

Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0163 Reading Endorsement Competencies

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the Competencies and Indicators for the Reading Endorsement. The effect is a rule which will reflect current competencies and indicators.

SUMMARY: This proposed rule adopts new Competencies and Indicators for the endorsement in Reading.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 1001.02(2), 1001.215, 1012.55(1) FS.

LAW IMPLEMENTED: 1001.215, 1012.55(1) FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stuart Greenberg, Executive Director, Just Read Florida! and the Office of Early Learning, Department of Education, 325 West Gaines Street, Suite 501, Tallahassee, Florida, (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0163 Reading Endorsement Competencies.

The competencies and indicators required for approval of educator preparation programs pursuant to Rule 6A-5.066, F.A.C., and for district in-service add-on programs pursuant to Section 1012.575, F.S., for certification in the Reading Endorsement, are contained in the publication, Reading Endorsement Competencies 2011, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00556>) which is hereby incorporated by reference and made a part of this rule. Copies of the Reading Endorsement Competencies 2011 may be obtained by contacting Just Read, Florida!, Department of Education, 325 West Gaines Street, Room 501 4548, Tallahassee, Florida 32399, or from the website at <http://www.justreadflorida.com/endorsement/>. The standards set forth in the Reading Endorsement Competencies 2011 shall be incorporated into all teacher preparation programs and district in-service add-on programs no later than August 1, 2012.

Rulemaking Specific Authority 1001.02(2), 1001.215, 1012.55(1) FS. Law Implemented 1001.215, 1012.55(1) FS. History--New 5-19-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Michael Grego, Interim Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0233 Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) – Academic Class

PURPOSE AND EFFECT: The purpose of this rule amendment is to repeal Rule 6A-4.0233, F.A.C. There are currently individual core content area certifications available for middle grades teachers that require teachers to demonstrate mastery of subject specific content and pedagogical knowledge in the core content areas (Mathematics, Reading/Language Arts, Science, and Social Science). By repealing this rule, the Middle Grades Integrated Curriculum subject coverage will be removed as an option for certification. Prospective middle grades teachers of core content courses will be required to demonstrate an increased level of content knowledge by meeting requirements for certification in a specific middle grades content subject area including passing a specific subject content examination.

SUMMARY: The rule is to be repealed.

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

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1007.22, 1012.54, 1012.55, 1012.56 FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Hebda, Deputy Chancellor for Educator Quality, Division of Public Schools, Department of Education, 325 West Gaines Street, Suite 1502, Tallahassee, Florida, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0233 Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) – Academic Class.

Rulemaking Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.541012.55, 1012.56 FS. History–New 4-25-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Michael Grego, Interim Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0251	Management of Chronic Health Conditions

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to address self-administration of medication by students with certain health conditions enrolled in the public school system.

SUMMARY: Section 1002.20(3), Florida Statutes, was amended to add self-administration of pancreatic enzyme medication by students with cystic fibrosis (SB 166) as well as management of students with diabetes (HB 747). The approved legislation requires rulemaking in cooperation with the Florida Department of Health (FDOH). Therefore, Rule 6A-6.0251, F.A.C., is being amended in cooperation with FDOH to define terminology and to address management of students with certain health conditions. The rule title is being changed to include inhaler use by students with asthma, the use of epinephrine auto-injectors by students with life-threatening allergies, use of pancreatic enzyme medication by students with cystic fibrosis, and management of students with diabetes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 1002.20(3)(h)-(k) FS.

LAW IMPLEMENTED: 1002.20(3)(h)-(k) FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-6.0251 follows. See Florida Administrative Code for present text.)

6A-6.0251 Management Use of Chronic Health Conditions Epinephrine Auto Injectors.

(1) Definitions.

(a) Self-Administration. Self-administration shall mean that a student with anaphylaxis, asthma, cystic fibrosis, or diabetes is able to self-manage medication, supplies, and equipment in the manner directed by a licensed healthcare provider without additional assistance or direction in accordance with Section 1002.20(3), F.S.

(b) Anaphylaxis. Anaphylaxis is a medical term for life-threatening allergic reactions that may occur when individuals with allergies are exposed to specific allergens. Anaphylaxis is a collection of symptoms affecting multiple systems in the body.

(c) Asthma. Asthma is an inflammatory disorder of the airways that impairs breathing. Asthma management is classified according to severity and control of asthma symptoms.

(d) Pancreatic insufficiency. Pancreatic insufficiency includes the diagnosis of cystic fibrosis, a disease that affects the lungs and digestive system.

(e) Diabetes. Diabetes is a disease that impairs the body's ability to produce or properly use insulin, a hormone that is needed to convert food into energy. Diabetes management includes routine and emergency care of students with diabetes.

(f) Medical Management Plan. A Medical Management Plan means medical authorization that includes medication orders from a student's healthcare provider to meet the medical needs of a student with a chronic health condition during school and school-sponsored activities.

(g) Individualized Health Care Plan (IHCP). An IHCP is a plan of action developed by a registered nurse (RN) in collaboration with the student, parent/guardian, health care team, and school personnel for the management of actual and potential health care needs in the school setting, on field trips, and during school-sponsored activities. The IHCP is child-specific in accordance with Section 1006.062, F.S., and includes a written format for nursing assessment (health status, risks, concerns, and strengths), nursing diagnosis, interventions, delegation, expected outcomes, and goals to meet the needs of a student with a chronic health condition.

(h) Emergency Action Plan (EAP). An EAP is a child-specific action plan for anticipated health emergency (ies) in the school setting. The EAP is a component of the IHCP developed in accordance with Section 1006.062, F.S., and Rule 64F-6.004, F.A.C. The EAP shall specify when the emergency number (911) will be called and describe a plan of action if the student needs assistance or is unable to self-administer medication or self-manage treatment as prescribed.

(i) School Health Services Plan. The School Health Services Plan means the document jointly developed by the local school district and county health department that describes the health services to be provided, responsibility of provision of health services, and anticipated expenditures to provide health services as required in Section 381.0056(5), F.S.

(2) A student shall be allowed to carry and self-administer medication, supplies, and equipment in accordance with Section 1002.20(3), F.S., based on the student's medical management plan from the healthcare provider as well as written parent/guardian consent.

(3) An RN shall develop an annual IHCP that includes an EAP, in collaboration with the student, parent/guardian, health care team, and school personnel for a student with a chronic health condition as specified in Section 1002.20(3), F.S., that includes: anaphylaxis, asthma, cystic fibrosis, and diabetes. The IHCP includes an assessment of the student's ability to safely and effectively self-manage their health condition while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities.

(4) In accordance with Section 1002.20(3), F.S., the school district shall ensure that procedures are in place to protect the safety of all students from the misuse or abuse of medication, supplies, or equipment.

(5) In accordance with Section 1002.20(3)(j), F.S., a school district may not restrict assignment of a student with diabetes.

(6) School districts are encouraged to develop and implement strategies for training school personnel in the management of students with allergies, asthma, cystic fibrosis, and diabetes in accordance with Section 1006.062, F.S., and the local School Health Services Plan.

(7) The Department of Education, in collaboration with the Department of Health, shall identify, develop, and provide sources for training and technical assistance for school districts. School districts shall provide training to school personnel responsible for the routine or emergency care of students with chronic health conditions including anaphylaxis, asthma, cystic fibrosis, and diabetes.

Rulemaking Authority 1002.20(3)(h)-(k) ~~1003.492(2)~~ FS. Law Implemented 1002.20(3)(h)-(k) ~~1003.491, 1003.492, 1003.493~~ FS. History—New 3-24-08, Amended 8-18-09, 6-22-10, 6-21-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Michael Grego, Interim Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2011

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: 6A-6.0573
RULE TITLE: Industry Certification Process.

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes made by the 2011 Legislature to the governing statutes. In addition, new certifications will be added to the Industry Certification Funding List, as incorporated by reference in the rule and referred to as the 2011-2012 Industry Certification Funding List. The Industry Certification Funding List must include weights for each industry certification for use in the Florida Education Finance Program (FEFP) calculation.

SUMMARY: The 2011 Legislature created Section 1003.4935, Florida Statutes, providing law governing the addition of the middle school career and professional academy component. In addition, the Department is adopting by reference the "Comprehensive Industry Certification List, 2011-12" as approved and published March 1, 2011 by Workforce Florida, Inc. Further, the Department is adopting the "2011-12 Industry Certification Funding List" with weights assigned to each certification based on the rigor and employment value of the certification. This modification to the rule includes the specific calculation to be used for the assignment of one of three weights to each industry certification for use in the Florida Education Finance Program calculation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required. 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: 1003.492(2), 1011.62(1)(o) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493, 1003.4935 FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Budget, Accountability and Assessment, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9002, tara.goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0573 Industry Certification Process.

(1) Pursuant to Section 1003.492(2), F.S., Workforce Florida, Inc.'s approved list of industry certifications, which has been named the "~~2010-11~~ Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2011-2012" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00558>) (~~<http://www.flrules.com/Gateway/reference.asp?No=Ref-00221>~~) is adopted by the State Board of Education and incorporated by reference in this rule. The "~~2010-11~~ Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2011-2012" may be obtained from the Department of Education's web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(2) The "Comprehensive Industry Certification List" shall be published by March 1 of each calendar year.

(3) "Industry Certification Funding List." The Department of Education shall review the approved "Comprehensive Industry Certification List" to identify certifications deemed sufficiently rigorous academically and, thus, eligible for additional full-time equivalent (FTE) membership funding, pursuant to Section 1011.62(1), F.S.

(a) This list will be known as the "2011-2012 Industry Certification Funding List 2010-2011, Updated" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00557>) to be published by the Department of Education and is incorporated by reference in this rule. The "2011-2012 2010-2011 Industry Certification Funding List, Updated" (~~<http://www.flrules.com/Gateway/reference.asp?No=Ref-00221>~~) may be obtained from the Department of Education's web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(b) To be considered for additional full-time equivalent membership funding and included on the "2010-2011 Industry Certification Funding List, Updated" in this paragraph, a certification shall:

1. Be on the "Comprehensive Industry Certification List;"
2. Be achievable by secondary students ~~in a secondary level program~~;
3. Require a minimum of one hundred fifty (150) hours of instruction; and
4. Have been offered for at least one year in a school district.

(c) The Commissioner of Education may waive the one-year requirement when failure to do so would inhibit preparation of students for emerging workforce opportunities.

(4) No later than March ~~5~~ 15 each year, the Department of Education shall produce a preliminary "Industry Certification Funding List" and shall show the industry certifications for which registered career and professional academy students may be reported for additional full-time equivalent membership funding by school districts under Section 1011.62(1), F.S.

(a) School districts shall be provided a period of time to request additions to the preliminary "Industry Certification Funding List" prior to publication of the final "Industry Certification Funding List" for the following school year.

(b) School districts offering career and professional academies under Section 1003.492, F.S., may submit requests to include an industry certification, not on the preliminary "Industry Certification Funding List," to the final "Industry Certification Funding List" along with supporting documentation, to the Department of Education.

1. Supporting documentation shall include a statement of justification and other resource material to illustrate the correlation between the program standards and the certification examination competencies.

2. Requests shall be submitted no later than April ~~1~~ 15 for inclusion on the final "Industry Certification Funding List."

3. The Department of Education shall review each request according to the above criteria and respond to the submitting school district by May 15 within forty-five (45) days of receipt.

4. If the request is denied for failure to meet the criteria in paragraph (3)(b) of this rule, the specific reason for denial shall be included in the response to the school district.

(5) Pursuant to Section 1011.62(1), F.S., industry certifications approved by the State Board of Education for inclusion in the final "Industry Certification Funding List" shall be assigned one of the following weights: 0.1, 0.2, or 0.3. The weights shall be determined by values assigned to indicators of rigor and employment value, with 50 percent of the points based on rigor and 50 percent based on employment value. Rigor and employment value each shall be assigned up to three points for a total possible value of six.

(a) Rigor shall be determined by the State Board of Education using the number of instructional hours necessary to earn the industry certification with bonus points assigned for certifications with Gold Standard Career Pathways Industry Certification to Associate in Applied Science (AAS)/Associate in Science (AS) Statewide Articulation Agreements approved by the State Board of Education. Instructional hour values shall be determined based on the classroom instructional hours and work experience hours necessary to earn the certification.

1. Classroom instructional hours shall be determined through one of the following methods:

a. Instructional hours identified by the certifying agency,
or

b. Alignment of statewide curriculum frameworks to the competencies required for the industry certification based on a review by the Department of Education. This process shall include a review of standards in the curriculum frameworks, as adopted by the State Board of Education in Rule 6A-6.0571, F.A.C., for the secondary and postsecondary programs that align with the certification.

2. Work experience hours shall be determined based on the work hours required by the certifying agency to earn the certification.

3. Instructional hours shall be the sum of classroom instructional hours and work experience hours.

4. The maximum value for the rigor of the industry certification is three points. The total instructional hours necessary to earn the industry certification shall be converted to rigor points based on the following scale:

a. A value of 150 to 299 hours equals 0.5 points.

b. A value of 300 to 449 hours equals 1.0 points.

c. A value of 450 to 599 hours equals 1.5 points.

d. A value of 600 to 749 hours equals 2.0 points.

e. A value of 750 to 899 hours equals 2.5 points.

f. A value of 900 or more hours equals 3.0 points.

5. If the State Board of Education has an approved Gold Standard Career Pathways Industry Certification to AAS/AS Degree Articulation Agreement for the certification, a value of 0.5 shall be added to the rigor point total if the points assigned for instructional hours are less than or equal to 2.5.

(b) Employment value shall be determined by the State Board of Education, in consultation with Workforce Florida, Inc., using the entry wage, growth rate, and average annual openings for the Standard Occupational Classification (SOC) code linked to the industry certification, based on occupational linkages assigned by the Florida Agency for Workforce Innovation.

1. The maximum employment value of the industry certification is three points. The State Board of Education shall assign one point to each certification for the three indicators: entry wage, growth rate, and average annual openings. Points shall be assigned to each certification based on the percentile ranking of the occupation to which it is linked among all occupations linked to certifications on the "Industry Certification Funding List." The source for the employment information is data from Florida Agency for Workforce Innovation, Labor Market Statistics Center, Occupational Employment Statistics Program and Employment Projections Program, in the document "2007-11 Comprehensive Industry Certification List with Employment Data" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00559>) which is hereby incorporated by reference. The document can be accessed from the Department's web site at http://www.fldoe.org/workforce/careeracademies/ca_home.asp.

2. The points for entry wage, growth rate, and average annual openings shall be assigned as follows:

a. A value at or below the 25th percentile equals 0.25 point.

b. A value greater than the 25th percentile and below or equal to 50th percentile equals 0.50 point.

c. A value greater than the 50th percentile and below or equal to the 75th percentile equals 0.75 point.

d. A value above the 75th percentile equals 1.0 point.

3. For each certification, the State Board of Education shall sum the points for entry wage, growth rate, and average annual openings. The sum of this calculation is the employment value point total for the certification.

(c) The rigor and employment value point totals shall be summed and divided by six and rounded to two decimal places. The minimum calculated value is 0.21. The maximum calculated value shall not exceed 1.0. The final weight assigned to the certification shall be based on this value as follows:

1. Total value up to 0.21 to 0.47 equals a weight of 0.1.

2. Total value of 0.48 to 0.74 equals a weight of 0.2.

3. Total value of 0.75 to 1.0 equals a weight of 0.3.

(d) The employment value shall be recalculated annually based on the most recent statewide employment data published by the Florida Agency for Workforce Innovation. The rigor value shall be reviewed annually for any changes to the instructional hours or approved articulation agreements.

~~(6)(5)~~ The final "Industry Certification Funding List" for the school year shall be published no later than the July 1, preceding the beginning of the school year. The list shall include a weight for use in the additional full-time equivalent membership calculation pursuant to Section 1011.62(1), F.S., as defined in subsection (5) of this rule. ~~With the publication of this list, the Department will recommend linkages to secondary career and technical programs in the Course Code Directory.~~

~~(7)(6)~~ Conditions for the additional full-time equivalent membership funding pursuant to Section 1011.62(1), F.S.

(a) A school district shall be eligible for additional FTE membership under the following conditions, for a maximum of ~~one~~ 0.3 full-time equivalent membership funding per student:

1. Student is enrolled in a registered career and professional academy.

2. Student completes a certification on the "Industry Certification Funding List."

3. Student receives a high school diploma.

(b) Up to two certifications ~~A maximum of one certification~~ may be reported for a course.

(c) School districts may report students who complete industry certifications during the update period allowed by the Department of Education for survey 5 after an initial submission.

~~(8)(7)~~ Registration of High School Career and Professional Academies. The Department of Education shall maintain a web site for school districts to register career and professional academies that meet the requirements of Section 1003.493, F.S.

(a) School districts shall submit up-to-date information on each career and professional academy through an annual a reporting window which shall open on or after of July 15 and close on to September 15, and shall remain open for a minimum of thirty days. Form FCAPEA-01, Florida Career and Professional Education Act Career and Professional Academies, (http://www.flrules.org/Gateway/reference.asp?No=Ref-00561) is hereby incorporated by reference in this rule to become effective and shall be utilized for reporting the information. Form FCAPEA-01 may be found on the Department's web site at: https://app1.fldoe.org/workforce/CAPE/, annually on Form ICP 1 located on the Department's web site at http://www.fldoe.org/workforce/. ~~Form ICP 1 is hereby incorporated by reference to become effective with the effective date of this rule. The required information shall include, but is not limited to, the following: academy name and school and a list of industry certifications offered to students in the academy selected from the final "Industry Certification Funding List."~~

(b) As part of the registration process, the superintendents shall certify that each academy meets all of the requirements of Section 1003.493, F.S.

(c) Eligibility for funding under Section 1011.62(1), F.S., is limited to academies registered with the Department of Education.

(d) Academies shall be registered by September 15 of the reporting year for their students to be eligible to generate the additional full-time equivalent membership funding based on the completion of industry certifications.

~~(8) Performance Criteria:~~

~~(a) The performance criteria specified in Section 1003.493(5), F.S., shall be calculated in the following manner:~~

~~1. The denominator is the number of students in the career course who took the industry certification examination or who attempted college credit for their enrollment in the career course.~~

~~2. The numerator is the number of students in the denominator who successfully passed an industry certification on the "Industry Certification Funding List" or who earned college credit.~~

~~(b) A school district that fails to meet the performance criteria specified in Section 1003.493(5), F.S., may not offer that industry certification in the academy in the subsequent year.~~

~~(c) In the annual registration process for the academy, the school district can no longer report an industry certification that fails to meet the performance criteria in the academy and~~

~~will not be eligible to receive the additional full-time equivalent membership funding for that industry certification under the requirements of Section 1011.62(1), F.S.~~

(9) Registration of Middle School Career and Professional Academies. The Department of Education shall maintain a website for school districts to register middle school career and professional academies that meet the requirements of Section 1003.4935, F.S.

(a) School districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open on or after September 16 and close on October 15, and shall remain open for a minimum of thirty (30) days. Form FCAPEA-02, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00562>) is hereby incorporated by reference in this rule to become effective _____ and shall be utilized for reporting the information. Form FCAPEA-02 may be found on the Department's web site at: <https://app1.fldoe.org/workforce/CAPE/>.

(b) As part of the registration process, superintendents shall certify that each academy meets all of the requirements of Section 1003.4935, F.S.

(c) Eligibility for funding under Section 1011.62(1), F.S., is limited to academies registered with the Department of Education.

(d) Academies shall be registered by October 15 of the reporting year for their students to be eligible to generate the additional full-time equivalent membership funding based on the completion of industry certifications.

Rulemaking Authority 1003.492(2) FS. Law Implemented 1003.491, 1003.492, 1003.493, 1003.4935, 1011.62(1)(o) FS. History—New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Loretta Costin, Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0785	Charter School Applicant Training Standards

PURPOSE AND EFFECT: The purpose of this rule amendment is to update Rule 6A-6.0785, F.A.C., to reflect changes from the 2011 Legislative Session. Section

1002.33(6), Florida Statutes, was amended to require new applicant training after approval of an application, as well as to amend the topics required to be covered in the applicant training.

SUMMARY: Proposed revisions include modifying the training standards to align with statutory changes and amending the deadline for sponsors to submit a form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. Districts opting to provide training may incur minimal costs relating to the notification of such training opportunities. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 1002.33(27) FS.

LAW IMPLEMENTED: 1002.33(6) FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida, (850)245-0502, or adam.miller@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0785 Charter School Applicant Training Standards. Training will be provided to charter school applicants in accordance with Section 1002.33(6)(~~f~~)(~~g~~), F.S.

(1)(a) Standards for charter school applicant training are specified in ~~the Form IEPC-TS~~, Charter School Applicant Training Standards Certification Form 2009, hereinafter, ~~Training Standards Certification Form IEPC-TS~~, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00560>) which is hereby incorporated by reference to become a part of this rule to become effective _____, 2011 ~~May 3, 2010~~.

(b) ~~The Training Standards Certification Form IEPC-TS~~ establishes the standards for charter school applicant training. The standards were developed by the Department pursuant to Section 1002.33(6)(~~f~~)(~~g~~), F.S., and address the following

topics: charter school laws and rules, ~~the application process,~~ charter school sponsor duties and services, developing and adjusting business plans, accounting for projecting enrollment, ~~estimating~~ costs and income, accurate financial planning and good business practices, ~~requirements of Financial and Program Cost Accounting and Reporting for Florida Schools as incorporated by reference in Rule 6A-1.001, F.A.C.,~~ charter school audit requirements, and identifying and applying for the types and amounts of state and federal financial assistance a charter school may be eligible to receive.

(c) Copies of ~~the Training Standards Certification Form IEPC-TS~~ may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, or on the School Choice web site at www.floridaschoolchoice.org.

(2) A sponsor intending to require charter school applicants to participate in training provided by the sponsor in lieu of the Department's training ~~pursuant to Section 1002.33(6)(g)2., F.S.,~~ must annually certify that the sponsor's training standards meet or exceed the standards developed by the Department through the following process:

(a) The sponsor shall complete, sign, and submit a ~~Training Standards Certification Form IEPC-TS~~ prior to offering training to approved charter school applicants no later than January 31 ~~May 1~~ of each year. The form shall be submitted to the Office of Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Upon receipt of ~~the Training Standards Certification Form IEPC-TS,~~ the Department will, within ten (10) business days, notify the sponsor if the form is complete and satisfactorily demonstrates that the sponsor's standards meet or exceed the standards developed by the Department. If the form is not complete, or if additional information is required, the Department will notify the sponsor in writing.

(c) Upon receipt of notification that ~~the Training Standards Certification Form IEPC-TS~~ has been accepted by the Department the sponsor shall:

1. Send written or electronic notification about the training requirement to all approved ~~the prospective~~ charter school applicants for the most recent application cycle known to the sponsor; ~~and~~

2. Post a notice about the required training in a prominent place on the sponsor's internet web site; ~~and~~

3. ~~Verbally inform each charter school applicant of the training requirement at the time intent to submit an application is made known to the sponsor.~~

(3) A sponsor that does not intend to require charter school applicants to participate in training provided by the sponsor in lieu of the Department's training shall provide notification of the applicant training requirement established by Section 1002.33(6)(f)(g)2., F.S., by sending written or electronic notification to all approved ~~the prospective~~ charter school

applicants for the most recent application cycle known to the sponsor. The notification shall include the Department's charter school web site.

(4) Applicant training must be offered annually ~~by July 31~~ and scheduled in a manner that provides all approved applicants a reasonable opportunity to participate at least 30 days prior to the first day of classes at the charter school.

(5) Upon completion of the training, the provider shall present a certificate of participation to the applicant and maintain a record of the training date and the name and title of each attendee, including whether or not the attendee was a high-performing charter school or high-performing charter school system applicant.

(6) The sponsor may not require charter school applicants to attend sponsor training in lieu of the Department's training prior to the effective date of ~~the this rule~~ as amended.

Rulemaking Authority 1002.33(26) FS. Law Implemented 1002.33(6)(g) FS. History--New 5-3-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-10.0342

RULE TITLE:

Career and Technical Education

Program Performance Reporting

PURPOSE AND EFFECT: The purpose of this amendment is to align the accountability mechanisms prescribed in statute with the accountability section of Florida's State Plan for the Carl D. Perkins Career and Technical Education Act.

SUMMARY: The rule is being amended to reflect how the Department will implement policy in compliance with Section 1008.43(1)(a), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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: 1008.43 FS.

LAW IMPLEMENTED: 1008.43 FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.

PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Budget, Accountability and Assessment, 325 West Gaines Street, Room 744, Tallahassee, Florida 32399-0400, (850)245-9002, tara.goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0342 Career and Technical Vocational Education Program Performance Reporting.

(1) The Department will annually calculate and publish secondary and postsecondary program improvement targets for each of the performance measures for which career and technical education job preparatory/occupational programs are to be accountable. ~~Methods for the calculation of the program improvement targets will include the following:~~

~~(a) The program performance measures that are expressed as percentages or rates (the placement rate, productivity rate, more advanced academic skills rate, and the targeted population enrollment reporting rate) will have targets that will require greater performance improvement when the rates are lower in value and lesser performance improvement when the rates are higher in value. Program improvement targets will be calculated specifically for programs within each educational level.~~

~~(b) The program performance measures that are expressed as amounts (the program full-time/full-quarter earnings measure and the institutional full-time/full-quarter earnings measure) will have targets that will be based on the range of full-time/full-quarter earnings for all comparable programs and all institutions at the same educational level across the state.~~

~~(c) The basic skills measure is self-targeting inasmuch as it requires one hundred (100) percent of the program completers to receive or be eligible for a high school diploma.~~

(2) For the completion and placement rate calculations, “career and technical education concentrator” is defined as the following: Minimum performance standards for the placement rate and productivity rate will be seventy (70) percent and twenty (20) percent, respectively, for postsecondary programs. Minimum program improvement targets will equal or exceed these minimum performance standards.

(a) Secondary – A secondary student who has earned three (3) or more credits in a single career and technical education program, or two (2) credits in a single career and technical education program, but only in those programs where two (2) credit sequences at the secondary level are recognized by Rule 6A-6.0571, F.A.C., Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks and/or its local eligible recipients.

(b) Postsecondary Clock Hour Programs – A postsecondary student who completes at least one-third of the academic and/or technical hours in a clock hour career and technical education program that terminates in the award of an industry-recognized credential, certificate or degree.

(c) Postsecondary Credit Hour Programs – A postsecondary student who completes at least one-third of the academic and/or technical hours in a college credit career and technical education program that terminates in the award of an industry recognized credential, certificate or degree.

(3) The completion rate for secondary programs shall be calculated as follows: The numerator shall be the number of senior career and technical education concentrators who attained a 1) standard high school diploma, 2) General Educational Development (GED) credential or Adult High School diploma, or 3) proficiency credential, certificate or degree, in conjunction with a secondary school diploma. The denominator shall be the number of senior career and technical education concentrators who have left secondary education in the reporting year. The 2011-12 target shall be 96%. For 2012-13 and subsequent years the target shall be 97%. The Department will calculate placement, productivity, and institutional earnings measures for all enrolled students and for enrolled targeted population students. The measures based on enrolled targeted students will use the same program improvement targets as were calculated based on all enrolled students for these measures.

(4) The placement rate for secondary programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators from the prior year who completed secondary school and who were placed in postsecondary education, employment, and/or military service in the 2nd quarter (October-December) after leaving secondary education during the reporting year. The denominator shall be the number of career and technical education concentrators from the prior year who completed secondary school. The 2011-12 target shall be 81%. For 2012-13 and subsequent years the target shall be 82%. Exceptional education students (except gifted) and students enrolled in state approved drop out prevention programs under modified curriculum or standards and/or without a certified vocational teacher are not included in the calculation of the more advanced academic skills performance measure.

(5) The completion rate for postsecondary clock hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators who received an industry-recognized credential or a certificate during the reporting year. The denominator shall be the number of career and technical education concentrators who left postsecondary education during the reporting year. The 2011-12 target shall be 58%. For 2012-13 and subsequent years the target shall be 58.25%. Beginning in the 1994-95 school year, and annually thereafter, the Department will conduct a program review of a postsecondary program anytime three (3) or more of the performance measures fail to meet or exceed established targets.

(6) The placement rate for postsecondary clock hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate who were placed in postsecondary education, employment and/or military service in the 2nd quarter (October-December) after leaving postsecondary education. The denominator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate. The 2011-12 target shall be 84.55%. For 2012-13 and subsequent years the target shall be 84.60%. Beginning in the 1994-95 school year, and annually thereafter, school districts and community colleges will develop an improvement plan of a postsecondary program anytime a performance measure fails to meet or exceed minimum performance standards.

(7) The completion rate for postsecondary credit hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators who received an industry-recognized credential, a certificate, or a degree during the reporting year. The denominator shall be the number of career and technical education concentrators who left postsecondary education during the reporting year. The 2011-12 target shall be 49%. For 2012-13 and subsequent years the target shall be 50%. Beginning in the 1996-97 school year, and annually thereafter, school districts and community colleges will develop an improvement plan for a postsecondary program whenever the program fails to meet or exceed any three or more of the performance improvement targets for three (3) consecutive years.

(8) The placement rate for postsecondary credit hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate who were placed in postsecondary education, employment and/or military service in the 2nd quarter (October-December) after leaving postsecondary education. The denominator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate. The 2011-12 target shall be 88%. For 2012-13 and subsequent years the target shall be

89%. Beginning in the 1994-95 school year, and annually thereafter, the Department will report to the State Board for Vocational Education; boards of trustees; school boards; and the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools the results of program reviews and improvement plans implemented by affected schools as prescribed in Section 239.233(1)(b)5., Florida Statutes.

(9) If a program fails to achieve both the completion and placement targets and the average full-time/full-quarter earnings of completers is below the 25th percentile in the state for that program, the program will be flagged in performance reports produced by the Department and the school district or college will be notified by the Department.

Rulemaking Specific Authority 1008.43 239.233(1)(b)5. FS. Law Implemented 1008.43 239.233(1)(c), 239.233(1)(d) FS. History—New 10-4-93, Amended 2-16-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Loretta Costin, Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-14.031

Acceleration Mechanisms for Program Completion

PURPOSE AND EFFECT: The provisions of Rule 6A-14.031, F.A.C., are addressed in Section 1007.27, Florida Statutes, and Rule 6A-10.024, F.A.C., therefore this rule is recommended for repeal to eliminate redundancy.

SUMMARY: The rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not

have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Pursuant to the Department's economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required. 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: 1001.02 FS.
LAW IMPLEMENTED: 1007.22, 1007.23, 1007.24, 1007.25 FS.

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

DATE AND TIME: September 20, 2011, 8:30 a.m.
PLACE: Valencia Community College, West Campus, 1800 South Kirkman Road, Building HSB, Room 105, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Associate Vice Chancellor for Learning Initiatives, Department of Education, Division of Florida Colleges, 325 West Gaines Street, Suite 1532G, Tallahassee, Florida, (850)245-9523

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.031 Acceleration Mechanisms for Program Completion.

Rulemaking Specific Authority 1001.02(1), (9), 1001.03 FS. Law Implemented 1007.22-.25 FS. History—Formerly 6A-8.59, Repromulgated 12-19-74, Amended 4-8-75, 7-26-84, Formerly 6A-14.31, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Will Holcombe, Chancellor, Florida College System

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.0185	Periodic Reports
25-4.022	Complaints
25-4.023	Report of Interruptions
25-4.0345	Customer Premises Equipment and Inside Wire
25-4.036	Design and Construction of Plant
25-4.038	Safety
25-4.040	Telephone Directories, Directory Assistance
25-4.041	Courtesy
25-4.066	Availability of Basic Local Telecommunications Service
25-4.070	Customer Trouble Reports for Basic Local Telecommunications Service
25-4.071	Adequacy of Service
25-4.072	Transmission Requirements
25-4.073	Answering Time for Basic Local Telecommunications Service
25-4.074	Intercept Service
25-4.078	Emergency Operation

25-4.079	Hearing/Speech Impaired Persons
25-4.081	Emergency 911 Access
25-4.084	Carrier-of-Last-Resort; Multitenant Business and Residential Property
25-4.085	Service Guarantee Program
25-4.088	Applicability
25-4.089	Definitions
25-4.090	Rights of Way and Easements
25-4.091	Installation of Underground Distribution System Within Subdivision
25-4.092	Schedule of Charges
25-4.093	Connection of Existing System
25-4.094	Advance by Applicant
25-4.095	Construction Practices
25-4.096	Records and Reports
25-4.097	Special Conditions
25-4.107	Information to Residential Customers; Installment Plan
25-4.109	Residential Customer Deposits
25-4.110	Customer Billing for Local Exchange Telecommunications Companies
25-4.111	Customer Complaints and Service Requests
25-4.114	Refunds
25-4.115	Directory Assistance
25-4.117	Toll Free Service
25-4.202	Construction
25-4.210	Service Evaluations and Investigations

PURPOSE AND EFFECT: To eliminate rules which no longer have statutory authority.

SUMMARY: Rules 24-4.0185, 25-4.022, and 25.4.023, F.A.C., pertain to record and reporting requirements for local exchange telecommunication companies (LECs); Rules 25-4.0345, 25-4.036, 25-4.038, 25-4.040, and 25-4.041 pertain to management requirements for LECs; Rules 25-4.066, 25-4.070, 25-4.071, 25-4.072, 25-4.073, 25-4.074, 25-4.078, 25-4.079, 25-4.081, 25-4.084, and 25-4.085 pertain to service provisions for LECs; 25-4.088, 25-4.089, 25-4.090, 25-4.091, 25-4.092, 25-4.093, 25-4.094, 25-4.095, 25-4.096, and 25-4.097 pertain to telephone underground extension requirements for LECs; Rules 25-4.107, 25-4.109, 25-4.110, 25-4.111, 25-4.114, 25-4.115, and 25-4.117 pertain to customer relations requirements for LECs; and Rules 25-4.202 and 25-4.210 pertain to LEC service evaluations and investigations. Chapter 2011-36, Laws of Florida, effective July 1, 2011, amended the Commission's authority over telecommunications companies. These rules are being repealed because there is no longer statutory authority to implement the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Based on information on the benefits of competition and the reduction of regulation on the

telecommunications industry, the rule repeals will not have an adverse impact on small business, will not likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after implementation of the repeal of the rules, and will not require legislative ratification pursuant to Section 120.541(3), F.S. 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: 350.127, 350.127(2), 364.04, 364.14(2), 364.17, 364.604(5) FS.

LAW IMPLEMENTED: 350.113, 350.127, 364.01, 364.01(4), 364.02, 364.02(2), 364.025, 364.0251, 364.0252, 364.03, 364.03(3), 364.035, 364.04, 364.05(4), 364.051, 364.052, 364.055(2), 364.07, 364.08, 364.15, 364.17, 364.18, 364.183, 364.183(1), 364.185, 364.19, 364.3382, 364.385, 364.386, 364.602, 364.603, 364.604, 365.171, 395.1027 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: Cynthia B. Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.0185 Periodic Reports.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.183(1) FS. History–New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05, 10-21-09, Repealed.

25-4.022 Complaints.

Rulemaking Authority 350.127(2), 364.17 FS. Law Implemented 364.051, 364.17, 364.183 FS. History–Revised 12-1-68, Formerly 25-4.22, Amended 1-25-09, Repealed.

25-4.023 Report of Interruptions.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05, 3-26-09, Repealed.

25-4.0345 Customer Premises Equipment and Inside Wire.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History–New 12-13-82, Amended 9-30-85, Formerly 25-4.345, Amended 4-16-90, 3-10-96, 2-1-99, Repealed.

25-4.036 Design and Construction of Plant.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15 FS. History–Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, 12-29-05, 9-5-07, Repealed.

25-4.038 Safety.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History–New 12-1-86, Formerly 25-4.38, Amended 4-3-05, Repealed.

25-4.040 Telephone Directories; Directory Assistance.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171, 395.1027 FS. History–New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-16-94, 11-20-08, Repealed.

25-4.041 Courtesy.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03 FS. History–New 12-1-68, Formerly 25-4.41, Repealed.

25-4.066 Availability of Basic Local Telecommunications Service.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.025, 364.15, 364.183, 364.185 FS. History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05, 10-21-09, Repealed.

25-4.070 Customer Trouble Reports for Basic Local Telecommunications Service.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.15, 364.183, 364.386 FS. History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05, 10-21-09, Repealed.

25-4.071 Adequacy of Service.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS. History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71, Amended 6-24-90, 3-10-96, 3-26-09, Repealed.

25-4.072 Transmission Requirements.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS. History–New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, 4-3-05, Repealed.

25-4.073 Answering Time for Basic Local Telecommunications Service.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.386, 365.171 FS. History–New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05, 10-21-09, Repealed.

25-4.074 Intercept Service.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History–New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96, 3-26-09, Repealed.

25-4.078 Emergency Operation.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.025, 364.03 FS. History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.78, Repealed.

25-4.079 Hearing/Speech Impaired Persons.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS. History–New 4-5-88, Amended 6-3-90, 5-8-05, 11-20-08, Repealed.

25-4.081 Emergency 911 Access.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02, 364.025, 364.03(3), 365.171, 364.385 FS. History–New 1-5-97, Repealed.

25-4.084 Carrier-of-Last-Resort; Multitenant Business and Residential Property.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.025 FS. History–New 2-20-07, Repealed.

25-4.085 Service Guarantee Program.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.386 FS. History–New 6-14-05, Repealed.

25-4.088 Applicability.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.88, Repealed.

25-4.089 Definitions.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.89, Repealed.

25-4.090 Rights of Way and Easements.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Amended 3-31-76, Formerly 25-4.90, Repealed.

25-4.091 Installation of Underground Distribution System Within Subdivision.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.91, Repealed.

25-4.092 Schedule of Charges.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.15 FS. History–New 4-10-71, Formerly 25-4.92, Repealed.

25-4.093 Connection of Existing System.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.93, Repealed.

25-4.094 Advance by Applicant.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.94, Repealed.

25-4.095 Construction Practices.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.95, Repealed.

25-4.096 Records and Reports.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15, 364.183 FS. History–New 4-10-71, Formerly 25-4.96, Repealed.

25-4.097 Special Conditions.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-71, Formerly 25-4.97, Repealed.

25-4.107 Information to Residential Customers; Installment Plan.

Rulemaking Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03, 364.04, 364.051, 364.15, 350.127 FS. History–New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-91, 10-30-91, 3-26-09, Repealed.

25-4.109 Residential Customer Deposits.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History–New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94, 3-26-09, Repealed.

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

Rulemaking Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.04, 364.052, 364.3382, 364.602, 364.603, 364.604 FS. History–New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03, 10-21-09, Repealed.

25-4.111 Customer Complaints and Service Requests.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.051, 364.07, 364.19 FS. History–Revised 12-1-68, Amended 3-31-76, Repealed.

25-4.114 Refunds.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.05(4), 364.055(2), 364.07, 364.08, 364.19 FS. History–New 8-18-83, Repealed.

25-4.115 Directory Assistance.

Rulemaking Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History–New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05, 1-25-09, Repealed.

25-4.117 Toll Free Service.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History–New 3-5-90, Amended 1-25-09, Repealed.

25-4.202 Construction.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History–New 3-10-96, Amended 1-31-00, Repealed.

25-4.210 Service Evaluations and Investigations.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.052, 364.15, 364.18 FS. History–New 3-10-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy, Regulatory Analysis Division, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6584, rkennedy@psc.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2011

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-24.455	Scope and Waiver.
25-24.465	Terms and Definitions
25-24.470	Registration Required
25-24.474	Cancellation of a Registration
25-24.475	Company Operations and Customer Relations
25-24.480	Records and Reports
25-24.485	Tariffs
25-24.490	Toll Free Number Transfers
25-24.516	Pay Telephone Operator Services
25-24.575	Shared Tenant Service Operations
25-24.580	Airport Exemption
25-24.600	Application and Scope
25-24.610	Terms and Definitions; Rules Incorporated
25-24.620	Service Requirements for Companies Providing Operator Services

25-24.630

25-24.640

25-24.721

25-24.740

25-24.747

25-24.830

25-24.840

25-24.900

25-24.905

25-24.910

25-24.915

25-24.920

25-24.925

25-24.935

PURPOSE AND EFFECT: To eliminate rules which no longer have statutory authority.

SUMMARY: Rules 25-24.455, 25-24.465, 25-24.470, 25-24.474, 25-24.475, 25-24.480, 25-24.485, and 25-24.490 pertain to interexchange telecommunications services; Rules 25-24.516, 25-24.575, and 25-24.580 pertain to pay telephone and shared tenant services; Rules 25-24.600, 25-24.610, 25-24.620, 25-24.630, 25-24.640 pertain to operator services and call aggregator services; Rules 25-24.721, 25-24.740, 25-24.747, 25-24.830, and 25-24.840 pertain to alternative access vendors and competitive local exchange services; and Rules 25-24.900, 25-24.905, 25-24.910, 25-24.915, 25-24.920, 25-24.925, and 25-24.935, F.A.C., pertain to prepaid calling services. Chapter No. 2011-36, Laws of Florida, effective July 1, 2011, amended the Commission's authority over telecommunications companies. These rules are being repealed because there is no longer statutory authority to implement the rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Based on information on the benefits of competition and the reduction of regulation on the telecommunications industry, the rule repeals will not have an adverse impact on small business, will not likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after implementation of the repeal of the rules, and will not require legislative ratification pursuant to Section 120.541(3), F.S. 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: 350.127(2), 364.3376(5), (8), 364.3376(8), 364.604(5) FS.

LAW IMPLEMENTED: 350.113, 350.117, 350.127(1), 364.01, 364.016, 364.02, 364.03, 364.035, 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.285, 364.33, 364.335, 364.336, 364.337, 364.3375(4), (5), 364.3376, 364.339, 364.345, 364.603, 364.604, 427.704 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: Cynthia B. Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.455 Scope and Waiver.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02 FS. History–New 2-23-87, Amended 8-25-05, Repealed.

25-24.465 Terms and Definitions.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.02 FS. History–New 2-23-87, Amended 3-13-96, 8-25-05, Repealed.

25-24.470 Registration Required.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.02, 364.04 FS. History–New 2-23-87, Amended 8-25-05, 5-29-08, Repealed.

25-24.474 Cancellation of a Registration.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.02, 364.285 FS. History–New 2-23-87, Amended 3-13-96, 8-25-05, Repealed.

25-24.475 Company Operations and Customer Relations.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.02, 364.04, 364.603, 364.604, 427.704 FS. History–New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96, 2-1-99, 8-25-05, Repealed.

25-24.480 Records and Reports.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.117, 364.02, 364.336 FS. History–New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-22-92, 12-27-94, 3-13-96, 10-1-96, 8-25-05, Repealed.

25-24.485 Tariffs.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History–New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96, 8-25-05, Repealed.

25-24.490 Toll Free Number Transfers.

Rulemaking Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.603, 364.604 FS. History–New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03, 9-9-04, 8-25-05, Repealed.

25-24.516 Pay Telephone Operator Services.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS. History–New 9-5-95, Amended 2-1-99, 9-7-04, 12-15-09, Repealed.

25-24.575 Shared Tenant Service Operations.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.339, 364.345 FS. History–New 1-28-91, Amended 7-29-97, Repealed.

25-24.580 Airport Exemption.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337, 364.339, 364.345 FS. History–New 1-28-91, Amended 3-11-92, Repealed.

25-24.600 Application and Scope.

Rulemaking Specific Authority 350.127(2), 364.3376(8) FS. Law Implemented 364.01, 364.3376 FS. History–New 9-6-93, Amended 9-10-97, 2-1-99, 8-25-05, Repealed.

25-24.610 Terms and Definitions; Rules Incorporated.

Rulemaking Specific Authority 350.127(2), 364.3376(8) FS. Law Implemented 364.01, 364.016, 364.3376 FS. History–New 9-6-93, Amended 9-10-97, 2-1-99, 8-25-05, Repealed.

25-24.620 Service Requirements for Companies Providing Operator Services.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History–New 9-6-93, Amended 1-16-96, 9-10-97, 2-1-99, Repealed.

25-24.630 Rate and Billing Requirements.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History–New 9-6-93, Amended 2-1-99, 9-7-04, 12-15-09, Repealed.

25-24.640 Service Requirements for Call Aggregators.

Rulemaking Specific Authority 350.127(2), 364.3376(5), (8) FS. Law Implemented 364.01, 364.3376 FS. History–New 9-10-97, Amended 8-25-05, Repealed.

25-24.721 Tariffs Not Required.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337 FS. History–New 1-8-95, Repealed.

25-24.740 AAV Service Provider Operations; Rules Incorporated.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337 FS. History–New 1-8-95, Repealed.

25-24.747 Notification Requirements.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337 FS. History–New 1-8-95, Repealed.

25-24.830 Consumer Information.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337(5) FS., Ch. 95-403, § 32, L.O.F. History–New 12-27-95, Amended 4-7-03, Repealed.

25-24.840 Service Standards.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.3376, 364.345 FS. History–New 5-6-97, Amended 4-7-03, 8-25-05, Repealed.

25-24.900 Scope.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.19, 364.337 FS. History–New 3-26-98, Amended 8-25-05, Repealed.

25-24.905 Terms and Definitions.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03, 364.051, 364.335, 364.337 FS. History–New 3-26-98, Amended 8-25-05, Repealed.

25-24.910 Registration or Certificate of Public Convenience and Necessity Required.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337 FS. History–New 3-26-98, Amended 8-25-05, Repealed.

25-24.915 Tariffs or Price Lists.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.337 FS. History–New 3-26-98, Amended 8-25-05, Repealed.

25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03, 364.04, 364.19 FS. History–New 3-26-98, Amended 8-25-05, Repealed.

25-24.925 Refunds.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19 FS. History–New 3-26-98, Repealed.

25-24.935 Discontinuance of Service.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19 FS. History–New 3-26-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy, Regulatory Analysis Division, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6584, rkennedy@psc.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2011

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.101	Publications Incorporated by Reference
40C-2.331	Modification of Permits
40C-2.381	Limiting Conditions
40C-2.501	Permit Classification
40C-2.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of this rulemaking are to: (1) streamline permit modifications by expanding the types of modifications to consumptive use permits (CUPs) that can be requested by letter (rather by filling out and submitting a complete CUP application form); (2) clarify the procedures and criteria for all CUP modifications, including letter modifications, and renewals; (3) revise and update the permit limiting conditions, and allow a permit limiting condition to be waived or modified when the condition is inapplicable to the activity authorized by the CUP; (4) repeal outdated general permit conditions (by type of use) and outdated special conditions; (5) reduce the number of water use types from 23 down to seven, define the water use types, and make changes to parts of the CUP Handbook incorporated by reference in Rule 40C-2.900, F.A.C., and the CUP application form and other forms incorporated by reference in Rule 40C-2.900, F.A.C., to conform to the new water use type categories; (6) revise and update the CUP application form and update rule references to this form; (7) adopt Water Use Record (EN-50) and Water Use Reporting Verification (EN-51) forms incorporated by reference in Rule 40C-2.900, F.A.C.; (8) adopt Annual Statement of Continuing Use form incorporated by reference in Rule 40C-2.900, F.A.C., as part of rulemaking to streamline and reduce water use reporting requirements for small water users (described below); (9) define “domestic use,” consistent with the statutory definition in Section 373.019(6), F.S.; (10) streamline, clarify, and update the District’s rule on compliance reports for 20-year CUPs, to conform the rule to a recent statutory amendment in Section 373.236(4), F.S., that compliance reports cannot be required more than once every ten years; (11) clarify the requirements for supplemental irrigation models and expand the types of supplemental irrigations models allowed; (12) clarify rules that apply to permit transfers; (13) clarify monitoring requirements regarding water withdrawal quantities for CUPs initially issued prior to July 23, 1991 and clarify such monitoring for CUPs initially issued on or after July 23, 1991; (14) reduce water use reporting requirements for small users (with permitted CUP allocations not exceeding 100,000 gallons per day on an annual

average), who will be allowed to annually submit an "Annual Statement of Continuing Use" rather than semi-annually submitting EN-50 forms; and (15) clarify that individual and standard general CUP applicants must submit a water conservation plan in their permit application.

SUMMARY: The proposed rule amendments would: (1) expand modifications of CUPs by letter; (2) clarify the procedures and criteria for all CUP modifications (including letter modifications) and renewals; (3) revise and update permit limiting conditions and repeal outdated permit conditions; (4) condense the water use type categories; (5) revise and update the CUP application form; (6) adopt Water Use Record (EN-50) and Water Use Reporting (EN-51) forms; (7) define "domestic use"; (8) clarify and update the compliance report requirements for 20-year CUPs; (9) clarify the requirements for supplemental irrigation models and expand the types of such models allowed; (10) clarify permit transfer criteria; (11) clarify monitoring requirements for water withdrawal quantities; (12) reduce water use reporting requirements for certain small users if they annually submit an "Annual Statement of Continuing Use"; (13) clarify who must submit a water conservation plan as part of a CUP application; and (14) miscellaneous conforming changes. The proposed rule amendments would become effective on December 1, 2011.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District has determined that this rule will not have an adverse impact on small businesses and will not increase regulatory costs in excess of \$200,000 within one year. No SERC has been prepared by the District.

The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District's economist in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to Section 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.083(5), 373.216, 373.219, 373.223, 373.229, 373.236(4), 373.239, 373.707 FS.

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

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on October 11, 2011, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water", December 1, 2011 42-7-10. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District's administration of the consumptive use permitting program.

(2) No change.

This rule will become effective on December 1, 2011.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, 373.083(5), 373.103, 373.109, ~~373.196~~, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62, 373.707 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, 12-1-11.

(Substantial rewording of Rule 40C-2.331 follows. See Florida Administrative Code for present text.)

40C-2.331 Modification of Permits.

(1) A request for modification of a valid permit issued pursuant to Chapters 40C-2 or 40C-20, F.A.C., shall be made as set forth in this section:

(a) By application on District Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable; or

(b) By letter that describes the proposed modification, provided that the modification is not excluded under paragraph (1)(c) below. The letter must include the full permit number for the requested permit modification and must describe the proposed modification.

(c) The following requests for modification are specifically excluded from the letter modification process and must be requested by application under paragraph (1)(a) above:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit, unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee's ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system; or

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit.

(2) When a request for modification by letter is excluded from the letter modification process under paragraph (1)(c) above, then the request shall be processed under paragraph (1)(a) above.

(3) A request for modification must meet the conditions for issuance in Rule 40C-2.301, F.A.C. A permit which has expired or which has been revoked shall not be subject to modification.

(4) Modification by letter in accordance with paragraph (1)(b) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

This rule will become effective on December 1, 2011.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083(5), 373.219, 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.33, 40C-2.331, 40C-2.0331. Amended 4-25-96, 10-2-96, 12-1-11.

40C-2.381 Limiting Conditions.

(1) The District Board will impose upon any permit granted pursuant to this Chapter such reasonable conditions as necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in provisions of Rule 40C-2.301044, F.A.C., and will not be harmful to the water resources of the District.

(2)(a) The Board hereby determines and finds that the inclusion of the following limiting conditions on standard general permits issued under Chapter 40C-20, F.A.C., and permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit:

1. through 4. No change.

5. The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application may not be significantly adversely impacted by the consumptive use. If interference unanticipated significant adverse impacts occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the interference adverse impacts, unless the interference associated with the permittee's consumptive use of water is impacts can be mitigated by the permittee pursuant to a District-approved plan.

6. The permittee's consumptive use of water as authorized by this permit shall not have significant adverse hydrologic impacts to off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse hydrologic impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are can be mitigated by the permittee pursuant to a District-approved plan.

7. through 8. No change.

9. The permittee's consumptive use of water as authorized by this permit shall not significantly and adversely impact wetlands, lakes, rivers, or springs. If significant adverse impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.

10. The permittee's consumptive use of water as authorized by this permit shall not reduce a flow or level below any minimum flow or level adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a reduction, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the permittee's use in a District-approved recovery or prevention strategy.

11. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the saline water intrusion, unless

the saline water intrusion associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

12. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

13. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to a violation of state water quality standards (existing at the time of permit issuance) in receiving waters of the state, as set forth in Chapters 62-3, 62-4, 62-302, 62-520, and 62-550, F.A.C., including any anti-degradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. If violations occur, the District shall revoke the permit, in whole or in part, to curtail or abate the violations, unless the violations associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.

This rule will become effective on December 1, 2011.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219(1), 373.223 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381, Amended 8-1-89, 7-23-91, 2-15-06, 12-1-11.

40C-2.501 Permit Classification.

(1) No change.

(2) Use Types ~~Type of Use Classes~~: Each permit shall be identified with one or more of the following use classifications:

(a) Agricultural Aesthetic use.

(b) Commercial/Industrial/Institutional Agricultural use.

(c) Environmental Aquaculture use.

(d) Landscape/Recreation/Aesthetic Commercial and industrial process use.

(e) Mining/Dewatering Cooling and air conditioning use.

(f) Public Supply Dewatering use.

(g) Other Diversion and impoundment into non-District facilities.

(h) Essential use.

(i) Freeze protection.

(j) Golf course use.

(k) Household type use.

(l) Livestock use.

(m) Navigation use.

(n) Nursery use.

(o) Outside Uses.

(p) Power production.

(q) Recreation area use.

(r) Soil flooding.

(s) Urban landscape irrigation.

(t) Water-based recreation use.

(u) Water utility use.

(v) Wetland Enhancement/creation—the use of water to saturate the soils to promote or restore wetland functions.

(3) through (5) No change.

This rule will become effective on December 1, 2011.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.219, 373.246 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.501, 40C-2.0501, Amended 1-20-93, 2-15-95, 12-1-11.

40C-2.900 Forms and Instructions.

(1) Individual and Standard General Consumptive Use Permit Application, ~~Form Number~~ Form Number 40C-2-1082-1, effective December 1, 2011 ~~1-7-99~~, is hereby incorporated by reference.

(2) Standard General Consumptive Use Permit for Landscape Irrigation, Form Number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference.

(3)(2) No change.

(4) Water Use Record (EN-50), Form Number 40C-2.900(4), effective December 1, 2011, is hereby incorporated by reference.

(5) Water Use Reporting Verification (EN-51), Form Number 40C-2.900(5), effective December 1, 2011, is hereby incorporated by reference.

(6) Annual Statement of Continuing Use, Form Number 40C-2.900(6), effective December 1, 2011, is hereby incorporated by reference.

(7)(3) Copies of these forms this form are available without charge at the District's website at floridaswater.com and from the following District offices:

District Headquarters

St. Johns River Water Management District

4049 Reid Street

Palatka, Florida 32177-2529

(386)329-4500

St. Johns River Water Management District

7775 Baymeadows Way, Suite 102

Jacksonville, Florida 32256

(904)730-6270

St. Johns River Water Management District

601 South Lake Destiny Road, Suite 200 975 Keller Road

Maitland Altamonte Springs, Florida 32751 ~~144-1618~~

(407)659-4800

St. Johns River Water Management District
525 Community College Pkwy., S.E.
Palm Bay, Florida 32909
(321)984-4940

This rule will become effective on December 1, 2011.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, 12-1-11.

APPLICANT'S HANDBOOK SECTION:

2.0 Definitions

(a) through (i) No change.

(j) Domestic use – the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic (subsection 373.019(6), F.S.).

(j) through (tt) relettered (k) through (uu) No change.

3.2 Thresholds

3.2.1 through 3.2.8 No change.

3.2.9 If the permittee seeks to change the requirements and circumstances under which the existing permit was issued, the permittee must submit an application to modify the permit, except as provided in subsection 3.3.3 3.3.2(b) below.

3.3 Permits Required

3.3.1 No change.

3.3.2 Transfers and Modifications

~~(a)~~ The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40C-1.612, F.A.C chapter 40C-1.

~~(b) A permit holder must apply to the District for a modification if he intends to increase the amount of withdrawal beyond that specified on the permit, put the water to a use other than that specified on the permit, or otherwise modify the conditions of the permit. However, a modification involving one or more of the following changes may be applied for by submitting a letter to the District provided that the water use is not increased:~~

~~1. Moving the location of a proposed well within 200 feet of the permitted location.~~

~~2. The addition of a domestic use with irrigation of landscape less than one acre of and.~~

~~3. Change in crop type.~~

~~4. Adding a surface water pump to the same source.~~

~~5. Reduction in allocation a reduction in the number of wells, or a reduction in the project acreage.~~

~~6. Changing to a reclaimed or stormwater source~~

~~7. Changing the method of monitoring water use.~~

~~8. Replacement of an existing well with a well producing from the same aquifer horizon so long as the replacement well is within 200 feet of the existing well it is intended to replace.~~

See Section 11.2 for information regarding evaluation criteria which will be applied to transfer of a permit. See Section 4.2 for information regarding application procedure and sections 11.1 and 11.2 for information regarding evaluation criteria which will be applied to an application to modify or transfer a permit.

3.3.3 Modification of Permits

(a) A request for modification of a valid permit may be made by submitting a letter or an application form, as set forth in subsection 3.3.3. Many permit modifications may be requested by submittal of a letter; however, the following permit modifications are specifically excluded from the letter modification process:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit (e.g., change from potato irrigation to cabbage irrigation), unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee's ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system; or

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit.

(b) When a request for modification submitted by letter is excluded from the letter modification process under paragraph 3.3.3(a) above, then the request shall be processed by the applicant submitting an application using Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable.

3.3.3.1 Letter Modification

(a) A request for modification submitted by letter must reference the full permit number and must describe the proposed modification.

(b) Within 30 days after a request for modification submitted by letter is complete, the District staff shall issue the new modification if District staff find that the request meets the criteria in Rule 40C-4.301, F.A.C. If District staff find that these criteria are not met, the permit holder shall be notified within 30 days after completeness that the request shall be processed as an individual permit application recommended for denial; however, no additional fee shall be required.

(c) Modification by letter in accordance with subsection 3.3.3(a) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

3.3.3.2 Procedure for Modification or Renewal of Permits

If the permit requested to be modified or renewed was processed as a standard general permit application, then the request for modification or renewal shall be processed as a standard general permit application, unless section 5.5.2 is applicable. In such a case, the request shall be reviewed as an individual permit application. For any subsequent modification or renewal of a permit that was previously reviewed as an individual permit application solely due to section 5.5.2(c), the request for modification or renewal shall be processed as a standard general permit application, unless section 5.5.2 is applicable. See sections 5.4 and 5.5 for information on individual and standard general permit applications.

Renumber 3.3.3 to 3.3.4 No change.

4.0 Application Preparation

4.1 No change.

4.2 Forms and Instructions

The application forms for application for an individual and standard general consumptive use permit have been adopted as a rule in Rule Section 40C-2.900, F.A.C., as Form Numbers 40C-2-1082-1 and 40C-2-1082-2. Copies A copy of these forms are is included in Appendix C of this Handbook. The appropriate form must be used for the application for a permit as well as an application for a modification, renewal, or temporary use, or modification unless the modification request qualifies for a letter modification under Section 3.3.2(b). An application which includes a request for a temporary use permit must be accompanied by a letter stating why such a permit is needed.

4.3 through 4.6 No change.

5.0 Procedures for Processing

5.1 through 5.4 No change.

5.5 Standard General Permits

5.5.1 Standard general permits differ from individual permits in that they are granted by rule to all non-exempt consumptive uses which meet the following requirements:

(a) through (b) No change.

(c) The person who seeks a standard general permit must submit a complete permit application Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable, to the District at least 30 days prior to undertaking the consumptive use and must receive the permit prior to commencing the withdrawal.

5.5.2 through 5.5.5 No change.

6.0 Permits

6.1 Permit Conditions

Each consumptive use permit which is issued by the District will include certain conditions with which the permittee must comply. General conditions are those to which all users are subject, ~~other standardized conditions may be included for agricultural, industrial, mining and public supply types uses.~~ Additionally, other special conditions specific to the project may also be included. A more detailed discussion of general conditions, ~~conditions by type of use, and other special conditions~~ is presented in Part III of this Handbook.

6.2 Use/Source Classifications

Each permit issued by the District ~~shall identify will be classified according to~~ the source of withdrawal, the use type of use, and the location of the withdrawal, ~~as a sub-class of such class or category of source.~~

6.2.1 and 6.2.2 No change.

6.2.3 Use Types of Use Classes: Each permit shall be identified with one or more of the following use types ~~classifications~~:

(a) Agricultural – The use of water associated with the production and freeze protection of crops, nursery products, sod, and pasture, as well as the cultivation of animals and plants associated with farming and aquacultural activities.

(b) Commercial/Industrial/Institutional – The use of water associated with the production of goods or provision of services by a commercial, industrial, or institutional establishment.

(c) Environmental – The use of water to avoid or mitigate environmental harm. Examples include enhancing, restoring, or creating wetlands or other surface waters, or the use of water for groundwater remediation.

(d) Landscape/Recreation/Aesthetic – The use of water for landscape irrigation; the use of water associated with the creation, maintenance, and operation of recreational facilities such as golf courses, water-based recreational areas, and athletic fields; or the use of water for ornamental or decorative purposes, such as fountains and waterfalls.

(e) Mining/Dewatering – The use of water associated with the extraction of subsurface materials or to control surface or ground water when performing activities such as construction or excavation.

(f) Public Supply – The use of water provided by any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multijurisdictional water supply authority for human consumption and other purposes.

(g) Other – The use of water for a purpose other than as described in subsections 6.2.3(a)-(f).

(a) Aquacultural use – The use or withdrawal of water for the commercial cultivation of animal and plant life in a water environment, including but not limited to food fish, aquatic bait, game fish, aquatic plants (i.e. watercress), alligators, tropical fish, shellfish, and turtles.

(b) Aesthetic use – the use of water for fountains, waterfalls, and landscape lakes and ponds where such uses are entirely ornamental and decorative.

(c) Agricultural use – the use of water for the commercial production of crops, commercial nursery production, or the growing of farm products including, but not limited to, vegetables, citrus and other fruits, pasture, rice and other commodities for human consumption or domestic animal feed.

(d) Commercial and industrial process use – the use of water essential to the production of the goods or services provided by a business establishment.

(e) Cooling and air conditioning use – the use of water for heating or cooling, or for air conditioning.

(f) Dewatering use – the removal of water from a specific area to facilitate mining or construction.

(g) Diversion and impoundment into non-District facilities – the diversion or extraction of water into non-District impoundments and delivery systems designed for purposes including, but not limited to, maintaining structural integrity, providing agricultural water and other non-recreational, non-aesthetic uses.

(h) Domestic use – the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation.

(i) Essential use – the use of water strictly for fire fighting purposes, health and medical purposes and the use of water to satisfy federal, state or local public health and safety requirements.

(j) Freeze protection – the use of water to protect agricultural and nursery crops from damage due to low temperatures.

(k) Golf course use – water used to irrigate an establishment designed and used for playing golf.

(l) Household type use – the use of water for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a business or industrial establishment.

(m) Landscape irrigation – the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way.

(n) Livestock use – the use of water for watering or washing of livestock.

(o) Navigation use – water discharged from ground or surface sources either to tidewater or to downstream lakes or reaches of rivers or canals for the purpose of permitting or promoting boating activity.

(p) Nursery use – the use of water on premises on or in which nursery stock is grown, propagated or held for sale or distribution or sold or reshipped, including but not limited to sod, ferns, ornamental foliage and greenhouses.

(q) Outside uses – the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment including automobiles and the washing of streets, driveways, and sidewalks.

(r) Power production – the use of water for power generation and the use of water for cooling and for replenishment of cooling reservoirs.

(s) Recreation area use – the use of water for the maintenance and support of intensive recreational areas such as, but not limited to, playgrounds, football, baseball, and soccer fields.

(t) Soil flooding – use of water for raising of water levels on agricultural lands for purposes not directly related to crop growth including but not limited to soil preservation and pest control.

(u) Water-based recreation use – water used for public or private swimming and wading pools, including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.

(v) Water utility use – water used for withdrawal, treatment, transmission and distribution by potable water systems.

(w) Wetland enhancement/creation – the use of water to saturate the soils to promote or restore wetland functions.

6.2.4 through 6.5.4 No change.

6.5.5 Compliance Reports

When necessary to maintain reasonable assurance that the conditions for issuance of a 20-year permit can continue to be met during the term of the permit, the District will require the permittee to submit a compliance report under pursuant to Section 373.236(4)(3), F.S., no more than once every ten five years. The report shall contain sufficient information to maintain reasonable assurance that the permittee's use of water will continue, for the remaining duration of the permit, to meet the conditions for permit issuance set forth in the District rules existing when the District issued that existed at the time the

permit was issued for 20 years by the District. In providing such reasonable assurance, the compliance report must, at a minimum, include:

(a) all of the information required by the District's "Individual and Standard General Consumptive Use Permit Application Number 40C-2-1082-1" contained in Appendix C; and

(b) all of the information specifically required by the compliance report condition(s) on the permit.

After Following the District's reviewing of this report, the District will modify the permit as required necessary to ensure that the use of water authorized by the permit will continue to meet the conditions for permit issuance set forth in the District rules existing when the District issued that existed at the time the permit was issued for 20 years. As The District shall provide notice of intent to modify the permit as required by Sections 120.569 and 120.60, F.S., and Rule section 40C-1.1007, F.A.C., the District shall provide notice of intent to modify the permit.

6.6 No change.

6.7 Monitoring Requirements

Issuance of a Consumptive Use Permit requires that the withdrawals will not result in significant unmitigated adverse impacts on the water resources and existing legal users, and that the use continues to be in the public interest. To ensure that these criteria continue to be met after a permit is issued, monitoring and reporting activities are required as conditions of any individual permit. Where appropriate, the District's monitoring requirements may be satisfied by providing reports required by other agencies.

6.7.1 Withdrawal Quantity

6.7.1.1 All ~~individual~~ consumptive use permittees issued permits under subsection 40C-2.041(1), F.A.C., must measure the quantity of water used, diverted or withdrawn from any source in accordance with the requirements of this section. Measuring of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, to assess impacts to the resource and existing water and land uses, to enable the District to assess the effectiveness of conservation measures, and to ensure that quantities withdrawn do not exceed permitted allocations. Each source must be measured, but monitoring plans should be developed that do not require duplicative monitoring of water that is withdrawn from a source for storage and then withdrawn from storage for use.

Whenever flow meters are used, they must maintain a 95% accuracy, be verifiable and be installed according to manufacturer's specifications. Whenever an alternative method to flow meters is used to measure withdrawals, it must be verifiable and 90% accurate.

6.7.1.2 Uses Initially Permitted On or After July 23, 1991

Applicants for proposed uses of water that will be issued their initial consumptive use permit under subsection 40C-2.041(1), F.A.C., on or after July 23, 1991, with total combined allocations exceeding 100,000 gallons per day on an average annual basis must install in-line totalizing flow meters on all withdrawal points prior to beginning the permitted use. If an applicant demonstrates that it is not economically or technologically feasible to use a flow meter to measure water withdrawals, the District shall may approve the use of an alternative method for measuring flow upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals. In addition, if the District determines that flow meters are inappropriate for measuring the flow, an alternative method for measuring the flow may be approved.

Applicants for proposed uses of water with total allocations less than or equal to 100,000 gallons per day on an average annual basis must install either in-line totalizing flow meters or alternatives to flow meters on all withdrawal points prior to beginning the permitted use. If an alternative to flow meters is used to calculate the withdrawal quantity, such method must be fully described and any calculations necessary included with the initial submittal of data, for District staff approval. The District shall accept such alternative methods upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals.

6.7.1.3 Uses Initially Permitted Prior to July 23, 1991

All consumptive use permittees issued initial permits under subsection 40C-2.041(1), F.A.C., Beginning March 1, 1993, permitted users with individual permits issued prior to July 23, 1991, must measure the quantity of water used by either installing in-line totalizing flow meters or implementing an alternative for measuring flow. Examples of alternative methods for measuring water use are provided in Appendix J.

If an alternative to flow meters is used to calculate the withdrawal quantity, such method must be fully described and any calculations necessary included with the initial submittal of data, for District staff approval. The District shall accept such alternative methods upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals. Acceptance of an alternative will be made on a case by case basis. If after a period of one year, the selected alternative fails to accurately measure the withdrawal quantities, in-line flow meters or another alternative must be used.

In addition, in specific cases where the District determines that flow meters are necessary to ensure that the consumptive use complies with the reasonable-beneficial use criteria in subsection 40C-2.301(4), F.A.C., flow meters shall be required by permit condition.

6.7.1.4 Changes to Uses Initially Permitted Prior to July 23, 1991

If any permit issued under subsection 40C-2.041(1), F.A.C., prior to July 23, 1991 with total combined allocations exceeding 100,000 gallons per day on an average annual basis

~~an individual permit~~ is modified or renewed after July 23, 1991, to add new withdrawal points, ~~change withdrawal points or increase allocation, then~~ in-line totalizing flow meters must be installed to measure any water used from the new withdrawal points ~~proposed uses~~ prior to beginning the use. In the case of permitted users seeking only an increase in allocation from an existing ~~permitted~~ withdrawal point permitted initially prior to July 23, 1991, the District ~~shall~~ may authorize the continued use of an alternative method to measure flow provided the applicant demonstrates that the alternative being used is verifiable and 90% accurate. ~~If in addition,~~ if an applicant demonstrates that it is not economically or technologically feasible to use a flow meter to measure water from the new ~~or modified~~ withdrawals points, the District ~~shall~~ may approve the use of an alternative method for measuring flow upon a demonstration that the alternative method is verifiable and 90% accurate at measuring the withdrawals. ~~If the District determines that flow meters are inappropriate for measuring the flow, an alternative method for measuring flow may be approved.~~

6.7.1.5 In areas delineated in section 6.7.1.65:

(a) All applicants for proposed uses that will be issued their initial CUP under subsection 40C-2.041(1), F.A.C., on or after July 23, 1991 for allocations exceeding 100,000 gallons per day on an average annual basis must install totalizing flow meters prior to beginning the permitted use, and

(b) All consumptive use permittees issued initial permitted users with individual permits under subsection 40C-2.041(1), F.A.C., issued prior to July 23, 1991, with total combined allocations exceeding 100,000 gallons per day on an average annual basis must install in-line, totalizing flow meters on all withdrawal points within 90 days of the District providing the meter(s) with a manufacturer's warranty. ~~To ensure that the District provides the correct meter for each withdrawal point, within 60 days of receiving a written request from the District, all permittees must supply the following information:~~

~~1. a plan view and longitudinal cross section of the well head area showing the location of all pumps, pressure gauges, valves, backflow preventers, junctions, bends, and slopes, with all elevations referenced to land surface;~~

~~2. inside and outside pipe diameters;~~

~~3. a description of the pipe material, and~~

~~4. an estimate of the average flow rate.~~

~~The District shall provide one meter for each withdrawal point within a permittee's project. Where the District determines that additional meters are required to provide more accurate information, to avoid excessive retrofit costs associated with meter installation, or to prevent excessive pressure losses, the District may provide more than one meter per withdrawal point.~~

Meter replacement, when necessary, shall be at the permittee's expense. ~~If within 5 years of installation the meter is destroyed by an act of God, the manufacturer or the District shall replace the meter.~~

If a permittee demonstrates that it is not economically or technologically feasible to use a flow meter to measure water withdrawals, the District ~~shall~~ may approve the use of an alternative method for measuring flow upon a demonstration that the. ~~Any proposed alternative method is verifiable and must be 90% accurate at measuring the withdrawals, verifiable and approved by the District prior to implementation.~~

6.7.1.6 and 6.7.1.7 No change.

6.7.1.8.1 Recording and Reporting Water Use

Total monthly withdrawal quantities shall be recorded continuously by the permittee, ~~and totaled monthly, and.~~ For any permittee with total combined allocations exceeding 100,000 gallons per day on an average annual basis, the monthly totals of water withdrawal must be reported to the District at least every six months (semi-annually) on District Form Number 40C-2.900(4) No. (Water Use Record) (EN-50)) or District Form No. EN 52. For any permittee whose total combined allocation is equal to or less than 100,000 gallons per day on an average annual basis and whose permit was issued after December 1, 2011, the permittee must annually submit, by January 31st, a completed District Form Number 40C-2.900(6) (Annual Statement of Continuing Use). Such a permittee shall maintain records of water quantity used on a monthly basis for the life of the permit and shall provide those records to the District when requested by District staff. For any permittee with a permit issued before December 1, 2011 whose total combined allocation is equal to or less than 100,000 gallons per day on an average annual basis, the permittee may submit a completed District Form Number 40C-2.900(6), as an alternative to submitting EN-50 forms as required by their permit. In such case, the permittee shall maintain records of water quantity used on a monthly basis for the life of the permit and shall provide those records to the District when requested by District staff. However, a permittee may be required by permit condition to record pumpage on a daily basis from each withdrawal point and report the daily withdrawal totals on a monthly basis to the District when the District determines that special circumstances warrant.

Any ~~The~~ required flow meter(s) must be tested for accuracy once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form Number 40C-2.900(5) (Water Use Reporting Verification (EN-51)) No. EN-51 must be submitted to the District within 10 days of each ~~the~~ inspection/calibration.

6.7.1.9 No change.

12.0 Evaluation of Proposed Use of Water

12.1 Annual Allocation

(a) Annual Allocation

The particular quantity of water permitted on an annual basis is that amount of water which the Governing Board has permitted for use on a yearly basis. The District staff will calculate a recommended annual allocation using methodologies based upon use type ~~of use~~ (see Sections 12.2, 12.3, 12.4, 12.5, 12.6, and 12.7 of this Handbook).

(b) and (c) No change.

12.1.2 No change.

12.2 Public Supply – Use Type Uses

An amount of water required for reasonable-beneficial uses must be demonstrated by the applicant. For ~~Ppublic water~~ Ssupply systems, this amount is calculated based upon the projected requirements of the population as to its industrial, commercial and other users supplied by the permittee. Population requirements are calculated by multiplying the 10-year projected population for an authorized service area by the calculated or estimated per capita daily water use. Projected population shall be determined using the methods and data sources specified in Subsection 12.2.1; use shall be calculated or estimated as prescribed in Subsection 12.2.2. Other methods of determining water requirement may be used as approved by staff.

If the applicant's requested quantity exceeds the amount of water required for reasonable-beneficial uses as calculated pursuant to this Section, the staff will recommend a projected requirement based on its analysis of population projections for the service area and historical or design per capita use of water.

Reasonable-beneficial requirement for the ~~Ppublic~~ Ssupply Use Type use is the highest allocation which staff can recommend. If all other criteria are satisfied, staff will recommend this amount as the ~~annual~~ allocation.

12.2.1 through 12.2.4 No change.

12.2.5 Water Conservation Plan

12.2.5.1 All permit applicants for a ~~Ppublic Ssupply Use –~~ Type water use who satisfy the following water conservation requirements at the time of permit application are deemed to meet the criterion in 10.3(e):

(a) through (h) No change.

12.5.2 No change.

12.3 Commercial/Industrial/Institutional – Use Type Type ~~Uses~~

12.3.1 Allocation

The reasonable need for a requested allocation must be based upon the amount of water needed to perform an commercial/industrial/institutional process in an efficient, non-wasteful and economic manner. If the criteria listed in section 8.0 or 9.0 are satisfied, the allocation will be equal to the reasonable need for water. A reasonable need for water is the greatest allocation which staff will recommend.

12.3.2 Water Conservation Plan

12.3.2.1 All ~~individual – permit~~ applicants for commercial/industrial/institutional-type water uses must submit a water conservation plan for their facility to the District at the time of permit application. The plan must contain specific activities designed to conserve water.

(a) through (e) No change.

Applicants may be able to fulfill some or all of the water conservation plan elements (b) and (d) by demonstrating present water conserving activities which meet the intent of each element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

12.3.2.2 No change.

12.4 Mining/Dewatering Use – Type Uses

The reasonable need for a requested allocation must be based on the amount of water needed to ~~be discharged from a mining pit in order to~~ economically and effectively extract subsurface materials or control surface or ground water when performing activities such as excavation or construction ~~mine the pit~~. In some cases, dewatering may involve lowering the water table several feet in order to lower the level below “Caprock” which is used as an operating floor and drying surface. In other cases, it may involve completely dewatering a pit in order to remove minable rock and sand using pans and scrapers. The reasonable allocation may vary for a particular dewatering operation depending upon the excavation method. Staff may recommend the greater reasonable allocation if all other criteria are satisfied. However, if the greater reasonable allocation will generate adverse impacts, staff will recommend the excavation method with a lower reasonable allocation which satisfies all criteria. For example, a rockpit may be excavated using either draglines or scrapers. Drag-lining may require dewatering only several feet in order to expose “Caprock” as an operating surface. The use of scrapers requires totally dewatering the pit in order to use the floor of the pit as an operating surface. If staff cannot recommend total dewatering of a mining pit because of adverse impacts then staff may recommend the second alternative, drag- lining, with its smaller discharge if it satisfies all criteria.

If all criteria listed in Section 8.0 or 9.0 are satisfied, the allocation is equal to the reasonable need for water. The reasonable need for water is the greatest volume which staff can recommend.

12.5 Agricultural Use Type, Nursery, and Aquacultural ~~Uses~~

12.5.1 Supplemental Irrigation Requirement

The reasonable need for an agricultural use is based on the amount of water needed to supply the supplemental irrigation requirements of the type of crop grown. ~~The Ssupplemental irrigation requirements are determined through use of supplemental irrigation models the modified Blaney-Criddle~~

~~formula for evapotranspiration. The formula is explained in detail in Appendix H. Supplemental irrigation models must accurately determine supplemental irrigation water use needs and be based on the type of crop grown, the irrigation method employed, the season in which the water is used to grow the crop is grown, general crop location, including soil type, and associated atmospheric conditions. In determining reasonable need, the supplemental irrigation requirements used are those which would be needed requested in a two in ten year drought. Where supplemental irrigation data are not available from the modified Blaney-Criddle method, an average annual industry water figure is used.~~

12.5.2 through 12.5.5 No change.

12.5.6 The maximum monthly withdrawal as recommended by District staff is generally specified on agricultural-type or other irrigation permits. This amount is determined by the dry month needs of the CUP (calculated for a 2 in 10 year drought) or that amount needed for freeze protection.

12.5.7 Water Conservation Plan

12.5.7.1 All individual permit applicants for agricultural use-types, nursery, and aquacultural uses must submit a water conservation plan for their operation to the District at the time of permit application. The plan must contain specific activities designed to conserve water. The water conservation plan must include provision for the following:

(a) through (c) No change.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

12.5.7.2 and 12.5.7.3 No change.

12.6 ~~Landscape/Golf Course and~~ Recreational/Aesthetic Use – Type Use

12.6.1 Water Conservation Plan

12.6.1.1 Each applicant for ~~an individual~~ consumptive use permit for a ~~golf course or landscape/recreational/aesthetic use-types water use~~ must submit a water conservation plan for their facility to the District at the time of permit application. The plan must contain specific activities designed to conserve water. At a minimum, the water conservation plan must include:

(a) through (d) No change.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

12.6.1.2 No change.

12.7 Other Use Types.

All individual permit applicants for use types not specified above must submit a water conservation plan for their proposed use. The plan must contain specific measures designed to conserve water to demonstrate that the proposed use will meet the criterion in section 10.3(e). At a minimum the water conservation plan must include the applicable elements described above in sections 12.2.5, 12.3.2, 12.5.7, and 12.6.1

12.8 through 12.10 No change.

15.0 Introduction to Permit Conditions

15.1 Purpose

~~In order to properly manage the water resource, the District must place certain stipulations on each permit which is granted. Part III provides a listing of those typical limiting conditions which may be added to a consumptive use permit.~~

15.2 Organization

The District will apply three types of limiting conditions:

(a) ~~those that will be applied to all permits (General Conditions);~~

(b) ~~those that will be applied to all permits of a particular type of use; and~~

(c) ~~those which are applied on a project-specific basis.~~

15.0 ~~16.0~~ Permit General Conditions

In order to properly manage the water resource, the District will impose upon any permit issued or granted pursuant to Chapter 40C-2 or 40C-20, F.A.C., such reasonable conditions as are necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in Rule 40C-2.301, F.A.C. The following gGeneral conditions are those limiting conditions which will be applied to all permits unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit. These are applied pursuant to Rule 40C 2.381, F.A.C., and are necessary to assure that the permitted use of water will be consistent with the provisions of Rule 40C 2.011 and will not be harmful to the water resources of the District.

(a) through (d) No change.

(e) The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If interference unanticipated significant adverse impacts occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the interference adverse impacts, unless the interference associated with the permittee's consumptive use of water is impacts can be mitigated by the permittee pursuant to a District-approved plan.

NOTE: Adverse impacts are exemplified by but not limited to:

(1) reduction of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;

(2) reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;

(3) saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; and

(4) change in water quality resulting in either impairment or loss of use of a well or water body.

(f) The permittee's consumptive use of water as authorized by this permit shall not have significant adverse hydrologic impacts to off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If ~~unanticipated~~ significant adverse hydrologic impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are ~~can be~~ mitigated by the permittee pursuant to a District-approved plan.

NOTE: Adverse impacts are exemplified by but not limited to:

(1) ~~significant reduction in water levels in an adjacent surface water body;~~

(2) ~~and collapse or subsidence caused by a reduction in water levels; and~~

(3) ~~damage to crops and other types of vegetation.~~

(g) The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of Rule section 40C-1.612, F.A.C.

(h) A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule section 40C-2.401, F.A.C. Permittee shall notify the District in the event that a replacement tag is needed.

(i) The permittee's consumptive use of water as authorized by this permit shall not significantly and adversely impact wetlands, lakes, rivers, or springs. If significant adverse impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the significant adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.

(j) The permittee's consumptive use of water as authorized by this permit shall not reduce a flow or level below any minimum flow or level adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a reduction, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the permittee's use in a District-approved recovery or prevention strategy.

(k) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the saline water intrusion, unless the saline water intrusion associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

(l) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

(m) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to a violation of state water quality standards (existing at the time of permit issuance) in receiving waters of the state, as set forth in Chapters 62-3, 62-4, 62-302, 62-520, and 62-550, F.A.C., including any anti-degradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. If violations occur, the District shall revoke the permit, in whole or in part, to curtail or abate the violations, unless the violations associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.

17.0 General Conditions by Type of Use

17.1 Public Supply Type Uses

The following general conditions are generally applied to permits for public supply type uses:

(a) ~~If the permittee does not serve a new projected demand located within the service area upon which the annual allocation was calculated, the annual allocation will be subject to modification.~~

(b) ~~If water source is from wells, permittee must develop, implement, and submit to the District a wellfield operating program within six (6) months of permit issuance. This program must explain which wells are primary, secondary, standby (reserve), the order of preference in turning on wells, criteria for shutting down and restarting wells, and any other aspects of wellfield management and operation.~~

(c) ~~On the tenth day following the month of record, permittee must submit to the District copies of the DER monthly water treatment plant reports on a monthly basis following the month of record. The permit number must be attached to all reports.~~

(d) ~~The permittee must ensure that all service connections are metered.~~

(e) Landscape irrigation shall be in conformity with the requirements set forth in subsection 40C 2.042(2), F.A.C. (Revised 3-8-09)

(f) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.2 Commercial/Industrial Type Uses

The following general conditions are generally applied to permits for commercial/industrial type uses:

(a) The permittee must maintain records of total daily withdrawals from each source on a monthly basis for each year ending December 31st. These records must be submitted to the District on Form EN 3 by January 31st of each year.

(b) If water source is from wells, permittee must develop and implement a Wellfield Operating Program within six (6) months of permit issuance. This program must explain which wells are primary, secondary, standby (reserve), the order of preference in turning on wells, criteria for shutting down and restarting wells, and any other aspects of wellfield management and operation. This program must be submitted to the District within six (6) months of permit issuance.

17.3 Mining Type Uses

The following general conditions are generally applied to permits for mining type uses:

(a) Dewatering operations which cause shoaling in adjacent water bodies are an interference. Should the permittee's dewatering operation create shoaling in adjacent water bodies, the permittee is responsible for clearing such shoaling.

(b) Permittee must establish an elevation reference point which has been determined from a USGS datum bench mark in order to record and monitor existing water level elevations.

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural type uses:

(a) The allocations stated above may be exceeded when the permittee must use water for freeze protection. Freeze protection is defined as the periodic and infrequent use of water to protect agricultural and nursery crops from permanent damage due to low temperatures. This action would be taken in response to forecasts of freezing temperatures by weather forecasting services. The permittee must maintain records of when water withdrawals for freeze protection are taking place, including the date of such withdrawal, duration of each withdrawal, and the rate at which withdrawals are taking place. These records must be submitted along with any required withdrawal records.

(b) Irrigation of agricultural crops shall be in conformity with the requirements set forth in subsection 40C 2.042(1), F.A.C. (Revised 3-8-09)

(c) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.5 Nursery Use

The following conditions are generally applied to individual permits for nursery type uses:

(a) Irrigation of nursery plants shall be in conformity with the requirements set forth in subsection 40C 2.042(1), F.A.C. (Revised 3-8-09)

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.6 Aquaculture Use

The following limiting conditions are generally applied to aquaculture type uses:

(a) The permittee must install an aerator(s) to add oxygen to the facilities when necessary.

(b) Facilities using reclaimed water may do so anytime provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use. Such signs must be in accordance with local restrictions.

(c) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.7 Golf Course/Recreation Use

The following conditions are generally applied to individual permits for golf course type uses and recreational area type uses:

(a) Irrigation of golf courses and recreational areas shall be in conformity with the requirements set forth in subsection 40C 2.042(1), F.A.C. (Revised 3-8-09)

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

16.0 18.0 Special Conditions

In addition to the General Conditions (section 15.0 16.0) and the General Conditions by Type of Use (section 17.0) listed above, the District may find that special conditions should be applied on a site-specific basis. The following are special conditions which the District may apply:

Renumber 18.0.1 to 16.0.1

(a) through (f) No change.

(g) Maximum daily pumpage must not exceed million gallons unless otherwise specified by District staff as a consequence of drought conditions. If the need to exceed the above withdrawal arises, the permittee must notify District staff of the reason for the need.

(h) The permittee must measure and record the maximum withdrawal rate in gallons per minute of well number(s) in May and October of each year. These records must be submitted to the District on Form EN 2 by July 31st of each year.

(i) Permittee must record water levels in the pit, rates, and volumes of water pumped on a daily basis. These records shall be tabulated on a monthly basis, and submitted to the District on Form EN-6 and EN-3 (on a monthly basis) by March 31st of each year.

(j) Permittee shall not lower the surface water level, water table level or potentiometric level below NGVD.

(k) A water sample must be taken from well number(s) in May and October of the following years: The sample(s) must be collected immediately following an irrigation cycle, whenever possible. If this is not possible, the well must be allowed to discharge at design capacity for at least 20 minutes before the sample is collected. The samples must be analyzed for chlorides (C-), sodium (Na), potassium (K), calcium (Ca), magnesium (Mg), sulfate (SO₄), total alkalinity (HCO₃ + CO₃) and pH. In addition to the analyses, the report submitted to the District must include the date of sampling, well number, the length of time the well discharged before the sample was taken, the name of the person collecting the sample and the name of the company or person doing the actual analysis. These reports must be submitted to the District within 30 days of sampling.

(l) A water sample must be taken from well number(s) in May of the following years. The sample(s) must be collected immediately following an irrigation cycle, whenever possible. If this is not possible, the well must be allowed to discharge at design capacity for at least 20 minutes before the sample is collected. The samples must be analyzed for calcium (Ca), magnesium (Mg), sulfate (SO₄), total iron (Fe), and specific conductance. In addition to the analyses, the report submitted to the District must include the date of sampling, well number, the length of time the well discharged before the sample was taken, the name of the person collecting the sample, and the name of the company or person doing the actual analyses. These reports must be submitted to the District within 30 days of sampling.

(m) The permittee must maintain records of total monthly withdrawals from each source. These reports must consist of either a monthly log of when withdrawals are taking place from each source and the average rate at which these withdrawals are taking place, or figures for total withdrawals for each month from each source. The monthly logs must be recorded on District form EN-2. The figures for total withdrawals for each month from each source must be recorded on District form EN-2. These records must be tabulated for one year period ending June 30th of each year, and submitted to the District by July 31st of each year.

(n) Prior to initiation of use, the following withdrawal points must be equipped with in-line totalizing flow meters: (District Identification Nos.). Such meters must have and maintain an accuracy to within 95 percent of the actual flow.

~~(o) The Permittee must maintain the required flow meter(s) or other District approved flow measuring device(s). In case of failure or breakdown of any meter or other device, the District must be notified in writing within 5 days of its discovery. A defective meter or other device must be repaired or replaced within 30 days of its discovery.~~

~~(p) Total withdrawal from each monitored source must be recorded continuously, totaled monthly, and reported to the District at least every six months using District Form No. EN-50.~~

~~(q) The permittee must have the required flow meter(s) tested once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form No. EN-51 must be submitted to the District within 10 days of the inspection/calibration.~~

The next section is section 19.0.

20.0 Other Conditions

In addition to the special conditions listed in subsection 16.0, 18.0.1, and 19.0, the District Governing Board may apply such other reasonable special conditions to meet localized problems as it deems necessary to ensure that the use meets the criteria established in Rule 40C-2.301, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Mayton, Jr., Esq., St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.:

RULE TITLE:

60A-1.063

Present Value Methodology

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 60A-1.063, F.A.C., was identified for repeal for repeating, in large part, the statute, Section 287.0572, F.S. This rule duplicates the statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business or likely

increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 287.0572(2) FS.

LAW IMPLEMENTED: 287.0572(1) 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 12, 2011, 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Armstrong, Governance Manager, Division of State Purchasing, Department of Management Services, 4050 Esplanade Way Suite #335A, Tallahassee, FL 32399, (850)414-5790, Karen.Armstrong@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.063 Present Value Methodology.

Rulemaking Specific Authority 287.0572(2) FS. Law Implemented 287.0572(1) FS. History—New 7-11-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Armstrong

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John P. Miles, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: **RULE TITLE:**

60A-8.001 Incorporation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rule 60A-8.001, F.A.C., was identified for repeal for repealing the statute, Section 217.001, F.S. It was initially published to give the public notice required under Federal Law. **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 217.14 FS.

LAW IMPLEMENTED: 217.14 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 12, 2011, 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Armstrong, Governance Manager, Division of State Purchasing, Department of Management Services, 4050 Esplanade Way Suite #335A, Tallahassee, FL 32399, (850)414-5790, Karen.Armstrong@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-8.001 Incorporation.

Rulemaking Specific Authority 217.14 FS. Law Implemented 217.14 FS. History—New 5-31-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Armstrong

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John P. Miles, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

60AA-1.003 Agency Action.

Rulemaking Specific Authority 957.03 FS. Law Implemented 957.03 FS. History—New 10-31-93, Amended 1-7-99. Repealed.

60AA-1.004 Meetings and Notice.

Rulemaking Specific Authority 957.03 FS. Law Implemented 957.03 FS. History—New 10-31-93, Amended 1-7-99. Repealed.

60AA-1.005 Agenda.

Rulemaking Specific Authority 957.03 FS. Law Implemented 957.03 FS. History—New 10-31-93, Amended 1-7-99. Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Weber

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Secretary John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 20, 2011

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: 957.03 FS.

LAW IMPLEMENTED: 957.03 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 12, 2011, 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Weber, Chief, Private Prison Monitoring, Department of Management Services, 4050 Esplanade Way Suite #335A, Tallahassee, FL 32399, (850)488-4904, Michael.Weber@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

DEPARTMENT OF MANAGEMENT SERVICES

Correctional Privatization Commission

RULE NO.: 60AA-102.101	RULE TITLE: Public Information and Inspection of Records
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PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule was promulgated and applied to the Correctional Privatization Commission (CPC) that was abolished on July 1, 2005. All duties and responsibilities of the CPC were transferred to the Department of Management Services effective July 1, 2004; therefore, these rules no longer apply.

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

STATEMENT	REGARDING	LEGISLATIVE
RATIFICATION:	The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.	

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: 957.03 FS.

LAW IMPLEMENTED: 119.07, 957.03 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 12, 2011, 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Weber, Chief, Private Prison Monitoring, Department of Management Services, 4050 Esplanade Way Suite #335A, Tallahassee, FL 32399, (850)488-4904, Michael.Weber@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60AA-102.101 Public Information and Inspection of Records.

Rulemaking Specific Authority 957.03 FS. Law Implemented 119.07, 957.03 FS. History—New 1-7-99, Formerly 60AA-1.009, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Weber

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE NO.: 60D-7.005
RULE TITLE: Minimum Basic Codes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Prior to House Bill 4181 (1998)

Florida Statutes in 1998 required local governments and state agencies with building construction regulation responsibilities to adopt a building code that covered all types of construction. The selected code(s) were to include the provisions of parts I-V, VII, and VIII of Chapter 553, F.S., which are related to plumbing, electrical requirements, glass, manufactured buildings, accessibility by handicapped persons, and thermal efficiency. These were required to be in addition to the requirements set forth in Chapter 527, F.S., which pertains to liquefied petroleum gas. This was in addition to the State Minimum Building Codes that identified nationally recognized model codes such as Standard Building Code, EPCOT Code and the South Florida Building Code.

In 1998, thirty-nine Chapters of the Florida Statutes assign sixteen agencies the responsibility for regulation of building and construction. State agencies publish their regulations as rules in the Florida Administrative Code. Many of their regulations address specialty items like elevators, on-site sewage treatment, potable water supplies and environmental issues with cross references. The Florida Department of Education established their own state-wide code and adopted various fire safety and building codes. In addition, counties and municipalities regulated construction of public buildings within their boundaries. Permitting, plans review, inspections and the issuing of a Certificate of Occupancy involved several state and local government agencies.

The Department of Management Services (DMS) had permitting and inspection authority over the construction, renovation and repair of all state-owned buildings. This authority was provided through Sections 255.25 and 553.80, F.S., and a 1980 Attorney General Opinion (Annual Report of the Attorney General 83-88) that the state's authority supersedes local authority. DMS performed these services for state agencies and used Standard Building Code of the time in all counties except Broward and Dade. Through authority provided in Section 255.30, F.S., DMS delegated to the Department of Corrections (DOC) the responsibility for the development and administration of DOC construction of prison facilities projects. DOC primarily uses Standard Building Codes as well as correctional facilities guidelines developed by the corrections industry. DMS and the State Fire Marshal reviewed plans, inspected facilities, and issue certificates of occupancy.

After House Bill 4181 (1998) and HB 219 (2000)

After the 1998 legislative session, authorization to adopt and subsequently update a statewide unified building code was in place. This legislation reestablished the Board of Building Codes and Standards as the currently in place Florida Building Commission. The existing statutes applicable to building codes were scheduled for repealed on January 1, 2001. However, the effective repeal date of the relevant sections of Chapter 553, Florida Statutes, were subject to Legislative approval for the state-wide unified building code being developed by the Florida Building Commission. The Florida Building Code was authorized to be the sole document incorporating all building standards and to be adopted by all enforcement agencies in Florida as well as state agencies that license different types of facilities. By adopting the Florida Building Code, House Bill 4181 replaced the State Minimum Building Codes established in Section 553.73 F.S.

HB 219 (2000) amended Section 255.31, F.S., placing all design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings under the Florida Building Code and the Florida Fire Prevention Code. It placed state enforcement authority with local jurisdictions and local enforcement districts (with some exemption). The DMS

exception was for the Capitol Complex and Governor's Mansion after July 1, 2001. Provisions made within Section 553.77(3), F.S. referencing Section 255.25, F.S. effectively deleting DMS advisory role to any local government decision with respect to construction not subject to a state agency model code as well as other standards were deleted. State agencies permitting and inspection activity was effectively ended.

However, due to implementation issues with the unified building code, the Legislature extended DMS permitting activity until the Florida Building Code became effective in March 2002. At that time, DMS ended issuing any new permits and only performed inspections on projects previously issued a permit. Local government jurisdictions (Building Authorities) currently provide state agencies permitting and inspection services. With the implementation of the Florida Building Code, HB 1307 (2002) also provided an option to contract for inspections through a private provider, which includes both private projects as well as public institutions.

Current Conditions

Section 255.31, F.S. currently authorizes DMS to perform plans review and inspection services for facilities constructed under the authority of Chapters 944, 945, and 985, F.S.; the Governor's mansion and grounds thereof, as described in Section 272.18, F.S.; and the Capitol Building and environs bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street. These services are currently accomplished in compliance with the Florida Building Code as it is established today and no additional code standards are required. This makes Rule 60D-7.005 of the Florida Administrative Code obsolete. Repeal of this rule will not impact the building related activities and tasks of DMS or other state agencies.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

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

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 553.73(1), (2) FS.

LAW IMPLEMENTED: 553.73 FS.

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

DATE AND TIME: September 12, 2011, 1:00 p.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Meredith Brock, (850)487-3977. 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: Meredith Brock, Department of Management Services, 4050 Esplanade Way Suite #360D, Tallahassee, FL 32399, (850)487-3977, Meredith.Brock@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60D-7.005 Minimum Basic Codes.

Rulemaking Specific Authority 553.73(1), (2) FS. Law Implemented 553.73 FS. History--New 9-7-81, Amended 7-10-85, Formerly 13D-17.05, Amended 10-31-90, Formerly 13D-17.005, Amended 5-12-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Meredith Brock

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement – Social Security

RULE NO.:

RULE TITLE:

60X-1.001

Voluntary Termination of Social Security Coverage

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Administration of the Social Security Coverage Program for Florida public employees as provided under Chapter 650, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business or likely

increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 650.07 FS.

LAW IMPLEMENTED: 650.03 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 12, 2011, 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, (850)414-6349

THE FULL TEXT OF THE PROPOSED RULE IS:

60X-1.001 Voluntary Termination of Social Security Coverage.

Rulemaking Specific Authority 650.07 FS. Law Implemented 650.03 FS. History—New 9-29-76, Amended 7-1-79, 11-6-84, Formerly 22C-1.01, 22C-1.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garry Green

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement – Social Security

RULE NOS.:

RULE TITLES:

60X-2.001

Statement of Policy

60X-2.0015

Social Security Taxes Excluded
During First Six Months

60X-2.0016

Social Security Taxes Excluded First
Six Months

60X-2.002

Required Constitutional or Statutory
Authority

60X-2.0031

Method and Authority by Which
Payments May Be Excluded From
Wages Subject to Social Security
Procedures for Approving Sick Pay
Plans or Payments

60X-2.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Administration of the Social Security Coverage Program for Florida public employees as provided under Chapter 650, F.S.

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

STATEMENT REGARDING LEGISLATIVE RATIFICATION: The repeal of this rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs.

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: 650.07 FS.

LAW IMPLEMENTED: 650.03 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 12, 2011, 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Garry Green

THE FULL TEXT OF THE PROPOSED RULES IS:

60X-2.001 Statement of Policy.

Rulemaking Specific Authority 121.031, 650.07 FS. Law Implemented 650.07 FS., Section 209, Social Security Act. History—New 9-9-79, Amended 9-9-82, Formerly 22C-2.01, 22C-2.001, Repealed.

60X-2.0015 Social Security Taxes Excluded During First Six Months.

Rulemaking Specific Authority 121.031, 650.07 FS. Law Implemented 650.07 FS., Section 209, Social Security Act. History—New 9-9-82, Formerly 22C-2.015, 22C-2.0015, Repealed

60X-2.0016 Social Security Taxes Excluded First Six Months.

Rulemaking Specific Authority 121.031, 650.07 FS. Law Implemented 650.07 FS., Section 209, Social Security Act. History—New 9-9-82, Formerly 22C-2.016, 22C-2.0016, Repealed

60X-2.002 Required Constitutional or Statutory Authority.

Rulemaking Specific Authority 121.031, 650.07 FS. Law Implemented 650.07 FS., Section 209, Social Security Act. History—New 9-9-79, Amended 8-26-81, 9-9-82, Formerly 22C-2.02, 22C-2.002, Repealed

60X-2.0031 Method and Authority by Which Payments May Be Excluded From Wages Subject to Social Security.

Rulemaking Specific Authority 121.031, 650.07 FS. Law Implemented 650.07 FS., Section 209, Social Security Act. History—New 9-9-82, Formerly 22C-2.031, 22C-2.0031, Repealed

60X-2.004 Procedures for Approving Sick Pay Plans or Payments.

Rulemaking Specific Authority 121.031, 650.07 FS. Law Implemented 650.07 FS., Section 209, Social Security Act. History—New 9-9-79, Amended 9-9-82, Formerly 22C-2.04, 22C-2.004, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Garry Green

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary, John P. Miles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-13.005
RULE TITLE: Pressure Relief Ventilation

PURPOSE AND EFFECT: The purpose of this rulemaking is to repeal Rule 69K-13.005, F.A.C., which duplicates certain provisions of the Florida Building Code. Repealing the rule eliminates potential confusion among regulated entities and builders by (effectively) rendering the Florida Building Code the primary source for regulatory guidance on the subject of pressure relief ventilation for mausoleums.

SUMMARY: Rule 69K-13.005, F.A.C., duplicates provisions at parts 430 and 515 of the Florida Building Code. Repealing the rule will promote clarity by eliminating it as a competing source of regulatory guidance for regulated entities and builders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been 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: 497.103(1)(m), (5)(a), 497.271(2) FS.

LAW IMPLEMENTED: 497.271(2)(c) FS.

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

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: Doug Shropshire, (850)413-4984 or Doug.Shropshire@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4984, Doug.Shropshire@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-13.005 Pressure Relief Ventilation.

Rulemaking Authority 497.103(1)(m), (5)(a), 497.271(2) FS. Law Implemented 497.271(2)(c) FS. History—New 2-15-10, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2011