statutes before that date, the interim rules shall remain effective until 100 days after a final determination of the validity or invalidity of the proposed rules.

(a) Special additional rules apply to public supply utility applicants and similar applicants (see definitions in section 1.8) proposing to withdraw groundwater in the CFCA. These rules are found in section 1.3.2.1, subsections 1.7.2.2 B.4., 1.7.2.2 C.4., 1.7.2.2 D.6., section 1.8, the Definitions for Brackish Groundwater, Demonstrated 2013 Demand, Due Diligence, Public Supply Utility, Saltwater, Similar Applicant and Supplemental Water Supply, subsection 3.2.1 F, and subsection 5.3 F.

2. Maximum Allocation:

Public supply utility applicants and similar applicants proposing to withdraw groundwater in the CFCA, are restricted to a maximum allocation of groundwater in an amount no greater than its demonstrated 2013 demand, however, an applicant may seek a duration that extends beyond 2013 for that level of allocation. This restriction shall not limit permitted groundwater withdrawals from:

- a. Aquifer storage and recovery wells that receive only surface water, stormwater, or reclaimed water, when the volume of water withdrawn does not exceed the volume of water injected; or
 - b. The surficial aquifer immediately below or adjacent to a stormwater management system or surface water reservoir where any drawdown in the surficial aquifer will be offset by recharge from the system or reservoir; or
 - c. An injection/recovery wellfield that injects surface water, stormwater, or reclaimed water that is not provided to users in accordance with District rules, through one or more wells for storage within an aquifer zone and subsequently recovers it through wells from the same aquifer zone and in the same wellfield, when the volume of water withdrawn does not exceed the volume of water injected; or
 - d. A recharge/recovery project that receives only surface water, stormwater, or reclaimed water that is not provided to users in accordance with District rules, when the volume of water recovered does not exceed the volume of water recharged, and the drawdown due to recovery of water from the Floridan aquifer will be offset in the:
 - i. surficial aquifer by recharge from the project, and
 - ii. Floridan aquifer by recharge from the project, except immediately adjacent to the recovery well(s).
3. Water Supply Project Development:
Any applicant seeking a permit duration extending beyond 2013 whose projected water demand after 2013 will exceed its demonstrated 2013 demand must:
- a. Identify at least one specific supplemental water supply project that the applicant will develop (either singly or in concert with others) and use to meet all the increase in quantity above its demonstrated 2013 demand, for the duration of the permit; and provide
for each identified project, a project development schedule with milestones that when followed will result in the applicant's using supplemental water supply by the end of 2013; or
 - b. Demonstrate that the development (either singly or in concert with others) of a sufficient supplemental water supply to meet all the increase in quantity above its demonstrated 2013 demand is not economically, environmentally, or technologically feasible; and establish that it will maximize the use of supplemental water supply to meet as much of the increase as is economically, environmentally, or technologically feasible and will obtain any remaining portion of the increase by using water from one or more supplemental water supply projects when provided by others at a cost that is economically feasible. The affordability of an increase in water rates for a public supply utility's customers is a consideration in evaluating economic feasibility; however, an increase in water rates shall not, by itself, constitute economic infeasibility.
 - c. In determining the amount of supplemental water that must be used as set forth in subsection 3.2.1.F.3, the applicant may subtract the portion of its demand that the applicant demonstrates will be satisfied by water conservation under subsection 2.6.1 and the sources identified in subsections 3.2.1.F.2.a., b., c., and d., in effect after 2013.
4. Due Diligence:
A permittee that will lack sufficient supplemental water supplies after 2013 from which to obtain the increase in quantity above its demonstrated 2013 demand can be allocated a temporary amount of groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using supplemental water supply and providing that other conditions for issuance in Rule 40E-2.301, F.A.C., and this Basis of Review are met. Any such temporary allocation shall cease when water from the supplemental water supply project becomes available.



5.0 PERMIT CONDITIONS

5.3 Specific Region Special Conditions

A. through E. – No change.

F. In addition to the general and other special conditions described in this part, permits for public supply utility applicants and similar applicants withdrawing groundwater in the CFCA shall include special conditions that address the following:

a. Implementation of a District-approved plan to monitor hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.

b. Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

c. Implementation of District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permit allocation.

d. Expeditious development and use of supplemental water supply to meet water demands.

e. Submittal of five-year compliance reports for 20 year duration permits as described in subsection 373.236(4), F.S.

f. The reduction in allocation or other modification to the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts as a result of the permitted use, unless the harmful impacts can be mitigated by the permittee. The permittee shall be provided with notice and an opportunity for a hearing under Chapter 120, F.S., if the District makes such a reduction or other modification.

40E-2.301 Conditions for Issuance of Permits.

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

(h) Makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~April 23, 2007~~”, incorporated by reference in Rule 40E-2.091, F.A.C.

(1)(i) through (j) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-2.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, 373.042, 373.0421, 373.185, ~~373.196~~, 373.219, 373.223, ~~373.224~~, 373.226, 373.236, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 8-31-03, 4-23-07, _____.

40E-2.321 Duration of Permit.

General Duration Provision. When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance for the requested 20 year permit duration; or otherwise, permits may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided. This determination will be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History—New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, 4-23-07, _____.

40E-2.331 Modification of Permits.

(1) through (3) No change.

(4)(a) through (4)(a)2. No change.

3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~April 23, 2007~~”, incorporated by reference in Rule 40E-2.091, F.A.C.; and

4. through 5. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, _____.

40E-2.381 Limiting Conditions.

The Board shall impose on any permit granted under this chapter such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including

those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219(1) FS. History—New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 4-23-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith R. Smith, Deputy Department Director – Water Supply
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.011	Policy and Purpose
40E-20.091	Publications Incorporated by Reference
40E-20.301	Conditions for Issuance of General Water-Use Permits
40E-20.302	Types of General Water-Use Permits
40E-20.321	Duration of General Water-Use Permits
40E-20.331	Modification of General Water-Use Permits
40E-20.381	Limiting Conditions

PURPOSE AND EFFECT: To implement an interim regulatory strategy for protecting the public interest against excessive stress on water resources of Central Florida due to the consumptive use of water, providing for allocations of available groundwater and expeditious development of supplemental water supply projects to avoid the adverse effects of competition as well as harm to the water resources. In addition, the District proposes to update references to the “Basis of Review” for Water Use Permit Applications within the South Florida Water Management District.

SUMMARY: The proposed rules identify an area (the Central Florida Coordination Area, or CFCA) in which stress on the water resources is rapidly increasing because of escalating withdrawals of groundwater for consumptive use. The rules provide an interim regulatory framework for the portion of the CFCA lying within the jurisdictional boundaries of the South Florida Water Management District (SFWMD); other portions of the CFCA lie within the St. Johns River Water Management District and the Southwest Florida Water Management District, which are also proposing to adopt rules similar to this one. The

CFCA in the SFWMD includes portions of Orange, Osceola and Polk Counties located in the SFWMD. Under the proposed rules, public supply utilities and similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to no more than their demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for its 2013 demand if the applicant develops and uses at least one specific supplemental water supply project (SWS) to meet all the increase in quantity above its demonstrated 2013 demand for the duration of the permit. Alternatively, the applicant may demonstrate that SWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of SWS to meet as much of the increase as is feasible and use SWS for the remainder of the increase when provided by others at an economically feasible cost. Public supply utilities or similar applicants will be restricted to permit durations of no more than December 31, 2013, if such applicants do not develop SWS projects or use SWS to meet as much of their increases above 2013 demands as is feasible. The rules also provide clarifying definitions, a statement of intent, exceptions to the restrictions on groundwater allocations, a map and description of the portion of the CFCA lying within the District, a description of CFCA permit conditions, and a sunset provision. Additionally, the proposed rules update references to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 373.044, 373.083, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 11, 2007, beginning 9:00 a.m.
PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. 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 RULES IS: Keith R. Smith, Deputy Department Director, Water Supply, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov or Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-20.011 Policy and Purpose.

(1) No change.

(2) District staff shall take agency action on applications submitted under this rule pursuant to Section 373.118, F.S., and this chapter. If an application for any proposed water use does not meet the provisions of this chapter, the District will provide the permit applicant with the option to either withdraw the general permit application, or supply the additional information and fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. Where applicable, criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-20.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-20.301, F.A.C., are satisfied.

Specific Authority 373.044, 373.083, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS. History—New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07,_____.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District _____, ~~April 23, 2007~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07,_____.

(Note: The proposed amendments to the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District, April 23, 2007” are provided in the Notice of Proposed Rule for Chapter 40E-2, F.A.C., published within this edition of the Florida Administrative Weekly.)

40E-20.301 Conditions for Issuance of General Water Use Permits.

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

(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month, makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-20.091, F.A.C.

(i) through (j) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-20.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(4), 373.118, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07,_____.

40E-20.302 Types of General Water Use Permits.

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

(b) Major Standard General Water Use Permit, authorizes allocations greater than three (3) million and up to fifteen (15) million gallons per month, and includes a requirement under paragraph 40E-20.301(1)(h), F.A.C., and the applicable requirements in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~”, incorporated by reference in Rule 40E-20.091, F.A.C., that the permit applicant meet the requirements for use of reclaimed water. In addition the monitoring and reporting permit limiting conditions in Sections 4.0 and 5.0 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~” incorporated by reference in Rule 40E-20.091, F.A.C., are applicable.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07,_____.

40E-20.321 Duration of General Water Use Permits.

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

(b) For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), authorized by a Major Standard General Water Use Permit, the period shall not exceed the basin expiration date as specified in the document described in Rule 40E-20.091, F.A.C., as applicable to the location of the project; or, for Major Standard General Water Use Permits issued, renewed or modified after the applicable basin expiration date, the period shall be based on the provisions in Rule 40E-2.321, F.A.C., and the applicable provisions in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~", incorporated by reference in Rule 40E-20.091, F.A.C.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History--New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03, 4-23-07,_____.

40E-20.331 Modification of General Water Use Permits.

(1) through (3)(a)2. No change.

3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether harm to the water resources would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~", incorporated by reference in Rule 40E-20.091, F.A.C.;

4. through 5. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History--New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03, 4-23-07,_____.

40E-20.381 Limiting Conditions.

Staff shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~" incorporated by reference in subsection 40E-20.091(1), F.A.C., shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~April 23, 2007~~", shall be in the permit.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History--New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 4-23-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Keith R. Smith, Deputy Department Director, Water Supply

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-4.199

RULE TITLE:

Mental Health Targeted Case Management

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference Update June 2007 to the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, July 2006. The handbook was revised to remove the enrollment requirement for all Medicaid mental health targeted case management providers to have an active contract with the Substance Abuse and Mental Health (SAMH) district or regional office for the location in which the agency will provide services. We also added clarification that only fee-for-service providers must enroll as Medicaid mental health targeted case management providers. The effect will be to incorporate by reference in the rule Update June 2007 to the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule is to incorporate by reference Update June 2007 to the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, July 2006. The effect will be to incorporate by reference in the rule Update June 2007 to the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

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

DATE AND TIME: Monday, October 1, 2007, 2:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida, comeauxm@ahca.myflorida.com

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comeaux, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8288, comeauxm@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.199 Mental Health Targeted Case Management.

(1) No change.

(2) All Medicaid-enrolled mental health targeted case management providers must be in compliance with the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, July 2006, updated June 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) The following forms that are included in the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook are incorporated by reference: Agency Certification, Children's Mental Health Targeted Case Management, June 2007 July 2006, in Appendix B, one page; Agency Certification, Adult Mental Health Targeted Case Management, June 2007 July 2006, in Appendix C, one page; Agency Certification, Intensive Case Management Team Services, Adult Mental Health Targeted Case Management, June 2007 July 2006, in Appendix D, one page; Case Management Supervisor Certification, Children's Mental Health Targeted Case Management, July 2006, in Appendix E, one page; Case Management Supervisor Certification, Adult Mental Health Targeted Case Management, July 2006, in Appendix F, one page; Case Manager Certification, Children's Mental Health Targeted Case Management, July 2006, in Appendix G, one page; Case Manager Certification, Adult Mental Health Targeted Case Management, July 2006, in Appendix H, one page; Children's Certification, Children's Mental Health Targeted Case Management, July 2006, in Appendix I, one page; Adult Certification, Adult Mental Health Targeted Case Management, July 2006, in Appendix J, one page; Adult Certification, Intensive Case Management Team Services, Adult Mental Health Targeted Case

Management, July 2006, in Appendix K, two pages; Medicaid 30-Day Certification for Children's or Adult Mental Health Targeted Case Management, June 2007 July 2006, in Appendix L, one page.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History--New 6-21-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Comeaux

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-3.001
 RULE TITLE: Schedule of Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language clarifying fees for reinstatement of null and void license.

SUMMARY: The rule amendment will add language clarifying fees for reinstatement of null and void license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101, 192.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-3.001 Schedule of Fees.

The following fees are prescribed by the Board:

(1) through (4) No change.

(5) Fees for Reinstatement of a Null and Void License:

(a) Non refundable Application fee of \$275.00.

(b) Non Refundable Renewal fee of \$50.00 for each biennium when timely renewal was missed, which contributed to the current null and void status, and

(c) Fee for a change in licensure status of \$100.00, which fee shall be refunded if the application is denied.

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

Specific Authority 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS. Law Implemented 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101, 192.111 FS. History–New 4-27-88, Amended 3-15-90, 2-21-91, 10-27-91, Formerly 21DD-3.001, Amended 5-22-96, 5-14-97, 9-18-97, 11-23-99, 11-16-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Geologists

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.003
RULE TITLE: Registration of Course Providers

PURPOSE AND EFFECT: The proposed rule amendment clarifies the renewal date for courses providers and the requirements for filing electronic attendance rosters with the department. The rule amendment also updates the name and form number of the Continuing Education Course and Provider Approval Application.

SUMMARY: The proposed rule amendment clarifies the renewal date for courses providers and the requirements for filing electronic attendance rosters with the department. The rule amendment also updates the name and form number of the Continuing Education Course and Provider Approval Application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 468.606, 468.627(7) FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.003 Registration of Course Providers.

~~(1) Registration for Course Providers is required May 31 of every odd year.~~ All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/425340-Rev. 04/04. The instructions and form, entitle Continuing Education Course and Provider Approval Application ~~Provider Approval Application~~, which is hereby incorporated by reference ~~and will be effective June 5, 2004~~, may be obtained from the department ~~Board office~~. Renewal for course providers is required May 31 of every odd year.

(2) through (8) No change.

(9) Course providers shall comply with Section 455.2178, F.S., with regard to electronic filing of attendance rosters to the department.

Specific Authority 468.606, 468.627(7) FS. Law Implemented 468.627 FS. History–New 5-23-94, Amended 11-28-95, 10-1-97, 6-5-01, 6-13-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.013
RULE TITLE: Registration Categories

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes in Section 475.161, Florida Statutes, primarily to add the designation of professional limited liability company.

SUMMARY: The changes are designed to comply with the amendments to Section 475.161, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.161, 475.183, 475.24 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.013 Registration Categories.

(1) Registration in the following categories shall show the name, the business address, effective and expiration date:

- (a) Active broker partnership;
- (b) Active broker corporation;
- (c) Active Limited Liability Company;
- (d) Active Limited Liability Partnership;
- (e) Active Professional Limited liability Company;
- (f) Active Professional Association; and
- (g)(e) Branch office.

(2) An active real estate broker may serve in a non-brokerage capacity as an officer or director with a real estate corporation(s) or a partner in a real estate partnership(s) while maintaining an active license(s) with another real estate brokerage firm(s).

Specific Authority 475.05, Law Implemented 475.15, 475.183, 475.24, FS. History–New 1-1-80, Amended 7-19-83, Formerly 21V-1.13, Amended 6-28-93, Formerly 21V-1.013, Amended 1-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006.

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 ENVIRONMENTAL PROTECTION

RULE NO.: 62-113.100
RULE TITLE: Purpose

PURPOSE AND EFFECT: The rule will repeal the City of Tallahassee's delegation to review and take agency action on stormwater general permits under Chapter 62-25, F.A.C., on behalf of the Department. This delegation was granted to the City on January 29, 1998, per the Delegation Agreement incorporated by reference in paragraph 62-113.100(2)(o), F.A.C. Upon implementation of the Phase 1 Environmental Resource Permit (ERP) program rules authorized under Section 373.4145, F.S., on October 1, 2007, Chapter 62-25, F.A.C., will no longer be used to authorize new stormwater management systems within the geographic limits of the Northwest Florida Water Management District, which includes the City of Tallahassee. At this time, the City has elected not to pursue delegation of the new ERP program. Therefore, the Department is repealing the Delegation Agreement, effective on the close of business, Friday, September 28, 2007.

Under the terms of the Delegation Agreement, the City will remain responsible for the review and agency action on applications for stormwater general permits that are complete on or before September 28, 2007. The City also will remain responsible for compliance and enforcement for those stormwater discharge systems that were permitted by the City under the terms of the Delegation Agreement. For all other applications for new stormwater management systems that require a permit under the ERP rules authorized under Section 373.4145, F.S., on or after October 1, 2007, the review, agency action, compliance, and enforcement will be the responsibility of either the Department or the Northwest Florida Water Management District, in accordance with the new rules.

The repeal of the Chapter 62-25, F.A.C., stormwater delegation will not change the authority of the City to continue requiring a separate local authorization to construct and operate stormwater management systems within the City after the termination of the Delegation Agreement.

SUMMARY: The rule will repeal the incorporation by reference in paragraph 62-113.100(2)(o), F.A.C., of the Delegation Agreement #98-1, "Delegation Agreement Concerning Stormwater Between the Department of Environmental Protection and the City of Tallahassee," signed January 29, 1998.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Van Tassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department’s web site at: http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm. (OGC Tracking No. 07-1298)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-113.100 Purpose.

This rule chapter lists the delegation agreements which have been entered into by the Department with another state agency, political subdivision or water management district, and which delegate any of the Department’s duties and responsibilities under Chapters 253, 373, 376 and 403, F.S., and Title 62, F.A.C. This rule chapter additionally lists the agreements with water management districts which specify that the Department is exercising any of its independent regulatory authorities pursuant to Chapter 373, F.S. For purposes of Title 62, F.A.C., wherever the term “Department” appears, it shall mean the Florida Department of Environmental Protection or its delegatee as provided in the agreements listed in Chapter 62-113, F.A.C. These delegation agreements are hereby incorporated by reference and are available for public inspection and copying during normal business hours at the Department’s Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida.

- (1) No change.
- (2) Delegations to political subdivisions.
 - (a) through (n) No change.
- ~~(e) #98-1: Delegation Agreement Concerning Stormwater Between the Department of Environmental Protection and the City of Tallahassee. Date signed January 29, 1998.~~
- ~~(o)(p)~~ No change.
- (3) No change.

Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History–New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Director, Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-620.100
RULE TITLE: Scope/Applicability/References

PURPOSE, EFFECT AND SUMMARY: The proposed amendments revise existing Department rules that adopt by reference federal requirements for concentrated animal feeding operations (CAFO). EPA revised their rule on July 24, 2007, in Vol. 72 of the Federal Register at page 40245, and the Department is implementing these new requirements.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0885 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.088, 403.0885 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Gary Millington, 2600 Blairstone Road, MS 3545, Tallahassee, FL 32399-2400

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-620.100 Scope/Applicability/References.

- (1) through (2) No change.
- (3) References. The Department adopts and in corporates by reference the following sections of Title 40 of the Code of Federal Regulations (CFR) revised as of July 1, 2006 ~~February 10, 2006~~, or later as specifically indicated, and the Department Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., dated 7-10-06. Copies of these documents may be obtained by writing the Department of Environmental Protection, Bureau of Water Facilities Regulation, 2600 Blair Stone Road, MS 3535, Tallahassee, Florida 32399-2400.

(a) through (t) No change.

(u) 40 CFR 122.23(g)(1) through (2), containing due dates for the submission of permit applications for concentrated animal feeding operations, except that the due date shall be December 31, 2004 for dairies and February 27, 2009, ~~July 31, 2007~~ for all other facilities addressed in 122.23(g)(2), amended July 24, 2007, at 72 FR 40245.

(v) 40 CFR 122.23(g)(3) through (6), containing due dates for the submission of permit applications, except that the due date shall be December 31, 2004 for dairies and February 27, 2009, ~~July 31, 2007~~ for all other facilities addressed in 122.23(g)(3)(iii), amended July 24, 2007, at 72 FR 40245.

(w) through (aa) No change.

(4) No change.

Specific Authority 403.061, 403.087, 403.0885 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885 FS. History--New 11-29-94, Amended 12-24-96, 3-2-00, 10-22-00, 10-23-00, 6-1-01, 8-25-03, 12-8-03, 12-23-04, 2-7-06, 3-13-06, 6-19-06, 7-10-06, _____.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.001
 RULE TITLE: Biennial Licensing

PURPOSE AND EFFECT: To update the existing text for administrative convenience.

SUMMARY: The Department is creating a second group of Certified Nursing Assistants whose licenses will be renewed in even years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Murphy, OMC Manager, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.001 Biennial Licensing.

(1) through (3) No change.

(4) The schedule for biennial license renewal for each respective profession shall be as follows:

	EVEN YEARS	ODD YEARS
Acupuncturists	February 28	
Athletic Trainers		September 30

Certified Master Social Workers		March 31
Certified Nursing Assistants (Group I)		December 31
Certified Nursing Assistants (Group II)	December 31	
Chiropractic Physicians & Assistants	March 31	
Clinical Laboratory Personnel	August 31	
Clinical Social Workers		March 31
Consultant Pharmacists	December 31	
Dental Hygienists	February 28	
Dental Laboratories	February 28	
Dentists	February 28	
Dietitians/Nutritionists		May 31
Dispensing Opticians	December 31	
Electrologists	May 31	
Electrolysis Facilities	May 31	
Hearing Aid Specialists		February 28
Marriage & Family Therapists		March 31
Massage Therapists		August 31
Massage Establishments		August 31
Medical Doctors (Group I)	January 31	
Medical Doctors (Group II)		January 31
Medical Doctors – Public Psychiatry/Health Certificate	January 31	
Medical Doctors – Limited License	January 31	
Medical Doctors – Area of Critical Need	January 31	
Medical Physicists		January 31
Mental Health Counselors		March 31
Midwives		December 31
Naturopathic Physicians	September 30	
Nuclear Pharmacists	February 28	
Nurses		
Group I: Registered & Advanced Registered Nurse Practitioners	April 30	
Group II: Registered & Advanced Registered Nurse Practitioners	July 31	
Group III: Registered & Advanced Registered Nurse Practitioners		April 30
Licensed Practical Nurses		July 31
Nursing Home Administrators	September 30	
Occupational Therapists & Assistants		February 28
Optometrists		February 28
Optometrist Branch Offices		February 28
Orthotists & Prosthetists		November 30
Osteopathic Physicians	March 31	
Pharmacies		February 28
Pharmacists		September 30
Physical Therapists & Assistants		November 30
Physician Assistants	January 31	
Podiatric Physicians	March 31	
Psychologists	May 31	
Respiratory Care Practitioners		May 31

Respiratory Therapists	May 31
School Psychologists	November 30
Speech Language Pathologists/ Audiologists & Assistants	December 31

EXTENSION OF BIENNIAL LICENSURE PERIODS –
When a current biennial licensure period for a profession is extended for a period longer than two years to conform to the above schedule of biennial periods, the biennial licensure fee for the profession shall be increased pro-rata to cover the additional extended period. The increased licensure fee shall be based on the biennial licensure fee established by the board. The amended licensure period and the pro-rated renewal fee shall be implemented for the purpose of restructuring the Department’s renewal schedule.

(5) No change.

Specific Authority 456.004(1) FS. Law Implemented 456.004(1) FS. History–New 11-5-00, Amended 11-24-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Murphy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: **RULE TITLE:**
64B24-3.002 Application Fees
PURPOSE AND EFFECT: To update the rule.

SUMMARY: The Department is setting the 4-month prelicensure course application fee at \$100.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 467.005, 467.0135 FS.
LAW IMPLEMENTED: 456.036(4), 467.0135(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.002 Application Fees.

(1) The application fee shall be \$200.

(2) The 4-month prelicensure course application fee shall be \$100.

Specific Authority 467.005, 467.0135 FS. Law Implemented 456.036(4), 467.0135(4) FS. History–New 1-26-94, Formerly 61E8-3.002, Amended 8-15-95, Formerly 59DD-3.002, Amended 12-23-97, 11-9-05, 5-4-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-12.001	General
64E-12.002	Definitions
64E-12.003	Water Supply
64E-12.004	Food Service: Tiers and Catering
64E-12.005	Housing
64E-12.006	Vector and Vermin Control
64E-12.008	Laundry
64E-12.009	Medications, Alcohol, Poisonous or Toxic Substances
64E-12.011	Recreational Areas
64E-12.012	Radon Testing
64E-12.013	Animal Health and Safety

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate technical and scientific advancements that promote the protection of the public from a safety, health, and sanitation perspective. The effect of these changes will be to update the department’s rules to more accurately reflect today’s safety and health standards based on the Food and Drug Administration, Centers for Disease Control and Prevention, other safety related data resource guidelines and make the rules more easily understandable for the regulated community and regulatory officials. Additionally, the purpose of the proposed change is to clarify identified standards in the existing rule as requested by the regulated community and regulatory officials. Effects of these changes will provide added clarity to existing rule language.

SUMMARY: This rule is being revised in order to define terms used in statute and rule that have been identified as confusing or ambiguous, as well as incorporate current safety, health and general sanitation requirements that better safeguard the public against illnesses, injury, and disease.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory cost 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: 381.006 FS.

LAW IMPLEMENTED: 381.006(6), (16) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 1, 2007, 9:00 a.m.

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Eychaner via mail at HSEC, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 321399-1710, or by phone number (850)245-4277

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-12.001 General.

(1) This rule ~~chapter~~ prescribes sanitary practices relating to construction, operation and maintenance of ~~c~~Community ~~b~~Based ~~r~~Residential facilities. ~~If a requirement there is any written or implied language in this rule chapter that may conflict with a specific requirement in any other Florida state licensing agency's rule, then that agency's standards shall prevail and will be addressed by that agency's officials written to regulate a specific type community based residential facility, the rule written for that specific type establishment will be followed.~~

(2) Base camps of wilderness programs shall be exempt from subsections (6) and (7) of Rule 64E-12.005, F.A.C., of this chapter, and the mobile components of wilderness programs shall be exempt from all sections of this rule.

(3) Personal services may be provided to the residents through coordinated outsourcing by the community based residential facility or by a contract provider.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16), 386 FS. History--New 6-18-87, Formerly 10D-23.001, Amended _____.

64E-12.002 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning indicated:

(1) Approved – means acceptable by law.

(2)(+) Community Based Residential Facilities – means group care facilities as established under Section 381.006(16), F.S., used as a primary domicile by the resident and located in any building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not, which undertakes, through its ownership or management, to

provide for a period exceeding 24 hours, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage, who require such services. This term does not include family foster homes as defined in paragraph 409.175(2)(e), F.S., or foster care facilities as defined in subsection 393.063(15) of the Florida Statutes, and correctional facilities, such as detention centers, jails or prisons.

(3) Department – means the Florida Department of Health and county health departments.

(4) Food Preparation – means the manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

(5) Hot Water – means water heated to a minimum temperature of 100 degrees Fahrenheit (°F).

(6) Law – means applicable statutes, rules, codes, or ordinances adopted by local, state, and federal agencies that have regulatory oversight or inspection authority.

(7) Minor – means any person under the age of 18 years old.

(8) Open Water Hazard – means any body of water such as canals, creeks, holding ponds, rivers, lakes, or swamps which are unrestricted by a barrier at least 4 feet in height, on or abutting the property of a community based residential facility. This term does not include pools or spas and small ornamental fish ponds, or above ground fountains which are less than 24 inches deep and have less than 200 square feet of surface area.

(9) Personal Services – means providing supervision, custodial care, or assisting a resident with the tasks or functions in their daily living activities, such as bathing, dressing, laundry, eating, ambulation, grooming, toileting, or monitoring medications.

(10) Potentially Hazardous Food – means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting:

(a) Rapid and progressive growth of infectious or toxigenic microorganisms; or

(b) The slower growth of Clostridium botulinum.
The term “potentially hazardous food” does not include foods which have a pH level of 4.6 or below, or a water activity (Aw) value of 0.85 or less, or air-cooled hard-boiled eggs with the shell intact.

(11) Renovation – means any structural or equipment changes in the food storage, service, preparation, or dining area. This does not include replacing existing equipment with like equipment. Substantial renovation includes structural

changes to an existing establishment which costs in excess of 33 percent of the assessed value of the facility as determined by the county property appraiser.

(12)(2) Resident – means a person living residing in and receiving personal services ~~care~~ from a community based residential facility, or personal services through coordinated outsourcing, typically due to a specific emotional, social, or health related condition.

(13) Vector – means an organism that transmits a pathogen. This term includes, but is not limited to insects, rodents and bats.

(14) Wading Pool – means a temporary and portable pool that holds water, is less than 24 inches in depth, and without motors. It may also be known as a kiddie pool.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6); (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.002, Amended _____.

64E-12.003 Water Supply.

(1) Water supplies shall be adequate to serve the demands of the facility and shall be constructed, operated and maintained in accordance with requirements of Chapters 62-550 and 62-555 or Chapter 64E-8, Florida Administrative Code (F.A.C.).

(a) Routine Testing. Facilities served by a drinking water system not regulated by Chapter 64E-8 or 62-550, F.A.C., shall test the water and submit bacteriological water test results to the local county health department (CHD):

1. Before opening the facility,
2. At least every 12 months,
3. Upon relocation,
4. Before having the well placed in service after construction, repair, or modification or,
5. After an emergency situation, such as a flood, that may introduce contaminants to the system.

(b) Test results must be negative for bacteriological contamination.

(c) Positive test results require the facility to temporarily provide potable water from a source approved by law for the purpose of drinking, cooking, and oral contact until test results are negative. In addition, wells that test positive shall be disinfected, flushed, and tested for bacterial contamination.

(d) Laboratory test results must be submitted on forms provided by the testing laboratory.

(e) Testing can be obtained through the local county health department or a certified independent laboratory.

(2) Drinking water shall be accessible to all residents. When drinking fountains are available, they shall be designed in compliance with the plumbing provisions of the State Building Code, as adopted in Rule 9B-3.047, F.A.C. State Plumbing Code, Chapter 553.06, Florida Statutes (F.S.). When no approved drinking fountains are available, residents shall be

provided with single service cups or clean drinking utensils which shall be stored and dispensed in a manner to prevent contamination. Common drinking cups are prohibited.

(3) No change.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6); (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.003, Amended _____.

64E-12.004 Food Service: Tiers and Catering.

There are shall be three tiers levels of food service, each with different minimal requirements in community based residential facilities based on facility type or the number of residents in care. Only one tier of service as listed in sections one to three (1.-3.) below will be applied to any facility. Facilities receiving or providing catered food must meet applicable standards as described in subsection (4) below.

(1) Tier I. Facilities meeting the definition of “adult family-care home” regardless of the number of residents as defined in Section 400.618, F.S., and other community based residential facilities with a maximum capacity to house up to 5 residents, shall comply with the following requirements: If food service is provided in the facility for 10 or fewer residents in care, the facility shall comply with the following requirements:

(a) Food used in the facility shall be clean, wholesome, free from spoilage and safe for human consumption. Home canned food shall not be used. Canned food shall be from sources that are approved by law.

(b) The facility shall ~~store, prepare and serve foods in such a manner as to~~ protect food from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination at all times during storage, food preparation, transportation both on and off premises, and service.

(c) Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, ~~41-45°F~~ degrees Fahrenheit or below or 140°F degrees Fahrenheit or above, except during necessary periods of preparation and service. Potentially hazardous food shall not have been out of temperature more than 4 cumulative hours during the course of thawing, preparation, service and cooling.

(d) No change.

(e) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3°F. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(f) Labeling and Dating. Food containers shall be labeled with their contents and labels shall correctly identify the contents of the container. Potentially hazardous foods and

potentially hazardous foods that are in a form which is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.

(2) Tier II. Except as described in subsection (1) above, if food service is provided in a the facility with a maximum capacity to house from 6 to 10 residents for 11 or more, but fewer than 25, residents in care, the facility shall comply with the following requirements:

(a) In Chapter 64E-11, F.A.C.:

1. Sections 64E-11.002, Definitions;

2. 64E-11.003, Food Supplies;

3. 64E-11.004, Food Protection;

4. 64E-11.005(1), (2)(b), (c), (e), (f), (3), (4), (5), Personnel;

5. 64E-11.013(3)(c), 1., 2., 4. of Chapter 64E-11, F.A.C., shall apply.

(b) Facilities opening, initially licensed by the licensing agency, or renovating on or after October 1, 2007 shall, prior to construction or renovation of a food service operation or prior to substantial facility renovation, notify the department and provide plans of the proposed construction or renovation, for review and approval at least 90 days prior to the start of the project. Plans shall be submitted by the owner, prospective operator, or their designated representative. All plans shall be in compliance with this section, shall be drawn to scale, describe the layout, construction, finish schedule, general operation of the facility, equipment design and installation, and similar aspects of the facility's food service operation. A copy of the intended menu shall be provided to the department as part of the plan review.

(c)(b) The floor surfaces in kitchens, all the rooms and areas in which food is stored or prepared and in which utensils are washed or stored, shall be of smooth, nonabsorbent material and constructed so they it can be easily cleaned and shall be kept clean and in good repair.

(d)(e) The walls and shelving ceilings of all food preparation areas, food storage areas, utensil washing and handwashing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

(e)(d) Hot and cold running water under pressure shall be easily accessible where food is prepared and where utensils are washed.

(f)(e) A handwashing sink facilities, provided with hot and cold running water under pressure, shall be located within the food preparation area. A sign must be posted clearly designating the sink for handwashing purposes in new residential facilities and residential facilities which are extensively altered. A hand washing sink shall not be used for any other purpose. Facilities inspected and approved by the

department prior to October 1, 2007, are exempt from this requirement until such time as kitchen renovation will occur or substantial renovation will occur at the facility.

(g) In addition to the designated one compartment handwashing sink in paragraph (f) above, a two compartment sink or one compartment sink and a residential use dishwasher shall be provided for warewashing. Notwithstanding the provisions in paragraph (f) above, if a facility has a two compartment sink and a residential dishwasher, one compartment of the two compartment sink can be designated as a handwashing sink when labeled and used exclusively as such. Existing facilities shall have until October 1, 2008, to comply with this requirement.

(h)(f) Multi-use equipment and utensils shall be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.

(i)(g) All multi-use eating and drinking utensils shall be thoroughly cleaned with hot water and an effective detergent, then shall be rinsed free of such solution, then effectively sanitized as defined in Chapter 64E-11, F.A.C.

(h) A three compartment sink or two compartment sink and dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored. Other types of warewashing devices may be approved by the county health unit.

(j)(i) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(j) No live animals shall be kept or allowed in the food storage, preparation and serving area.

(k) Potentially hazardous foods and potentially hazardous foods that are in a form which is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.

(l) The facility shall protect food and food equipment from all sources of contamination at all times during storage, food preparation, service, and transportation both on and off premises.

(m) Live animals and pets living in or visiting a community based residential facility shall not enter the kitchen or any food preparation areas when food is being prepared or served. Preventing pets and animals from entering the kitchen

or food preparation areas must be effective and may consist of passive restraint through obedience training, use of physical barriers such as a gate, physical restraint such as limiting the animal to a room outside of the kitchen or food preparation area, or any other effective means. Animals and pets shall not be fed, watered, bedded, kept, or caged in the kitchen, food preparation, food storage, or dining area. Animal care supplies shall not be kept in the kitchen or other food storage areas. If live animals have access to kitchen and dining areas during non-food preparation and service times, then the facility shall effectively sanitize the dining tables, kitchen counter top surfaces, food preparation surfaces, and other similar surfaces immediately before the next meal service or food preparation begins. Persons handling or having direct physical contact with an animal must wash their hands immediately prior to preparing or serving food.

(n) As part of an organized activity, residents may participate in food preparation under direct supervision of the designated staff person in charge of food service activities, who is knowledgeable in food hygiene safety.

(o) Labeling. Food containers shall be labeled with their contents and labels shall correctly identify the contents of the container.

(3) Tier III. If food service is provided in a hospice facility, or a the facility with a maximum capacity of ~~for~~ 1125 or more residents, it shall comply with Chapter 64E-11, F.A.C. Existing facilities shall have until September 30, 2008, to comply with the requirements of Chapter 64E-11, F.A.C., except for item (b) below.

(a) Any organized food preparation activity in which residents may participate in food preparation as part of the organized activity must be under the direct supervision of a trained food service employee, per Rule 64E-11.012, F.A.C. This does not apply to specific designated therapeutic classes with activities for an individual or a group of individuals provided by a licensed occupational or physical therapist as part of their occupational, physical, or rehabilitation therapy activities to regain basic self sufficiency skills.

(b) Facilities with capacities of 11-24 residents that have been in continuous operation since initial regulation or licensing by the department prior to October 1, 2007, are exempt from subsection 64E-11.008(7), F.A.C., until the facility remodels the kitchen or dining area, or substantially remodels the facility.

(4) Catering. If food is catered from outside sources, the caterer shall be licensed or regulated by a state or federal regulatory food program with Chapter 64E-11, F.A.C. Catered food once delivered to a community based residential facility must be adequately protected. If a community based residential facility caters additionally to outside sources, it must meet all Chapter 64E-11, F.A.C., licensing standards.

(a) When catering is provided as the primary means of food supply, a copy of a current catering agreement shall be provided to the local county health department at least annually and when a change in the agreement occurs. The agreement shall minimally include the designated delivery times, method of hot and cold holding once food is delivered, whether bulk or individually portioned food will be provided, and a designated responsible party for cleaning and sanitizing any multi-use equipment and utensils.

(b) Upon delivery of catered food to a community based residential facility, catered food must be adequately protected from contamination. The facility shall maintain a daily log indicating the date and time of delivery, name or type of potentially hazardous food(s), and using an accurate food thermometer measure and log the food temperatures upon arrival. Entries in the log shall be made at the time of delivery. These temperature logs shall be maintained and retained at the facility for a period not less than 6 months. The records required by this section must be made available for review by the department upon department request.

(c) If outside catering is not the primary means of food supply to the facility, and the facility only partakes in the occasional carry-out or delivery of items such as, pizza, wings, sub-sandwiches, fried chicken, or barbequed food, the catering requirements listed in paragraphs (a) and (b) above, do not apply.

Specific Authority 381.006, 381.006(16), 381.0072(2)(a) FS. Law Implemented ~~381.006(6)~~, (16), 381.0072(2)(a)(b)(c);—386 FS. History—New 6-18-87, Formerly 10D-23.006, Amended _____.

64E-12.005 Housing.

(1) The facility shall provide safe and sanitary housing free from objects, materials, and conditions that constitute a danger to the residents.

(2) Floors, walls, ceilings, windows, doors and all appurtenances of the structures shall be of sound construction, properly maintained, easily cleanable and shall be kept clean.

(a) Floor surfaces shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards. Bathtubs and showers shall contain slip-resistant strips, slip-resistant rubber bath mats, or slip-resistant surfaces.

(b) through (c) No change.

(d) All external windows designed to open shall be accessible and operable.

(3) No change.

(4) All areas of the facility shall be well lighted. Dormitories, bedrooms, toilets, bathing rooms, shower rooms, and dayrooms shall have light fixtures that provide ~~capable of~~ providing at least 20 foot candles of illumination in all areas of

the room, measured at a distance 30 inches from the floor, to permit observation, cleaning and maintenance. Light fixtures shall be maintained to work as designed and kept clean.

(5) through (6) No change.

(7) Mechanical cooling devices shall be used and in working condition ~~made available for use~~ in those areas of buildings occupied by residents when inside temperatures exceed 85° Fahrenheit. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area and chooses for it to exceed 85° Fahrenheit.

(8) All heating and cooling systems shall be consistent with current building and fire code rules applicable to the area where the facility is located, as determined by building and fire officials.

(9) No change.

(10) Plumbing shall be maintained in compliance with the requirements of the plumbing provisions of the State Building Code, as adopted in Rule 9B-3.047, F.A.C. and State Plumbing Code, Chapter 553.06, F.S.

(11) through (12) No change.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.009, Amended _____.

64E-12.006 Vector and Vermin ~~Insect and Rodent~~ Control.

(1) Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other vectors and vermin ~~insects~~ on the premises. The primary means of pest control shall be the use of integrated pest management (IPM) systems and tools. IPM tools, such as “Integrated Pest Management for Schools: How-to Manual” which are recognized by the United States Environmental Protection Agency, are approved practices for the control of pests throughout a residential facility. The manual is available at <http://www.epa.gov/pesticides/ipm/schoolipm/index.html> or by writing for a free copy to EPA Pesticides Section, U.S. EPA Region 9, 75 Hawthorne Street (CMD-5), San Francisco, CA 94105. Use of IPM systems and tools does not restrict the use of licensed pest control companies or individuals.

(b) The creation, maintenance or causing of any condition capable of propagating vectors and vermin ~~insects, or rodents~~, will not be permitted. All buildings shall be effectively maintained rodent-proofed and rodent free. All outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent, to prevent entry of insects, ~~or~~ rodents, or other vectors and vermin, except in wilderness programs when mosquito netting is provided to each resident.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.010, Amended _____.

64E-12.008 Laundry.

(1) No change.

(2) Laundry rooms shall have fixtures that provide at least 30 foot-candles of illumination, be kept clean and free of lint build-up, and be properly ventilated as specified in the State Building Code, as adopted in Rule 9B-3.047, F.A.C. Lighting will be measured 30 inches above the floor. Laundry rooms shall be well lighted and properly ventilated. Clothes dryers shall be vented to the exterior. Carts used for transporting dirty clothes, linens and towels shall not be used for transporting clean articles unless the carts have been thoroughly cleaned and sanitized.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History–New 6-18-87, Formerly 10D-23.012, Amended _____.

64E-12.009 Medications, Alcohol, Poisonous or Toxic Substances.

(1) Poisonous, or toxic substances ~~compounds~~ are to be stored apart from food and other areas that would constitute a hazard to the residents. All containers containing poisonous or toxic substances must be clearly labeled to indicate their contents.

(2) All toxic, poisonous, and alcoholic substances shall be kept in locked areas, such as a locked office, locked cabinet, or locked cupboard at all times when not in use. This does not apply to alcoholic beverages. Alcoholic beverages shall be kept out of a child’s reach.

(3) Medications shall be kept in locked areas, such as a locked office, locked cabinet, or locked box at all times when not in use. This is in addition to a childproof medicine bottle cap, lid, or other packaging. Exceptions are extended to adults capable of self medication, life saving medications such as epinephrine pens, insulin, nitro glycerin, or asthma inhalers that may be needed by the resident who is capable of self-medication in an emergency due to illness or disease. Medicine containers or packaging must be clearly labeled indicating the prescribed individual’s name and its contents. Medications requiring refrigeration or which are stored in a food service or food storage area, shall be stored in such a manner that they do not pose a contamination hazard to food.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History–New 6-18-87, Formerly 10D-23.013, Amended _____.

64E-12.011 Recreational Areas.

(1) through (2) No change.

(3) If swimming pools, spas, or open water hazards are located on the property of a available in community based residential facilities, the facility shall provide direct pools should be supervised by an adult employee when in use used or when the area is occupied by minors children and other residents that cannot swim are not capable of self preservation. The individual responsible for supervision during water

activities or near water hazards must have successfully completed the community water safety course specified in paragraph (b) below.

(a) A wading or kiddie pool is not allowed.

(b) All community based residential facilities with swimming pools, spas, or open water hazards must have a person on staff who has completed a community water safety course administered by the American Red Cross, YMCA, or any aquatic training program granted approval under paragraph 64E-9.008(1)(d), F.A.C.

(c) All private residential pools and spas, regardless of construction date, shall meet the requirements of Section 424.2.6 of the 2004 Florida State Building Code for private swimming pools.

(d) Water safety devices shall be provided for residential pools. A shepherd's hook shall be provided securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Residential spas and hot tubs are exempt from this requirement.

Specific Authority 381.006, 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New 6-18-87, Amended 8-7-96, Formerly 10D-23.015, Amended _____.

64E-12.012 Radon Testing.

Radon Testing shall be conducted in accordance with requirements listed in Chapter 404 of the Florida Statutes. Radon testing information can be obtained at 1(800)543-8279.

Specific Authority 404.056(4), (6), 381.006 FS. Law Implemented 404.056(4), 381.006(16) FS. History--New _____.

64E-12.013 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(2) All animals must be kept in good health and free from disease or under treatment by a licensed veterinarian. Indoor animals frequenting the outside must have an annual screening for internal parasites by a licensed veterinarian. Any animal positive for internal parasites must be treated appropriately by the licensed veterinarian. Animals being kept or having access to the indoors must be treated for flea control throughout the year to prevent infestations.

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

Specific Authority 381.006(6), 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Eychaner

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Leslie Harris

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: 64H-1.001
RULE TITLE: Biomedical Research Grant Applications

PURPOSE AND EFFECT: To repeal the existing rule regarding applications for biomedical reserach funding for the James and Esther King Biomedical Research Program.

SUMMARY: The content of this rule is adequately covered in statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Biomedical Research Programs, Office of Public Health Research, 4052 Bald Cypress Way, Bin A-24, Tallahassee, FL 32399-1749, Fax: (850)245-4371, E-mail: FBRP@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-1.001 Biomedical Research Grant Applications.

Specific Authority 215.5602(9) FS. Law Implemented 215.5602(5) FS. History--New 3-11-02, Amended 4-6-03, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Wells

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan Phillips, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.003
 RULE TITLE: Rate Filing Procedures
 PURPOSE AND EFFECT: Annually publish the medical trend used by health insurers.

SUMMARY: Medical trend have gone down.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost 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: 624.308(1), 624,424(1)(c), 627.410(6)(b), (e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 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:

DATE AND TIME: October 5, 2007, 9:30 a.m.
 PLACE: Room 116, Larson Building, 200 East Gaines 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

Category	Individual	Individual	Group	Group
	Without Rx	With Rx	Without Rx	With Rx
Major Medical	11.5% 12%	12.0% 14%	13.0% 13.5%	13.5% 14.5%
Health Maintenance Organizations	10.5% 11.5%	11.0% 12.5%	13.0% 13.5%	13.5% 14.5%

(e) The maximum medical trend for Medicare supplement coverage is:

Medicare supplement	5.5%	10%	5.5%	10%
---------------------	------	-----	------	-----

Specific Authority 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS.
 Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS.
 History–New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, 12-22-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Ziegler, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

agency at least 5 days before the workshop/meeting by contacting: Tracie Lambright, Office of Insurance Regulation, E-mail tracie.lambright@fldfs.com. 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 IS: Tracie Lambright, Office of Insurance Regulation, E-mail tracie.lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.003 Rate Filing Procedures.

(1) through (5) No change.

(6)(a) The following tables shall apply to filings made pursuant to subsection (5) above.

(b) A company without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in the following tables for the medical trend assumption used in a complete filing made pursuant to paragraph 69O-149.003(2)(b), F.A.C., including the actuarial memorandum required by Rule 69O-149.006, F.A.C., without providing explicit trend justification.

(c) Use of an annual medical trend assumption exceeding the maximum medical trend in the following tables shall be filed pursuant to subparagraph 69O-149.006(3)(b)18., F.A.C.

(d) The maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., F.S., is:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

Section III
Notices of Changes, Corrections and Withdrawals

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.”