

for Persons with Disabilities, Denise Arnold, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, (850)488-3673  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-24.040  
 RULE TITLE: Licensure of Centralized Embalming Facilities

PURPOSE AND EFFECT: The proposed change to the rule is to lower the annual inspection fee from \$255 to \$225.

SUBJECT AREA TO BE ADDRESSED: Licensure of Centralized Embalming Facilities.

RULEMAKING AUTHORITY: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

RULE NOS.: 9J-42.001, 9J-42.002, 9J-42.003  
 RULE TITLES: Purpose and Effect, Relationship to Previous Rule and Schedules, Schedule

PURPOSE AND EFFECT: The purpose and effect are to adopt by rule a phased schedule for adoption of the local government evaluation and appraisal report.

SUMMARY: The adoption of Chapter 9J-42, F.A.C., will establish a phased schedule for adoption of the local government evaluation and appraisal report pursuant to Section 163.3191(9), 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.

RULEMAKING AUTHORITY: 163.3191(9) FS.

LAW IMPLEMENTED: 163.3191 FS.

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

DATE AND TIME: August 31, 2009, 9:00 a.m.

PLACE: Randall Kelley Training Center, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Room 305, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ray Eubanks, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1767. 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: Ray Eubanks, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1767

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-42.001 Purpose and Effect.

The purpose of this chapter is to establish the due dates for the third round of evaluation and appraisal reports due to be adopted by the local governing body and sent to the department pursuant to Section 163.3191, Florida Statutes. The evaluation and appraisal report is the principle process for updating local comprehensive plans to reflect changes in local conditions and state policy on planning and growth management. Municipal reports adoption due dates are generally 1 year to 18 months later than the report adoption date for the county in which those municipalities are located. The schedule divides the workload for the department over the submittal period and meets the required local governments deadlines set in Section 163.3191, Florida Statutes. Local governments which fail to submit their adopted report by their scheduled due date are subject to provisions of Section 163.3187(6), Florida Statutes.

Rulemaking Authority 163.3191(1), 163.3191(9), 163.3191(12) FS. Law Implemented 163.3191 FS. History—New \_\_\_\_\_.

9J-42.002 Relationship to Previous Rule and Schedules.

Chapter 9J-33, effective March 24, 1994, establishes due dates for the first round of evaluation and appraisal reports due between November 1, 1995 and February 1, 1999 for local

governments over 2,500 persons and between August 1, 2000 and February 1, 2004 for local governments with fewer than 2,500 persons. In 1998, the evaluation and appraisal report requirements were substantially revised by s. 14, 1998-176, Laws of Florida. One effect of these revisions was to eliminate the need for local governments with fewer than 2,500 persons to adopt an evaluation and appraisal report during the first round. Rule 9J-33 was amended on March 23, 1999 to reflect this change. These smaller municipalities were included in the schedule for the second round of evaluation and appraisal reports due between November 1, 2003 and June 1, 2011, published by the department in the Florida Administrative Weekly on September 21, 2001 and subsequently amended on July 9, 2004.

Rulemaking Authority 163.3191(1), 163.3191(9), 163.3191(12) FS. Law Implemented 163.3191 FS. History—New \_\_\_\_\_.

9J-42.003 Schedule.

Local governing bodies shall submit their adopted evaluation and appraisal report to the department for sufficiency review based on the schedule set forth below:

Evaluation and Report (EAR) Schedule Third Round 2010 – 2018

<u>County/Municipality</u>	<u>Due Date</u>
<u>ALACHUA COUNTY</u>	<u>9/1/2016</u>
<u>ALACHUA CITY</u>	<u>9/1/2017</u>
<u>ARCHER</u>	<u>10/1/2017</u>
<u>GAINESVILLE</u>	<u>11/1/2017</u>
<u>HAWTHORNE</u>	<u>12/1/2017</u>
<u>HIGH SPRINGS</u>	<u>1/1/2018</u>
<u>LACROSSE</u>	<u>2/1/2018</u>
<u>MICANOPY</u>	<u>3/1/2018</u>
<u>NEWBERRY</u>	<u>4/1/2018</u>
<u>WALDO</u>	<u>4/1/2018</u>
<u>BAKER COUNTY</u>	<u>3/1/2015</u>
<u>GLEN SAINT MARY</u>	<u>3/1/2016</u>
<u>MACCLENNY</u>	<u>4/1/2016</u>
<u>BAY COUNTY</u>	<u>10/1/2013</u>
<u>CALLAWAY</u>	<u>10/1/2014</u>
<u>LYNN HAVEN</u>	<u>11/1/2014</u>
<u>MEXICO BEACH</u>	<u>11/1/2014</u>
<u>PANAMA CITY</u>	<u>12/1/2014</u>
<u>PANAMA CITY BEACH</u>	<u>12/1/2014</u>
<u>PARKER</u>	<u>1/1/2015</u>
<u>SPRINGFIELD</u>	<u>4/1/2015</u>

<u>BRADFORD COUNTY</u>	<u>12/1/2016</u>
<u>BROOKER</u>	<u>12/1/2017</u>
<u>HAMPTON</u>	<u>1/1/2018</u>
<u>LAWTEY</u>	<u>2/1/2018</u>
<u>STARKE</u>	<u>3/1/2018</u>
<u>BREVARD COUNTY</u>	<u>8/1/2013</u>
<u>CAPE CANAVERAL</u>	<u>8/1/2014</u>
<u>COCOA</u>	<u>9/1/2014</u>
<u>COCOA BEACH</u>	<u>10/1/2014</u>
<u>GRANT VALKARIA</u>	<u>*TBD</u>
<u>INDIALANTIC</u>	<u>11/1/2014</u>
<u>INDIAN HARBOR BEACH</u>	<u>12/1/2014</u>
<u>MALABAR</u>	<u>1/1/2015</u>
<u>MELBOURNE</u>	<u>2/1/2015</u>
<u>MELBOURNE BEACH</u>	<u>3/1/2015</u>
<u>MELBOURNE VILLAGE</u>	<u>4/1/2015</u>
<u>PALM BAY</u>	<u>5/1/2015</u>
<u>PALM SHORES</u>	<u>6/1/2015</u>
<u>ROCKLEDGE</u>	<u>7/1/2015</u>
<u>SATELLITE BEACH</u>	<u>8/1/2015</u>
<u>TITUSVILLE</u>	<u>9/1/2015</u>
<u>WEST MELBOURNE</u>	<u>10/1/2015</u>
<u>BROWARD COUNTY</u>	<u>3/1/2011</u>
<u>COCONUT CREEK</u>	<u>3/1/2012</u>
<u>COOPER CITY</u>	<u>3/1/2012</u>
<u>CORAL SPRINGS</u>	<u>4/1/2012</u>
<u>DANIA BEACH</u>	<u>4/1/2012</u>
<u>DAVIE</u>	<u>5/1/2012</u>
<u>DEERFIELD BEACH</u>	<u>5/1/2012</u>
<u>FORT LAUDERDALE</u>	<u>6/1/2012</u>
<u>HALLANDALE BEACH</u>	<u>6/1/2012</u>
<u>HILLSBORO BEACH</u>	<u>7/1/2012</u>
<u>HOLLYWOOD</u>	<u>7/1/2012</u>
<u>LAUDERDALE- BY-THE-SEA</u>	<u>8/1/2012</u>
<u>LAUDERDALE LAKES</u>	<u>8/1/2012</u>
<u>LAUDERHILL</u>	<u>9/1/2012</u>
<u>LAZY LAKE</u>	<u>9/1/2012</u>
<u>LIGHTHOUSE POINT</u>	<u>10/1/2012</u>
<u>MARGATE</u>	<u>10/1/2012</u>
<u>MIRAMAR</u>	<u>11/1/2012</u>
<u>NORTH LAUDERDALE</u>	<u>11/1/2012</u>
<u>OAKLAND PARK</u>	<u>12/1/2012</u>
<u>PARKLAND</u>	<u>1/1/2013</u>
<u>PEMBROKE PARK</u>	<u>1/1/2013</u>
<u>PEMBROKE PINES</u>	<u>2/1/2013</u>
<u>PLANTATION</u>	<u>2/1/2013</u>
<u>POMPANO BEACH</u>	<u>3/1/2013</u>
<u>SEA RANCH LAKES</u>	<u>4/1/2013</u>

<u>SOUTH WEST RANCHES</u>	<u>6/1/2013</u>	<u>FLAGLER COUNTY</u>	<u>8/1/2016</u>
<u>SUNRISE</u>	<u>4/1/2013</u>	<u>BEVERLY BEACH</u>	<u>8/1/2017</u>
<u>TAMARAC</u>	<u>5/1/2013</u>	<u>BUNNELL</u>	<u>9/1/2017</u>
<u>WEST PARK</u>	<u>6/1/2013</u>	<u>FLAGLER BEACH</u>	<u>10/1/2017</u>
<u>WESTON</u>	<u>5/1/2013</u>	<u>MARINELAND</u>	<u>11/1/2017</u>
<u>WILTON MANORS</u>	<u>6/1/2013</u>	<u>PALM COAST</u>	<u>11/1/2017</u>
<u>CALHOUN COUNTY</u>	<u>1/1/2017</u>	<u>FRANKLIN COUNTY</u>	<u>9/1/2013</u>
<u>ALTHA</u>	<u>1/1/2018</u>	<u>APALACHICOLA</u>	<u>9/1/2014</u>
<u>BLOUNTSTOWN</u>	<u>1/1/2018</u>	<u>CARRABELLE</u>	<u>10/1/2014</u>
<u>CHARLOTTE COUNTY</u>	<u>12/1/2010</u>	<u>GADSDEN COUNTY</u>	<u>9/1/2016</u>
<u>PUNTA GORDA</u>	<u>12/1/2011</u>	<u>CHATTAHOOCHEE</u>	<u>9/1/2017</u>
		<u>GREENSBORO</u>	<u>10/1/2017</u>
<u>CITRUS COUNTY</u>	<u>7/1/2011</u>	<u>GRETNA</u>	<u>11/1/2017</u>
<u>CRYSTAL RIVER</u>	<u>7/1/2012</u>	<u>HAVANA</u>	<u>12/1/2017</u>
<u>INVERNESS</u>	<u>8/1/2012</u>	<u>MIDWAY</u>	<u>1/1/2018</u>
		<u>QUINCY</u>	<u>2/1/2018</u>
<u>CLAY COUNTY</u>	<u>1/1/2014</u>	<u>GILCHRIST COUNTY</u>	<u>10/1/2016</u>
<u>GREEN COVE SPRINGS</u>	<u>1/1/2015</u>	<u>BELL</u>	<u>10/1/2017</u>
<u>KEYSTONE HEIGHTS</u>	<u>2/1/2015</u>	<u>FANNING SPRINGS</u>	<u>11/1/2017</u>
<u>ORANGE PARK</u>	<u>3/1/2015</u>	<u>TRENTON</u>	<u>12/1/2017</u>
<u>PENNEY FARMS</u>	<u>4/1/2015</u>		
<u>COLLIER COUNTY</u>	<u>1/1/2011</u>	<u>GLADES COUNTY</u>	<u>7/1/2015</u>
<u>EVERGLADES CITY</u>	<u>1/1/2012</u>	<u>MOORE HAVEN</u>	<u>7/1/2016</u>
<u>MARCO ISLAND</u>	<u>3/1/2012</u>		
<u>NAPLES</u>	<u>2/1/2012</u>	<u>GULF COUNTY</u>	<u>8/1/2014</u>
		<u>PORT ST. JOE</u>	<u>8/1/2015</u>
<u>COLUMBIA COUNTY</u>	<u>9/1/2015</u>	<u>WEWAHITCHKA</u>	<u>9/1/2015</u>
<u>FORT WHITE</u>	<u>10/1/2016</u>		
<u>LAKE CITY</u>	<u>4/1/2017</u>	<u>HAMILTON COUNTY</u>	<u>10/1/2015</u>
		<u>JASPER</u>	<u>9/1/2016</u>
<u>DESOTO COUNTY</u>	<u>7/1/2015</u>	<u>JENNINGS</u>	<u>10/1/2016</u>
<u>ARCADIA</u>	<u>7/1/2016</u>	<u>WHITE SPRINGS</u>	<u>1/1/2017</u>
<u>DIXIE COUNTY</u>	<u>1/1/2015</u>	<u>HARDEE COUNTY</u>	<u>7/1/2015</u>
<u>CROSS CITY</u>	<u>1/1/2016</u>	<u>BOWLING GREEN</u>	<u>8/1/2016</u>
<u>HORSESHOE BEACH</u>	<u>2/1/2016</u>	<u>WAUCHULA</u>	<u>9/1/2016</u>
		<u>ZOLFO SPRINGS</u>	<u>10/1/2016</u>
<u>DUVAL COUNTY</u>	<u>10/1/2014</u>	<u>HENDRY COUNTY</u>	<u>4/1/2015</u>
<u>ATLANTIC BEACH</u>	<u>10/1/2015</u>	<u>CLEWISTON</u>	<u>5/1/2016</u>
<u>BALDWIN</u>	<u>11/1/2015</u>	<u>LA BELLE</u>	<u>5/1/2016</u>
<u>JACKSONVILLE BEACH</u>	<u>12/1/2015</u>		
<u>NEPTUNE BEACH</u>	<u>1/1/2016</u>	<u>HERNANDO COUNTY</u>	<u>8/1/2011</u>
<u>ESCAMBIA COUNTY</u>	<u>8/1/2014</u>	<u>BROOKSVILLE</u>	<u>1/1/2013</u>
<u>CENTURY</u>	<u>10/1/2015</u>	<u>WEEKI WACHEE</u>	<u>2/1/2013</u>
<u>PENSACOLA</u>	<u>8/1/2015</u>		

<u>HIGHLANDS CO</u>	<u>2/1/2015</u>	<u>LADY LAKE</u>	<u>3/1/2017</u>
<u>AVON PARK</u>	<u>2/1/2016</u>	<u>LEESBURG</u>	<u>4/1/2017</u>
<u>LAKE PLACID</u>	<u>3/1/2016</u>	<u>MASCOTTE</u>	<u>5/1/2017</u>
<u>SEBRING</u>	<u>4/1/2016</u>	<u>MINNEOLA</u>	<u>5/1/2017</u>
		<u>MONTVERDE</u>	<u>6/1/2017</u>
<u>HILLSBOROUGH COUNTY</u>	<u>7/1/2012</u>	<u>MOUNT DORA</u>	<u>7/1/2017</u>
<u>PLANT CITY</u>	<u>7/1/2013</u>	<u>TAVARES</u>	<u>8/1/2017</u>
<u>TAMPA</u>	<u>8/1/2013</u>	<u>UMATILLA</u>	<u>9/1/2017</u>
<u>TEMPLE TERRACE</u>	<u>9/1/2013</u>		
		<u>LEE COUNTY</u>	<u>2/1/2011</u>
<u>HOLMES COUNTY</u>	<u>8/1/2015</u>	<u>BONITA SPRINGS</u>	<u>10/1/2012</u>
<u>BONIFAY</u>	<u>8/1/2016</u>	<u>CAPE CORAL</u>	<u>2/1/2012</u>
<u>ESTO</u>	<u>9/1/2016</u>	<u>FORT MYERS</u>	<u>4/1/2012</u>
<u>NOMA</u>	<u>10/1/2016</u>	<u>FORT MYERS BEACH</u>	<u>4/1/2012</u>
<u>PONCE DE LEON</u>	<u>11/1/2016</u>	<u>SANIBEL</u>	<u>5/1/2012</u>
<u>WESTVILLE</u>	<u>12/1/2016</u>		
		<u>LEON COUNTY</u>	<u>7/1/2014</u>
<u>INDIAN RIVER COUNTY</u>	<u>12/1/2015</u>	<u>TALLAHASSEE</u>	<u>7/1/2014</u>
<u>FELLSMERE</u>	<u>5/1/2017</u>		
<u>INDIAN RIVER SHORES</u>	<u>6/1/2017</u>	<u>LEVY COUNTY</u>	<u>7/1/2013</u>
<u>ORCHID</u>	<u>7/1/2017</u>	<u>BRONSON</u>	<u>7/1/2014</u>
<u>SEBASTIAN</u>	<u>8/1/2017</u>	<u>CEDAR KEY</u>	<u>8/1/2014</u>
<u>VERO BEACH</u>	<u>9/1/2017</u>	<u>CHIEFLAND</u>	<u>9/1/2014</u>
		<u>INGLIS</u>	<u>10/1/2014</u>
<u>JACKSON COUNTY</u>	<u>8/1/2015</u>	<u>OTTER CREEK</u>	<u>11/1/2014</u>
<u>ALFORD</u>	<u>8/1/2016</u>	<u>WILLISTON</u>	<u>12/1/2014</u>
<u>BASCOM</u>	<u>9/1/2016</u>	<u>YANKEETOWN</u>	<u>1/1/2015</u>
<u>CAMPBELLTON</u>	<u>11/1/2016</u>		
<u>COTTONDALE</u>	<u>12/1/2016</u>	<u>LIBERTY</u>	<u>7/1/2016</u>
<u>GRACEVILLE</u>	<u>1/1/2017</u>	<u>BRISTOL</u>	<u>8/1/2017</u>
<u>GRAND RIDGE</u>	<u>2/1/2017</u>		
<u>GREENWOOD</u>	<u>3/1/2017</u>	<u>MADISON COUNTY</u>	<u>10/1/2016</u>
<u>JACOB CITY</u>	<u>4/1/2017</u>	<u>GREENVILLE</u>	<u>12/1/2017</u>
<u>MALONE</u>	<u>5/1/2017</u>	<u>LEE</u>	<u>1/1/2018</u>
<u>MARIANNA</u>	<u>6/1/2017</u>	<u>MADISON CITY</u>	<u>2/1/2018</u>
<u>SNEADS</u>	<u>6/1/2017</u>		
		<u>MANATEE COUNTY</u>	<u>9/1/2011</u>
<u>JEFFERSON COUNTY</u>	<u>11/1/2014</u>	<u>ANNA MARIA</u>	<u>3/1/2013</u>
<u>MONTICELLO</u>	<u>12/1/2015</u>	<u>BRADENTON</u>	<u>4/1/2013</u>
		<u>BRADENTON BEACH</u>	<u>5/1/2013</u>
<u>LAFAYETTE COUNTY</u>	<u>7/1/2016</u>	<u>HOLMES BEACH</u>	<u>6/1/2013</u>
<u>MAYO</u>	<u>7/1/2017</u>	<u>PALMETTO</u>	<u>7/1/2013</u>
<u>LAKE COUNTY</u>	<u>8/1/2015</u>	<u>MARION COUNTY</u>	<u>12/1/2016</u>
<u>ASTATULA</u>	<u>8/1/2016</u>	<u>BELLEVIEW</u>	<u>12/1/2017</u>
<u>CLERMONT</u>	<u>9/1/2016</u>	<u>DUNNELLON</u>	<u>1/1/2018</u>
<u>EUSTIS</u>	<u>11/1/2016</u>	<u>MCINTOSH</u>	<u>2/1/2018</u>
<u>FRUITLAND PARK</u>	<u>12/1/2016</u>	<u>Ocala</u>	<u>3/1/2018</u>
<u>GROVELAND</u>	<u>1/1/2017</u>	<u>REDDICK</u>	<u>4/1/2018</u>
<u>HOWEY IN THE HILLS</u>	<u>2/1/2017</u>		

<u>MARTIN COUNTY</u>	<u>10/1/2015</u>	<u>NASSAU COUNTY</u>	<u>12/1/2014</u>
<u>JUPITER ISLAND</u>	<u>1/1/2017</u>	<u>CALLAHAN</u>	<u>2/1/2016</u>
<u>OCEAN BREEZE PARK</u>	<u>11/1/2016</u>	<u>FERNANDINA BEACH</u>	<u>1/1/2016</u>
<u>SEWALLS POINT</u>	<u>12/1/2016</u>	<u>HILLIARD</u>	<u>3/1/2016</u>
<u>STUART</u>	<u>10/1/2016</u>		
		<u>OKALOOSA COUNTY</u>	<u>11/1/2013</u>
<u>MIAMI-DADE COUNTY</u>	<u>11/1/2010</u>	<u>CINCO BAYOU</u>	<u>2/1/2015</u>
<u>AVENTURA</u>	<u>12/1/2012</u>	<u>CRESTVIEW</u>	<u>3/1/2015</u>
<u>BAL HARBOUR VILLAGE</u>	<u>1/1/2013</u>	<u>DESTIN</u>	<u>4/1/2015</u>
<u>BAY HARBOR ISLANDS</u>	<u>2/1/2013</u>	<u>FORT WALTON BEACH</u>	<u>5/1/2015</u>
<u>BISCAYNE PARK</u>	<u>3/1/2013</u>	<u>LAUREL HILL</u>	<u>5/1/2015</u>
<u>CORAL GABLES</u>	<u>4/1/2013</u>	<u>MARY ESTHER</u>	<u>2/1/2015</u>
<u>CUTLER BAY</u>	<u>12/1/2012</u>	<u>NICEVILLE</u>	<u>7/1/2015</u>
<u>DORAL</u>	<u>*TBD</u>	<u>SHALIMAR</u>	<u>7/1/2015</u>
<u>EL PORTAL</u>	<u>11/1/2011</u>	<u>VALPARAISO</u>	<u>6/1/2015</u>
<u>FLORIDA CITY</u>	<u>11/1/2011</u>		
<u>GOLDEN BEACH</u>	<u>11/1/2011</u>	<u>OKEECHOBEE COUNTY</u>	<u>1/1/2017</u>
<u>HIALEAH</u>	<u>12/1/2011</u>	<u>OKEECHOBEE CITY</u>	<u>1/1/2018</u>
<u>HIALEAH GARDENS</u>	<u>12/1/2011</u>		
<u>HOMESTEAD</u>	<u>1/1/2012</u>	<u>ORANGE COUNTY</u>	<u>7/1/2013</u>
<u>INDIAN CREEK VILLAGE</u>	<u>1/1/2012</u>	<u>APOPKA</u>	<u>8/1/2014</u>
<u>KEY BISCAYNE</u>	<u>2/1/2012</u>	<u>BAY LAKE</u>	<u>7/1/2014</u>
<u>MEDLEY</u>	<u>3/1/2012</u>	<u>BELLE ISLE</u>	<u>9/1/2014</u>
<u>MIAMI</u>	<u>3/1/2012</u>	<u>EATONVILLE</u>	<u>10/1/2014</u>
<u>MIAMI BEACH</u>	<u>4/1/2012</u>	<u>EDGEWOOD</u>	<u>6/1/2015</u>
<u>MIAMI GARDENS</u>	<u>12/1/2012</u>	<u>LAKE BUENA VISTA</u>	<u>7/1/2014</u>
<u>MIAMI LAKES</u>	<u>5/1/2013</u>	<u>MAITLAND</u>	<u>7/1/2015</u>
<u>MIAMI SHORES</u>	<u>4/1/2012</u>	<u>OAKLAND</u>	<u>8/1/2015</u>
<u>MIAMI SPRINGS</u>	<u>5/1/2012</u>	<u>OCOEE</u>	<u>9/1/2015</u>
<u>NORTH BAY</u>	<u>5/1/2012</u>	<u>ORLANDO</u>	<u>11/1/2014</u>
<u>NORTH MIAMI</u>	<u>6/1/2012</u>	<u>REEDY CREEK</u>	<u>7/1/2014</u>
<u>NORTH MIAMI BEACH</u>	<u>6/1/2012</u>	<u>WINDERMERE</u>	<u>10/1/2015</u>
<u>OPA LOCKA</u>	<u>7/1/2012</u>	<u>WINTER GARDEN</u>	<u>11/1/2015</u>
<u>PALMETTO BAY</u>	<u>9/1/2012</u>	<u>WINTER PARK</u>	<u>12/1/2015</u>
<u>PINECREST</u>	<u>8/1/2012</u>		
<u>SOUTH MIAMI</u>	<u>9/1/2012</u>	<u>OSCEOLA COUNTY</u>	<u>3/1/2015</u>
<u>SUNNY ISLES BEACH</u>	<u>10/1/2012</u>	<u>KISSIMMEE</u>	<u>4/1/2016</u>
<u>SURFSIDE</u>	<u>10/1/2012</u>	<u>SAINT CLOUD</u>	<u>5/1/2016</u>
<u>SWEETWATER</u>	<u>11/1/2012</u>		
<u>VIRGINIA GARDENS</u>	<u>11/1/2012</u>	<u>PALM BEACH COUNTY</u>	<u>10/1/2011</u>
<u>WEST MIAMI</u>	<u>12/1/2012</u>	<u>ATLANTIS</u>	<u>10/1/2012</u>
		<u>BELLE GLADE</u>	<u>10/1/2012</u>
<u>MONROE COUNTY</u>	<u>8/1/2011</u>	<u>BOCA RATON</u>	<u>11/1/2012</u>
<u>ISLAMORADA</u>	<u>12/1/2012</u>	<u>BOYNTON BEACH</u>	<u>11/1/2012</u>
<u>KEY COLONY BEACH</u>	<u>8/1/2012</u>	<u>BRINY BREEZES</u>	<u>12/1/2012</u>
<u>KEY WEST</u>	<u>2/1/2013</u>	<u>CLOUD LAKE</u>	<u>12/1/2012</u>
<u>LAYTON</u>	<u>9/1/2012</u>	<u>DELRAY BEACH</u>	<u>1/1/2013</u>
<u>MARATHON</u>	<u>8/1/2012</u>	<u>GLEN RIDGE</u>	<u>1/1/2013</u>
		<u>GOLF VILLAGE</u>	<u>2/1/2013</u>
		<u>GREENACRES</u>	<u>3/1/2013</u>

<u>GULFSTREAM</u>	3/1/2013	<u>NORTH REDINGTON BEACH</u>	2/1/2014
<u>HVERHILL</u>	4/1/2013	<u>OLDSMAR</u>	2/1/2014
<u>HIGHLAND BEACH</u>	4/1/2013	<u>PINELLAS PARK</u>	3/1/2014
<u>HYPOLUXO</u>	5/1/2013	<u>REDINGTON BEACH</u>	3/1/2014
<u>JUNO BEACH</u>	5/1/2013	<u>REDINGTON SHORES</u>	4/1/2014
<u>JUPITER</u>	6/1/2013	<u>SAFETY HARBOR</u>	4/1/2014
<u>JUPITER INLET COLONY</u>	6/1/2013	<u>SEMINOLE CITY</u>	5/1/2014
<u>LAKE CLARKE SHORES</u>	7/1/2013	<u>SOUTH PASADENA</u>	5/1/2014
<u>LAKE PARK</u>	7/1/2013	<u>ST. PETERSBURG</u>	6/1/2014
<u>LAKE WORTH</u>	8/1/2013	<u>ST. PETE BEACH</u>	6/1/2014
<u>LANTANA</u>	8/1/2013	<u>TARPON SPRINGS</u>	1/1/2014
<u>LOXAHATCHEE GROVES</u>	5/1/2015	<u>TREASURE ISLAND</u>	2/1/2014
<u>MANALAPAN</u>	9/1/2013		
<u>MANGONIA PARK</u>	9/1/2013	<u>POLK COUNTY</u>	4/1/2015
<u>NORTH PALM BEACH</u>	10/1/2013	<u>AUBURNDALE</u>	4/1/2016
<u>OCEAN RIDGE</u>	10/1/2013	<u>BARTOW</u>	4/1/2016
<u>PAHOKEE</u>	11/1/2013	<u>DAVENPORT</u>	5/1/2016
<u>PALM BEACH (TOWN)</u>	11/1/2013	<u>DUNDEE</u>	5/1/2016
<u>PALM BEACH GARDENS</u>	12/1/2013	<u>EAGLE LAKE</u>	5/1/2016
<u>PALM BEACH SHORES</u>	12/1/2013	<u>FORT MEADE</u>	6/1/2016
<u>PALM SPRINGS</u>	1/1/2014	<u>FROSTPROOF</u>	6/1/2016
<u>RIVIERA BEACH</u>	1/1/2014	<u>HAINES CITY</u>	6/1/2016
<u>ROYAL PALM BEACH</u>	2/1/2014	<u>HIGHLAND PARK</u>	6/1/2016
<u>SOUTH BAY</u>	2/1/2014	<u>HILLCREST HEIGHTS</u>	8/1/2016
<u>SOUTH PALM BEACH</u>	2/1/2014	<u>LAKE ALFRED</u>	8/1/2016
<u>TEQUESTA</u>	3/1/2014	<u>LAKE HAMILTON</u>	9/1/2016
<u>WELLINGTON</u>	3/1/2014	<u>LAKE WALES</u>	9/1/2016
<u>WEST PALM BEACH</u>	3/1/2014	<u>LAKELAND</u>	10/1/2016
		<u>MULBERRY</u>	10/1/2016
<u>PASCO COUNTY</u>	10/1/2011	<u>POLK CITY</u>	11/1/2016
<u>DADE CITY</u>	3/1/2013	<u>WINTER HAVEN</u>	12/1/2016
<u>NEW PORT RICHEY</u>	3/1/2013		
<u>PORT RICHEY</u>	4/1/2013	<u>PUTNAM COUNTY</u>	11/1/2016
<u>SAINT LEO</u>	4/1/2013	<u>CRESCENT CITY</u>	11/1/2017
<u>SAN ANTONIO</u>	5/1/2013	<u>INTERLACHEN</u>	12/1/2017
<u>ZEPHYRHILLS</u>	5/1/2013	<u>PALATKA</u>	1/1/2018
		<u>POMONA PARK</u>	2/1/2018
<u>PINELLAS COUNTY</u>	8/1/2012	<u>WELAKA</u>	3/1/2018
<u>BELLEAIR</u>	8/1/2013		
<u>BELLEAIR BEACH</u>	8/1/2013	<u>SANTA ROSA COUNTY</u>	10/1/2014
<u>BELLEAIR BLUFFS</u>	9/1/2013	<u>GULF BREEZE</u>	11/1/2015
<u>BELLEAIR SHORE</u>	9/1/2013	<u>JAY</u>	12/1/2015
<u>CLEARWATER</u>	10/1/2013	<u>MILTON</u>	1/1/2016
<u>DUNEDIN</u>	10/1/2013		
<u>GULFPORT</u>	11/1/2013	<u>SARASOTA COUNTY</u>	7/1/2011
<u>INDIAN ROCKS BEACH</u>	11/1/2013	<u>LONGBOAT KEY</u>	9/1/2012
<u>INDIAN SHORES</u>	12/1/2013	<u>NO PORT</u>	10/1/2012
<u>KENNETH CITY</u>	12/1/2013	<u>SARASOTA CITY</u>	11/1/2012
<u>LARGO</u>	1/1/2014	<u>VENICE</u>	12/1/2012
<u>MADEIRA BEACH</u>	1/1/2014		

<u>SEMINOLE COUNTY</u>	<u>9/1/2013</u>	<u>ORMOND BEACH</u>	<u>12/1/2015</u>
<u>ALTAMONTE SPRINGS</u>	<u>11/1/2014</u>	<u>PIERSON</u>	<u>1/1/2016</u>
<u>CASSELBERRY</u>	<u>12/1/2014</u>	<u>PONCE INLET</u>	<u>5/1/2015</u>
<u>LAKE MARY</u>	<u>1/1/2015</u>	<u>PORT ORANGE</u>	<u>2/1/2016</u>
<u>LONGWOOD</u>	<u>2/1/2015</u>	<u>SOUTH DAYTONA</u>	<u>1/1/2015</u>
<u>OVIEDO</u>	<u>3/1/2015</u>		
<u>SANFORD</u>	<u>4/1/2015</u>	<u>WAKULLA COUNTY</u>	<u>9/1/2014</u>
<u>WINTER SPRINGS</u>	<u>5/1/2015</u>	<u>SOPCHOPPY</u>	<u>9/1/2015</u>
		<u>ST. MARKS</u>	<u>10/1/2015</u>
<u>ST. JOHNS COUNTY</u>	<u>9/1/2014</u>		
<u>HASTINGS</u>	<u>9/1/2015</u>	<u>WALTON COUNTY</u>	<u>8/1/2013</u>
<u>ST. AUGUSTINE</u>	<u>10/1/2015</u>	<u>DEFUNIAK SPRINGS</u>	<u>8/1/2014</u>
<u>ST. AUGUSTINE BEACH</u>	<u>11/1/2015</u>	<u>FREEPORT</u>	<u>9/1/2014</u>
		<u>PAXTON</u>	<u>10/1/2014</u>
<u>ST. LUCIE COUNTY</u>	<u>11/1/2015</u>		
<u>FORT PIERCE</u>	<u>2/1/2017</u>	<u>WASHINGTON COUNTY</u>	<u>7/1/2015</u>
<u>PORT ST. LUCIE</u>	<u>4/1/2017</u>	<u>CARYVILLE</u>	<u>7/1/2016</u>
<u>ST. LUCIE VILLAGE</u>	<u>3/1/2017</u>	<u>CHIPLEY</u>	<u>8/1/2016</u>
		<u>EBRO</u>	<u>9/1/2016</u>
<u>SUMTER COUNTY</u>	<u>1/1/2017</u>	<u>VERNON</u>	<u>10/1/2016</u>
<u>BUSHNELL</u>	<u>1/1/2018</u>	<u>WAUSAU</u>	<u>11/1/2016</u>
<u>CENTER HILL</u>	<u>1/1/2018</u>		
<u>COLEMAN</u>	<u>2/1/2018</u>	<u>*TBD – Newly Incorporated municipality; When the adopted</u>	<u>plan is effective the Evaluation and Appraisal due date will be</u>
<u>WEBSTER</u>	<u>2/1/2018</u>	<u>determined.</u>	
<u>WILDWOOD</u>	<u>3/1/2018</u>	<u>Rulemaking Authority 163.3191(1), 163.3191(9), 163.3191(12) FS.</u>	<u>Law Implemented 163.3191 FS. History–New _____.</u>
<u>SUWANNEE COUNTY</u>	<u>8/1/2016</u>	<u>NAME OF PERSON ORIGINATING PROPOSED RULE:</u>	
<u>BRANFORD</u>	<u>8/1/2017</u>	<u>Ray Eubanks, Community Program Administrator,</u>	
<u>LIVE OAK</u>	<u>9/1/2017</u>	<u>Department of Community Affairs, 2555 Shumard Oak</u>	
		<u>Boulevard, Sadowski Building, Tallahassee, Florida</u>	
<u>TAYLOR COUNTY</u>	<u>7/1/2014</u>	<u>32399-2100, (850)922-1767</u>	
<u>PERRY</u>	<u>7/1/2015</u>	<u>NAME OF AGENCY HEAD WHO APPROVED THE</u>	
		<u>PROPOSED RULE: Thomas G. Pelham, Secretary,</u>	
<u>UNION COUNTY</u>	<u>11/1/2016</u>	<u>Department of Community Affairs, 2555 Shumard Oak</u>	
<u>LAKE BUTLER</u>	<u>11/1/2017</u>	<u>Boulevard, Tallahassee, Florida 32399-2100</u>	
<u>RAIFORD</u>	<u>11/1/2017</u>	<u>DATE PROPOSED RULE APPROVED BY AGENCY</u>	
<u>WORTHINGTON SPRINGS</u>	<u>11/1/2017</u>	<u>HEAD: July 23, 2009</u>	
		<u>DATE NOTICE OF PROPOSED RULE DEVELOPMENT</u>	
<u>VOLUSIA COUNTY</u>	<u>9/1/2013</u>	<u>PUBLISHED IN FAW: June 12, 2009</u>	
<u>DAYTONA BEACH</u>	<u>9/1/2014</u>		
<u>DAYTONA BEACH SHORES</u>	<u>10/1/2014</u>	<u>DEPARTMENT OF REVENUE</u>	
<u>DEBARY</u>	<u>7/1/2015</u>	<u>Sales and Use Tax</u>	
<u>DELAND</u>	<u>12/1/2014</u>	<u>RULE NO.:</u>	<u>RULE TITLE:</u>
<u>DELTONA</u>	<u>6/1/2015</u>	<u>12A-19.080</u>	<u>Distribution Adjustments Resulting</u>
<u>EDGEWATER</u>	<u>8/1/2015</u>		<u>From Misallocation of Tax</u>
<u>HOLLY HILL</u>	<u>9/1/2015</u>	<u>PURPOSE AND EFFECT: Section 202.18(3)(c), F.S., requires</u>	
<u>LAKE HELEN</u>	<u>2/1/2015</u>	<u>the Department to make any adjustments to the distribution of</u>	
<u>NEW SMYRNA BEACH</u>	<u>11/1/2015</u>	<u>proceeds of the local communications services tax that are</u>	
<u>OAK HILL</u>	<u>3/1/2015</u>	<u>necessary to reflect the proper amounts due to individual</u>	
<u>ORANGE CITY</u>	<u>4/1/2015</u>	<u>jurisdictions.</u>	

The purpose of the creation of Rule 12A-19.080, F.A.C. (Distribution Adjustments Resulting From Misallocation of Tax), is to develop procedures that will be used by the Department for determining when misallocations of communications services tax have occurred, for notifying the affected jurisdictions of the misallocations, and how distribution adjustments will be made.

SUMMARY: The proposed creation of Rule 12A-19.080, F.A.C. (Distribution Adjustments Resulting From Misallocation of Tax), provides local governments and other affected parties a process and timeline on what and how to expect distribution adjustments resulting from misallocation of tax to or between local governments and component parts of the communications services tax.

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.

RULEMAKING AUTHORITY: 202.26(3)(a) FS.

LAW IMPLEMENTED: 202.18(3)(c), 202.22(5), 202.231, 202.35(3) FS.

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

DATE AND TIME: August 31, 2009, 1:00 p.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carla Bruce, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4839

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.080 Distribution Adjustments Resulting From Misallocation of Tax.

(1) The purpose of this rule is to establish procedures when the Department determines that misallocations of communications services taxes require adjustments to distributions of the taxes. This determination will occur annually, with the adjustment cycle running from February 1 through January 31 of the subsequent year.

(2) DEFINITIONS: For purposes of this rule, the following terms are defined:

(a) "Distribution adjustments" are the reallocation of tax between local taxing jurisdictions or reallocation of tax distributed incorrectly to either the state, gross receipts or local portion of Communications Services Tax. This reallocation may be the result of incorrect local jurisdictional situsing, misapplication of tax on the return, or other filing errors causing tax misallocation.

(b) "Situsing" is the assignment of a service address to a local taxing jurisdiction.

(c) A "completed audit" is as an audit that has been paid and all formal or informal protest rights have been exercised or expired.

(3) DISTRIBUTION THRESHOLDS.

(a) The Department's determination will occur annually on or about November 15 and notice of this determination will be mailed to each affected local jurisdiction.

1. When the distribution adjustment is less than ninety percent (90%) of the average monthly distributions to the affected jurisdiction for the immediately preceding six months, the Department will make such adjustments in the month immediately following the Department's determination that misallocations occurred.

2.a. When the distribution adjustment is equal to or exceeds ninety percent (90%) of the average monthly distributions to the affected jurisdiction for the immediately preceding six months, the Department will make such adjustments beginning with the March distribution, unless affected jurisdictions seek another form of reallocation as described in sub-subparagraph 2.b. The adjustments will be made over a time period that equals the time period that the misallocations occurred.

b. Affected jurisdictions may seek another form of reallocation of proceeds other than by monthly Department distributions. The affected jurisdictions may execute a written agreement specifying a method of adjustment. A copy of the written agreement must be provided to the Department no later than the first day of the month following 90 days after the date the Department transmits notice of the misallocation.

(b) Example: A jurisdiction's average monthly distribution is \$10,000. The jurisdiction's sum total of adjustments for the adjustment cycle is (\$9,000). All adjustments are from audits with a 36-month audit period. The (\$9,000) will be allocated equally over a 36-month period with a monthly adjustment of (\$250). [ $(\$9000) / 36 \text{ months} = (\$250)$ ].

(c) Example: A jurisdiction's average monthly distribution is \$10,000. The jurisdiction's sum total of adjustments for the adjustment cycle is (\$8,000.00). The (\$8,000) adjustment will be made to the jurisdiction's December distribution.

(4) DISTRIBUTION ADJUSTMENT TIMELINE.



(a) On February 1, distribution adjustments will be combined into one electronic file organized by county and then jurisdiction within the county. For each local jurisdiction, the file will identify the taxpayer names, federal identification numbers, and the amount of the distribution adjustment. The file will be posted to the Local Government Communications Services Tax Information Sharing System. All local jurisdictions will have 30 days to review and make general inquiries regarding their proposed distribution adjustment. A local jurisdiction may make the inquiry to the Florida Department of Revenue, Local Government Unit, by mail at 5050 W. Tennessee St., Tallahassee, FL 32399-0100, or by e-mail to local-govt-unit@dor.state.fl.us, or by phone to (850)921-9181. All general inquiries regarding proposed distribution adjustments must be postmarked or otherwise time stamped or received by March 1.

(b) At any time, a local government may request to review adjustment documentation. Local governments who seek to review the documentation regarding their distribution adjustment(s) must submit a written letter specifying which adjustment(s) the local jurisdiction wishes to review. The letter must include:

1. The name of the local government;
2. The requestor's name, mailing address, phone number and email address;
3. The requestor's signature; and
4. Specification of which adjustment(s) by taxpayer name and federal identification number the local government is requesting to review. The federal identification number can be found in the Adjustment Distribution File or Distribution Data Download file posted on the Local Government Communications Services Tax Information Sharing System. The letter should be sent to the Florida Department of Revenue, Security and Disclosure Officer, P. O. Box 37372, Tallahassee, FL 32315-7372.

(c) On April 1, a final adjustments file will be posted to the Local Government Communications Services Tax Information Sharing System.

(d) On or about November 15, if the Department determines that misallocations have occurred, it will mail notification of this determination to each affected local jurisdiction.

(e) The December distribution of communications services tax will include adjustments for those jurisdictions whose net adjustments are less than ninety percent (90%) of the average monthly distributions to the affected jurisdiction for the six months immediately preceding November 1.

(f) March Distribution of the subsequent year: For those jurisdictions whose net adjustments are equal to or in excess of the ninety percent (90%) of the average monthly distributions to the affected jurisdiction for the six months immediately preceding November 1, the first distribution adjustments will

occur in March, unless the Department has received a written agreement specifying a different method of adjustment from affected jurisdictions by March 1.

(g) If any date specified above falls on a Saturday, Sunday, or federal or state legal holiday, the specific action will occur on the next succeeding workday.

(5) All information posted to the Local Government Communications Services Tax Information Sharing System for all jurisdictions to review is confidential taxpayer information pursuant to Section 213.053, F.S. This information shall not be distributed by the local government, except for use(s) as described in Section 213.053(8)(v), F.S.

Rulemaking Authority 202.26(3)(a) FS. Law Implemented 202.18(3)(c), 202.22(5), 202.231, 202.35(3) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carla Bruce, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4839

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed creation of Rule 12A-19.080, F.A.C. (Distribution Adjustments Resulting From Misallocation of Tax), was noticed in the Florida Administrative Weekly on March 6, 2009 (Vol. 35, No. 9, p. 1052). A rule development workshop was held on April 1, 2009, in Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida, to allow members of the public to ask questions and make comments concerning the proposed rule. In response, changes were made to proposed subsection (1) and proposed paragraphs (4)(a) and (c) of the proposed rule.

#### **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:  
33-602.201                 Inmate Property

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to clarify distinctions in permissible use and storage of religious items used for worship or for wearing at all times and to amend the list of religious items inmates are permitted to possess for worship or for wearing at all times.

**SUMMARY:** The proposed rule clarifies distinctions in permissible use and storage of religious items used for worship or for wearing at all times and amends the list of religious items inmates may possess for worship or for wearing at all times.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

**RULEMAKING AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

33-602.201 Inmate Property.

(1) through (15) No change.

(16) Religious Property.

(a) Unless otherwise prohibited by Department rule, inmates shall be permitted to possess, for personal use, religious publications as defined in Rule 33-503.001, F.A.C., that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C. Inmates shall be permitted to possess the following religious items or material:

(b) Unless otherwise prohibited by Department rule or by paragraph (d) of this subsection, inmates shall be permitted to possess the following items adhering to the tenets of a particular religion for wearing at all times or for use during individual worship. Such items must be documented on Form DC6-224, Inmate Personal Property List. When an inmate makes a change in religious preference, the inmate must dispose of all of the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal may be by mailing at the inmate's expense or by waste disposal and must be done before the inmate shall be permitted to possess items adhering to the new

religious preference. An inmate shall be allowed to maintain the following items in his cell or housing area unless individualized security concerns outlined in paragraph (g) of this subsection require storage and usage elsewhere. Inmates shall not be transported to the chapel for the purpose of using a religious item if the inmate possesses the item in his housing area.

1. Items for wearing or carrying at all times: Religious publications as defined in Rule 33-503.001, F.A.C., for personal use that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

a. Jewish – black yarmulke, white Tallit Katan;

b. Catholic – scapular;

c. Muslim – white koofi for men, white or blue headscarves for women (women may possess up to four scarves);

d. Buddhist – Rakusu;

e. Assembly of Yashua – black yarmulke;

f. Rastafarian – white or blue headscarves for women (possession limit of four);

g. One set of prayer beads, such as Rosary, Dhikr, Orisha, Mala, or Japa-Mala beads;

h. One religious symbol or medallion, such as a cross, Star of David, or talisman. Religious symbols shall not be more than two inches in length or diameter, and symbols worn about the neck shall be worn under the shirt on a jewelry-type chain. Religious symbols that are designed to be affixed to clothing with a pin are not permitted.

2. Items for individual worship: Items adhering to the tenets of a particular religion for wearing at all times or use during individual worship. Items may include:

a. Jewish – Tallit (white or white with blue trim) no larger than 66" x 66", one set of tefillin; Jewish – yarmulke;

b. Muslim – prayer rug no larger than 30" x 42"; Catholic – rosary beads;

c. Native American – medicine bag, headband, feather; Muslim – prayer rug, koofi;

d. Asatru or Odinism – runes and accompanying cloth bag; Native American – medicine bag, headband, and;

e. Greek Orthodox – prayer rope; Asatru or Odinism – runes and accompanying cloth bag.

f. Wiccan or Thelema – tarot cards;

g. No more than two pictures or images depicting gods, saints, or other religious or spiritual entities. Such pictures or images may be no larger than 8.5 x 11 inches.

3. Religious symbols such as a cross, Star of David, talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter. Religious symbols and items worn about the neck shall be worn under the shirt.

(c) The following religious items pose a general security risk when allowed in an inmate's cell or dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain or an approved volunteer. These items shall be stored in the chapel:

1. Buddhist – meditation cushion or Zafu;
2. Wiccan – stones or crystals.

(d) Limitations on Use of Religious Property.

1. Inmates in disciplinary or administrative confinement are not permitted to store or use religious property, other than religious publications as provided in paragraph (a) of this subsection, unless the inmate obtains prior written approval from the warden or designee.

2. Inmates in a transitional care unit or housed at Corrections Mental Health Institution (CMHI) shall only be permitted to possess religious items for wearing or carrying at all times, unless the warden or designee finds that the inmate's possession of an item poses a safety or security threat.

3. Inmates in an isolation cell, observation cell, isolation management room, crisis stabilization unit, or on self-harm observation status are not permitted to store or use religious property, other than religious publications as provided in paragraph (a) of this subsection, under any circumstance.

4. Inmates on close or maximum management status shall be permitted to possess items for wearing or carrying at all times unless the warden or designee finds that the inmate's possession of the item poses a safety or security threat. An inmate who wishes to possess a religious item for individual worship shall submit a request using form DC6-236, Inmate Request, to the chaplain for evaluation pursuant to paragraph (g) of this subsection.

~~(b) Inmates shall not be permitted to possess the following religious items or materials which adhere to the tenets of a particular religion for individual worship or group worship which pose a security risk when allowed in an inmate's cell or dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain and items shall be stored in the chapel:~~

- ~~1. Jewish – prayer shawl, tefillin;~~
- ~~2. Wiccan – tarot cards; and~~
- ~~3. Buddhist – meditation cushion or Zafu.~~

~~(e) Inmates shall not be permitted to possess religious items or materials intended for use in group worship. These group worship items shall not be stored at the institution, but may be brought in by volunteers for the religious observance. Group worship items include:~~

- ~~1. Alcoholic beverages or wine;~~
- ~~2. Wiccan – stones or crystals.~~

~~(e)(4) Religious property and other religious items shall be acquired through an authorized a legitimate vendor, canteen purchase, bona fide religious organization, or authorized donor.~~

~~(f)(e) The chaplain shall serve as advisor to staff and inmates in the area of religious property at the institution. The chaplaincy services administrator shall provide advice and guidance to the department regarding approved religions and other department religious issues.~~

~~(g)(4) Inmate requests for religious property shall be reviewed by the chaplain to determine whether the item is required by the inmate's particular religion and security personnel to determine whether the item presents a threat to security and order. In determining whether an item presents a threat to security and order, security staff shall consider the following:~~

- ~~1. The nature of the item requested and the particular dangers to security and order that the item presents;~~
- ~~2. The characteristics of the institution and of the general inmate population at the institution;~~
- ~~3. The custody level and record of the inmate requesting the item.~~

~~(17) No change.~~

~~Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08,\_\_\_\_\_.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-19.008                      RULE TITLE: Committees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the annual reporting requirements for committees.

SUMMARY: Annual reporting requirements for committees shall be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 120.53, 473.304 FS.  
 LAW IMPLEMENTED: 120.53, 20.30(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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-19.008 Committees.

(1) The Board may appoint such advisory committees as it deems necessary to effectively administer, implement and carry out the provisions of Chapters 455 and 473, F.S., and the rules promulgated pursuant thereto. Such committees shall be guided and assisted administratively by the Department and the Board.

(2) Committees shall operate under the same administrative rules and procedures which are applicable to, and used by, the Board. ~~Committees shall, on or before December 1 of each year, make an evaluation of the activities under their charge for the preceding fiscal year and the related fees and costs and shall report findings and recommendations to the Board.~~

(3) A vacancy shall occur upon the failure of any committee member who is not a Board member to attend two consecutive meetings of the committee to which he was duly appointed.

Rulemaking Specific Authority 120.53, 473.304 FS. Law Implemented 120.53, 20.30(5) FS. History—New 2-3-81, Formerly 21A-19.08, Amended 12-2-92, Formerly 21A-19.008, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Accountancy  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.001  
 RULE TITLE: Types of Certified Public Accountants and Firms

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to further define the types of certified public accountants and firms based on SB 1640 passed in the 2009 legislative session.

SUMMARY: Types of certified public accountants and firms will be further defined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.271, 473.304 FS.  
 LAW IMPLEMENTED: 455.271 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.001 Types of Certified Public Accountants and Firms Licensee.

(1) “Certified public accountant,” or “CPA,” Licensee shall be deemed and construed to mean a person, who ~~partnership or corporation which~~ holds an active, inactive, delinquent, or temporary license issued under Chapter 473, F.S., or who is practicing public accounting in this state pursuant to the practice privilege granted in Section 473.3141, F.S.

(2) “Florida certified public accountant” shall be deemed and construed to mean a person who holds an active, inactive, delinquent, or temporary license issued under Chapter 473, F.S.

(3) “Non-Florida certified public accountant” shall be deemed and construed to mean a person who is practicing public accounting in this state pursuant to the practice privilege granted in Section 473.3141, F.S.

(4) “Firm” shall be deemed and construed to mean any legal entity that holds an active, delinquent, or temporary license issued under Chapter 473, F.S., or its state of domicile.

(5) “Florida firm” shall be deemed and construed to mean any legal entity that holds an active, delinquent, or temporary license issued under Chapter 473, F.S.

(6) “Non-Florida firm” shall be deemed and construed to mean any legal entity that is practicing public accounting pursuant to a license issued in its state of domicile.

(7)(2) A “suspended certified public accountant” is prohibited from practicing public accounting as a sole proprietor, partner or shareholder and using the “CPA”

designation. A suspended certified public accountant ~~Licensee~~ may be an employee under the supervision of a certified public accountant who holds an active license.

Rulemaking Specific Authority 455.271, 473.304 FS. Law Implemented 455.271 FS. History--New 12-4-79, Formerly 21A-20.01, Amended 10-20-86, Formerly 21A-20.001, Amended 8-13-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NOS.:	RULE TITLES:
61H1-33.001	Certified Public Accountants Required to Comply with this Chapter
61H1-33.003	Continuing Professional Education
61H1-33.0032	Board Approval of CPA Ethics Continuing Education by Providers

PURPOSE AND EFFECT: The Board proposes the rule amendments in order to delete the annual laws and rules examination requirement; to clarify the ethics continuing professional education (CPE) requirement; and to change the biennial reporting date from July 15 to December 31.

SUMMARY: The annual laws and rules examination requirement will be deleted; the ethics CPE requirement will be clarified; and the biennial reporting date will be changed from July 15 to December 31.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.311, 473.312, 473.313 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-33.001 Certified Public Accountants Required to Comply with this Chapter.

(1) Each Florida certified public accountant ~~who is licensed to practice public accounting in Florida~~ shall be required to reestablish his/her professional knowledge and competency in conformity with this rule by the completion of continuing professional education programs ~~and passing the examination on Chapters 455, 473, F.S., and related administrative rules approved by the Board. A grade of at least 80 is a passing grade. Each certified public accountant shall, on or before December 31, prior to biennial license renewal, complete on line or mail his completed answers to the examination on Chapters 455, 473, F.S., and related administrative rules to the Department of Business and Professional Regulation, or its designee.~~

(2) Each Florida certified public accountant ~~who received an original Florida certification after December 31, 1978,~~ shall commence his/her reestablishment period on the date indicated on his/her Florida certificate. The initial designated reestablishment period for such Florida certified public accountant ~~licensee~~ shall end on the third December 31st ~~June 30th~~ following the date indicated on his/her Florida certificate. Each succeeding reestablishment period shall begin on January 1 and end on December 31st, July 1, and end on June 30 two years thereafter.

~~(3) The scan sheet for the Laws and Rules Examination must be postmarked or completed on line by or on December 31. No Laws and Rules Examination scan sheet will be accepted if it is postmarked or completed on line after December 31.~~

(3)(4) See Rule 61H1-37.001, F.A.C., for reinstatement of suspended Florida certified public accountants and Rule 61H1-33.006, F.A.C., for inactive Florida certified public accountants ~~licensees~~ who desire to become active Florida certified public accountants ~~licensees~~, which rules relate to continuing professional education requirements.

Rulemaking Specific Authority 473.304, 473.312, 473.313 FS. Law Implemented 473.311, 473.312, 473.313 FS. History--New 12-4-79, Amended 2-3-81, 12-19-82, Formerly 21A-33.01, Amended 4-8-86, Formerly 21A-33.001, Amended 5-24-07, 11-18-07, \_\_\_\_\_.

61H1-33.003 Continuing Professional Education.

(1)(a) In any given reestablishment period, each current/active Florida certified public accountant must have completed at any time or times during the two-year period, at least 80 hours of educational instruction or training in public accounting subjects or courses of study, as defined hereinafter,

of which at least 20 hours must have been in accounting-related and/or auditing-related subjects and of which no more than 20 hours may be in behavioral subjects and at least four hours shall be in Florida Board-approved ethics beginning with the reestablishment period ending June 30, 2006.

~~(b) Licensees who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the licensee submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 31st provided the licensee submits an additional 16 hours in Accounting and Auditing subjects. Licensees utilizing the automatic extension must submit the required information postmarked or recorded on-line by September 15th or December 31st.~~

(2) Educational instruction or training in public accounting subjects or courses of study is hereby defined as formal programs of learning, as defined below, which contribute directly to professional competency following licensure to practice public accountancy. Unless otherwise approved by the Board pursuant to Section 120.542, F.S., subjects or courses of study qualifying an individual for the purpose of this rule shall be limited to:

(a) Accounting and auditing subjects to consist of:

1. Accounting-related subjects or courses, including, but not limited to, financial accounting (including current authoritative literature in generally accepted accounting principles in the United States ~~and the Pronouncements of the Accounting Principles Board and the Financial Accounting Standards Board~~), and accounting for specialized industries.

2. Auditing-related subjects or courses, including, but not limited to, general auditing theory and practice (including current authoritative literature in generally accepted auditing standards in the United States ~~and the Statements on Auditing Standards promulgated by the American Institute of Certified Public Accountants~~), auditing for specialized industries (including governmental auditing requirements) and audit applications to computers and information systems; and other category courses to consist of:

(b) Technical business subjects to consist of:

1. Taxation.

2. Management services and management advisory services.

3. General business including, but not limited to, economics, business law, production or operational systems, marketing, finance, quantitative applications in business and business policy, and computers and information systems without audit applications; and

(c) Behavioral subjects to consist of:

1. Oral and written communications.

2. The social environment of business.

3. Administration of a public accounting practice including, but not limited to, behavioral sciences, managerial effectiveness and management by objectives.

(3) Effective July 1, 1999, educational instruction or training in public accounting subjects or courses of study is hereby defined as formal programs of learning as defined below, which contribute directly to professional competency following licensure to practice public accountancy. Subjects or courses of study qualifying an individual for the purposes of this shall be limited to:

(a) Accounting and auditing subjects to consist of: Accounting and financial reporting subjects, the body of knowledge dealing with recent pronouncements of authoritative accounting principles issued by the standard-setting bodies, and any other related subject generally classified within the accounting discipline. Subjects include auditing subjects related to the examination of financial statements, operations systems, and programs; the review of internal and management controls; and the reporting on the results of audit findings, compilation and review. It also includes assurance services that relate to Standards for Attest Engagements.

(b) Technical business subjects to consist of:

1. Taxation including tax compliance and tax planning.

2. Consulting services including management advisory services; personal financial planning services; planning and control systems dealing with planning, organizing and controlling any phase of individual financial activity or business activity; designing, implementing, and evaluating operating systems as well as business advisory services and personal financial planning.

3. Management including practice management for the public practitioner; financial management of an organization including information systems, budgeting and asset management, planning, buying and selling businesses, contracting for goods and services and foreign operation; budgeting; cost analysis; human resource management; and financial management.

4. Specialized knowledge and applications including subjects related to specialized industries such as not for profit organizations, health care, oil and gas.

(c) The ethics courses shall be obtained from a provider approved pursuant to Rule 61H1-33.0032, F.A.C. and consist of:

1. A review of Chapters 455 and 473, F.S., and the related administrative rules.

2. The ethics course may include other subjects including but not limited to: ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standards and interpretations, and appropriate national issues related to the practice of accounting.

(d) Behavioral subjects including oral and written communications and the social environment of business. All courses not covered above are considered behavior except for business meetings, social functions, committee service and courses in elementary accounting or basic mathematics which do not qualify for credit.

(4) No change.

(5) In order for a Florida certified public accountant license to receive credit for programs of learning, as defined above, the following formalities and further requirements must be met:

(a) Courses taken at institutions of higher education:

1. Higher education credit courses taken from an accredited institution as defined in subsection 61H1-27.001(1), F.A.C., shall be credited for continuing professional education purposes at the rate of 15 hours for each semester hour of higher education credit and 10 hours for each quarter hour of higher education credit, provided the number of contact hours (hours in the classroom) totals at least 90% of the continuing professional education credit so determined. Otherwise, continuing professional education credit shall be limited to the actual number of contact hours.

2. Higher education non-credit courses shall be credited for continuing professional education purposes equivalent to the actual number of contact hours.

3. Continuing professional education credit for instructing a higher education course shall be twice the credit which would have been granted participants for the first presentation of a specific course of program, the same as the credit granted a participant for the second presentation and none thereafter, except as permitted by subparagraph 61H1-33.003(4)(b)4., F.A.C.

4. No continuing professional education credit shall be permitted for attending or instructing accounting courses considered to be elementary.

(b) Other professional education or training:

1. Professional development courses shall be credited for continuing professional education purposes in full hours only, equivalent to the actual number of contact hours (hours in the classroom which must include at least fifty minutes of continuous participation) provided an outline (defined as a schedule of activity listing major topics of discussion) is prepared in advance and retained; a course is at least one contact hour in length; the course conducted by a qualified instructor, lecturer or discussion leader; and a record of registration and attendance is maintained. For this purpose, a one-day program will be granted eight hours credit if the total lapsed time is at least eight hours and the contact time is approximately 400 minutes. An instructor, lecturer or discussion leader will be considered qualified if, through formal training or experience, he has obtained sufficient knowledge of the subject matter to competently instruct the course. A course participant will be granted credit for only that

portion of a course actually attended. If a record of registration and attendance is not maintained by the sponsoring organization, the course participant must be able to prove registration and attendance.

2. Formal organization in-firm educational programs shall be credited for continuing professional education purposes to the same extent and by the same requirements as other professional development courses.

3. Instructors, lecturers, panelists and discussion leaders for professional development courses and formal organized in-firm educational programs shall be credited for continuing professional education purposes at twice the credit granted participants for the first presentation of a specific course or program, the same as the credit granted a participant for the second presentation and none thereafter, except as permitted in subparagraph 61H1-33.003(4)(b)4., F.A.C. Co-panelists and co-discussion leaders shall be credited for the portion of specific course or program they must prepare to discuss and lead as a co-panelist or co-discussion leader.

4. To the extent course content has been substantially revised, the revised portion shall be considered a first presentation for the purposes of subparagraph 61H1-33.003(4)(b)3., F.A.C.

(6) Each Florida certified public accountant shall, as a part of the biennial licensure renewal, on or before December 31 ~~July 15~~ prior to his/her biennial license renewal, report on forms prescribed by the Board, compliance with programs of continuing professional education requirements completed during the applicable reestablishment period. Each Florida certified public accountant's documentation supporting such compliance programs shall be retained through the two years following a two-year reestablishment period. Documentation is to be retained to support evidence of completion of the required hours to enable a random audit by the Department of Business and Professional Regulation to determine compliance with the requirements. If staff review or review by the Committee on Continuing Professional Education determines that courses are either improperly classified or do not otherwise meet the requirements of the chapter, then the Florida certified public accountant license will be given 60 days from the date of notification, ~~but no later than December 31~~ to comply with the continuing professional education requirements. Florida certified public accountants Licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay a \$50 fine within 60 days.

(7) No change.

Rulemaking Specific Authority 120.55(1)(a)4., 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS. History–New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05, 7-23-06, \_\_\_\_\_.

61H1-33.0032 Board Approval of CPA Ethics Continuing Education by Providers.

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

(i) The fee as established in subsection 61H1-31.001(13)(15), F.A.C. If such application is withdrawn or denied, no portion of the fee will be refundable.

(4) through (6) No change.

Rulemaking Specific Authority 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History–New 6-30-05, Amended 9-24-07, 12-11-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-38.005 Scholarships

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the maximum scholarship available to \$6,000.00.

SUMMARY: The maximum scholarship available will be increased to \$6,000.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 473.304(1), 473.3065(3) FS.

LAW IMPLEMENTED: 473.3065 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-38.005 Scholarships.

(1) Scholarships will be awarded in the amount of at least \$3,000.00, not to exceed \$6,000.00, per semester up to a maximum of two (2) semesters.

(2) Scholarship checks will be made payable jointly to the institution and the student and will be mailed during August for those enrolled in the fall term and during December for those enrolled in the winter term.

(3) A maximum of \$100,000.00 may be expended for all scholarships each year.

(4) A minimum of \$1,000.00 must be maintained in the program account.

Rulemaking Specific Authority 473.304(1), 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 9-22-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: RULE TITLE:

61J2-24.001 Disciplinary Guidelines

PURPOSE AND EFFECT: To eliminate the fine and penalty for a license issued by mistake and to update citations.

SUMMARY: This rule addresses elimination of the fine and penalty for a license issued by mistake and updates citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.453 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, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.001 Disciplinary Guidelines.

(1) Pursuant to Section 455.2273, F.S., the Commission sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapter 455 or 475, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count during a formal or an informal hearing. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to Section 475.25(1), F.S., combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the range of penalties set forth in this rule preclude the Probable Cause Panel from issuing a letter of guidance.

VIOLATIONS

(a) Section 475.22, F.S.

Broker fails to maintain office and sign at entrance of office

(b) Section 475.24, F.S.

Failure to register a branch office

(c) Section 475.25(1)(b), F.S.

Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust. Guilty of violating a duty imposed by law or by the terms of a listing agreement; aided, assisted or conspired with another; or formed an intent, design or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design or scheme

(d) Section 475.25(1)(c), F.S.

False, deceptive or misleading advertising

(e) Section 475.25(1)(d), F.S.

(2) As provided in Section 475.25(1), F.S., the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

(a) The usual action of the Commission shall be to impose a suspension of up to 90 days.

(b) The usual action of the Commission shall be to impose a suspension of up to 90 days.

(c) In the case of fraud, misrepresentation and dishonest dealing, the usual action of the Commission shall be to impose a penalty of revocation.

In the case of concealment, false promises and false pretenses, the usual action of the Commission shall be to impose a penalty of a 3 to 5 year suspension and an administrative fine not to exceed \$5,000.

In the case of culpable negligence and breach of trust, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and to a 1 year suspension.

In the case of violating a duty imposed by law or a listing agreement; aided, assisted or conspired; or formed an intent, design or scheme to engage in such misconduct, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 5 year suspension.

(d) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 1 year suspension

(e) The usual action of the Commission shall be to

Failed to account or deliver to any person as required by agreement or law, escrowed property  
 (f) Section 475.25(1)(e), F.S.  
 Violated any rule or order or provision under Chapters 475 and 455, F.S.  
 (g) Section 475.25(1)(f), F.S.  
 Convicted or found guilty of a crime related to real estate or involves moral turpitude or fraudulent or dishonest dealing.  
 (h) Section 475.25(1)(g), F.S.  
 Has license disciplined or acted against or an application denied by another jurisdiction

(i) Section 475.25(1)(h), F.S.  
 Has shared a commission with or paid a fee to a person not properly licensed under Chapter 475, F.S.  
 (j) Section 475.25(1)(i), F.S.  
 Impairment by drunkenness, or use of drugs or temporary mental derangement  
 (k) Section 475.25(1)(j), F.S.  
 Rendered an opinion that the title to property sold is good or merchantable when not based on opinion of a licensed attorney or has failed to advise prospective buyer to consult an attorney on the merchantability of title or to obtain title insurance  
 (l) Section 465.25(1)(k), F.S.  
 Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate, to place any money to be escrowed with his registered employer  
 (m) Section 475.25(1)(l), F.S.  
 Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by State or Federal Law.  
 (n) Section 475.25(1)(m), F.S.  
 Obtained a license by fraud, misrepresentation or concealment

impose an administrative fine not to exceed \$5,000 and up to a 5 year suspension.  
 (f) The usual action of the Commission shall be to impose an 8 year suspension to revocation and an administrative fine not to exceed \$5,000.  
 (g) The usual action of the Commission shall be to impose a 7 year suspension to revocation and an administrative finenot to exceed \$5,000.

(h) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken, and an administrative fine not to exceed \$5,000.  
 (i) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 5 year suspension.

(j) The usual action of the Commission shall be to impose a penalty of suspension for the period of incapacity.  
 (k) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 6 month suspension.

(l) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a 90 day suspension to revocation.

(m) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 2 year suspension.

(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation. In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to attention of the DBPR, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000. In all other cases, the usual action of the Commission shall be to impose a penalty of revocation and an administrative fine not to exceed \$5,000 and a penalty of revocation.

(o) Section 475.25(1)(n), F.S.  
 Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill and safety

(p) Section 475.25(1)(o), F.S.  
 Guilty for the second time of misconduct in the practice of real estate that demonstrates incompetent, dishonest or negligent dealings with investors

(q) Section 475.25(1)(p), F.S.  
 Failed to give Commission 30 day written notice after a guilty or nolo contendere plea or convicted of any felony

(r) Section 475.25(1)(q), F.S.  
 Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of Section 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate forms as required in Section 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in Section 475.2755 or 475.278, F.S.

(s) Section 475.25(1)(r), F.S.  
 Failed to follow the requirements of a written listing agreement

(t) Section 475.25(1)(s), F.S.  
 Has had a registration suspended, revoked or otherwise acted against in any jurisdiction.

(u) Section 475.25(1)(t), F.S.  
 Violated the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611, F.S.

(v) Section 475.25(1)(u), F.S.  
 Has failed, if a broker, to direct, control, or manage a broker associate or sales associate employed by such broker.

(w) Section 475.25(1)(v), F.S.  
 Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter.

~~(x) Section 475.25(2), F.S.~~  
 License issued by error of the Commission

~~(x)(y)~~ Section 475.42(1)(a), F.S.  
 Practice without a valid and current license

~~(y)(z)~~ Section 475.42(1)(b), F.S.  
 Practicing beyond scope as a sales associate

~~(z)(aa)~~ Section 475.42(1)(c), F.S.  
 Broker employs a sales associate who is not the holder of a valid and current license

~~(aa)(bb)~~ Section 475.42(1)(d), F.S.  
 A sales associate shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer

(o) The usual action of the Commission shall be to impose a penalty of revocation

(p) The usual action of the Commission shall be to impose an administrative fine of not to exceed \$5,000 and a 1 year suspension to revocation.

(q) The usual action of the Commission shall be to impose a 5 year suspension to revocation.

(r) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 5 year suspension.

(s) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 3 year suspension.

(t) The usual action of the Commission shall be to impose a 6 year suspension to revocation and an administrative fine not to exceed \$5,000.

(u) The usual action of the Commission shall be to impose a 5 year suspension to revocation.

(v) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000, and up to a 1 year suspension to revocation.

(w) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000, and a 1 year suspension to revocation.

~~(x) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.~~

~~(x)(y)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a 3 year suspension to revocation.

~~(y)(z)~~ The usual action of the Commission shall be to impose a 3 year suspension to revocation.

~~(z)(aa)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a 90 day to a 2 year suspension.

~~(aa)(bb)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 3 year suspension.

~~(bb)(ee)~~ Section 475.42(1)(e), F.S.  
A violation of any order or rule of the Commission

~~(cc)(dd)~~ Section 475.42(1)(g), F.S.  
Makes false affidavit or affirmation or false testimony before the Commission.

~~(dd)(ee)~~ Section 475.42(1)(h), F.S.  
Fails to comply with subpoena

~~(ee)(ff)~~ Section 475.42(1)(i), F.S.  
Obstructs or hinders the enforcement of Chapter 475, F.S.

~~(ff)(gg)~~ Section 475.42(1)(j), F.S.  
No broker or sales associate shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property

~~(gg)(hh)~~ Section 475.42(1)(k), F.S.  
Failed to register trade name with the Commission

~~(hh)(ii)~~ Section 475.42(1)(l), F.S.  
No person shall knowingly conceal information relating to violations of Chapter 475, F.S.

~~(ii)(jj)~~ Section 475.42(1)(m), F.S.  
Fails to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year

~~(jj)(kk)~~ Section 475.42(1)(n), F.S.  
Licensee fails to disclose all material aspects of the resale of timeshare period or timeshare plan and the rights and obligations of both buyer or seller

~~(kk)(ll)~~ Section 475.42(1)(o), F.S.  
Publication of false or misleading information; promotion of sales, leases and rentals

~~(ll)(mm)~~ Section 475.451, F.S.  
School teaching real estate practice fails to obtain a permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission

~~(mm)(nn)~~ Section 475.453, F.S.  
Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

~~(nn)(oo)~~ Section 475.5015 475.25(1)(e), F.S.  
Failure to keep and make available to the department such books, accounts, and records as will enable the department to determine whether the broker is in compliance with the provisions of this chapter.

(4)(a) When either the Petitioner or Respondent is able to demonstrate aggravating or mitigating circumstances to the Commission in a Section 120.57(2), F.S., hearing or to a Division of Administrative Hearings hearing officer in a Section 120.57(1), F.S., hearing by clear and convincing evidence, the Commission or hearing officer shall be entitled

~~(bb)(ee)~~ The usual action of the Commission shall be to impose an 8 year suspension to revocation and an administrative fine not to exceed \$5,000.

~~(cc)(dd)~~ The usual action of the Commission shall be to impose of an administrative fine not exceed \$5,000 and up to a 3 year suspension

~~(dd)(ee)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a 6 month to a 5 year suspension.

~~(ee)(ff)~~ The usual action of the Commission shall be to impose revocation.

~~(ff)(gg)~~ The usual action of the Commission shall be to impose a 5 year suspension to revocation.

~~(gg)(hh)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 6 month suspension

~~(hh)(ii)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 3 year suspension

~~(ii)(jj)~~ The usual action of the Commission shall be to impose revocation

~~(jj)(kk)~~ The usual action of the Commission shall be to impose revocation

~~(kk)(ll)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 1 year suspension

~~(ll)(mm)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 6 month suspension

~~(mm)(nn)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 3 year suspension

~~(nn)(oo)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and up to a 3 month suspension.

to deviate from the above guidelines in imposing or recommending discipline, respectively, upon a licensee. Whenever the Petitioner or Respondent intends to introduce such evidence to the Commission in a Section 120.57(2), F.S.,

hearing, advance notice of no less than seven (7) days shall be given to the other party or else the evidence can be properly excluded by the Commission.

(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:

1. The degree of harm to the consumer or public.
2. The number of counts in the Administrative Complaint.
3. The disciplinary history of the licensee.
4. The status of the licensee at the time the offense was committed.
5. The degree of financial hardship incurred by a licensee as a result of the imposition of a fine or suspension of the license.

6. Violation of the provision of Chapter 475 FS, wherein a letter of guidance as provided in Section 455.225(4)(~~3~~), F.S., previously has been issued to the licensee.

Rulemaking Specific Authority 455.2273, 475.05 FS. Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, 2-5-04, 1-30-06, 12-25-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

**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.: 62-304.310  
 RULE TITLE: Apalachicola River Basin TMDLs  
 PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations for fecal coliform, dissolved oxygen, and nutrient impaired waters in the Apalachicola River Basin.  
 SUMMARY: This TMDL addresses fecal coliform, dissolved oxygen, and nutrient impairments in the Apalachicola River Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for Flat Creek and Sweetwater Creek, and dissolved oxygen and nutrient TMDLs for Little Gully Creek. These waterbodies were verified as impaired using the methodology established in Chapter

62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the fecal coliform TMDLs was the percent reduction method. This rulemaking has been given OGC case number 09-0719.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.310 Apalachicola River Basin TMDLs.

(1) Huckleberry Creek. The Total Maximum Daily Load (TMDL) for Huckleberry Creek is a median of 6.85 x 10<sup>9</sup> colonies/day for fecal coliform, and is allocated as follows:

(a)(+) The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Permitting Program is to meet the Class III water quality criteria for fecal coliform in Chapter 62-302, F.A.C.

(b)(-) The Load Allocation (LA) for nonpoint sources is a median of 6.85 x 10<sup>9</sup> colonies/day for fecal coliform, which constitutes a 68.33 percent reduction of current fecal coliform loading, and

(c)(-) The Margin of Safety is implicit.

(2) Flat Creek. The fecal coliform TMDL for Flat Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the NPDES Municipal Stormwater Permitting Program, to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria, is not applicable.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the January 2007 to December 2007 period, will require a 38 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) Little Gully Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an 11.3 percent reduction in both total nitrogen (TN) and total phosphorus (TP) and are allocated as follows:

(a) The WLA for point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program, to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, is not applicable.

(c) The LA for nonpoint sources is an 11.3 percent reduction in current anthropogenic loadings of both TN and TP, and

(d) The Margin of Safety is implicit.

(e) While the LA for nutrients has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the reductions from anthropogenic nonpoint sources that will result in the required reduction of nutrients. However, it is not the intent of the TMDL to abate natural background conditions.

(4) Sweetwater Creek. The fecal coliform TMDL for Sweetwater Creek is 400 counts/100 mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program, to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria, is not applicable.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the January 2007 to December 2007 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 6-22-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-304.315

Chipola River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for a fecal coliform impaired water in the Chipola River Basin. SUMMARY: This TMDL addresses fecal coliform impairments in the Chipola River Basin. Specifically, the TMDL rule being proposed for adoption is for Otter Creek. This waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the TMDL was the percent reduction method. This rulemaking has been given OGC case number 09-2871.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.315 Chipola River Basin TMDLs.

Otter Creek. The fecal coliform total maximum daily load (TMDL) for Otter Creek is 400 counts/100mL, and is allocated as follows:

(1) The Waste load Allocation (WLA) for wastewater sources is not applicable.

(2) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is not applicable.

(3) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 35 percent reduction of sources contributing to exceedances of the criteria, and

(4) The Margin of Safety is implicit.

(5) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-304.415  
 RULE TITLE: Lower St. Johns River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms, dissolved oxygen, lead, and nutrients in the Lower St. Johns River Basin.

SUMMARY: This TMDL addresses fecal coliform, dissolved oxygen, lead, and nutrient impairments in the Lower St. Johns River Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for Greene Creek, Grog Branch, Julington Creek, Little Black Creek, Mill Creek, Ortega River, Peters Creek, Pottsburg Creek, and Strawberry Creek; dissolved oxygen and nutrient TMDLs for Dog Branch, Middle Trout River, Mill Creek, Ortega River, and Swimming Pen Creek; a dissolved oxygen TMDL for Sixteen Mile Creek; nutrient TMDLs for Arlington River and Doctors Lake, and lead TMDLs for Black Creek, South Fork of Black Creek, and Peters Creek. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodologies used to develop the fecal coliform TMDLs were either the percent reduction or the load duration curve methods. The nutrient targets for water segments impaired for nutrients and/or dissolved oxygen were developed using a Trophic State Index or general linear model regression methods. Nutrient TMDLs were developed using the percent reduction method. Lead TMDLs were developed using the percent reduction method. This rulemaking has been given OGC case number 09-2853.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.415 Lower St. Johns River Basin TMDLs.

Lower St. Johns River.

(1) through (25) No change.

(26) Arlington River. The TMDL for Arlington River is a 30 percent reduction in total nitrogen (TN) to address a nutrient impairment, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1973 to 2008 period, will require a 30 percent reduction of TN for sources contributing to the nutrient impairment.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1973 to 2008 period, will require a 30 percent reduction of TN for sources contributing to the nutrient impairment, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reduction for TN identified in this TMDL is established to be consistent with the TMDLs for TN identified in subsections (1) and (2) of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(27) Black Creek. The TMDL for Black Creek is a lead concentration of 0.545 ug/L and is allocated as follows:

(a) The WLA for wastewater facilities discharging lead is that they shall not exceed the lead criterion.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the lead criterion which, based on the measured concentrations from the 2001 to 2008 period, will require a 73.2 percent reduction from sources contributing to exceedances of the lead criterion.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the lead criterion which, based on the measured concentrations from the 2001 to 2008 period, will require a 73.2 percent reduction from sources contributing to exceedances of the lead criterion, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for lead has been expressed as the percent reduction needed to attain the applicable Class III lead criterion, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream lead concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(28) Black Creek – South Fork. The TMDL for the Black Creek – South Fork is a lead concentration of 0.545 ug/L and is allocated as follows:

(a) The WLA for wastewater sources discharging lead is that they shall not exceed the lead criterion.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the lead criterion which, based on the measured concentrations from the 2001 to 2008 period, will require a 76.8 percent reduction from sources contributing to exceedances of the lead criterion.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the lead criterion which, based on the measured concentrations from the 2001 to 2008 period, will require a 76.8 percent reduction from sources contributing to exceedances of the lead criterion, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for lead has been expressed as the percent reduction needed to attain the applicable Class III lead criterion, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the



required reduction of in-stream lead concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(29) Doctors Lake. The TMDL for Doctors Lake is a 50 percent reduction in TN to address the nutrient impairment, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN which, based on the measured concentrations from the 1971 to 2008 period, will require a 50 percent reduction of TN for sources contributing to exceedances of the nutrient criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1971 to 2008 period, will require a 50 percent reduction of TN for sources contributing to exceedances of the nutrient criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reduction for TN identified in this TMDL is established to be consistent with the TMDLs for TN identified in subsections (1) and (2) of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(30) Dog Branch. The TMDLs for Dog Branch are a 30 percent reduction in TN and a 30 percent reduction in total phosphorus (TP) to address low Dissolved Oxygen (DO) and nutrient impairments, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1985 to 2008 period, will require a 30 percent reduction in TN and a 30 percent reduction in TP from sources contributing to exceedances of the DO and nutrient criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1985 to 2008 period, will require a 30 percent reduction of TN and a 30 percent reduction of TP from sources contributing to exceedances of the DO and nutrient criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III DO and nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reductions for TN and TP identified in this TMDL are established to be consistent with the TMDLs for TN and TP identified in subsections (1) and (2), as applicable, of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(31) Greene Creek. The TMDL for Greene Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2008 period, will require a 45 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2008 period, will require a 45 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(32) Grog Branch. The TMDL for Grog Branch is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 59 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2001 to 2008 period, will require a 59 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(33) Julington Creek. The TMDL for Julington Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 59 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 59 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(34) Little Black Creek. The TMDL for Little Black Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for the Ridaught Landing Wastewater Treatment Facility is that it must meet its NPDES permit conditions.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 27 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2001 to 2008 period, will require a 27 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(35) Middle Trout River. The TMDLs for Middle Trout River are a 30 percent reduction in TN and a 70 percent reduction in TP to address the DO and nutrient impairments, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1967 to 2008 period, will require a 30 percent reduction of TN and a 70 percent reduction of TP from sources contributing to exceedances of the DO and nutrient criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1967 to 2008 period, will require a 30 percent reduction of TN and a 70 percent reduction of TP from sources contributing to exceedances of the DO and nutrient criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III DO and nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reduction for TN identified in this TMDL is established to be consistent with the TMDLs for TN identified in subsections (1) and (2) of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(36) Mill Creek. The TMDL for Mill Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2002 to 2008 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2008 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(37) Mill Creek. The TMDLs for Mill Creek are a 30 percent reduction in TN and a 30 percent reduction in TP to address the DO and nutrient impairments, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1992 to 2008 period, will require a 30 percent reduction of TN and a 30 percent reduction of TP from sources contributing to exceedances of the DO and nutrient criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1992 to 2008 period, will require a 30 percent reduction of TN and a 30 percent reduction of TP from sources contributing to exceedances of the DO and nutrient criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III DO and nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reductions for TN and TP identified in this TMDL are established to be consistent with the TMDLs for TN and TP identified in subsections (1) and (2), as applicable, of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(38) Ortega River. The TMDL for Ortega River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(39) Ortega River. The TMDL for Ortega River is a 30 percent reduction in TN to address the DO and nutrient impairments, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1967 to 2008 period, will require a 30 percent reduction of TN from sources contributing to exceedances of the DO and nutrient criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1967 to 2008 period, will require a 30 percent reduction of TN from sources contributing to exceedances of the DO and nutrient criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III DO and nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reduction for TN identified in this TMDL is established to be consistent with the TMDLs for TN identified in subsections (1) and (2) of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(40) Peters Creek. The TMDL for Peters Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2004 to 2007 period, will require a 41 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2004 to 2007 period, will require a 41 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(41) Peters Creek. The TMDL for Peters Creek is a lead concentration of 0.545 ug/L and is allocated as follows:

(a) The WLA for wastewater sources discharging lead is that they shall not exceed the lead criterion.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the lead criterion which, based on the measured concentrations from the 2001 to 2008 period, will require a 80 percent reduction from sources contributing to exceedances of the lead criterion.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the lead criterion which, based on the measured concentrations from the 2001 to 2008 period, will require a 80 percent reduction from sources contributing to exceedances of the lead criterion, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for lead has been expressed as the percent reduction needed to attain the applicable Class III lead criterion, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream lead concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(42) Pottsburg Creek. The TMDL for Pottsburg Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 50 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 50 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(43) Sixteen Mile Creek. The TMDLs for Sixteen Mile Creek are a 30 percent reduction in TN and a 30 percent reduction in TP to address the DO impairment, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the total nitrogen and total phosphorus targets which, based on the measured concentrations from the 1987 to 2008 period, will require a 30 percent reduction of TN and a 30 percent reduction of TP from sources contributing to exceedances of the DO criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the TN and TP targets which, based on the measured concentrations from the 1987 to 2008 period, will require a 30 percent reduction of TN and a 30 percent reduction of TP from sources contributing to exceedances of the DO criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III DO criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reductions for TN and TP identified in this TMDL are established to be consistent with the TMDLs for TN and TP identified in subsections (1) and (2), as applicable, of

this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

(44) Strawberry Creek. The TMDL for Strawberry Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(45) Swimming Pen Creek. The TMDL for Swimming Pen Creek is a 30 percent reduction in TN to address the DO and nutrient impairments, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1973 to 2008 period, will require a 30 percent reduction of TN from sources contributing to exceedances of the DO and nutrient criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the TN target which, based on the measured concentrations from the 1973 to 2008 period, will require a 30 percent reduction of TN from sources contributing to exceedances of the DO and nutrient criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III DO and nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(f) The percent reduction for TN identified in this TMDL is established to be consistent with the TMDLs for TN identified in subsections (1) and (2) of this rule. The required reductions are not additive to the extent they are protective of this waterbody and the mainstem of the Lower St Johns River.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 12-13-03, Amended 5-15-06, 6-3-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-304.505  
 RULE TITLE: Middle St. Johns River Basin TMDLS

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations for waters in the Middle St. Johns River Basin that are impaired for fecal coliform, low dissolved oxygen, and nutrients.

SUMMARY: These TMDLs address fecal coliform, dissolved oxygen, and nutrient impairments in the Middle St. Johns River Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for Gee Creek, Little Econlockhatchee River, Smith Canal, and Soldier Creek, and dissolved oxygen and nutrient TMDLs for Lake Harney, Lake Monroe, Smith Canal, the St. Johns River above Lake Jesup, the St. Johns River above Lake Monroe, the St. Johns River above Wekiva River, and the St. Johns River Downstream of Lake Harney. These water segments were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodologies used to develop the fecal coliform TMDLs were either the percent reduction or the load duration analysis method. The nutrient targets for water segments impaired for nutrients and dissolved oxygen were developed using trophic state index, paleolimnological data, and reference lake methods. The TMDLs for nutrients were simulated using the hydrologic simulation program – Fortran (HSPF) model. This rulemaking has been given OGC case number 09-0721.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400.

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.505 Middle St. Johns River Basin TMDLs.

(1) through (5) No change.

(6) Gee Creek. The fecal coliform TMDL for Gee Creek is  $5.63 \times 10^{10}$  counts/day, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 79 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 79 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) Lake Harney. The TMDLs to address the low dissolved oxygen and nutrient impairments are 1,522 tons/year of total nitrogen (TN) and 109 tons/year of total phosphorus (TP), and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, will require a 39 percent reduction of TN and 33 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, will require a 39 percent reduction of TN and 33 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(8) Little Econlockhatchee River. The fecal coliform TMDL for the Little Econlockhatchee River is  $6.26 \times 10^{11}$  counts/day, and is allocated as follows:

(a) The WLA for the Iron Bridge Regional Water Reclamation Facility (FL0037966) is that it must meet its NPDES permit limits.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 57 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2001 to 2008 period, will require a 57 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(9) Smith Canal. The fecal coliform TMDL for Smith Canal is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(10) Smith Canal. The TMDL to address the low dissolved oxygen impairment for Smith Canal is 1.95 tons/year of TP, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria, based on the measured concentrations from the 1996 to 2003 period, will require a 26 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria, based on the measured concentrations from the 1996 to 2003 period, will require a 26 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) Soldier Creek. The fecal coliform TMDL for Soldier Creek is  $2.87 \times 10^{10}$  counts/day, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria, based on the measured concentrations from the 2001 to 2008 period, will require a 37 percent reduction at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 37 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(12) St. Johns River above Lake Monroe and Lake Monroe. The TMDLs to address the low dissolved oxygen and nutrient impairments are 1,892 tons/year of TN and 143 tons/year of TP, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, are a 38 percent reduction of TN and 31 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, are a 38 percent reduction of TN and 31 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(13) St. Johns River above Wekiva River. The TMDLs to address the low dissolved oxygen and nutrients are 1,906 tons/year of TN and 144 tons/year of TP, and are allocated as follows:

(a) The WLAs for the Sanford/North Wastewater Treatment Facility (FL0020141) are 9 tons/year of TN and 1 ton/year of TP.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, will require a 37 percent reduction of TN and 31 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, will require a 37 percent reduction of TN and 31 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(14) St. Johns River Downstream of Lake Harney and St. Johns River above Lake Jesup. The TMDLs to address the low dissolved oxygen and nutrient impairments are 1,697 tons/year of TN and 125 tons/year of TP, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the measured concentrations from the 1996 to 2003 period, will require a 37 percent reduction of TN and 32 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria and nutrient targets, based on the

measured concentrations from the 1996 to 2003 period, will require a 37 percent reduction of TN and 32 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 8-3-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:

RULE TITLE:

62-304.600

Tampa Bay Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations for waters in the Tampa Bay Basin that are impaired for fecal coliform, dissolved oxygen, and nutrients.

SUMMARY: These TMDLs address fecal coliform, dissolved oxygen, and nutrient impairments in the Tampa Bay Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for Allen Creek (tidal), Alligator Creek, Bellows Lake Outlet, Bishop Creek (freshwater and tidal segments), Brushy Creek, Bullfrog Creek (freshwater and tidal segments), Cross Canal (North), Double Branch, Little Bullfrog Creek, Lower Rocky Creek, Moccasin Creek (tidal), Mullet Creek (freshwater and tidal segments), Rocky Creek, Smacks Bayou, and Sweet Water Creek, dissolved oxygen TMDLs for Bishop Creek (Tidal), Brushy Creek, Cross Canal (North), Double Branch, Mullet Creek (Tidal), Sweet Water Creek, and Tampa Bypass Canal Tributary, and nutrient and dissolved oxygen TMDLs for Alligator Creek, Alligator Lake, Allen Creek (Tidal), Bellows Lake (East Lake), and Bellows Lake Outlet (East Lake Outlet), Bullfrog Creek (Tidal), Cockroach Bay, Coffee Pot Bayou, Lake Tarpon Canal (Marine), Lake Tarpon Canal (Fresh), Lower Rocky Creek, Moccasin Creek (Tidal), and Smacks Bayou. These waterbodies were verified as impaired using the methodology



established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodologies used to develop the fecal coliform TMDLs were either the percent reduction or load duration analysis method. The methodologies used to develop the nutrient and dissolved oxygen TMDLs included reference waterbodies, and/or the percent reduction methods. This rulemaking has been given OGC case number 09-0718.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.600 Tampa Bay Basin TMDLs.

(1) Allen Creek (tidal). The fecal coliform TMDL for Allen Creek (tidal) is 400 counts/100mL and is allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from 2008, will require a 77 percent reduction of sources contributing to exceedances of the criteria.

(c) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from 2008, will require a 77 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) Allen Creek (Tidal). The TMDL to address the low dissolved oxygen and nutrient impairments in Allen Creek (Tidal) is an annual average 0.75 mg/L of total nitrogen (TN), and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 52 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 52 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) Alligator Creek. The fecal coliform TMDL for Alligator Creek is  $4.4 \times 10^{10}$  counts/day, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2000 to 2007 period, will require a 51 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 51 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(4) Alligator Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Alligator Creek is an annual average for TN of 0.72 mg/L and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41 percent reduction for TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41 percent reduction for TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(5) Alligator Lake. The TMDLs to address the low dissolved oxygen and nutrient impairments in Alligator Lake are an annual average of 0.72 mg/L and 2.00 mg/L for TN and annual median 5-day biochemical oxygen demand (BOD<sub>5</sub>), respectively, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria

which, based on the measured concentrations from the 2000 to 2007 period, will require a 19 percent reduction and 46 percent reduction for TN and BOD<sub>5</sub>, respectively, of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 19 percent reduction and 46 percent reduction for TN and BOD<sub>5</sub>, respectively, of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and BOD<sub>5</sub> have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and BOD<sub>5</sub> concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(6) Bellows Lake Outlet (also known as East Lake Outfall). The fecal coliform TMDL for Bellows Lake Outlet is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations in 2008, will require a 80 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations in 2008, will require a 80 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) Bellows Lake Outlet (also known as East Lake Outfall). The TMDLs to address the low dissolved oxygen and nutrient impairments in Bellows Lake Outlet are an annual average TN of 1.40 mg/L, TP of 0.055 mg/L, and BOD<sub>5</sub> of 2.00 mg/L, and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 50 percent reduction of TN, a 53 percent reduction in TP, and a 68 percent reduction in BOD<sub>5</sub> of sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 50 percent reduction of TN, a 53 percent reduction in TP, and a 68 percent reduction in BOD<sub>5</sub> of sources that are contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD<sub>5</sub>. However, it is not the intent of the TMDL to abate natural background conditions.

(8) Bellows Lake (also known as East Lake). The TMDLs to address the low dissolved oxygen (addresses downstream impairment) and nutrient impairments are an annual average TN of 1.40 mg/L, TP of 0.055 mg/L, and BOD<sub>5</sub> of 2.00 mg/L and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 50 percent reduction of TN, a 53 percent reduction in TP, and a 68 percent reduction in BOD<sub>5</sub> of sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 50 percent reduction of TN, a 53 percent reduction in TP, and a 68 percent reduction in BOD<sub>5</sub> of sources that are contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD<sub>5</sub>. However, it is not the intent of the TMDL to abate natural background conditions.

(9) Bishop Creek (freshwater). The fecal coliform TMDL for Bishop Creek (freshwater) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 64 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 64 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(10) Bishop Creek (tidal). The fecal coliform TMDL for Bishop Creek (tidal) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from 2008, will require a 64 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from 2008, will require a 64 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(11) Bishop Creek (Tidal). The TMDL to address the low dissolved oxygen impairments in Bishop Creek (Tidal) is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 33 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 33 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(12) Brushy Creek. The fecal coliform TMDL for Brushy Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for the Hillsborough County Dale Mabry Advanced Wastewater Treatment Plant (FL0036820) is that it must meet its NPDES permit limits.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2004 to 2007 period, will require a 36 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2004 to 2007 period, will require a 36 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(13) Brushy Creek. The TMDL to address the low dissolved oxygen impairment in Brushy Creek is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for the Hillsborough County Dale Mabry Advanced Wastewater Treatment Plant (FL0036820) is 54,794 lbs/year of TN.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32 percent reduction of TN of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(14) Bullfrog Creek (freshwater). The fecal coliform TMDL for Bullfrog Creek (freshwater) is  $1.66 \times 10^{11}$  counts/day, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 72 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(15) Bullfrog Creek (tidal). The fecal coliform TMDL for Bullfrog Creek (tidal) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream

concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 46 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 46 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(16) Bullfrog Creek (tidal). The TMDL to address the low dissolved oxygen and nutrients in Bullfrog Creek (tidal) is an annual average total nitrogen (TN) concentration of 0.65 mg/L and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2006 period, will require a 47 percent reduction of TN of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2006 period, will require a 47 percent reduction of TN of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(17) Cockroach Bay. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of 0.54 mg/L and 2.00 mg/L for TN and BOD<sub>5</sub>, respectively, and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000, will require a 54 percent reduction in current anthropogenic loadings of TN and a 38 percent reduction in current anthropogenic loadings of BOD<sub>5</sub> of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000, will require a 54 percent reduction of TN and a 38 percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD<sub>5</sub>. However, it is not the intent of the TMDL to abate natural background conditions.

(18) Coffee Pot Bayou. The TMDL to address the low dissolved oxygen and nutrient impairments are an annual average of 0.63 mg/L and 2.00 mg/L for TN and BOD<sub>5</sub>, respectively, and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the 2000 – 2007 period, will require a 33 percent reduction of TN and a 40 percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the 2000 – 2007 period, will require a 33 percent reduction of TN and a 40 percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD<sub>5</sub>. However, it is not the intent of the TMDL to abate natural background conditions.

(19) Cross Canal (North). The fecal coliform TMDL for Cross Canal (North) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2007 period, will require a 64 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2007 period, will require a 64 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(20) Cross Canal (North). The TMDL to address the low dissolved oxygen impairment in Cross Canal (North) is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 55 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 55 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(21) Double Branch. The fecal coliform TMDL for Double Branch is 400 counts/100mL, and is allocated as follows:

(a) The WLA for the Hillsborough County Northwest Regional Wastewater Reclamation Facility (FL0041670) is that it must meet the its NPDES permit conditions.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(22) Double branch. The TMDL to address the low dissolved oxygen and nutrient impairments in Double Branch is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2008 period, will require a 43 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2008 period, will require a 43 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(23) Lake Tarpon Canal (Freshwater). The TMDL to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Freshwater) is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 36 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 36 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(24) Lake Tarpon Canal (Marine). The TMDLs to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Marine) are an annual average 0.75 mg/L and 0.18 mg/L of TN and TP, respectively, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 33 percent reduction and 27 percent reduction for TN and TP, respectively, of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 33 percent reduction and 27 percent reduction for TN and TP, respectively, of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(25) Little Bullfrog Creek. The fecal coliform TMDL for Little Bullfrog Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2004 to 2007 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2004 to 2007 period, will require a 74 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(26) Lower Rocky Creek. The fecal coliform TMDL for Lower Rocky Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(27) Lower Rocky Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Lower Rocky Creek is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 55 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 55 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(28) Moccasin Creek (tidal). The fecal coliform TMDL for Moccasin Creek (tidal) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2006 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2005 to 2006 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(29) Moccasin Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments in Moccasin Creek are an annual average 0.75 mg/L and 0.18 mg/L of TN and TP, respectively, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream

concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41 percent reduction and 40 percent reduction for TN and TP, respectively, of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41 percent reduction and 40 percent reduction for TN and TP, respectively, of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(30) Mullet Creek (freshwater). The fecal coliform TMDL for Mullet Creek (freshwater) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2005 period, will require a 57 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2005 period, will require a 57 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(31) Mullet Creek (tidal). The fecal coliform TMDL for Mullet Creek (tidal) is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on



the measured concentrations from 2006, will require a 49 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from 2006, will require a 49 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(32) Mullet Creek (Tidal). The TMDL to address the low dissolved oxygen impairment in Mullet Creek Tidal is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 37 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 37 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(33) Rocky Creek. The fecal coliform TMDL for Rocky Creek is 400 counts/100mL, and is allocated as follows:

(a) WLAs for the Hillsborough County Rivers Oaks Advanced Wastewater Treatment Facility (FL0027821) and the Hillsborough County Northwest Regional Wastewater Reclamation Facility (FL0041670) is that they meet the facilities' permit limits.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2000 to 2007 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 58 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(34) Smacks Bayou. The fecal coliform TMDL for Smacks Bayou is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a 75 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a 75 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(35) Smacks Bayou. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of 0.63 mg/L and 2.00 mg/L for TN and BOD<sub>5</sub>, respectively. These TMDLs are applicable to sources in the 45th Avenue Northeast Canal subbasin and the 54th Avenue East Canal subbasin within the Smacks Bayou watershed and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the 1992 to 2005 period, will require a 51 percent reduction of TN and a 30 percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the 1992 to 2005 period, will require a 51 percent reduction of TN and a 30 percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the WLA and LA have been expressed as the percent reductions needed to attain the applicable Class II criteria, it is the reductions from anthropogenic sources that will result in the required reduction of nutrients and BOD<sub>5</sub>. However, it is not the intent of the TMDL to abate natural background conditions.

(36) Sweetwater Creek. The fecal coliform TMDL for Sweetwater Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 44 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 44 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(37) Sweetwater Creek. The TMDL to address the low dissolved oxygen impairment in Sweetwater Creek is an annual average 0.75 mg/L of TN and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 23 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 23 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(38) Tampa Bypass Canal Tributary. The TMDLs to address the low dissolved oxygen and nutrient impairments in the Tampa Bypass Canal Tributary are an annual average TN concentration of 1.73 mg/L and an annual average TP concentration of 0.415 mg/L and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the year 2005, will require a 31 percent reduction of TN and 34 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the year 2005, will require a 31 percent reduction of TN and 34 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 2009

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.605  
RULE TITLE: Alafia River TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations for waters in the Alafia River Basin that are impaired for fecal coliform, dissolved oxygen, and nutrients.

SUMMARY: These TMDLs address fecal coliform, dissolved oxygen, and nutrient impairments in the Alafia River Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for English Creek, Mustang Ranch Creek (formerly known as English Creek), Poley Creek and Turkey Creek, and nutrient and dissolved oxygen TMDLs for the Alafia River Above Hillsborough Bay, and Mustang Ranch Creek (formerly known as English Creek). These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the fecal coliform TMDLs was the percent reduction method. The methodologies used to develop the nutrient and dissolved oxygen TMDLs include reference waterbodies and percent reduction analysis methods. This rulemaking has been given OGC case number 09-0722.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

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

62-304.605 Alafia River TMDLs.

(1) Thirty Mile Creek. The Total Maximum Daily Load (TMDL) for Thirty Mile Creek is a monthly average total nitrogen (TN) concentration of 3.0 mg/L, and is allocated as follows:

(a)(1) The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Permitting Program is a monthly average TN concentration of 3.0 mg/L,

(b)(2) The Load Allocation (LA) for nonpoint sources is an annual average TN concentration of 1.6 mg/L, and

(c)(3) The Margin of Safety is implicit.

(2) Alafia River Above Hillsborough Bay. The TMDL to address the low dissolved oxygen and nutrient impairments for the Alafia River Above Hillsborough Bay is an annual average TN concentration of 0.65 mg/L and is allocated as follows:

(a) The WLA for the Mosaic Fertilizer Riverview Chemical Complex is 5140 lb/year of TN.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2006 period, will require a 54 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2006 period, will require a 54 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic

point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) English Creek. The fecal coliform TMDL for English Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 40 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(4) Mustang Ranch Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average TN concentration of 1.73 mg/L and an annual average TP concentration of 0.415 mg/L and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III freshwater dissolved oxygen criteria which, based on the measured concentrations for the 2005 to 2007 period, will require a 50 percent reduction of TN and 45 percent reduction of TP at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III freshwater dissolved oxygen criteria which, based on the measured concentrations from the 2005 to 2007 period, will require a 50 percent reduction of TN and 45 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(5) Mustang Ranch Creek. The fecal coliform TMDL for Mustang Ranch Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 88 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require an 88 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(6) Poley Creek. The fecal coliform TMDL for Poley Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 67 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) Turkey Creek. The fecal coliform TMDL for Turkey Creek is 400 counts/100mL, and is allocated as follows:

(a) The WLA for the Hillsborough County Valrico Advance Wastewater Treatment Facility (AWWTF FL0040983) must meet its NPDES permit conditions.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 64 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 64 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 6-22-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-304.610  
 RULE TITLE: Hillsborough River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for water segments impaired for fecal coliform, low dissolved oxygen, and nutrients in the Hillsborough River Basin.

SUMMARY: These TMDLs address fecal coliform, low dissolved oxygen, and nutrient impairments in the Hillsborough River Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for Mill Creek and Trout Creek, dissolved oxygen and nutrient TMDLs for Baker Creek, Big Ditch, Channelized Stream, Mill Creek,

Trout Creek, and Two Hole Branch, and dissolved oxygen TMDLs for Spartman Branch. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the fecal coliform TMDLs was the percent reduction method. The methodology used to develop the dissolved oxygen and nutrient TMDLs was either a combination of the Watershed Assessment Model (WAMView) and the Water Quality Analysis Simulation Program (WASP) or an empirical method. This rulemaking has been given OGC case number 09-0720.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.610 Hillsborough River Basin TMDLs.

(1) through (9) No change.

(10) Baker Creek. The Total Maximum Daily Loads (TMDLs) to address the low dissolved oxygen and nutrient impairments are 23,652 pounds per year of Total Nitrogen (TN) and 2,342 pounds per year of Total Phosphorus (TP) and are allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program are an 80 percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period at sources contributing to exceedances of the criteria.

(c) The Load Allocations (LAs) for nonpoint sources are an 80 percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(11) Big Ditch. The TMDLs to address the low dissolved oxygen and nutrient impairments are 14,699 pounds per year of TN and 13,078 pounds per year of TP and are allocated as follows:

(a) The WLAs for the Hillsborough County CF Industries, Inc. Plant City Chemical Complex (FL0000078) are 1,138 pounds per year of TN and 847 pounds per year of TP.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 76 percent reduction in anthropogenic loadings of TN and a 76 percent reduction in anthropogenic loadings of TP for the 2005 to 2006 period for sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are a 76 percent reduction in anthropogenic loadings of TN and a 76 percent reduction in anthropogenic loadings of TP for the 2005 to 2006 period for sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(12) Channelized Stream. The TMDLs to address the low dissolved oxygen and nutrient impairments are 4,821 pounds per year of TN and 2,135 pounds per year of TP and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are an 81 percent reduction in anthropogenic loadings of TN and an 81 percent reduction in anthropogenic loadings of TP for the year 2005 for sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are an 81 percent reduction in anthropogenic loadings of TN and an 81 percent reduction in anthropogenic loadings of TP for the year 2005 for sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(13) Mill Creek. The fecal coliform TMDL for Mill Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(14) Mill Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are 2,569 pounds per year of TN and 795 pounds per year of TP and are allocated as follows:

(a) The WLAs for the Hillsborough County Crystals International, Inc. (FL0037389) are 48.9 pounds per year of TN and 4.0 pounds per year of TP.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are an 80 percent reduction in anthropogenic loadings of TN and an 80

percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period for sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are an 80 percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period for sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(15) Spartman Branch. The TMDLs to address the low dissolved oxygen impairment are 3,110 pounds per year of total TN and 531 pounds per year of TP and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are an 80 percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period for sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are an 80 percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period for sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(16) Trout Creek. The fecal coliform TMDL for Trout Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for the Hillsborough County Pebble Creek Village WWTF (FL0039896) must meet its NPDES permit conditions.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2001 to 2007 period, will require a 53 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 53 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(17) Trout Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are 18,031 pounds per year of TN and 838 pounds per year of TP and are allocated as follows:

(a) The WLAs for the Hillsborough County Pebble Creek Village Wastewater Treatment Facility (FL0039896) are 1,827 pounds per year of TN and 341 pounds per year of TP.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 50 percent reduction in anthropogenic loadings of TN and a 72 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period for sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are a 50 percent reduction in anthropogenic loadings of TN and a 72 percent reduction in anthropogenic loadings of TP for the 1996 to 2002 period for sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(18) Two Hole Branch. The TMDLs to address the low dissolved oxygen and nutrient impairments are 4,459 pounds per year of TN and 1,307 pounds per year of TP and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 61 percent reduction in anthropogenic loadings of TN and a 61

percent reduction in anthropogenic loadings of TP for the years 2002 and 2005 for sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are a 61 percent reduction in anthropogenic loadings of TN and a 61 percent reduction in anthropogenic loadings of TP for the years 2002 and 2005 for sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reductions of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History–New 12-22-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.615  
RULE TITLE: Manatee River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations for waters in the Manatee River Basin that are impaired for fecal coliform, low dissolved oxygen, and nutrients.

SUMMARY: These TMDLs address fecal coliform, low dissolved oxygen, and nutrient impairments in the Manatee River Basin. Specifically, the TMDL rules being proposed for adoption are fecal coliform TMDLs for Braden River above Ward Lake, Cedar Creek, Gilly Creek, Nonsense Creek, and Rattlesnake Slough, dissolved oxygen TMDL for Nonsense Creek, and dissolved oxygen and nutrient TMDLs for Rattlesnake Slough. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop these TMDLs was the percent reduction method. This rulemaking has been given OGC case number 09-0717.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.615 Manatee River Basin TMDLs.

(1) Braden River above Ward Lake. The fecal coliform Total Maximum Daily Load (TMDL) for Braden River above Ward Lake is 400 counts/100mL and is allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 43 percent reduction of sources contributing to exceedances of the criteria.

(c) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2007 period, will require a 43 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.



(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) Cedar Creek. The fecal coliform TMDL for Cedar Creek is 400 counts/100mL and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 61 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 61 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) Gilly Creek. The fecal coliform TMDL for Gilly Creek is 400 counts/100mL and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 56 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 56 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(4) Nonsense Creek. The fecal coliform TMDL for Nonsense Creek is 400 counts/100mL and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 57 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 57 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(5) Nonsense Creek. The TMDLs to address the low dissolved oxygen condition are an annual median TN of 0.89 mg/L and an annual median 5-day biochemical oxygen demand (BOD<sub>5</sub>) of 2.0 mg/L, and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 27 percent reduction of current anthropogenic TN and a 36 percent reduction of current anthropogenic total BOD<sub>5</sub> loading based on measured concentrations from the 2001 to 2008 period.

(c) The LAs for nonpoint sources are a 27 percent reduction of current anthropogenic TN, and a 36 percent reduction of current anthropogenic total BOD<sub>5</sub> loadings based on measured concentrations from the 2001 to 2008 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and BOD<sub>5</sub> have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and BOD<sub>5</sub> concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

(6) Rattlesnake Slough. The fecal coliform TMDL for Rattlesnake Slough is 400 counts/100mL and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 48 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 48 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) Rattlesnake Slough. The TMDLs to address the low dissolved oxygen and nutrient impairments in Rattlesnake Slough are 0.84 mg/L of total nitrogen (TN), 0.48 mg/L total phosphorus (TP), and 2.4 mg/L of 5-day biochemical oxygen demand (BOD<sub>5</sub>) and are allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 30, 21, and 31 percent reductions of current anthropogenic TN, TP, and BOD<sub>5</sub> loadings, respectively, based on measured concentrations from the 2001 to 2008 period.

(c) The LAs for nonpoint sources are 30, 21, and 31 percent reductions of current anthropogenic TN, TP, and BOD<sub>5</sub> loadings, respectively, based on measured concentrations from the 2001 to 2008 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for nutrients and BOD<sub>5</sub> have been expressed as the percent reductions needed to attain the applicable Class I criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream nutrient and BOD<sub>5</sub>. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-304.620

Little Manatee River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliform impaired waters in the Little Manatee River Basin.

SUMMARY: This TMDL addresses fecal coliform impairments in the Little Manatee River Basin. Specifically, the TMDL rules being proposed for adoption are for Little Manatee River and South Fork Little Manatee River. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodology used to develop the TMDLs was the percent reduction method. This rulemaking has been given OGC case number 09-2870.

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

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.620 Little Manatee River Basin TMDLs.

(1) Little Manatee River. The fecal coliform Total Maximum Daily Load (TMDL) for Little Manatee River is 400 counts/100mL, and is allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 79 percent reduction of sources contributing to exceedances of the criteria.

(c) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 79 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) South Fork Little Manatee River. The fecal coliform TMDL for South Fork Little Manatee River is 400 counts/100mL, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 43 percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2001 to 2008 period, will require a 43 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:

RULE TITLE:

62-304.805

Charlotte Harbor Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for a dissolved oxygen impaired water in the Charlotte Harbor Basin.

SUMMARY: This TMDL addresses dissolved oxygen impairments in the Charlotte Harbor Basin. Specifically, the TMDL rule being proposed for adoption is for Coral Creek – East Branch. This waterbody was verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The target pollutant concentrations for the impaired water were established based on statistical analyses. The methodology used to develop the TMDL was the percent reduction method. This rulemaking has been given OGC case number 09-0716.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 3, 2009, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida 32399-2400

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.805 Charlotte Harbor Basin TMDLs, Coral Creek – East Branch.

The Total Maximum Daily Loads (TMDLs) to address the low dissolved oxygen condition for Coral Creek – East Branch are 0.74 mg/L total nitrogen (TN), 0.044 mg/L total phosphorus (TP), and 2.0 mg/L five-day biochemical oxygen demand (BOD<sub>5</sub>), and are allocated as follows:

(1) The Wasteload Allocation (WLA) for wastewater sources is not applicable.

(2) The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria, based on the measured concentrations from the January 2007 to December 2007 period, will require a 31 percent reduction of TN, a 36 percent reduction of TP, and a 33 percent reduction of BOD<sub>5</sub> at sources contributing to exceedances of the criteria.

(3) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the January 2007 to December 2007 period, will require a 31 percent reduction of TN, a 36 percent reduction of TP, and a 33 percent reduction of BOD<sub>5</sub> at sources contributing to exceedances of the criteria, and

(4) The Margin of Safety is implicit.

(5) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE NO.: 64B16-25.170

RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes the rule amendment to expand probable cause candidates.

SUMMARY: The rule amendment will expand probable cause candidates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.015 FS.

LAW IMPLEMENTED: 456.073, 465.013 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.170 Probable Cause Panel.

(1) No change.

(2) The probable cause panel shall be composed of two (2) persons, either current or former board members of the Board appointed by the chairman of the Board. One appointee must

~~be a current board member. The panel must include a former or current board member who is a licensed pharmacist. An appointee may be a former board member. No more than one (1) member of the panel may be a lay member. An affirmative vote of both members of the panel shall be required to find probable cause.~~

~~Rulemaking Specific Authority 465.015 FS. Law Implemented 456.073, 465.013 FS. History--New 10-17-79, Formerly 21S-8.08, 21S-8.008, 21S-25.170, 61F10-25.170, 59X-25.170, Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.400  
RULE TITLE: Practice of Pharmacy

PURPOSE AND EFFECT: The Board proposes the rule repeal because the rule language has been moved to Rule 64B16-27.1001, F.A.C.

SUMMARY: The rule will be repealed because the rule language has been moved to another rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.003(11)(b), (13), 465.014, 465.026 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.400 Practice of Pharmacy.

~~Those functions within the definition of the practice of the profession of pharmacy as defined by Section 465.003(13), F.S., are specifically reserved to a licensed pharmacist or a duly registered intern in this state acting under the direct and immediate personal supervision of a licensed pharmacist. The following subjects come solely within the purview of the licensed pharmacist.~~

- ~~(1) A licensed pharmacist or pharmacy intern must:~~
  - ~~(a) Supervise and be responsible for the controlled substance inventory;~~
  - ~~(b) Receive verbal prescriptions from a licensed practitioner;~~
  - ~~(c) Interpret and identify prescription contents;~~
  - ~~(d) Engage in consultation with a practitioner regarding interpretation of the prescription and data in a patient profile;~~
  - ~~(e) Engage in professional communication with licensed practitioners, nurses or other health professionals;~~
  - ~~(f) Advise or consult with a patient, both as to the prescription and the patient profile record;~~
  - ~~(g) Certify the finished prescription.~~
- ~~(2) When parenteral and bulk solutions of all sizes are prepared, regardless of the route of administration, the licensed pharmacist must:~~
  - ~~(a) Interpret and identify all incoming orders;~~
  - ~~(b) Mix all extemporaneous compounding or be physically present and give direction to the pharmacy technician for reconstruction, for addition of additives, or for bulk compounding of parenteral;~~
  - ~~(c) Physically examine, certify to the accuracy of the final preparation, thereby assuming responsibility for the final preparation;~~
  - ~~(d) Systematize all records and documentation of processing in such a manner that professional responsibility can be easily traced to a pharmacist.~~
- ~~(3) Only a Florida licensed pharmacist may make the final check of the completed prescription thereby assuming the complete responsibility for its preparation and accuracy.~~
- ~~(4) The pharmacist, as an integral aspect of dispensing, shall be directly and immediately available to the patient or the patient's agent for consultation and shall not dispense to a third party. No prescription shall be deemed to be properly dispensed unless the pharmacist is personally available.~~
- ~~(5) The pharmacist performing in this state any of the acts defined as "the practice of the profession of pharmacy" in Section 465.003(12), F.S., shall be actively licensed as a pharmacist in this state, regardless of whether the practice occurs in a permitted location (licensed facility) or other location.~~

~~(6) A pharmacist may take a meal break, not to exceed thirty minutes in length, during which the pharmacy department of a permittee shall not be considered closed, under the following conditions:~~

~~(a) The pharmacist shall be considered present and on duty during any such meal break if a sign has been prominently posted in the pharmacy indicating the specific hours of the day during which meal breaks may be taken by the pharmacist and assuring patients that a pharmacist is available on premises for consultation upon request during a meal break;~~

~~(b) The pharmacist shall be considered directly and immediately available to patients during such meal breaks if patients to whom medications are delivered during the meal break are verbally informed that they may request that a pharmacist contact them at the pharmacist's earliest convenience after the meal break, and if a pharmacist is available on premises during the meal break for consultation regarding emergency matters; only prescriptions with final certification by the pharmacist may be delivered;~~

~~(c) The activities of pharmacy technicians during such a meal break shall be considered to be under the direct and immediate personal supervision of a pharmacist if the pharmacist is available on premises during the meal break to respond to questions by the technicians, and if at the end of the meal break the pharmacist certifies all prescriptions prepared by pharmacy technicians during the meal break.~~

Rulemaking Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(11)(b), (13), 465.014, 465.026 FS. History-New 2-14-77, Formerly 21S-4.01, 21S-4.001, Amended 7-30-91, Formerly 21S-27.400, 61F10-27.400, Amended 1-30-96, 10-1-96, Formerly 59X-27.400, Amended 4-13-00, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.620  
RULE TITLE: Disposition of Complimentary or Sample Medicinal Drugs Which Are Suitable for Dispensing

PURPOSE AND EFFECT: The Board proposes the rule repeal because the rule language has been moved to Rule 64B16-27.615, F.A.C.

SUMMARY: The rule will be repealed because the rule language has been moved to another rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.005, 465.022, 499.028 FS.

LAW IMPLEMENTED: 465.022 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.620 Disposition of Complimentary or Sample Medicinal Drugs Which Are Suitable for Dispensing.

~~Complimentary or sample packages of medicinal drugs which are found to be unsuitable for the purpose of dispensing by reason of physical condition or failure to meet requirements of State or federal law shall be returned to the company of origin in accordance with the requirements of Chapter 499, F.S.~~

Rulemaking Specific Authority 465.005, 465.022, 499.028 FS. Law Implemented 465.022 FS. History-New 12-26-79, Formerly 21S-15.03, 21S-15.003, 21S-27.620, Amended 11-4-93, Formerly 61F10-27.620, 59X-27.620, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.114  
RULE TITLE: Prescription Refills

PURPOSE AND EFFECT: The Board proposes the rule repeal because the rule language has been moved to Rule 64B16-27.211, F.A.C.

SUMMARY: The rule will be repealed because the rule language has been moved to another rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.005, 465.014 FS.

LAW IMPLEMENTED: 465.014 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.114 Prescription Refills.

~~No prescription may be filled or refilled in excess of one (1) year from the date the original prescription was written. No prescription for a controlled substance listed in Schedule II may be refilled. No prescription for a controlled substance listed in Schedules III, IV, or V may be filled or refilled more than five times within a period of six (6) months after the date on which the prescription was written.~~

Rulemaking Specific Authority 465.005, 465.016(1), 465.022, 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History-New 12-18-74, Formerly 21S-1.28, 21S-1.028, Amended 7-31-91, Formerly 21S-28.114, 61F10-28.114, 59X-28.114, Amended 2-4-02, 7-41-02, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-17.005                      RULE TITLE: Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise regulations for the L. Kirk Edwards Wildlife and Environmental Area (WEA) in the Northwest Region. The effect of the proposed rule change will be to enable the agency to better manage fish and wildlife resources and public use on the WEA and to afford additional recreational opportunity to the public.

SUMMARY: The proposed rule change would revise area specific regulations on L. Kirk Edwards Wildlife and Environmental Area in the Northwest Region as follows: prohibit the use of center-fire rifles; allow taking wildlife with

bird dogs and retrievers during the gray squirrel and migratory game bird seasons only; allow motorized vehicles on named or numbered roads only; require vehicles to enter and exit at designated entrances; allow public access year-round from 1.5 hours before sunrise until 1.5 hours after sunset only; and prohibit the use of swamp buggies, tracked vehicles and all-terrain vehicles. On that portion of the area west of Chaires Cross Road, allow statewide seasons for migratory game birds and gray squirrel; and prohibit the take of wild hog during the gray squirrel season. On that portion of the area east of Chaires Cross Road, establish three (3) three-day spring turkey hunts (quota of 3 per hunt, no exemptions); legal to take – gobblers or bearded turkeys only; and allow only one turkey per quota permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will \_\_\_or will not \_\_X\_\_have an impact on small business. A SERC has \_\_\_or has not \_\_X\_\_been prepared by the agency.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

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

DATES AND TIME: During the regular meeting of the Commission, September 9-11, 2009, 8:30 a.m. – 5:00 p.m. each day

PLACE: Mission Inn Resort & Club, 10400 County Road 48, Howey-in-the-Hills, FL 34737

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: The ADA Coordinator, at (850)488-6411. 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: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.  
(1) through (2) No change.

(3) Northwest Region.

(a) through (b) No change.

(c) L. Kirk Edwards – Leon County.

1. Open seasons for that portion of the area west of Chaires Cross Road: season:

a. ~~Gray squirrel~~ – ~~During~~ the open season for gray squirrel established in Rule 68A-13.004, F.A.C.

b. ~~2. Migratory game birds~~ – Migratory game birds may be taken during seasons established in Rules 68A-13.003 and 68A-13.008, F.A.C.

2. Open seasons for that portion of the area east of Chaires Cross Road: Spring turkey – During the first three days of the spring turkey season of the Central Zone, and the Friday, Saturday, and Sunday of the third and fifth weekends of the spring turkey season of the Central Zone.

3. Legal to take: Migratory game birds, gray squirrel, gobblers and bearded turkey only. The take of wild hog is prohibited. Gobbler and bearded turkey may be taken during the spring turkey season only and the bag limit shall be one per quota permit.

4. General regulations:

a. Vehicles may be operated only on named or numbered roads and shall enter and exit at designated entrances. Vehicle access is prohibited from 1.5 hours after sunset until 1.5 hours before sunrise.

b. Taking wildlife with dogs, other than bird dogs or retrievers, is prohibited.

c. Taking wildlife with centerfire rifles is prohibited.

d. The use of swamp buggies, tracked vehicles, all-terrain vehicles or unlicensed and unregistered motorcycles is prohibited.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History–New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 1-6-09, 7-1-09, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Consumer Services

RULE NO.: 69J-7.003  
RULE TITLE: Free Wind Inspections

PURPOSE AND EFFECT: Rule 69J-7.003, F.A.C., is being repealed. Section 215.5586, F.S., created the My Safe Florida Home (MSFH) program. Rule 69J-7.003, F.A.C., implemented that section, providing guidance regarding free home inspections and grants to certain homeowners to mitigate potential hurricane damage. The 2009 Florida Legislative Session did not provide funds to sustain the MSFH program which necessitates the repeal of Rule 69J-7.003, F.A.C.

SUMMARY: Repeal of Rule 69J-7.003, F.A.C., “Free Wind Inspections”.

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.

RULEMAKING AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 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: Tuesday, September 1, 2009, 10:00 a.m.

PLACE: 142 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 agency at least 5 days before the workshop/meeting by contacting: Ellen Simon, (850)413-4270 or Ellen.Simon@myfloridacfo.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: Ellen Simon, Chief Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399-0333 (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-7.003 Free Wind Inspections.

Rulemaking Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History--New 1-31-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Chief Counsel, Division of Legal Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047
RULE TITLE: State Building Code Adopted
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

NOTE: This notice of change is corrective in nature, the Commission has proceeded through this rulemaking with the open and recognized intent to amend the 2007 edition of the code rather than the 2004 edition, and no substantive changes are occurring to the text of the Code approved by the Commission on June 9, 2009.

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007, and June 9, 2009, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2) Effective March 1, 2009, the Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, and amended by the Commission on December 10, 2008, and June 9, 2009, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(3) No change.

Rulemaking Specific Authority 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History--New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, 2-17-09.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-10.025
RULE TITLE: Wall Murals
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

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."

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.007
RULE TITLE: Reporting Requirements
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

In response to comments received from the Joint Administrative Procedures Committee, dated May 5, 2009. Subsection (1) of the rule shall be deleted in its entirety. The remaining subsections (2) through (9) shall be renumbered as subsections (1) through (8) and shall remain unchanged.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bobby Jernigan, Executive Director, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0405

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing
RULE NO.: 59A-7.020
RULE TITLE: Definitions
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.