

(3) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2010)), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit to the Office fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable ~~\$40.50~~ ~~\$43.25~~ processing fee. Such fingerprint card and fee shall be filed directly with the Office until such time as FINRA has the capability to electronically display the fingerprint card results to Florida via the CRD system. Form FL921250Z (Florida Fingerprint Card), Form BD, and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) No change.

Rulemaking Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08, 11-22-10, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

| | |
|-----------|--|
| RULE NO.: | RULE TITLE: |
| 5E-2.036 | Restrictions on the Use of Methyl Bromide as a Soil Fumigant; Application Equipment Requirements |

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to repeal Rule 5E-2.036, F.A.C., relating to restrictions on the use of methyl bromide as a soil fumigant. Measures implemented by the United States Environmental Protection Agency (EPA) in 2010 and 2011 establish new label requirements for use that are equivalent to or more restrictive than the restrictions imposed by this rule.

SUMMARY: This rule is being repealed because it is no longer necessary in light of label requirements implemented by the EPA in 2010 and 2011 which are equivalent to or more restrictive for use of methyl bromide than the restrictions imposed by this rule.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rule is being repealed to remove a layer of duplicitous regulation because label restrictions implemented by the EPA in 2010 and 2011 are equivalent to or more restrictive for the use of methyl bromide than the restrictions imposed by this rule. Based on the Department’s experiences with repeals of superseded and unnecessary rules, the adverse impact or regulatory costs, if any, caused by the repeal of Rule 5E-2.036, F.A.C., do not exceed nor would exceed any one of the economic analysis criteria in a Statement of Economic Regulatory Costs (SERC) as set forth in Section 120.541(2)(a), Florida Statutes.

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: 487.042, 487.051(1)(b), 487.051(2), 570.07(23) FS.

LAW IMPLEMENTED: 487.042, 487.051(1)(b), 487.051(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)617-7850

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.036 Restrictions on the Use of Methyl Bromide as a Soil Fumigant; Application Equipment Requirements.

Rulemaking Specific Authority 487.042, 487.051(1)(b), 487.051(2), 570.07(23) FS. Law Implemented 487.042, 487.051(1)(b), 487.051(2) FS. History—New 1-31-91, Amended 7-18-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H, Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2012

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.040
 RULE TITLE: Pesticide Active Ingredients Subject to Supplemental Registration Fee

PURPOSE AND EFFECT: The Department’s purpose in revising this rule is to achieve compliance with Section 487.041(1)(d), F.S.

SUMMARY: The proposed rule is required to implement the provisions of Section 487.041(1)(d), F.S. of the Florida Pesticide Law which establishes a supplemental registration fee for any pesticide product brand containing an active ingredient that has a food residue tolerance as established in the 40 Code of Federal Regulations, part 180. This Section requires the Department to biennially publish a list of the pesticide active ingredients that are subject to a supplemental fee.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This supplemental registration fee is based on the biennial publishing of the list of active ingredients that have a food residue tolerance as established in 40 Code of Federal Regulations, Part 180. The rule is necessary to identify those active ingredients that will trigger the requirement for pesticide registrants to pay a supplemental registration fee. The proposed rule increases the existing list of 408 active ingredients to 422 active ingredients, based on changes published in 40 CFR 180. This represents a 3.4% increase in the number of active ingredients. The effect of this increase on Florida companies would be very modest for two reasons: (1) only 34 of 369 Florida companies currently register products requiring a supplemental fee; and (2) if the 3.4% increase applied equally to all 34 companies, the projected total supplemental fee revenues for Florida companies would change from \$105,840 to \$109,439, a total statewide increase of only \$3599.

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: 487.041(1)(d) FS.

LAW IMPLEMENTED: 487.041(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Dennis F. Howard, Bureau Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, FL 32399-1650, (850)617-7917

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.040 Pesticide Active Ingredients Subject to Supplemental Registration Fee.

(1) The pesticide active ingredients published in the list of “Registered Pesticide Active Ingredients for which a Brand of Pesticide is Subject to a Supplemental Fee” ~~(04-21-11) (07-17-09)~~ are subject to the supplemental registration fee established in Section 487.041(1)(d) and (2), F.S.

~~(2)~~ All forms, filings specifications and materials contained in this rule are hereby adopted and incorporated by reference and may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida, 32399-1650; (850)617-6917 or <http://www.flrules.org/Gateway/reference.asp?No=Ref-01040> by ~~visiting the Department’s website at: http://www.flacs.org/pdf/Supplemental_Registration_Fee_Ingredient_List.pdf.~~

Rulemaking Authority 487.041(1)(d), (2) FS. Law Implemented 487.041(1)(d), (2) FS. History–New 12-15-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H. Rackley, Director, Division of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2011

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.002
 RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

PURPOSE AND EFFECT: Rule 14-15.002, F.A.C., is being amended to update the manual and other incorporated materials.

SUMMARY: The amendments include rewrites of the chapters addressing pedestrian and bicycle facilities, work zone safety, and bridges and other structures. Additionally, two new chapters are being added to address Signing and Marking, and Traditional Neighborhood Developments.

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.

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: 334.044(10)(a), 334.048(3), 336.045(1) FS.

LAW IMPLEMENTED: 334.044(10)(a), 336.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, deanna.hurt@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

(1) The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, May ~~2011~~ 2007 edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.shtm>; <http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.htm>. ~~A certified copy has been filed with the Department of State.~~

(2) The following documents also are hereby incorporated by reference and made a part of this rule:

(a) AASHTO Load and Resistance Factor Design (LRFD) Bridge Design Specifications, 5 4th Edition (~~2010~~ 2007). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(b) Department of Transportation Office of Maintenance, Bridge Load Rating Manual. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/statementmaintenanceoffice/Bridge%20Load%20Rating%20Manual%20-%20January%202011.pdf>.

~~Structures Manual, Volume 8 – FDOT Modifications to Manual for Conditions Evaluation and Load Resistance Factor Rating (LRFR) of Highway Bridges. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/StructuresManual.htm>.~~

(c) Sections 2.11 and 2.12 of Department of Transportation Structures Manual, Volume 1 ~~4~~ Structures Design Guidelines. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/StructuresManual.shtm> ~~<http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/StructuresManual.htm>~~.

(d) AASHTO Guide Specifications for Structural Design of Sound Barriers (1989) with the 2002 Interim to Guide Specifications for Structural Design of Sound Barriers. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(e) AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, 5th Edition (2009 ~~2001~~), with 2002 and 2003 Interims. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(f) Chapter 4 of Department of Transportation Drainage Manual. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/dr/Manualsandhandbooks.shtm> ~~<http://www.dot.state.fl.us/rddesign/dr/Manualsandhandbooks.htm>~~.

(g) Department of Transportation Structures Manual, Volume 2 ~~IX~~ – FDOT Modifications to Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals (LTS-54). A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/StructuresManual.shtm> ~~<http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/StructuresManual.htm>~~.

(h) Department of Transportation Bridge Load Rating, Permitting and Posting Manual (2006). A copy of the manual can be downloaded from the following website: <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/850010035.pdf>.

Rulemaking Specific Authority 334.044(10)(a), 334.048(3), 336.045(1) FS. Law Implemented 334.044(10)(a), 336.045 FS. History–New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, 11-24-05, 10-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David C. O'Hagan, P.E., State Roadway Design Engineer
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ananth Prasad, P.E., Secretary, Florida
Department of Transportation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 9, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 4, 2011

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.706
RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the citations within this section with regard to water use permitting. The effect of the proposed amendments is to maintain consistency with amendments to Chapter 40B-2, F.A.C., which became effective January 4, 2010.

SUMMARY: This proposed development will amend citations within this section with regard to water use permitting.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has determined no SERC is required because the amendments to this rule will not make any changes to costs associated with this rule. The amendments will correct citations to the correlating rule and make proposed withdrawal amounts consistent between this rule and the correlating rule. The amendment to this rule is therefore not expected to require legislative ratification pursuant to subsection 120.541(3), Florida Statutes.

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: 373.044, 373.109, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 218.075, 373.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Lamm, Business Resource Specialist II, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.706 Fees.
(1) through (4) No change.

| TABLE I.A. SCHEDULE OF PERMIT FEES | |
|---|-------|
| WATER USE PERMITS | |
| General Water Use Permits Less than 10,000 GPD-ADR per paragraph 40B-2.041(4)(1)(a), F.A.C. | \$100 |
| Modification or Renewal | \$50 |
| General Water Use Permits <u>10,000 GPD-ADR or more and less than 2,000,000 GPD-ADR</u> as per paragraph 40B-2.041(4)(1)(b), F.A.C. | \$230 |
| Modification or Renewal | \$115 |
| Individual or Conceptual Approval Water Use Permits per subsection 40B-1.703(3) and paragraph 40B-2.041(5)(1)(b), F.A.C. | \$530 |
| Modification or Renewal | \$265 |
| TABLE I.B. No change. | |

Rulemaking Specific Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 218.075, 373.109 FS. History—New 6-16-88, Amended 11-25-90, 12-22-92, 10-16-94, 11-8-94, 10-3-95, 1-3-96, 6-22-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jon Dinges, Department Director, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2011

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 40D-21.031 | Elements of the Plan |
| 40D-21.051 | Definitions |
| 40D-21.211 | Monitoring Conditions |
| 40D-21.221 | Evaluating Water Conditions |
| 40D-21.231 | Declaring a Water Shortage |
| 40D-21.251 | Water Shortage Phases |
| 40D-21.275 | Implementing a Water Shortage Declaration |
| 40D-21.281 | Modifying or Rescinding a Water Shortage Declaration |

- 40D-21.331 Declaring a Water Shortage
Emergency
- 40D-21.371 Actions During a Water Shortage
Emergency
- 40D-21.391 Implementing a Water Shortage
Emergency Declaration
- 40D-21.421 Enforcement
- 40D-21.441 Public Supply Water Shortage
Mitigation Plans
- 40D-21.601 General
- 40D-21.621 Phase I: Moderate Water Shortage
- 40D-21.631 Phase II: Severe Water Shortage
- 40D-21.641 Phase III: Extreme Water Shortage
- 40D-21.651 Phase IV: Critical Water Shortage

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend the District’s Water Shortage Plan. The effect will be to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public. Each water management district is required, by state law, to have and implement a Water Shortage Plan which guides its responses to drought and other water shortage events. The District’s Water Shortage Plan (Chapter 40D-21, F.A.C.) was first developed in 1984.

SUMMARY: Needed modifications to the Plan were identified during the 1999-2001 drought and were addressed in a substantive rule update that ended in 2006. That update was part of a multi-year, multi-rule revision process which also involved major revisions to the District’s Year-Round Water Conservation Measures (Chapter 40D-22, F.A.C.). The revised year-round measures include a twice-per-week limit on lawn watering and other baseline demand management requirements upon which more stringent water shortage restrictions can be temporarily added, when needed, in accordance with the Plan. Further modifications to the Plan occurred in 2008 to clarify public supply water shortage mitigation provisions.

In September 2009, the Governing Board authorized initiation of rulemaking to incorporate additional rule modifications that were identified as a result of the District’s experience during the 2007-2010 droughts. Staff held two focus group meetings on November 5, 2009 and January 14, 2010, two public workshops on November 20, 2009 and April 29, 2010, and one special joint meeting of the Green Industry and Agricultural Advisory Committees on July 8, 2010 in order to develop and refine appropriate amendment language. Participants in these forums included: the air conditioning industry, University of Florida – Institute of Food and Agricultural Sciences extension agents, public supply water conservation specialists, sod farmers, local government attorneys, plant nursery representatives, and other subject matter experts.

On October 26, 2010, the Governing Board approved the proposed rule amendments, including staff suggested changes to resolve concerns from the Peace River Manasota Regional Water Supply Authority and other parties received just prior to

that Board meeting. However, publication for adoption and other final rulemaking steps needed to formally implement the Board-approved amendments were subsequently postponed. Postponement was needed to provide staff additional time to update the corresponding Statement of Estimated Regulatory Costs (SERC) in accordance with new provisions of Section 120.541(1), F.S., which was enacted as a result of HB 1565 from the Florida Legislature’s 2010 session.

The vast majority of the Board-approved rule amendments were ultimately determined to be consistent with the legislation and the regulatory streamlining and job protection goals of the statutory provisions and Executive Order 11-01. However, costs associated with four specific categories of Board-approved amendments (strengthening utility reporting requirements, strengthening utility messaging requirements, adding a new requirement for properties to test lawn and landscape irrigation systems which would need to be enforced, and clarifying the District’s expectations regarding local enforcement) were determined to have potentially disproportionate impacts and were re-examined .

Analysis of each of the four categories of rules listed above were used to identify potential revisions to the Board-approved amendments. The proposed revisions retain the most critical benefits while substantially reducing the regulatory costs. The proposed revisions do not require ratification by the Florida Legislature in accordance with Section 120.541(1), F.S.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.175, 373.185, 373.246 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: The Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Martinez, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33627-6759, (813)985-7481 (4660) (OGC #2009050)

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I. GENERAL

40D-21.031 Elements of the Plan.

The Water Shortage Plan consists of the following elements:

~~(1) Part I. General. Part I provides the policy and purposes of the District in establishing the Water Shortage Plan. The various elements of the plan are described, and key terms utilized within the Plan are defined.~~

~~(2) Part II. Declaring and Implementing a Water Shortage. Part II describes the District's overall program of monitoring conditions in anticipation of and during a Water Shortage event. In addition, Part II describes the factors that the District will consider in declaring a Water Shortage. A method for expressing the severity of a Water Shortage in terms of four Water Shortage phases and procedures for implementing a Water Shortage declaration are also provided.~~

~~(3) Part III. Emergency Provisions. Part III establishes the procedures for declaring and implementing a Water Shortage emergency when the provisions of Part II are not sufficient to protect the water resource and its users.~~

~~(4) Part IV. Enforcement and Public Supply Water Shortage Mitigation Plans. Part IV describes how the District, in conjunction with local governmental entities and law enforcement officials, will enforce the provisions of a declared Water Shortage or Water Shortage emergency. The District's policy of providing regulatory flexibility and technical assistance to public suppliers wishing to manage and mitigate local Water Shortage effects within their jurisdictions, including those local governments located in multiple water management districts, is also described.~~

~~(5) Part V. The Classification System. Part V classifies each user according to the source of water supply, type of water use and method of withdrawal. These classifications are utilized in conjunction with Parts I, II, III and VI.~~

~~(6) Part VI. Specific Response Mechanisms. Part VI presents water use restrictions and other response mechanisms for each Water Shortage phase and Water Use Class. Various combinations of these response mechanisms may be employed by the District to achieve the desired effect during any phase of a Water Shortage or a Water Shortage Emergency.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History--New 11-19-84, Amended 4-9-06, Repealed _____.

40D-21.051 Definitions.

(1) No change.

(2) "Agricultural Uses" are water uses associated with Agriculture as defined in Rule 40D-22.101, F.A.C. This specifically includes the irrigation of vegetables, fruits and other plants grown for human consumption at a residence or community garden, provided the plants are irrigated separately from any lawn or other landscape plant material. In order for irrigation of a fruit tree at a residence or community garden to be considered an Agricultural Use, the irrigation shall not be applied to any lawn or other landscape plant material.

(3) through (5) No change.

(6) "Drought Condition Level" is the level degree of drought or other water shortage being experienced, the degrees ranging from the moderate Level 1 to critical Level 4, based on the status of Drought Indicators. There are four levels: Moderate, Severe, Extreme and Critical.

(7) "Essential Uses" is the classification category for are water uses associated with maintaining public health, safety, or welfare, including the operation of public water supply systems, public waste water systems, sanitation facilities, military facilities, power generation facilities, hospitals and other medical facilities, medical equipment and fire suppression equipment.

(8) No change.

(9) "High-Use Single Family" means a single-family residential potable water customer that uses 15,000 gallons per month or more.

~~(10)(9)~~ "Indoor Uses" are water uses associated with domestic and similar non-domestic needs. Domestic needs include drinking, bathing, cooking, cleaning and necessary sanitary purposes in a household environment. Similar non-domestic needs include drinking, bathing and necessary sanitary activities outside of the household environment, such as in customer or employee restrooms.

~~(11)(10)~~ "Landscape Uses" are water uses related to the establishment and maintenance of Turfgrass, trees and other plant material. This specifically includes all Lawns and Landscape at homes and other residences, commercial or industrial buildings, parks, recreational areas, public rights-of-way, medians and other public and private properties. Within this classification, the District maintains the subclassifications of Cemeteries, Golf Courses, Driving

Ranges and Other Athletic Play Areas as defined in Rule 40D-22.101, F.A.C., to address the unique Turfgrass needs associated with these uses.

~~(12)~~~~(11)~~ “Mobile Equipment” means any public, private or commercial automobile, truck, trailer, railroad car, camper, boat, tractor, or any other type of similar equipment.

~~(13)~~~~(12)~~ “Moderate Water Shortage” is the alternative name for a Phase I Water Shortage.

~~(14)~~~~(13)~~ “Other Uses” are all other water uses not specifically included in other Use Classes, including augmentation of natural or man-made surface water bodies for aesthetic, recreational or habitat value; ornamental ponds, water fountains and other aesthetic water features; environmental restoration or enhancement; ~~cooling and air conditioning~~; swimming pools and other water-based non-commercial recreation; cleaning or Pressure Washing of structures, driveways, sidewalks and other impervious surfaces; and wetting roads and other surfaces for dust control or fire suppression when required by federal, state or local standards.

~~(15)~~~~(14)~~ “Permittee” is the holder of a Water Use Permit issued pursuant to Chapter 40D-2, F.A.C.

~~(16)~~~~(15)~~ “Phase I Water Shortage” is also referred to as “Moderate Water Shortage” and is described in Rule 40D-21.621, F.A.C.

~~(17)~~~~(16)~~ “Phase II Water Shortage” is also referred to as “Severe Water Shortage” and is described in Rule 40D-21.631, F.A.C.

~~(18)~~~~(17)~~ “Phase III Water Shortage” is also referred to as “Extreme Water Shortage” and is described in Rule 40D-21.641, F.A.C.

~~(19)~~~~(18)~~ “Phase IV Water Shortage” is also referred to as “Critical Water Shortage” and is described in Rule 40D-21.651, F.A.C.

~~(20)~~~~(19)~~ “Plan” means the plan set forth in this Chapter, including restrictions and other required actions response mechanisms as authorized by Sections 373.246 and 373.175, F.S.

~~(21)~~~~(20)~~ Pressure Washing” means the use of pressurized water for cleaning purposes, by means of equipment accepted by industry standards. Industry standards specifically include a self-canceling or automatic nozzle, water pressure at a minimum of 1,000 p.s.i. (pounds per square inch) and water volume at a maximum of five (5) gallons per minute. Professional-grade equipment operates at a water pressure of at least 2,900 p.s.i.

~~(22)~~ “Public Supply Water System” and “public supply water system” for the purpose of this rule means either a “community water system” or a “wholesale system” as those terms are defined by Rule 62-550.200, Florida Administrative Code, whether a particular system is managed by a water supply authority, local government (municipality, county, or division or enterprise of a municipality or county) or

nongovernmental entity (such as a development-specific, investor-owned, non-profit or special district facility). For the purpose of this rule, an entity which submeters a master-metered connection to a public supply water system (such as a third party submetering units in an apartment complex) is not considered to be a public supply water system.

~~(23)~~~~(21)~~ “Severe Water Shortage” is the alternative name for a Phase II Water Shortage.

~~(24)~~ “Small Water Utility” and “small water utility” means a “Public Supply Water System” (defined above) or “Water Utility” (defined below) that makes no water withdrawals and receives less than 100,000 gallons per day on an annual average basis from another public supply utility, or that has a combined annual average daily water demand (withdrawals plus imports minus exports) of less than 100,000 gallons per day and is required to have a water use permit pursuant to Rule 40D-2.041, F.A.C.

~~(25)~~~~(22)~~ “Source Class” means the specified water resource from which a user is obtaining water either directly or indirectly. Source Classes within the District are identified in Rule 40D-21.531, F.A.C.

~~(26)~~~~(23)~~ “Supplemental Irrigation” is the water applied to established plant material to satisfy water needs not met by rainfall ~~means irrigation that is intended to meet the net water requirement for established plant material. This is the difference between the plant material’s current water requirement and recent effective rainfall.~~

~~(27)~~~~(24)~~ “Use Class” means the category describing the purpose for which the user is utilizing water. Use Classes within the District are identified in Rule 40D-21.541, F.A.C.

~~(28)~~~~(25)~~ Water Shortage” means a drought or other situation within all or part of the District, for which the Governing Board has determined that there is insufficient water to meet the present and anticipated needs of users, or conditions are such that there is a need to require temporary reduction in water use within a particular area to protect one or more Source Class or the water resource from serious harm.

~~(29)~~~~(26)~~ “Water Shortage Emergency” means a Water Shortage for which a determination has been made that the powers exercised under Part II of this Plan are not sufficient to protect the public health, safety, or welfare; the health of livestock and other animals, fish or aquatic life; or other Essential Uses.

~~(30)~~ “Water Supply Authority” and “water supply authority” for the purpose of this rule is the term defined and described in Section 373.713, Florida Statutes.

~~(31)~~ “Water Utility” and “water utility” for the purpose of this rule means the same thing as “Public Supply Water System” (defined above).

~~(32)~~~~(27)~~ Water Utility Uses” are water uses associated with maintaining and operating a public water supply system, whether the system is managed by a regional water supply authority, local government agency, or private entity. These

uses include water utility activities such as flushing lines and maintenance of treatment processes but do not include water distributed by the system for customer use.

(33) “Wholesale-Only System” or “wholesale-only system” for the purpose of this rule is a “wholesale system” that is not also a “community water system” as those terms are defined by Rule 62-550.200, F.A.C. In other words, it is a water supply authority or other “wholesale system” which only delivers water to another public water supply system.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, _____.

PART II. DECLARING AND IMPLEMENTING A WATER SHORTAGE

40D-21.211 Monitoring Conditions.

(1) No change.

(2) Condition monitoring – Water resource data and water demand data ~~Data Sources—Data~~ will be obtained from any relevant source of information needed to evaluate the following:

(a) Drought Indicators shown in Table 21-1.

(b) Current regional lake levels and their relationship to low normal values.

(c) Current and recent values of the U.S. Drought Monitor from the National Drought Mitigation Center.

(d) Current precipitation outlooks from the Climate Prediction Center of the National Oceanic and Atmospheric Administration’s National Weather Service.

(e) Public supply storage status, available, including, but not limited to:

(a) ~~District databases and work products, including information on permitted quantities, relevant pumpage and meter records, inquiries to permit holders, field assessments and hydrologic/meteorologic/biologic information;~~

(b) ~~The National Drought Mitigation Center, National Oceanic and Atmospheric Administration, U.S. Geological Survey, Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, local governments and other local, state, or federal agencies; and~~

(3) ~~Resource Monitoring—The District collects and analyzes data concerning the water resource. These data include, but are not limited to:~~

(a) ~~Drought indices and forecast products prepared by federal and state agencies;~~

(b) ~~Levels in surface and ground waters, including potentiometric heads in confined and semi-confined aquifers;~~

(c) ~~Water quality of surface and ground waters;~~

(d) ~~Flows of surface waters;~~

(e) ~~Rainfall; and~~

(f) ~~Other data as may be required to evaluate the status of the water resources of the District, such as evapotranspiration or impacts on fish and wildlife.~~

(4) ~~Demand Monitoring—The District collects and analyzes data concerning water user demand and its impact on the water resource, such as:~~

(a) ~~Demands of Permittees;~~

(b) ~~Demands of water users not subject to permitting, but subject to this Chapter 40D-21, F.A.C.;~~

(c) ~~Demands of water users whose supply of water is established by federal law, such as Native American reservations; and~~

(d) ~~Other data required to evaluate demand and its impact on waters within the District, such as water restriction enforcement data from local governments or the total demand in jurisdictions adjacent to District boundaries.~~

(3) Minimum monitoring standards – At a minimum, the District will monitor the Drought Indicators specified in Table 21-1.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 4-9-06, Amended _____.

40D-21.221 Evaluating Water Conditions.

(1) No change.

(2) Regional condition data may represent the entire District or any portion thereof. ~~National condition and prediction data will be evaluated in combination with regional rainfall data.~~ Individual Drought Indicators and Drought Condition Levels shall be decision-making tools, not values that will automatically trigger a District response. ~~For example, after detecting a possible drought event through only one Drought Indicator, the District may want several weeks of additional monitoring and evaluation to recognize a clear shift in overall conditions that would warrant a recommendation to change restrictions.~~

(3) In evaluating whether or not a Water Shortage or Water Shortage Emergency should be declared, the following describes the evaluation process is followed:

(a) The District will compare current data to predetermined values for specific Drought Indicators indicators as shown in Table 21-1. ~~For example, if the Aquifer Resource Indicator for a particular groundwater basin is in the 19th percentile and has been below the 25th percentile for four weeks, then that basin is considered to have a “severely abnormal” Drought Indicator.~~

(b) The District will compile these comparisons to determine the appropriate select a Drought Condition Level. Specifically, the combination of values for regional Drought Indicators shall be assessed in relation to the matrix shown in Table 21-2, then that assessment may be adjusted up or down based on national Drought Indicators. For example, if a watershed with a public supply reservoir was at Drought Condition Level 2 based on Regional Rainfall at the 24th percentile and Average Streamflow at the 20th percentile, but now both Drought Indicators are at the 25th percentile (the threshold for "moderately abnormal" for both indicators), the District may upgrade the watershed to Drought Condition Level 1 status if all national Drought Indicators have returned to normal or above normal values;

(c) ~~This In the absence of a declared or Water Shortage Emergency, this evaluation will occur on at least a monthly basis.~~

~~(d) During a declared Water Shortage or Water Shortage Emergency, this evaluation will occur at least twice each month; and~~

~~(d)(e) Results of this evaluation will be reported to the Board on at least a monthly basis and to the Executive Director as needed.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 4-9-06, _____.

TABLE 21-1:
Drought Indicators

| <u>Drought Indicator Value</u> | <u>REGIONAL RAINFALL (12-Month Moving Sum)</u> | <u>REGIONAL RAINFALL (24-Month Moving Sum)</u> | <u>CURRENT STREAM-FLOW (7-Day Moving Average)</u> | <u>AVERAGE STREAM-FLOW (8-Week Moving Average)</u> | <u>AQUIFER RESOURCE INDICATOR</u> |
|--------------------------------|--|--|---|--|---|
| <u>Moderately Abnormal</u> | <u>21st to 25th percentile</u> | <u>21st to 25th percentile</u> | <u>21st to 25th percentile</u> | <u>21st to 25th percentile</u> | <u>16th to 25th percentile</u> |
| <u>Severely Abnormal</u> | <u>11th to 20th percentile</u> | <u>11th to 20th percentile</u> | <u>11th to 20th percentile</u> | <u>11th to 20th percentile</u> | <u>16th to 25th percentile for 4 weeks *or* below the 16th percentile</u> |
| <u>Extremely Abnormal</u> | <u>6th to 10th percentile</u> | <u>6th to 10th Percentile</u> | <u>6th to 10th percentile</u> | <u>6th to 10th percentile</u> | <u>Below the 16th percentile for 4 weeks</u> |
| <u>Critically Abnormal</u> | <u>5th percentile or less</u> | <u>5th percentile or less</u> | <u>5th percentile or less</u> | <u>5th percentile or less</u> | <u>Below the 16th percentile for 8 weeks</u> |

| Drought Indicator Value | Regional Conditions | | | National Predictions & Conditions | | | | Regional Modifier of National Data* |
|-------------------------|---|---|---|-----------------------------------|----------------------|--------------------------------------|-----------------------------|--|
| | REGIONAL RAINFALL (12-Month Moving Sum) | AVERAGE STREAM FLOW (8-Week Moving Average) | Aquifer Resource Indicator | CPC Predictions | PALMER DROUGHT INDEX | 6-MONTH Standard Precipitation Index | Weekly U.S. Drought Monitor | REGIONAL RAINFALL (6-Month Moving Sum) |
| Moderately Abnormal | <= 25th percentile | <= 25th percentile | <= 25th percentile | < 3 Months Below Normal | -1.0 to -1.9 | -0.5 to -0.7 | D0 | <= 25th percentile |
| Severely Abnormal | <= 20th percentile | <= 20th percentile | <= 25th percentile for 4 weeks or < 16th percentile | < 6 Months Below Normal | -2.0 to -2.9 | -0.8 to -1.2 | D1 | <= 20th percentile |
| Extremely Abnormal | <= 10th percentile | <= 10th percentile | < 16th percentile for 4 weeks | < 9 Months Below Normal | -3.0 to -3.9 | -1.3 to -1.5 | D2 | <= 10th percentile |
| Critically Abnormal | <= 5th percentile | <= 5th percentile | < 16th percentile for 8 weeks | > 9 Months Below Normal | -4.0 to -4.9 | -1.6 to -1.9 | D3 | <= 5th percentile |

* if a national Drought Indicator has an abnormal value, review the “regional modifier” for concurrence before considering the national data.

TABLE 21-2: Drought Condition Levels

| Drought Condition Level | If this is true ... |
|-------------------------|---|
| Moderate Level 1 | At least one Drought Indicator is Moderately Abnormal |
| Severe Level 2 | Multiple Drought Indicators are Moderately Abnormal or one is Severely Abnormal |
| Extreme Level 3 | Multiple Drought Indicators are Severely Abnormal or one is Extremely Abnormal |
| Critical Level 4 | Multiple Drought Indicators are Extremely Abnormal or at least one is Critically Abnormal |

40D-21.231 Declaring a Water Shortage.

(1) The Board will declare Water Shortages and issue water use restrictions and other required actions and impose response mechanisms as set forth in this Chapter. The geographic area covered by a Water Shortage declaration will include all or part of the ground or surface water basin(s) within which the affected source of water lies, as well as areas that are supplied water from the affected source. The Board will simplify the boundaries of the area subject to a Water Shortage declaration by using a major road or local

government boundary so long as it is significantly consistent with the actual affected area the affected area is not significantly expanded or contracted.

(2) In considering whether to declare a Water Shortage, the Board shall consider the effect of any local responses to local water supply concerns, including: implementation of local water shortage management actions, use of any applicable system-to-system interconnection and the actions of any applicable Water Supply Authority. Water Shortage Mitigation Plans approved by the Board pursuant to 40D-21.441, F.A.C.

(3) through (4) No change.

(5) When considering whether to declare a Water Shortage which would encompass a specific geographic area that includes less than all of a local government’s jurisdiction, the District will endeavor to coordinate Water Shortage declarations with that local government and any applicable water management district to the extent practicable. For example, the District endeavors to have this coordination result in only one set of Lawn and Landscape irrigation restrictions within the local government jurisdiction, if this jurisdiction is shared with another water management district, based on conditions within the water management district that contains the majority of the water supply serving the local government’s population.

(6) When a specific source is experiencing a Water Shortage and the source because it is only partially within the District’s boundaries, the District will endeavor to coordinate

Water Shortage declarations with the applicable adjacent water management district ~~to the extent practical. For example, the District endeavors to have this coordination result in so that, where practical,~~ only one set of Lawn and Landscape irrigation restrictions will be in effect within the boundaries of that local government in the affected area, based on the conditions within the water management district that contains the majority of the affected water source.

(6) When considering whether to declare a Water Shortage which would be limited to either a specific geographic area or a specific water source such that local governments within a particular county or Water Supply Authority would be affected differently by the declaration, the District will consult with the applicable local governments and Water Supply Authority to the extent practical. The purpose of this consultation is to help determine whether to simplify, reduce or broaden the Water Shortage declaration boundaries in accordance with subsections 40D-21.231(1)-(4), F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 1-8-08, _____.

40D-21.251 Water Shortage Phases.

(1) This Water Shortage Plan establishes four phases of Water Shortage severity with associated water use restrictions and other required actions response mechanisms.

(2) The following Water Shortage phases are established in accordance with Chapter 62-40, F.A.C.:

- (a) Moderate
- (b) Severe
- (c) Extreme, ~~and~~
- (d) Critical

(3) The District shall assign a specific Water Shortage phase to each Source Class for which a Water Shortage has been declared. A Water Shortage declaration may or may not assign the same phase to all affected Source Classes.

(4) The District shall consider the following ~~factors~~ when assigning a specific Water Shortage phase to each Source Class or combination of Source Classes:

(a) Information ~~The information~~ generated as a result of the evaluation process described in Rules 40D-21.221 and 40D-21.231, F.A.C., and the corresponding Drought Condition Level shall serve as the basis for selecting the preliminary Water Shortage phase declaration to be considered, including the values of regional Drought Indicators and the composite Drought Condition Level;

(b) Information collected relating to the factors described in Rule 40D-21.211, F.A.C.

(c) Seasonal characterizations of the information generated or collected, such as whether a value is being seen at the beginning of the annual dry season that is normally not expected until the end of the annual dry season.

~~(d)(b)~~ The relative impact of withdrawals used to supply various categories of water users on the affected Source Class(es) and any specific water body for which the shortage is declared.;

~~(e)(e)~~ The availability and practicality of alternative sources for each category of water user.;

~~(f)(d)~~ To the degree practical, how the District can implement phased restrictions and other required actions response mechanisms in a manner that distributes the burden of the required actions response mechanisms equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage.;

~~(g)(e)~~ The potential for serious harm to natural systems as a result of the drought or other Water Shortage.;

~~(f) Existing Public Supply Water Shortage Mitigation Plans as described in Rule 40D-21.441, F.A.C.;~~

~~(h)(g)~~ The appropriate geographic scope of potential water use the restrictions and other required actions phased response mechanisms, relative to the affected source.;

~~(i)(h)~~ The effectiveness of current and potential water use restrictions and other required actions phased response mechanisms in terms of containing or reducing water use to protect the affected source, relevant Source Class(es), specific water bodies and by specific water supply sources; and

~~(j)(i)~~ Any adverse The impact of current and potential water use restrictions and other required actions phased response mechanisms on public health, safety and welfare.

~~(5) If the District determines that actions beyond those specified in the phased response mechanisms are required, or if immediate implementation of phased response mechanisms is necessary in order to meet the purposes specified in subsection 40D-21.011(1), F.A.C., then the Executive Director, with the concurrence of the Board, may declare a Water Shortage Emergency, as provided in Part III of this Chapter.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, _____.

40D-21.275 Implementing a Water Shortage Declaration.

(1) Affected water users and Permittees shall be afforded the opportunity to comment to the Board concerning a proposed Water Shortage declaration, including proposed water use restrictions and other required actions, at a scheduled public hearing.

(a) At least one public hearing will be scheduled to afford the public the opportunity to comment.;

(b) The public shall be allowed a reasonable opportunity to participate during the public hearing in order to present non-repetitive testimony about current conditions and impacts of a proposed Water Shortage declaration on Water Shortage effects and the impact of recommended restrictions and other

~~response mechanisms. Such participation shall be subject to the control of the Governing Board and may be limited as necessary to facilitate reasonable progress of the hearing.~~

~~(e) Additional public hearings may be announced by the Board during a declared Water Shortage, and reasonable additional notice will be provided for any additional hearing.~~

(2) When a Water Shortage is initially declared, the District will issue a news release and publish an advertisement notice of the declaration within newspapers of general circulation in the affected area. The news release and newspaper ad notice shall serve as notice to all users and local government officials in the affected area as to the declaration existence and phase of the Water Shortage declaration, including identification of the phase and a summary of water use restrictions and other required actions. The District will issue a news release for any subsequent extension or other modification of that declaration.

~~(3) The District shall send a Notice of Water Shortage by regular mail to each affected Permittee located in the affected area. This notice shall advise the Permittee of any change in the condition of the Water Use Permit, any suspension of the Water Use Permit and the applicability of any other restriction on the use of water or other response mechanism set forth in this Chapter. The mailed notice may refer the Permittee to website material or fact sheets for this or additional information.~~

~~(4) The District shall notify local elected officials of any Water Shortage declaration and associated response mechanisms. Notice shall be by the best practical means under the circumstances, such as telephone contact attempts, regular mail, or electronic transmittal. In addition, local enforcement officials, local fire and rescue officials and appropriate state agencies shall be notified as soon as possible of any Water Shortage declaration or change in restrictions affecting their areas of responsibility.~~

~~(5) A declaration of Water Shortage and any implementing response mechanisms adopted pursuant thereto under the Water Shortage rule may be modified or rescinded by the Board.~~

~~(4)(6) An order declaring a Water Shortage or modifying an existing declaration shall become effective on the day after the newspaper ad any notice required in subsection (2) above is published or any subsequent effective date stated in the order. An order declaring a Water Shortage or modifying an existing declaration shall remain in effect for the period of time established in the order; or, if no period of time is established, until the order is modified or rescinded by the Board.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 11-19-84, Amended 4-9-06,_____.

40D-21.281 Modifying or Rescinding a Water Shortage Declaration.

(1) No change.

(2) When the data and evaluations set forth in Rules 40D-21.211, 40D-21.221 and 40D-21.251, F.A.C., indicate that conditions have changed sufficiently to warrant the declaration and implementation of a different set of water use phased restrictions and other required actions ~~response mechanisms~~, an order amending or superseding an superceding the existing Water Shortage declaration shall be issued and implemented in accordance with Rules 40D-21.231, 40D-21.251, and 40D-21.275, F.A.C.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 4-9-06, Amended _____.

PART III. EMERGENCY PROVISIONS

40D-21.331 Declaring a Water Shortage Emergency.

(1) Purpose – This part of the Chapter sets forth the steps the District will take to evaluate conditions within the District ~~in order~~ to determine whether a Water Shortage Emergency exists.

(2) No change.

(3) If the monitoring and evaluation process indicates that conditions are rapidly deteriorating, or if the District receives a request for ~~an~~ emergency assistance action related to an ongoing drought or other Water Shortage event, District staff shall ascertain whether the provisions of Part II of this Rule are sufficient to protect public health, safety or welfare and Essential Uses, or the health of livestock and other animals, fish or aquatic life in the affected area. This shall be accomplished by considering through consideration ~~of~~ the following:

(a) No change.

(b) Factors related to the potential adverse impacts ~~as a result of response mechanisms~~ on public health, safety, or welfare or Essential Uses; health of livestock and other animals, fish, or aquatic life; including:

1. No change.

2. The extent to which potential adverse impacts can be reduced by imposing additional water use restrictions and other required actions upon other uses obtaining water from the same source class;

3. The extent to which imposing additional water use restrictions and other required actions upon ~~restricting~~ other users obtaining water from the same source class will create additional, unintended ~~other~~ adverse impacts; and

4. No change.

(c) ~~Information and requests~~ The effect of any Water Shortage Mitigation Plans approved by the Board pursuant to Rule 40D-21.441, F.A.C., and recommendations from, and emergency actions taken by, a local government in the affected area.

(4) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 1-8-08, _____.

40D-21.371 ~~Actions Response Mechanisms~~ During a Water Shortage Emergency.

(1) When the need for a Water Shortage Emergency has been identified declared, the Executive Director will issue orders containing water use restrictions and other required or authorized actions response mechanisms deemed necessary to address the emergency. Examples of the required or allowed actions. ~~The response mechanisms may include, but are not limited to:~~ authorizations to temporarily withdraw from a permitted source in a manner or for a purpose not expressly granted by the applicable Water Use Permit; authorizations to temporarily augment a public water supply system with water from an unpermitted source; and restrictions that involve apportioning, rotating, limiting, or prohibiting the use of water.

(2) All actions required or authorized response mechanisms ordered pursuant to the declaration of a Water Shortage Emergency shall be in addition to, and enforced in combination with, any and all restrictions and other actions response mechanisms imposed under Part II of this Chapter 40D-21, F.A.C. rule, unless specifically stated otherwise within a Water Shortage Order. ~~If the orders, or unless~~ there is a conflict between Part II and a Water Shortage Emergency order, ~~in which case~~ the more restrictive provisions shall apply.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 4-9-06, _____.

40D-21.391 Implementing a Water Shortage Emergency Declaration.

(1) When the need for a Water Shortage Emergency has been identified declared pursuant to Rule 40D-21.331, F.A.C., the Executive Director may, without prior notice, issue orders pursuant to the emergency provision of Section 373.119, F.S.

(a) Water Shortage Emergency orders shall recite information related to the existence of such an emergency and identify water use restrictions and other required or allowed actions response mechanisms deemed necessary by the Executive Director, with the subsequent concurrence of the Board, to address the emergency.;

(b) All users, local governments, water utilities, Water Supply Authorities and other parties to whom an emergency order is directed shall comply immediately, but may petition the Board for a hearing as set forth in Section 373.119, F.S.

(2) The District shall inform all users, local governments, water utilities, Water Supply Authorities and other parties to whom an emergency order is directed of the existence of such order, and all associated water use restrictions and other required or authorized actions response mechanisms, by the best practical means available under the circumstances of the specific Water Shortage Emergency.

~~(3) The District shall notify local elected officials of any Water Shortage Emergency declaration and remedial action required. Notice shall be by the best practical means under the circumstances of the Water Shortage Emergency. In addition, local enforcement officials, fire rescue officials and appropriate state agencies shall be notified as soon as possible of any Water Shortage Emergency declaration or change of response mechanisms affecting their areas of responsibility.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 4-9-06, _____.

PART IV. ENFORCEMENT AND WATER SHORTAGE MITIGATION

40D-21.421 Enforcement.

(1) through (2) No change.

(3) In enforcing the provisions of this Chapter, any order issued pursuant to this Chapter or 40D-1, F.A.C., or any variance or waiver approved by the District pursuant to provisions of this Chapter, the District will utilize any of the enforcement remedies available pursuant to Chapter 120 or 373, F.S., or Chapter 40D, F.A.C., as appropriate. District enforcement ~~actions~~ will ~~generally~~ focus on violations which directly involve a Permittee.

(4) Enforcement ~~action~~ may be initiated by the District as provided in Section 373.603, F.S.

(5) The Executive Director may assign District personnel for the purpose of initiating enforcement ~~action~~ pursuant to Section 373.603, F.S.

(6) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.129, 373.136, 373.246, 373.603, 373.609 FS. History—New 11-19-84, Amended 7-2-86, 5-4-87, 4-9-06, _____.

40D-21.441 Public Supply Water Shortage Mitigation Plans.

~~(1) It is the policy of the District to encourage each regional water supply authority (“Regional Authority”) and county, municipal and private water supplier (“Local Water Supplier”) throughout the jurisdiction of the District to develop a Water Shortage Mitigation Plan (“WSMP”) for public water supply shortages due to such occurrences as drought, major pipeline breaks, failures at water or waste water treatment plants and anticipated or actual withdrawals that exceed the allocation given under a Water Use Permit.~~

(2) A Regional Authority or Local Water Supplier may request that the District approve its WSMP for implementation in lieu of some or all of the applicable provisions of this Chapter so that it may take pre-designated local action in response to conditions described in the WSMP. The request shall be submitted in the form of a petition for variance or waiver of some or all of the provisions of this Chapter, pursuant to Section 120.542, F.S. A petition for variance or waiver may be filed at any time, whether the District has declared a Water Shortage or not, and the Regional Authority or Local Water Supplier is encouraged to file its petition well in advance of its need to implement the drought provisions of its WSMP.

(3) Once a WSMP is approved by the District, it shall be binding on the applicable Regional Authority or Local Water Supplier and its customers. Each Regional Authority and Local Water Supplier and their customers shall continue to comply with any provisions of this Chapter which are not varied or waived through the District's approval of the WSMP. The District shall consider the effect of an approved WSMP in conjunction with Rule 40D-21.231, F.A.C. The existence of an approved WSMP does not affect the authority of the District to declare or rescind a water shortage and applicable response mechanisms as provided in this Chapter and Chapter 373, F.S.

(4) In addition to fulfilling the requirements of Section 120.542, F.S., and Rule 40D-1.1002, F.A.C., the proposed WSMP shall contain the following:

(a) Use of the same Water Shortage Phase numbering and names as used in this Chapter.

(b) Identification of the regional Drought Indicators or local supply Drought Indicators, or both, that will be used to determine the need to implement a portion of the WSMP, including but not limited to requests that the District issue an order declaring, modifying, or rescinding a Water Shortage or Water Shortage Emergency for the applicable area or source, or both. If any of these indicators are not identical to the Drought Indicators specified in this Chapter, the identification must include a detailed description of the methodologies used to select and quantify each alternative or supplemental indicator.

(c) Identification of the demand management response mechanisms to be implemented for each Water Shortage Phase. Any water use restrictions identical to those specified in this Chapter should be referenced instead of recited in the WSMP. If the WSMP includes any water use restrictions or other demand management response mechanisms (such as "planned interruptible service" for reclaimed water blends) that are not identical to those specified in this Chapter, the identification must include a detailed description of the methodologies used to select each alternative mechanism, anticipated savings and other impacts of these mechanisms in relation to the responses specified in this Chapter and a copy of any and all ordinances that codify this mechanism.

(d) Identification of supply management response mechanisms to be implemented for each Water Shortage Phase. Supply management includes, but is not limited to, supply supplementation through the use of permitted supply sources, including withdrawal of quantities or for a purpose not expressly granted by the applicable Water Use Permit, or the temporary use of emergency supply sources, which may include unpermitted sources. Identification of each supply management response must include a detailed description of the methodologies used to select the applicable proposed supplementation source and a detailed description of the legal and physical means through which the proposed supplementation will be accomplished. The granting of a variance or waiver based on a WSMP does not constitute a modification to the petitioner's Water Use Permit nor does it constitute issuance of an emergency authorization. However, each Regional Authority or Local Water Supplier is encouraged to proactively coordinate with the District to develop a template executive director order or other document to be presented, when needed, for the District's consideration, to expedite the processing of any request for a temporary permit modification or other emergency authorization in conjunction with implementation of the WSMP.

(e) Identification of any and all parties to be responsible for the response mechanisms, including written proof that those parties have committed to providing appropriate implementation actions. For example, the WSMP for a Regional Authority shall include copies of appropriate local ordinances or other binding instruments, signed by its member governments, that demonstrate the member governments have agreed to enforce specified water use restrictions and other agreed upon response mechanisms within their respective jurisdictions.

(f) Identification of all processes to be used to monitor indicator conditions and determine when provisions of the WSMP would result in a request for the District to issue an order declaring, modifying or rescinding a Water Shortage or Water Shortage Emergency for the applicable area or source, or both. This identification shall specify the parties (title and affiliation) that will monitor indicator conditions and the method these monitoring parties will use to recommend actions to applicable decision-makers.

(g) Identification of all processes to be used to coordinate with the District for the purpose of communicating indicator conditions, reporting on local actions and requesting District action to declare, modify or rescind a Water Shortage or Water Shortage Emergency order. At a minimum, communication shall include scheduled contact with the District staff responsible for the District's demand management efforts in the area that includes that Regional Authority or Local Water Supplier and prompt transmission of any applicable resolution or other document used to implement local Water Shortage actions.

~~(h) Identification of all processes to be used to communicate with affected water users about indicator conditions, local actions and District or local declaration, modification or rescission decisions. At a minimum, communication regarding indicator conditions shall include posting data on the Regional Authority's or Local Water Supplier's website. At a minimum, communication regarding recommended actions and communications regarding enactment and removal decisions shall include: issuance of a news release to broadcast and print media, publication of any legally required notice and designation of a customer information hotline that is included in the news release and legally required notice. Additional public awareness and information activities are encouraged as part of the demand management response mechanisms in each Water Shortage Phase.~~

~~(i) Written proof that any other Regional Authority or Local Water Supplier from which the petitioner regularly receives water, or from which the petitioner proposes to receive supplemental supplies during a drought or other Water Shortage, has reviewed and commented on the proposed WSMP. Since the goal of this review is to assure coordination in order to minimize potential regional consequences, review comments from such an entity may factor into the District's decision-making process.~~

~~(j) Written proof that the decision-making body of the petitioner has approved the version of the WSMP submitted to the District for variance or waiver. For example, the decision-making body of a county water system is typically the county's board of commissioners, and the petitioner may submit a transcript of the commission meeting in which the required approval occurred.~~

~~Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New 4-9-06, Amended 1-8-08, Repealed _____.~~

PART V. THE CLASSIFICATION SYSTEM

No change.

PART VI. SPECIFIC RESTRICTIONS AND OTHER REQUIRED ACTIONS

40D-21.601 General.

(1) Purpose – this ~~Part~~ part of the Chapter sets forth specific water use restrictions and other required actions response mechanisms available to the District for implementation upon a declaration of a Water Shortage or Water Shortage Emergency.

(2) The water use restrictions and other required actions response mechanisms specified within this Plan may be modified by the Board or Executive Director to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of water use restrictions and other

required actions response mechanisms shall be summarized included in the notice(s) of the water shortage declaration, as specified above in Rule 40D-21.275, F.A.C.

(3) Water use restrictions and other required actions may be established assigned Response mechanisms are presented for each Use Class and various subcategories, as appropriate. All ~~It shall be the duty of each water users~~ have a duty user to keep informed about the water use restrictions and other required actions applicable to them that apply as to the phase of Water Shortage and the applicable response mechanisms for that phase.

(4) In addition to the restrictions specified in this part, all wasteful and unnecessary water use is prohibited regardless of the phase of Water Shortage. Wasteful and unnecessary water use includes the water use activities listed in subsection 40D-22.201(2), F.A.C., and any of the following:

- (a) Allowing water to be dispersed without any practical purpose to the water user, ~~regardless of the type of water use;~~
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and
- (c) No change.

~~Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New 11-19-84, Amended 7-2-86, 4-9-06, _____.~~

40D-21.621 Phase I: Moderate Water Shortage.

(1) A Phase I Water Shortage is a hydrologic or climatic condition in which at least one regional or local Drought Indicator has a moderately abnormal value, such that conditions warrant the District alerting the general public and the District ordering water utilities and other water users to review and implement internal procedures needed to fully implement restrictions and other required actions during a Phase II, Phase III, Phase IV or emergency declaration. The following measures shall remain in effect during a Phase I Water Shortage unless otherwise provided in an order implementing a Phase I Water Shortage. Upon declaration of a Phase I Water Shortage, the District will provide notice to affected local governments and Permittees about current conditions and weather predications, and those restrictions and other response mechanisms set forth below and any other response mechanisms that are in effect for the Phase I Water Shortage. Except as set forth in this Rule 40D-21.621, F.A.C., lawn irrigation and other uses of water remain subject to applicable provisions of Chapter 40D-22, F.A.C. (the District's Year-Round Water Conservation Measures) and any applicable variances thereto issued by the District.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips about how to prevent wasteful and unnecessary Indoor Use through the use of water

conserving measures and devices. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing shall not be restricted. ~~Each~~ However, each fire hydrant testing agency, whether a local government unit or other entity, department shall review and update existing procedures or develop procedures processes through which it can address inquiries from the District and citizens about specific testing activity, so that citizens will understand that some fire hydrant testing is necessary to protect human health, safety and welfare. At a minimum, these procedures shall include either the use of an on-site sign containing the name and telephone number of the hydrant testing agency or the establishment and promotion of a telephone number of a hotline that the District and citizens can call to question testing activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. ~~Each fire fighting agency shall, and each local government shall direct its~~ However, each fire department to, review and revise as necessary its inventory of primary and other fire fighting agency should identify back-up water sources in anticipation of drought conditions that could result in the loss of primary sources, especially in areas where potable water is not available for fire fighting purposes.

3. Maintenance of fire fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of, including fire engines, law enforcement vehicles and other emergency Mobile Equipment shall not be restricted, except as provided in subsection 40D-21.601(4), F.A.C. This maintenance specifically requires includes the use of a trigger (self-canceling) nozzle when a on any garden-type hose is used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

4. ~~The notice specified in subsection 40D-21.275(4), F.A.C., that is sent to fire and rescue officials will summarize the requirements listed above.~~

(b) Water Utility Use.

The following water use restrictions or other required actions shall apply to all Water Utility Uses, as indicated local government and nongovernmental water utilities:

1. ~~Any water utility governed by a District approved WSMP pursuant to Rule 40D-22.441, F.A.C., shall prepare to activate applicable provisions.~~

1.2. Each public supply water system with residential, commercial, industrial, or irrigation customers, working with As appropriate, given its staff resources and its relationship to local code enforcement and local law enforcement agencies as necessary, each water utility shall review and update or

develop, then implement, local enforcement procedures for year-round water conservation measures and Water Shortage restrictions. This shall specifically include, including but not limited to mechanisms to provide the enforcement assistance required by subparagraph 40D-21.621(3)(b)2., F.A.C., in accordance with Section 373.609, F.S. a mechanism for notifying the District of possible violations involving a Permittee. These procedures shall also specifically include an ability to issue a citation without first needing to issue a warning, should the District declare a Phase III or Phase IV water shortage. If the water utility is a nongovernmental entity, or if a governmental agency other than the water utility has responsibility for enforcement of year-round water conservation measures and the District's Water Shortage orders, the procedures shall, at a minimum, specifically include a mechanism for the public supply water system to coordinate coordination with the applicable local enforcement agency to provide the required assistance.

2. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency, the following enforcement assistance to the District:

a. Immediate information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

b. Response, as appropriate based on the quantity and quality of details provided to the water utility, to enforcement referrals made by the District regarding address-specific or location specific violation complaints. This shall involve, where necessary, a site investigation on the day of week and at the time of day indicated for each referral. This shall also include having the legal mechanisms necessary to issue warnings, citations, and post-citation proceedings to recover unpaid penalties and associated costs.

c. Excluding Small Water Utilities, monthly transmittal of enforcement activity data, including the number of warnings and citations issued, and as specified in the water shortage order in a reporting format provided by District.

d. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

3. Each public supply water system shall institute or accelerate other water conservation efforts which can help manage demand during the Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities), informing those customers about the current Water Shortage declaration, describing how the water utility's primary and back-up water supplies are affected, and promoting any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation

inspections) that will assist customers in their efforts to immediately reduce water consumption. If a water supply authority or other public supply water system serves only wholesale users (other water utilities), then communication with all wholesale users satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Water utility operational practices. At a minimum, these practices shall address line flushing and disinfection.

~~3-~~ Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall not be restricted. However, each water utility shall develop and implement procedures processes through which it can address inquiries from the District and citizens about specific flushing and disinfection activity, so that citizens will understand that some flushing is necessary to protect human health, safety and welfare. At a minimum, these procedures shall include the use of either an on-site sign containing the name and telephone number of the agency conducting the flushing activity or establishment and promotion of a telephone hotline that customers and other concerned citizens can call to question activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a sign. If the water utility is also responsible for fire hydrant testing, these processes will also satisfy the requirement in paragraph 40D-21.621(3)(a), F.A.C.

4. The notice specified in subsection Rules 40D-21.275(3)(2) and (4), F.A.C., that is sent to local elected officials and public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use.

~~1-~~ The use of water for medical purposes and shall not be restricted.

~~2-~~ Other uses necessary for the protection of public health, safety and welfare shall not be restricted.

(4) through (5) No change.

(6) Landscape Use.

(a) No change.

(b) Lawn and Landscaping, Golf Course, Driving Range and Other Athletic Play Area use shall continue to comply with all applicable provisions of Chapter 40D-22, F.A.C. These provisions include an establishment period of allowable extra water applications for new plant material and a separate day-of-week exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

(c) Each property owner or manager shall voluntarily reduce water use and prepare for possible worsening conditions.

~~(d)(e)~~ No change.

(7) Other Uses.

(a) No change.

(b) The following restrictions on water use shall apply to each other water use activity, as appropriate:

1. through 2. No change.

3. Water use necessary essential to the activity, such as rinsing as part of the process of Mobile Equipment cleaning is restricted only as provided in Rule subsection 40D-21.601(2), F.A.C. For example, this means that rinsing is allowed if done with the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, _____.

40D-21.631 Phase II: Severe Water Shortage.

(1) A Phase II Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have moderately abnormal values, or a local Drought Indicator for a specific public supply has a severely abnormal value, such that conditions warrant prudent actions to further assure that only reasonable water uses occur are occurring in the affected area. The following shall be in effect during a Phase II Water Shortage unless otherwise provided in the order implementing a Phase II Water Shortage. Prudent actions include the use of temporary restrictions in addition to those imposed during a Phase I event, such as a stricter “time of day” limitation on lawn watering. The Board will request a 5% voluntary reduction in all water use, including reclaimed water blends. Notice of a declaration of a Phase II Water Shortage will include the restrictions and other response mechanisms set forth below and any other response mechanisms that are in effect for the Phase II Water Shortage.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips about how to prevent wasteful and unnecessary Indoor Use through the use of water conserving measures and devices. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing is allowed for the protection of human health, safety and welfare. Each hydrant testing agency, whether a local government fire department or other fire protection unit or an independent entity, shall implement procedures processes through which it addresses inquiries about specific testing activity as specified in subsection 40D-21.621(3), F.A.C. At a minimum, these processes shall include the use of an on-site sign containing the name and telephone number of the fire protection unit conducting the testing activity. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. However, each ~~fire department or other fire-fighting agency shall~~ and each local government shall direct its fire department to review and revise, as necessary, its list of primary and back-up water sources, especially in areas where potable water is not available for fire-fighting purposes.

3. Maintenance of fire fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of, including fire engines, law enforcement vehicles and other emergency Mobile Equipment, is allowed as needed. ~~shall not be restricted, except as provided in subsection 40D-21.601(2), F.A.C.~~ This maintenance specifically requires ~~includes~~ the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

4. ~~The notice specified in subsection 40D-21.275(4), F.A.C., that is sent to fire and rescue officials will summarize the requirements listed above.~~

(b) Water Utility Use.

The following water use restrictions and other required actions response mechanisms shall apply to all Water Utility Uses water utilities, as indicated appropriate:

1. Any water utility governed by a District approved WSMP shall activate applicable provisions.

1.2. Each public supply water system with residential, commercial, industrial or irrigation customers ~~At a minimum, unless otherwise specified in the applicable District approved WSMP, each utility shall provide, directly or through the applicable appropriate local enforcement agency, the following:~~

a. Continued implementation of the enforcement procedures and enforcement assistance specified in paragraph 40D-21.621(3)(b), F.A.C.

b.a. ~~Response, as appropriate based on the quantity and quality of details provided needed, to violation complaints made by concerned citizens in addition to enforcement referrals made by the District as specified in paragraph 40D-21.621(3)(b), F.A.C. This shall involve, where necessary, a site investigation on the day of the week and the time of day indicated on the violation complaints forwarded with an enforcement referral.~~

c.b. ~~Information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations;~~

d.e. Excluding Small Water Utilities, monthly ~~Monthly~~ transmittal of local enforcement data, including the (number of warnings and citations issued, and as specified in the water shortage order in a report format provided by the District, plus details regarding the status of any complaint referral made by the District) to the District, directly or via the water utility's Regional Authority of which it is a member; and

~~e.d. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, Annual and as needed transmittal of current contact information for the District's use in providing enforcement complaint referrals and soliciting required enforcement data made by the District.~~

3. ~~Water utilities shall augment the District's messaging efforts by disseminating pertinent water conservation and demand management information. At a minimum, each utility shall inform its customers about the Phase II Water Shortage declaration, including how their primary and back up water supplies could be affected and any ongoing local water conservation projects, such as rebate or inspections offered by the utility, that may assist its customers in their efforts to immediately reduce water consumption.~~

2.4. Each public supply water system ~~Water utilities~~ shall institute or accelerate system-level water conservation measures which can help manage demand during a Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities). This messaging shall inform customers about the current Water Shortage declaration, describe how the water utility's primary and back-up water supplies are affected by the declaration and the resource or supply conditions that lead to the declaration, and promote any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that would assist customers in their efforts to immediately reduce water consumption. If a public water supply system is a wholesale-only system, then communication with all of its wholesale users (other water utilities) satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Review and refinement, as necessary, of water utility operational practices regarding water pressure and line flushing to identify and implement any opportunities which would reduce water demand without causing adverse impact to public health, welfare and safety. With regards to line flushing, this shall include taking the actions described in sub-subparagraph 40D-21.621(3)(b)3.b., F.A.C. At a minimum, each utility, or its contractor shall conduct a water audit pursuant to AWWA standards and implement appropriate remedial actions if the water audit identifies greater than 12% unaccounted water. If a water utility has conducted a water audit in the past two years to comply with a Water Use Permit requirement or previous Water Shortage declaration, an additional water audit is not necessary. However, the water utility must continue to implement any specified remedial actions. If a water utility has not conducted a water audit in the past two years, it must complete one within 90 days of the Phase II Water Shortage declaration and then produce a copy of the audit report, including any required remedial action implementation schedule, upon the District's request.

~~5. Potable water, sanitary sewer and reclaimed water line flushing and disinfection is allowed for the protection of human health, safety and welfare. Each water utility shall implement processes through which it addresses inquiries about specific line flushing activity. At a minimum, these processes shall include the use of either an on-site sign containing the name and telephone number of the agency conducting the flushing activity or establishment and promotion of a hotline that customers and other concerned citizens can call to question activity at a specific location. A marked vehicle remaining on site during the activity may be used in lieu of a free-standing sign.~~

~~3.6. The notice specified in subsection 40D-21.275(2), F.A.C., that is sent to public supply Permittees will summarize the requirements listed in sub-subparagraph 40D-21.631(3)(b)1.-2., F.A.C., above.~~

~~(c) Medical and Health Use.~~

~~1. The use of water for medical purposes and shall not be restricted.~~

~~2. Other uses necessary for the protection of public health, safety and welfare shall not be restricted.~~

~~(4) Commercial and Industrial.~~

~~The following restrictions and other required actions response mechanisms shall apply to all each commercial and industrial activities use, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.~~

~~(a) No change.~~

~~(b) Each user whose use is not governed by a Water Use Permit shall implement the following demand management measures as appropriate:~~

~~1. through 6. No change.~~

~~7. Water use necessary essential to the activity, such as that consumed in a manufacturing process, shall not be otherwise restricted.~~

~~(5) Agricultural Use.~~

~~The following restrictions and other required actions response mechanisms shall apply to all agricultural activities, as appropriate. Whether or not a agricultural water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.~~

~~(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those This specifically includes, for those Permittees located within the Southern Water Use Caution Area, with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.~~

~~(b) No change.~~

~~(c) All other users not governed by paragraph 40D-21.631(5)(a) or (b), F.A.C., a Water Use Permit shall implement the following demand management measures, as appropriate:~~

~~1. through 6. No change.~~

~~7. Water use necessary essential to the activity, such as irrigation of crops or maintenance of livestock, shall not be otherwise restricted.~~

~~(6) Landscape Use.~~

~~(a) Golf Courses and Driving Ranges~~

~~The following restrictions and other required actions response mechanisms shall apply to all Golf Course Courses and Driving Range athletic play area activities activities, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.~~

~~1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those This specifically includes, for those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.~~

~~2.If a user is not governed by a Water Use Permit, the use shall may continue as specified in subparagraph 40D-22.201(5)(b)1., F.A.C.~~

~~3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as applicable appropriate:~~

~~a. through e. No change.~~

~~f. Limit supplemental Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8 a.m. or 6 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may continue to irrigate between during the allowable hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.;~~

g. Except as otherwise noted herein, ~~all irrigation shall~~ continue to comply with all applicable provisions and exemptions in Chapter 40D-22, F.A.C. Exemptions These exemptions include irrigation allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas.

The following water use restrictions and other required actions response mechanisms shall apply to all Athletic Play Areas, other than Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those This specifically includes for those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as applicable appropriate:

a. through e. No change.

f. Limit supplemental Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8 a.m. or 6 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may ~~continue to irrigate~~ between during the allowable hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.;

g. No change.

(c) Lawns and Landscaping Use, including Cemeteries

The following restrictions and other required actions response mechanisms shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those This specifically includes for those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. All ~~other~~ Lawn and Landscaping use shall comply with implement the following demand management measures, as applicable appropriate:

a. Limit Supplemental Irrigation Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times for properties less than two acres in size. Properties two acres or greater may continue to irrigate during the allowable hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

b. During the months of March through November, limit Supplemental Irrigation applications to a maximum of two applications per week, in accordance with the schedule provided in subsection 40D-22.201(4), F.A.C. However, during During the months of December, January and February, limit Supplemental Irrigation to a maximum of one application lawn watering shall be reduced to one application per week, if needed, in accordance with the following schedule:

i. Addresses ~~with a house number~~ ending in 0 or 1 shall may only water on Monday.;

ii. Addresses ending with a 2 or 3, on Tuesday.;

iii. Addresses ending with a 4 or 5, on Wednesday.;

iv. Addresses ending with a 6 or 7, on Thursday.;

v. Addresses ending with an 8 or 9 and locations with a mix of addresses or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.;

vi. Cemeteries and other properties greater than two acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or pursuant to a valid variance from Chapter 40D-22, F.A.C., shall may only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a "Tuesday and/or Friday" ~~"Monday and Thursday"~~ schedule shall may only water on Tuesday Monday.

c. Reduce off-site discharge to the extent practicable.

d. Recycle water to the extent practicable.

e. Maximize the use of the least restricted Source Class to which there is access.

f. If core aerification or Vertical Mowing (also sometimes referred to as verticutting) as defined in Rule 40D-22.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(f), F.A.C.

g. If Spot Treatment as defined in Rule 40D-21.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(e), F.A.C., during the months of March through November. During these nine months, the extra watering may occur on any day of the week. However, during the other three months of the year (December, January and February), this extra watering shall be limited to only the three specified days of the week. The three allowable days of the week for Even addresses are Tuesday, Thursday and Sunday. The three allowable days of the week for Odd addresses are Monday, Wednesday and Saturday. The three allowable days of the week for rights-of-way, common areas

and other locations without any discernable address are Sunday, Tuesday and Friday. Cemeteries or other properties two acres in size or larger may instead maintain a written log of when this extra watering occurs. Regardless of the month involved, Spot Treatment shall only be accomplished during the allowable irrigation hours specified by the Water Shortage declaration.

h. Except as otherwise noted herein, comply with all applicable provisions and exemptions of Chapter 40D-22, F.A.C., including Lawn and Landscape provisions include partial exemptions for New Plant materials, Low Volume Irrigation of non lawn plant material, testing and maintenance of irrigation systems and; irrigation to water-in chemicals and spot treatment. These provisions also specifically include an establishment period exemption providing extra water applications for new plant material and a separate exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

i. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the new plant establishment period or other claimed exemption or allowance.

3. An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services — Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

(a) Except as provided below, all users engaging in Other Use shall comply with applicable provisions of Chapter 40D-22, F.A.C., and implement the following demand management measures, as appropriate:

1. through 3. No change.

4. Reduce unnecessary non-essential uses to the extent practicable.

(b) Cooling, Heating and Air Conditioning Use.

1. The use of water in a cooling tower or other water dependent cooling, heating or air conditioning system shall be restricted to that amount of water necessary to maintain an appropriate temperature for the associated activity.

2. Discharge of water from cooling, heating or air conditioning systems shall be to pervious surfaces where economically feasible and environmentally appropriate. If said discharge must be sent to an impervious surface or is disposed of through an irrigation system, the user is encouraged to register the physical location with the District's Demand Management staff in order to circumvent compliance actions that could otherwise be triggered.

(b)(e) Aesthetic Use (fountains, waterfalls and other artistic water features).

1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.

2. If an aesthetic use involves a pond or other catchment area with a volume of 100 gallons or less or meets one of the following criteria, it may be operated as necessary:

a. The feature provides necessary aeration for pet fish, such as in a koi pond.

b. The feature is an integral part of the circulation system for a swimming pool.

c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intracoastal water, air conditioning condensate or other byproducts of an allowable activity.

3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.

4. All other outdoor aesthetic uses shall be limited to eight hours a day, and the user shall select and post the normal hours of operation for the aesthetic use.

(c)(d) Recreation Area Use.

1. No change.

2. Commercial and institutional users of water for recreational purposes shall comply with subsection 40D-21.631(4), F.A.C.

3. No change.

(d)(e) No change.

(e)(f) Washing or cleaning of buildings, structures and outdoor impervious surfaces.

1. Annual Pressure Washing for aesthetic purposes is allowed.

2.1. Pressure Washing of buildings or other structures in preparation for painting, sealing or other necessary maintenance and as a construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

3.2. Annual Pressure Washing buildings, other structures, driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as part of a planned maintenance program to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower) and as a construction practice (such as cleaning a concrete surface prior to painting or sealing) prevent a "slip

~~and fall” hazard is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.~~

~~4.3. Washing or cleaning streets in preparation of, or immediately after, a parade or other public event is allowed.~~

~~5.4. Washing or other water-based cleaning of streets or other impervious surfaces, other than that described above, shall be prohibited, except to meet federal, state, or local health or safety standards. These standards specifically allow for required dust control.~~

~~(f)(g) Mobile Equipment Washing.~~

~~1. through 2. No change.~~

~~3. Washing of fire trucks and other emergency vehicles, including ambulances and law enforcement vehicles, shall comply with subparagraph 40D-21.631(3)(a)3., F.A.C.~~

~~4. through 5. No change.~~

~~6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week At a residential property, this activity shall only occur on the allowable watering day for the address at which the activity occurs Tuesday or Saturday for an Even Address and only Wednesday or Sunday for an Odd Address.~~

~~(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.~~

~~Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History–New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06.~~

40D-21.641 Phase III: Extreme Water Shortage.

(1) A Phase III Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have severely abnormal values, or a local Drought Indicator for a specific public supply has an extremely abnormal value, such that conditions warrant temporary minimization of unnecessary nonessential water use and/or preparation for supply augmentation. The following measures shall be in effect during a Phase III Water Shortage unless otherwise provided in the order implementing a Phase III Water Shortage. The Governing Board will request a 10% voluntary reduction in all water use, including reclaimed water blends. Notice of a declaration of a Phase III Water Shortage will include those response mechanisms set forth below and any other response mechanisms, that are in effect for the Phase III Water Shortage.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips about how to prevent wasteful and unnecessary Indoor Use through the use of water conserving measures and devices. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Each fire hydrant testing agency, whether a local government department or other fire suppression unit or an independent entity, shall implement or continue to implement provisions of Rule 40D-21.631(3)(a)1., F.A.C., except that fire hydrant testing shall be is limited to only activities that conducted by fire service personnel, water utility personnel or and vendors as authorized by Chapter 633, F.S., that the applicable fire service or water utility department has approved authorized to conduct that activity during the specific Water Shortage declaration event.

2. Each fire – fighting agency shall and each local government shall direct its fire department review and revise its list of primary and back-up sources. This review and revision process should involve, as necessary, or other fire suppression unit is encouraged to work with District staff to proactively locate potential back-up sources, such as existing permitted supplies, especially in areas where potable water is not available for fire fighting.

3. The notice specified in subsection 40D-21.275(4), F.A.C., that is sent to fire and rescue officials will summarize the requirements listed above.

(b) Water Utility Use.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other required actions response mechanisms shall apply to all Water Utility Uses water utilities, as appropriate:

1. Any water utility governed by a District approved WSMP shall activate applicable provisions.

2. Water utilities shall keep the District informed of the status of their potable water and reclaimed water systems to help the District detect regional trends, provide accurate information to the media and the general public and offer assistance in localized water supply problems. At a minimum, unless otherwise specified in the applicable District approved Water Shortage Mitigation Plan, each water utility shall provide:

a. A report to the District’s Demand Management staff regarding the status of its potable water and reclaimed water systems. This report shall be provided within 30 days of the effective date of a Phase III Water Shortage order. It should be concise, focusing on any current or anticipated shortage related challenges, such as distribution pressure problems, quantity or quality concerns about primary and back up supplies and

~~planned strategies for additional demand management and/or supply supplementation in the event that the drought continues or worsens.~~

~~b. Regular status updates to the District's Demand Management staff. These updates may be brief and verbal instead of written. Unless another reporting frequency is needed for statewide coordination purposes, these updates will be required on a monthly basis.~~

~~e. Updates to District's Demand Management staff on a more frequent basis when there is a major or sudden change in status.~~

~~1.3. Plan Water utilities shall plan for supply supplementation or replacement of primary potable water supplies, including coordination with any applicable regional water supply authority or other public water supply system and coordination with District staff to request any appropriate emergency order.~~

~~2.4. Each public supply water system, except wholesale-only systems, shall At a minimum, unless otherwise specified in the applicable District approved Water Shortage Mitigation Plan, each water utility should provide, directly or through the appropriate local agency, the following enforcement assistance:~~

~~a. Ongoing implementation of all provisions of paragraph 40D-21.631(3)(b), F.A.C., including response Response, as needed, to enforcement referrals made by the District and violation complaints made by members of the general public. This shall involve, when necessary, a site investigation on the day of the week and time of day indicated in the enforcement referrals or violation complaints.~~

~~b. Compliance monitoring, as appropriate, in portions of the service area where violation complaints or identified High-Use Single Family accounts appear to be concentrated prevalent. At a minimum, this shall include the use of either night-time enforcement patrols on at least a once-per-week basis or automatic meter reading technology to detect extra lawn watering.~~

~~c. Issuance of a citation, without needing to first issue a warning, in response to any violation that occurs more than 14 days after the effective date of a Phase III Water Shortage order declaration. Warnings are authorized in lieu of citations may still be issued if the violation is not witnessed or otherwise confirmed by the local enforcement agency's employee or authorized agent, or if the local enforcement agency determines that there are involves extenuating circumstances which warrant a one-time forbearance.~~

~~d. Implementation or continued implementation of all provisions specified in sub-subparagraph 40D-21.631(3)(b)2.b., e. and d., F.A.C.~~

3. Within 30 days of the Water Shortage declaration and then each subsequent month during which the declaration remains in effect, each water utility shall provide a concise monthly system status report to the District. This report shall include the following:

a. Excluding Small Water Utilities and water supply authorities or other public supply water systems that serve only wholesale users (other water utilities), enforcement activity information required by subparagraph 40D-21.641(3)(b)2., F.A.C.

b. A quantified summary of customer communication and other water conservation efforts conducted in accordance with subparagraph 40D-21.641(3)(b)4., F.A.C.

c. Notify the District within 24 hours if the public supply water system experiences a sudden loss of its primary water supply or other significant change in system status.

4. Each public supply water system shall institute or accelerate system-level water conservation measures which can help manage demand during the Water Shortage declaration. These efforts shall include:

a. Continue to provide the customer messaging specified in sub-subparagraph 40D-21.631(3)(b)2.a., F.A.C.

b. Address water pressure and line flushing as described in sub-subparagraph 40D-21.631(3)(b)2.b., F.A.C., and any other operational practices identified by the water utility which can be modified during the Water Shortage declaration to reduce water demand without causing adverse impact to public health, welfare and safety.

5. Water utilities shall augment the District's messaging efforts by disseminating pertinent water conservation and demand management information. At a minimum, each utility shall inform its customers about the Phase III Water Shortage declaration, including how their primary and back-up water supplies could be affected and any ongoing local water conservation projects, such as rebate or inspections offered by the water utility that may assist its customers in their efforts to immediately reduce water consumption.

6. Water utilities shall institute or continue to institute system-level water conservation measures as specified in paragraph 40D-21.631(3)(b), (4), F.A.C.

7. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall be limited to the minimum required for the protection of human health, safety and welfare. Each utility shall implement or continue to implement the inquiry processes specified in paragraph 40D-21.631(3)(b), (5), F.A.C., and shall limit the use of unattended manual flushing as a means of minimizing inquiries and maximizing potential water savings.

5.8. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to the public supply Permittees will summarize the requirements listed in paragraph 40D-21.641(3)(b), F.A.C. above. Although it is the responsibility of permittees to notify their wholesale

customers, the District will endeavor to send a copy of this notice to affected water utilities that are not permittees but are instead served by a permittee, such as the member governments of a Regional Authority.

(c) Medical and Health Use.

1. The use of water for medical purposes ~~or shall not be restricted.~~

2. ~~The use of water for the protection of public health, safety and welfare shall not be restricted.~~

(4) Commercial and Industrial Use.

In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions response mechanisms shall apply to all commercial and industrial use, as appropriate, including efforts that may go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) through (f) No change.

(g) Eliminate unnecessary non-essential uses;

(h) No change.

(i) Restaurants and other food serving establishments shall serve water only upon request.

(5) Agricultural Uses.

In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions response mechanisms shall apply to all Agricultural Use, as appropriate. Whether or not a agricultural water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those This specifically includes, for those Permittees located within the Southern Water Use Caution Area, with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) through (g) No change.

(h) Eliminate unnecessary non-essential uses;

(i) No change.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges.

In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and required actions other response mechanisms shall apply to all Golf Course Courses and Driving Range athletic play areas Ranges, including efforts that may go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

1. No change.

2. Each user whose use is governed by a Permittee shall comply with all of its Water Use Permit shall comply with all permit requirements and terms. Those This specifically includes, for those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

3. through 7. No change.

8. Eliminate unnecessary non-essential uses and take appropriate actions to avoid water use increases. This shall may include the following, as appropriate:

a. ~~Postponing any planned Turfgrass renovation for the duration of the Phase III Water Shortage declaration.~~

b. through d. renumbered a. through c. No change.

d.e. Providing information to Educating golfers and guests about the current Water Shortage declaration ongoing drought, the steps the facility is taking to reduce water use and how golfers and guests can conserve water while visiting the facility.

9. Limit Supplemental Irrigation irrigation ("normal watering") ~~shall be restricted~~ to the allowable hours of 12:01 a.m. to 8:00 p.m. or 6:00 p.m. to 11:59 p.m.

10. No change.

11. Fairways and driving range greens shall be irrigated receive supplemental irrigation no more than once per week during all months that the Water Shortage declaration is in effect during the months of December, January and February and no more than twice per week watering during the other months of the year. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

12. No change.

~~13. From days 31 through 60 of the allowable 60-day “establishment period” exemption provided in Chapter 40D-22, F.A.C., irrigation of New Plant Material may only occur on three days each week.~~

~~13. Limit New Plant Establishment as follows:~~

~~a. A 60-day establishment period is applicable as set forth in b.-d. below.~~

~~b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.~~

~~c. On days 31-60, irrigation of the New Plant Material shall occur only on three days a week. Maintain a written schedule of establishment period watering.~~

~~d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.~~

14. Except as otherwise provided ~~noted~~ herein, all irrigation and Other Uses shall comply with the applicable exemptions in Chapter 40D-22, F.A.C. Exemptions; ~~shall continue to~~ include allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas.

In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions ~~response mechanisms~~ shall apply to all Athletic Play Areas, except Golf Courses and Driving Ranges, as appropriate. ~~Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.~~

1. No change.

2. Each user whose use is governed by a Permittee shall comply with all of its Water Use Permit shall comply with all permit requirements and terms. ~~Those~~ This specifically includes, for those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend “Water Conservation Credits” shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.;

3. through 7. No change.

8. Eliminate unnecessary non-essential uses and take appropriate actions to avoid water use increases. This includes ~~may include~~ the following, as appropriate:

~~a. Postponing any planned Turfgrass renovation for the duration of the Phase III Water Shortage declaration.~~

~~a.b.~~ Reducing wear on athletic fields as practical.

~~b.e.~~ Modifying nutritional, soil amendment and mowing practices to minimize water stress.

~~c.d.~~ Providing information to ~~Educating~~ players and guests about the current Water Shortage declaration ~~ongoing drought~~, the steps that the facility is taking to reduce water use and how players and guests can conserve water while visiting the facility;

9. Limit Supplemental Irrigation (“normal watering”) ~~irrigation shall be restricted~~ to the allowable hours of 12:01 a.m. to 8:00 p.m. or 6:00 p.m. to 11:59 p.m.;

10. Turfgrass fields shall be irrigated ~~receive supplemental irrigation~~ no more than once per week during all months that the Water Shortage declaration is in effect. ~~during the months of December, January and February and no more than twice per week watering during the other months of the year;~~ A facility that cannot accomplish its normally scheduled supplemental irrigation on the Lawn and Landscape watering day designated by paragraph 40D-21.641(6)(c), F.A.C., may submit its alternative irrigation schedule to the District as a petition for variance from the order declaring the current Water Shortage.

11. Limit New Plant Establishment as follows: ~~From days 31 through 60 of the allowable 60-day “establishment period” exemption provided in Chapter 40D-22, F.A.C., irrigation of New Plant Material may only occur on three days each week.~~

~~a. A 60-day establishment period is applicable as set forth in b.-d. below.~~

~~b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.~~

~~c. On days 31-60, irrigation of the New Plant Material shall occur only on three days a week. Maintain a written schedule of establishment period watering.~~

~~d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.~~

12. Except as otherwise provided ~~noted~~ herein, all irrigation and Other Uses shall comply with the applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions continue to specifically include allowances for: ~~allowances for~~ plant protection of Turfgrass athletic fields, wetting of clay tennis courts and similar surfaces immediately prior to play, and one extra irrigation application immediately after heavy play to encourage athletic field Turfgrass repair ~~and, under certain circumstances, the ability to have a special watering schedule without applying for a variance.~~

(c) Lawn and Landscaping Use, including Cemeteries:

In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions ~~response mechanisms~~ shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services — Bureau of Cemetery Services and will include a summary of the requirements listed below.

~~1.2.~~ Each Permittee shall comply with all of its Water Use Permit requirements and terms. ~~Those~~ ~~This~~ ~~specifically~~ ~~includes~~ ~~for~~ ~~those~~ Permittees located within the Southern Water Use Caution Area with the ability to earn and expend “Water Conservation Credits” shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

~~2.3.~~ Eliminate off-site discharge to the extent practicable.;

~~3.4.~~ Recycle water to the extent practicable.;

~~4.5.~~ Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.;

~~5.6.~~ Suspend the washing of lawn mowers and other mobile equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as the spread of Turfgrass disease.

~~6.7.~~ Maximize the use of the least restricted Source Class to which there is access.

~~7.8.~~ Eliminate unnecessary ~~non-essential~~ uses and take appropriate actions to avoid water use increases. ~~This specifically includes postponing any planned Turfgrass renovation for the duration of the Phase III Water Shortage declaration. Other potential actions may include, but are not limited to modifying nutritional, soil amendment and mowing practices to minimize water stress.~~

~~8.9.~~ Limit New Plant Establishment as follows:

a. A 60-day establishment period is applicable as set forth in b.-d. below.

b. On days 1-30, the New Plant Material may be irrigated any day of the week as needed.

c. On days 31-60, irrigation of the New Plant Material shall occur only From days 31 through 60 of the allowable 60-day “establishment period” exemption, irrigation of New Plant Material may only occur on three days a week. During this portion of the “establishment period” exemption.;

i. Even Addresses shall may only water New Plant Material on Tuesday, Thursday and/or ~~Sunday~~ ~~Saturday~~ and

ii. Odd addresses shall may only water New Plant Material or ~~Monday~~, ~~Wednesday~~, ~~Friday~~ and/or ~~Saturday~~ ~~Sunday~~.

iii. Rights-of-way, common areas and other locations without discernable addresses shall only water New Plant Material on ~~Sunday~~, ~~Tuesday~~ and/or ~~Friday~~.

iv. Cemeteries and other properties two acres in size or larger may instead maintain a written schedule of establishment period watering.

d. Except for the day of installation and sprig propagation, this extra watering must only occur during the allowable hours of the day.

e. The irrigation of any non-lawn plant material which requires frequent irrigation beyond the establishment period exemption provided in a.-d. above shall employ Low-Volume Irrigation technology.

~~9.10.~~ Limit Supplemental Irrigation (“normal watering”) irrigation to ~~for~~ ~~properties with an automatic timer or in-ground system which are less than one acre in size, may only occur during~~ the hours of 12:01 a.m. to ~~8:00~~ ~~4:00~~ a.m. or ~~6:00~~ ~~8:00~~ p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times. Properties one acre or greater in size may continue to irrigate during the allowable hours of 12:01 a.m. to 10 a.m. or 4 p.m. to 11:59 p.m. Each property under two acres in size may only use one of its two allowable time periods, and each water utility may designate which of these time periods their customers shall use.

~~10.11.~~ Supplemental irrigation accomplished by microirrigation, handwatering or other low volume technology; ~~or by manual means (handwatering or irrigation that does not involve the use of an automatic timer or in-ground system); may shall~~ only occur during the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

~~11.12.~~ Limit Supplemental Irrigation (“normal watering”) During the months of December, January and February, lawn watering shall be reduced to a maximum of only one application per week during all months that the Water Shortage declaration is in effect. This Unless otherwise specified by the water provider in an alternative schedule approved by the District in a Water Shortage Mitigation Plan as an event specific variance, this watering shall be in accordance with the following schedule:

a. Addresses with a “house number” ending in 0 or 1 may water on Monday.;

b. Addresses ending with a 2 or 3, on Tuesday.;

c. Addresses ending with a 4 or 5, on Wednesday.;

d. Addresses ending with a 6 or 7, on Thursday.;

e. Addresses ending with an 8 or 9 and locations with a mix of addresses, or for which an address cannot be determined (such as common areas associated with a subdivision), on ~~of~~ ~~Friday~~.; ~~and~~

f. Cemeteries and other properties greater than 2 acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or properties regardless of size that have a special irrigation schedule pursuant to provisions of a variance from Chapter 40D-22, F.A.C., shall may only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a “Monday and Thursday” schedule shall may only water on Monday.;

g. This one application per week limitation does not apply to the use of microirrigation, handwatering or other low volume technology when used to water flower beds, shrubs or other non-turfgrass plant material.

12. If core aeration or Vertical Mowing (also sometimes referred to as verticutting) is conducted, follow the applicable watering schedule. The extra watering allowance for such activity normally provided in paragraph 40D-22.201(3)(f), F.A.C., is not applicable.

13. If Spot Treatment or Syringing is conducted, follow the applicable water schedule. The extra watering allowance normally provided for in paragraph 40D-22.201(3)(e), F.A.C., is not applicable. ~~When the once-per-week Lawn watering schedule is applicable, spot treatment shall only be allowed on the normally allowable watering day and Saturday (for Even Addresses only) or Sunday (for Odd Addresses only).~~

14. No change.

15. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the New Plant Establishment period or other claimed exemption.

(7) Other Uses.

(a) In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions ~~response mechanisms~~ shall apply to all other use, as appropriate:

1. through 5. No change.

6. Eliminate unnecessary non-essential uses and take appropriate actions to avoid water use increases.;

~~(b) Cooling, heating and air conditioning use shall comply with paragraph 40D-21.631(7)(b), F.A.C.~~

~~(b)(e) Aesthetic use. Aesthetic use includes the use of water in fountains, waterfalls and other artistic water features; for example water fountains, waterfalls and other artistic water features with recirculation systems, shall be limited to operating eight hours a day and the user shall post the normal hours of operation.~~

1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.

2. If an aesthetic use either involves a pond or other catchment area with a volume of less than 100 gallons or meets one of the following criteria, it may be operated as necessary:

a. The feature provides necessary aeration for pet fish, such as in a koi pond.

b. The feature is an integral part of the circulation system for a swimming pool.

c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intercoastal water, air conditioning condensate or other byproducts of an allowable activity.

3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C.. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.

4. All other aesthetic uses shall be limited to four hours a day, and the user shall select and post the normal hours of operation.

~~(c)(d) Recreation use shall comply with subsection 40D-21.631(7)(d), F.A.C.~~

~~(d)(e) Water Body Augmentation:~~

1. Augmentation shall be limited to those circumstances indicated in subsection 40D-21.631(7)(e)1., 2. and 3., F.A.C.

2. Other augmentation, including augmentation of those water bodies for which the District has established minimum levels or guidance levels, is prohibited unless part of a District-authorized minimum flow or level recovery strategy; except in accordance with Chapter 40D-80, F.A.C.

~~(e)(f) Washing or cleaning of buildings, structures and outdoor impervious surfaces:~~

1. Annual Pressure Washing for aesthetic purposes is prohibited.

~~2.1. Pressure Washing of buildings or other structures in preparation for painting, sealing or and other necessary maintenance and as a construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.~~

3. Pressure Washing of driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower), and as a construction practice (such as cleaning a concrete surface prior to painting or sealing). Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

~~4.2. All other washing or cleaning of impervious surfaces or structures shall be prohibited, except to meet federal, state or local health or safety standards. These standards specifically allow for required dust control.~~

~~(f)(g) Mobile Equipment washing:~~

1. through 5. No change.

6. The washing of fire engines and other emergency Mobile Equipment, such as ambulances and law enforcement vehicles, remains subject to subparagraph 40D-21.631(3)(a)3., F.A.C.

~~7.6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week shall At a residential property, this activity may only occur on the allowable lawn watering day associated with the address at which the activity occurs Tuesday or Saturday for an Even Address, or Wednesday or Sunday for an Odd Address.~~

~~(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, _____.

40D-21.651 Phase IV: Critical Water Shortage.

(1) A Phase IV Water Shortage is a hydrologic or climatic condition where multiple regional Drought Indicators have extremely abnormal values, or the local Drought Indicator for a specific public supply has a critically abnormal value, such that conditions warrant the temporary suspension of nonessential use and/or initiation of supply augmentation. The following measures shall be in effect during a Phase IV declaration unless otherwise provided in the order implementing a Phase IV Water Shortage. The Governing Board will request a 20% voluntary reduction in all water use, including reclaimed water blends. Notice of a declaration of a Phase IV Water Shortage will include those restrictions and other response mechanisms set forth below and any other response mechanisms that are in effect for the Phase IV Water Shortage.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips about how to prevent wasteful and unnecessary Indoor Use through the use of water conserving measures and devices. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Uses.

(a) Fire Fighting, Other First-Responder Activities, Health and Medical water uses shall be subject to Rule 40D-21.641(3)(a) and (c), F.A.C. ~~The notice specified in Rule 40D-21.275(5), F.A.C., that is sent to fire and rescue officials will summarize these requirements.~~

(b) Water Utility Use.

~~1. The notice sent in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected public supply Permittees.~~

~~Although it is the responsibility of permittees to notify their wholesale customers, the District will endeavor to send a copy of this notice to affected water utilities that are not permittees but are instead served by a permittee, such as the member governments of a Regional Authority.~~

~~2. Water Utility Uses utility use shall be subject to paragraph 40D-21.641(3)(b), F.A.C., with the following modifications;:~~

~~1.a. If specifically Ordered by District, increase the frequency of system status reports or transmittal of demand data. Regular status updates shall be required on a weekly basis.~~

~~2.b. Immediately Water utilities shall promptly notify the District's applicable Regulation Department and Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.~~

~~3. Identify, based on the water utility's customer demographics and system characteristics, and implement additional means by which the water utility will temporarily maintain or reduce system demand during the Water Shortage declaration. This requirement shall include listing and quantifying the implementation of these additional means on each system status report.~~

~~4.e. Except for wholesale-only systems, take Water utilities shall participate in Water Shortage restriction enforcement as described in Rule 40D-21.641(3)(b)4, F.A.C., and take the following additional enforcement assistance steps actions when necessary to protect public health, safety and welfare:~~

~~a.i. Place temporary Temporary limits to potable water service, or augmented reclaimed water service, in response to a location-specific request from the District to remedy a violation of this Chapter that the District has determined is causing, or likely to cause, a public health hazard or property damage. These limits do not necessarily involve suspension of service; however, at a minimum, such limits shall involve constraining the user to, but may include utilization of a regulator valve or other means by which the user can be constrained to the amount of water necessary for reasonable Indoor Uses or assessing the user a punitive surcharge for any amount of water beyond that necessary for reasonable Indoor Uses Use. During a Phase IV Water Shortage, repetitive Water Shortage restriction violations may constitute a public health hazard. The applicable public supply water system water utility shall determine the limitation method and may consider any reasonable mitigating circumstances when determining what constitutes reasonable Indoor Uses for a specific customer, such as the number of persons in the household or medical needs.~~

~~b.ii. Coordinate with local code enforcement officials to advocate temporary Temporary waivers, or other means of deferring the enforcement of local code violations, until after~~

the Phase IV Water Shortage declaration has been rescinded, if enforcement would result in an increase in water use and compliance is not immediately required to protect public health, safety and welfare.

~~iii. Conditional certificates of occupancy, or some other action resulting in the temporary waiver or deferral of specific requirements normally associated with issuing a certificate of occupancy, such that installation of the Lawn or Landscaping normally required for a new or substantially rehabilitated building can be delayed until after the Phase IV Water Shortage declaration has been rescinded.~~

~~iv. Temporary suspension of the practice of issuing letters of commitment, or some other action resulting in the temporary deferral of new commitments to provide potable water or to augment reclaimed water, such that significant additional customers are not added to the system until after the Phase IV Water Shortage declaration has been rescinded.~~

(4) Commercial and Industrial Use.

~~(a) The notice in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected commercial and industrial Water Use Permit. The notice will summarize the requirements listed below.~~

~~(b) The water use restrictions and other required actions Restrictions and other response mechanisms specified in subsection 40D-21.641(4), F.A.C., shall apply, with the following modifications:~~

~~1. Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency. Local offices of banks and other entities offering home loans or mortgage services shall notify the District if they will not enter into new agreements with properties affected by sub-paragraph 40D-21.651(2)(b)2.e.ii or iii, F.A.C.~~

~~2. Users shall, if specifically Ordered by upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.~~

~~3. Users shall, upon the specific request of the applicable water utility with a District approved WSMP, cease all uses of utility provided water that are not essential to public health, safety and welfare.~~

(5) Agricultural Uses:

~~(a) The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected agricultural Water Use Permit. The notice will summarize the requirements listed below.~~

~~(b) The water use restrictions and other required actions Restrictions and other response mechanisms specified in subsection 40D-21.641(5), F.A.C., shall apply, with the following modifications:~~

~~(a)1- Users that are Permittees shall promptly notify the District's Service Office and Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.~~

~~(b)2- Users shall, if specifically Ordered by upon the specific request of the District, cease all crop related uses of water that are not essential to public health, safety and welfare.~~

~~3- Users shall, upon the specific request of the applicable water utility with a District approved WSMP, cease all crop related uses of utility provided water that are not essential to public health, safety and welfare.~~

(6) Landscape Use and Driving Ranges.

(a) Golf Courses.

~~1. The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected golf course Water Use Permit. This notice will summarize the requirements listed below.~~

~~2. The water use restrictions and other required actions Restrictions and other response mechanisms specified in paragraph 40D-21.641(6)(a), F.A.C., shall apply, with the following modifications:~~

~~1.a- Watering roughs and non-play native or naturalized areas shall be prohibited.~~

~~2.b- Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.~~

c. No change.

~~3.d- Users shall, if specifically Ordered by upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.~~

~~e. Users shall, upon the specific request of the applicable water utility with a District approved WSMP, cease all uses of utility provided water that are not essential to public health, safety and welfare.~~

(b) Other Athletic Play Areas.

~~1. The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected Water Use Permit. This notice will summarize the requirements listed below.~~

~~2. The water use restrictions and other required actions Restrictions and other response mechanisms specified in paragraph 40D-21.641(6)(b), F.A.C., shall continue to apply, with the following modifications:~~

~~1.a.~~ Supplemental irrigation of Turfgrass shall only be allowed once a week, regardless of the month.

~~2.b.~~ Users that are Permittees shall promptly notify the District's Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

c. No change.

~~3.d.~~ Users shall, if specifically Ordered by upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.

~~e.~~ Users shall, upon the specific request of the applicable water utility with a District approved WSMP, cease all uses of utility provided water that are not essential to public health, safety and welfare.

(c) Lawn and Landscaping Use, including Cemeteries:

~~1.~~ The notice in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected Water Use Permit. The notice will summarize the requirements listed below. An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services — Bureau of Cemetery Services and will include a summary of the requirements listed below.

~~1.2.~~ All Lawn and Landscaping Use, including Cemeteries, shall continue to comply with applicable provisions of paragraph 40D-21.641(6)(c), F.A.C., with the following modifications:

a. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30-day period, then only two days a week during the final 15-day period as follows:

i. When "three days a week" establishment period watering is allowed ~~on properties less than one acre in size, Even Addresses shall may only water on Tuesday, Thursday and Sunday Saturday, whereas, Odd Addresses shall may only water on Monday, Wednesday, Friday and Saturday Sunday, and Rights-of-way, common areas and other locations without discernable addresses shall only water on Sunday, Tuesday and/or Friday.~~

ii. When "two days a week" establishment period watering is allowed on properties less than one acre in size, Even Addresses ~~shall may only water on Thursday and Sunday, Tuesday and Saturday, whereas, Odd Addresses shall may only water on Wednesday and Saturday Sunday, and Rights-of-way, common areas and other locations without discernable addresses shall only water on Tuesday and/or Friday.~~

iii. When "three days a week" or "two days a week" ~~establishment period watering irrigation~~ is allowed in cemeteries or on other properties one acre in size or larger, each property may instead maintain a written schedule of its establishment period watering.

~~iv.~~ Establishment period irrigation shall be applicable once for any specific area of lawn or landscape while the Water Shortage declaration is in effect.

~~v.~~ Users shall, upon the specific request of the District, provide receipts or other proof of installation date.

~~vi.~~ Users shall, upon the specific request of the District, cease all establishment period irrigation.

b. Supplemental ~~Irrigation irrigation~~ for properties with an automatic timer or in-ground system ~~shall may~~ only occur during the hours of 12:01 a.m. to 4 a.m. ~~or 8 a.m. or 8 p.m. to 11:59 p.m.~~ Any property under one acre in size may only use one of the two allowable time periods and the applicable water utility may designate which of these time periods their customers shall use.

c. Supplemental ~~Irrigation irrigation~~ accomplished by ~~hand-watering, microirrigation, handwatering~~ or other ~~Low-Volume low volume~~ technology, or by manual means only (such as an oscillating sprinkler supplied by garden hose, or an in-ground system without an automatic timer) ~~shall may~~ only occur during the hours of 4 a.m. to 8 a.m. or 6 p.m. to 10:00 p.m. Any property under one acre in size may only use one of the two allowable time periods and the applicable water utility may designate which of these time periods their customers may use.

d. Users shall, if specifically Ordered by the District, cease all Supplemental Irrigation irrigation, except as otherwise provided below, shall be limited to only one application per week during all months of the year in accordance with subparagraph 40D-21.651(6)(c)1, 641(6)(e), F.A.C.

e. Supplemental ~~Irrigation irrigation~~ of landscaping beds and other non-Lawn plant material, when accomplished by handwatering, microirrigation and other Low-Volume Irrigation methods, shall be limited to the hours specified in sub-subparagraph 40D-21.651(6)(c)1.c., F.A.C., but may continue to occur on any day of the week, if needed for a maximum of three applications per week during all months of the year.

~~i.~~ Even Addresses under one acre in size shall only ~~accomplish this irrigation on Tuesday, Thursday and/or Saturday.~~

~~ii.~~ Odd Addresses under one acre in size shall only ~~accomplish this irrigation on Wednesday, Friday and/or Sunday.~~

~~iii.~~ Properties one acre or larger in size shall maintain a written schedule of its Low Volume Irrigation.

f. If core aeration, Vertical Mowing (verticutting) and Spot Treatment treatment or Syringing syringing "hot spots" activities are conducted, follow the applicable water schedule

~~in Lawns is prohibited. The extra watering allowances normally provided for in paragraphs 40D-22.201(3)(e)-(f), F.A.C., for such activities is not applicable.~~

~~2. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the New Plant establishment period or other claimed exemption.~~

~~g. Utilize the following additional actions, as appropriate, to promote Lawn and Landscape survival without increasing water use:~~

- ~~i. Reduce foot traffic on lawn and other ground cover;~~
- ~~ii. Modify nutritional practices, such as reducing the frequency of complete fertilizer applications;~~
- ~~iii. Spot treat pest and weed problems instead of using broadcast applications of chemicals that must be watered in;~~
- ~~iv. Regularly test and maintain irrigation systems in accordance with provisions of Chapter 40D-22, F.A.C., as a means of detecting and repairing problems before plant damage or loss is extensive;~~
- ~~v. Use organic material or other soil amendments to improve the soil's water retention capacity; and~~
- ~~vi. Adjust mowing practices to minimize water stress. For example, mow Lawns to the longest acceptable height and mow frequently enough to only remove one-third of the height each time.~~

~~3. Users shall, upon the specific request of the District, cease water uses that are not essential to public health, safety and welfare.~~

~~4. Users shall, upon the specific request of the applicable water utility with a District approved WSMP, cease uses of utility provided water that are not essential to public health, safety and welfare.~~

~~(7) Other Uses.~~

~~(a) The noticing in accordance with Rule 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected Water Use Permit. The notice will summarize the requirements listed below.~~

~~(a)(b) The water use restrictions and other required actions Restrictions and other response mechanisms specified in subsection 40D-21.641(7), F.A.C., shall apply, with the following modifications:~~

~~1. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. However, water slides and other portable devices which are not operated by commercial or institutional users are prohibited. Cooling, heating and air conditioning use: Cooling towers, geothermal units and similar water-using devices used~~

~~in public spaces may only cool to a minimum of 78 degrees Fahrenheit and heat to a maximum of 68 degrees Fahrenheit, except as otherwise required for health or medical reasons.~~

~~2. Other aesthetic Aesthetic Use: Aesthetic use as described in subparagraph 40D-21.641(7)(b)3., F.A.C., including water fountains, waterfalls and other artistic water features is prohibited. In public spaces, the owner or manager of such features shall use signs, when practical, to indicate that this action was taken in compliance with current Water Shortage restrictions.~~

~~3. Washing or Cleaning of Outdoor Impervious Surfaces: Washing or cleaning of buildings, structures and impervious surfaces (such as driveways and sidewalks) is prohibited, except: outdoor impervious surfaces, including~~

~~a. Pressure Washing conducted with professional-grade equipment is allowed for necessary maintenance. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.~~

~~b. Dust control is allowed if required by federal, state or local health or safety standards, is prohibited, except to meet federal, state or local health or safety standards. These standards specifically allow for required dust control.~~

~~4. Mobile Equipment Washing:~~

~~a. Washing Routine washing of cars or trucks, other than professional car washes or mobile detailing businesses, in residential settings and car wash fundraisers held on behalf of a non-profit organization is prohibited. This means that car wash fundraisers are prohibited. However, the washing of fire engines and other emergency Mobile Equipment (such as ambulances and law enforcement vehicles) is allowable, subject to subparagraph 40D-21.631(3)(a)3., F.A.C.~~

~~b. The following specific activities are allowed: Cleaning of cars, trucks and other Mobile Equipment in other settings is also prohibited, with the following exceptions: washing of fire trucks and other emergency vehicles, rinsing of boats after use, flushing of boat motors after use, necessary cleaning of Lawn and maintenance and agricultural vehicles, rinsing of any vehicle after exposure to saltwater or sewage and washing of any vehicle immediately prior to sale, rent or lease (including lease termination, but excluding daily car or truck rentals).~~

~~5. Users shall, if specifically Ordered by upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.~~

~~6. Users shall, upon the specific request of the applicable water utility with a District approved WSMP, cease all uses of utility provided water that are not essential to public health, safety and welfare.~~

~~(b) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This~~

specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History–New–4-9-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lois Sorenson, Demand Management Program Manager,
Tampa Regulation

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Southwest Florida Water Management
District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 29, 2009 and October 25, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 9, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Barbers’ Board

RULE NO.: RULE TITLE:
61G3-15.006 General Information

PURPOSE AND EFFECT: The Board reviewed the rule as
required by Executive Order 11-01 and proposes to repeal the
rule as it is unnecessary and not statutorily mandated.

SUMMARY: As required by Executive Order 11-01, the rule
was reviewed and is being repealed as it is unnecessarily
burdensome and duplicative of Section 119.07, F.S.

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.

The Agency has determined that the proposed rule is not
expected to require legislative ratification based on the
statement of estimated regulatory costs or if no SERC is
required, the information expressly relied upon and described
herein: During discussion of the economic impact of this rule
at its Board meeting, the Board, based upon the expertise and
experience of its members, determined that a Statement of
Estimated Regulatory Costs (SERC) was not necessary and
that the rule will not require ratification by the Legislature. No
person or interested party submitted additional information
regarding the economic impact at that time.

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: 119.07(1)(a), 120.53(1),
476.064(4) FS.

LAW IMPLEMENTED: 119.07(1)(a), 120.53(1), 455.205 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.006 General Information.

Rulemaking Specific Authority 119.07(1)(a), 120.53(1), 476.064(4)
FS. Law Implemented 119.07(1)(a), 120.53(1), 455.205 FS. History–
New 7-16-80, Formerly 21C-15.06, 21C-15.006, Amended 10-30-95,
2-14-96, 2-11-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers’ Board

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Barbers’ Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 8, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Barbers’ Board

RULE NO.: RULE TITLE:
61G3-15.015 Guidelines for Disposition of
Disciplinary Cases or Other Cases
in Which Substantial Interests Are
Determined by the Board

PURPOSE AND EFFECT: The Board reviewed the rule as
required by Executive Order 11-01 and proposes to repeal the
rule as it is duplicative of Section 120.57, F.S. and not
statutorily mandated.

SUMMARY: As required by Executive Order 11-01, the rule
was reviewed and is being repealed as it is duplicative of
Section 120.57, F.S. and not statutorily mandated.

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.

The Agency has determined that the proposed rule is not
expected to require legislative ratification based on the
statement of estimated regulatory costs or if no SERC is
required, the information expressly relied upon and described
herein: During discussion of the economic impact of this rule

at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.53(1) FS.

LAW IMPLEMENTED: 120.53(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.015 Guidelines for Disposition of Disciplinary Cases or Other Cases in Which Substantial Interests Are Determined by the Board.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History--New 7-16-80, Formerly 21C-15.15, Formerly 21C-15.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-15.020
RULE TITLE: Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as the board is not statutorily mandated to adopt the rule.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as the board is not statutorily mandated to adopt the rule.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.217(1)(d), 120.54(8) FS.

LAW IMPLEMENTED: 455.217(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.020 Security and Monitoring Procedures for Licensure Examination.

Rulemaking Specific Authority 455.217(1)(d), 120.54(8) FS. Law Implemented 455.217(1)(d) FS. History--New 4-6-83, Formerly 21C-15.20, Formerly 21C-15.020, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-15.021
RULE TITLE: Final Orders

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it is unnecessary and not statutorily mandated.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is not statutorily mandated and no longer necessary.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.53(1), 476.064(4) FS.

LAW IMPLEMENTED: 120.52(11), 120.53(1), 476.064(4) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.021 Final Orders.

Rulemaking Specific Authority 120.53(1), 476.064(4) FS. Law Implemented 120.52(11), 120.53(1), 476.064(4) FS. History--New 1-10-83, Formerly 21C-15.21, Amended 6-14-93, Formerly 21C-15.021, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-15.022
 RULE TITLE: Designation of Official Reporter

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it is unnecessary and not statutorily mandated.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is unnecessary and not statutorily mandated.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.53(2)(b),(c),(4), 476.064(4) FS.

LAW IMPLEMENTED: 120.53(2)(b),(c),(4) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.022 Designation of Official Reporter.

Rulemaking Specific Authority 120.53(2)(b),(c),(4), 476.064(4) FS. Law Implemented 120.53(2)(b),(c),(4) FS. History--New 5-29-85, Formerly 21C-15.22, 21C-15.022, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 8, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.003 Examination Review Procedure

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as the board is not statutorily mandated to adopt the rule.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as the board is not statutorily mandated to adopt the rule.

**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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.217(3) FS.

LAW IMPLEMENTED: 455.217(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.003 Examination Review Procedure.

Rulemaking Specific Authority 455.217(3) FS. Law Implemented 455.217(3) FS. History--New 7-16-80, Formerly 21C-16.03, Amended 12-23-90, Formerly 21C-16.003, Amended 11-12-00, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 8, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.0041 Foreign Language Examination

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it substantially repeats Section 455.217(6), F.S.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it substantially repeats Section 455.217(6), F.S.

**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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4) FS.

LAW IMPLEMENTED: 455.217(6) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.0041 Foreign Language Examination.

Rulemaking Specific Authority 476.064(4) FS. Law Implemented 455.217(6) FS. History--New 1-26-93, Formerly 21C-16.0041, Amended 11-12-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-18.001
 RULE TITLE: Biennial Renewal of Barber License
 PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as the board is not statutorily mandated to adopt the rule.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as the board is not statutorily mandated to adopt the rule.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4), 476.154(1) FS.

LAW IMPLEMENTED: 476.144, 476.154(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-18.001 Biennial Renewal of Barber License.

Rulemaking Specific Authority 476.064(4), 476.154(1) FS. Law Implemented 476.144, 476.154(1) FS. History--New 7-16-80, Formerly 21C-18.001, Amended 11-6-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-18.002
 RULE TITLE: Biennial Renewal of Barber Assistant Registration

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it substantially restates Section 476.154, F.S. and is unnecessary.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it substantially restates Section 476.154, F.S. and is unnecessary.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and

that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4), 476.254 FS.

LAW IMPLEMENTED: 476.254 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-18.002 Biennial Renewal of Barber Assistant Registration.

Rulemaking Specific Authority 476.064(4), 476.254 FS. Law Implemented 476.254 FS. History--New 7-16-80, Formerly 21C-18.002, Amended 12-9-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-19.0135 RULE TITLE: Relocation of a Barbershop

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it substantially restates Section 476.184(7), F.S.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it substantially restates Section 476.184(7), F.S.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4), 476.184(2) FS.

LAW IMPLEMENTED: 476.184(2), (7) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-19.0135 Relocation of a Barbershop.

Rulemaking Specific Authority 476.064(4), 476.184(2) FS. Law Implemented 476.184(2),(7) FS. History--New 7-14-91, Formerly 216-19.0135, Amended 1-8-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.001 RULE TITLE: Collection and Payment of Fees

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it is not statutorily mandated and is no longer necessary.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is not statutorily mandated and is no longer necessary.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.2171, 476.064(4) FS.

LAW IMPLEMENTED: 455.213(2), 455.2171 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.001 Collection and Payment of Fees.

Rulemaking Specific Authority 455.2171, 476.064(4) FS. Law Implemented 455.213(2), 455.2171 FS. History—New 7-16-80, Formerly 21C-20.01, 21C-20.001, Amended 11-6-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.0075 RULE TITLE: Examination Review Fee

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as the board is not statutorily mandated to adopt the rule.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as the board is not statutorily mandated to adopt the rule.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.217(2), 455.2171 FS.

LAW IMPLEMENTED: 455.217(2), 455.2171 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.0075 Examination Review Fee.

Rulemaking Specific Authority 455.217(2), 455.2171 FS. Law Implemented 455.217(2), 455.2171 FS. History—New 7-4-90, Formerly 21C-20.0075, Amended 11-6-00, 2-11-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.005
 RULE TITLE: Mitigation; Notice of Mitigation and Aggravation

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it is duplicative of Section 455.2273, F.S.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is duplicative of Section 455.2273, F.S.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4) FS., Ch. 86-90, § 2, Laws of Florida.

LAW IMPLEMENTED: Ch. 86-90, § 2, Laws of Florida.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-21.005 Mitigation; Notice of Mitigation and Aggravation.

Rulemaking Specific Authority 476.064(4) FS., Ch. 86-90, § 2, Laws of Florida. Law Implemented Ch. 86-90, § 2, Laws of Florida. History—New 11-25-86, Formerly 21C-21.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.007
 RULE TITLE: Stipulations

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it is unnecessary and not statutorily mandated.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is unnecessary and not statutorily mandated.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4) FS., Ch. 86-90, § 2, Laws of Florida.

LAW IMPLEMENTED: Ch. 86-90, § 2, Laws of Florida.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-21.007 Stipulations.

Rulemaking Specific Authority 476.064(4) FS., Ch. 86-90, § 2, Laws of Florida. Law Implemented Ch. 86-90, § 2, Laws of Florida History–New 11-25-86, Formerly 21C-21.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers’ Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers’ Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Barbers’ Board

RULE NO.: 61G3-21.008
 RULE TITLE: Installment Payment of Fines
 PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule as it is unnecessary and not statutorily mandated.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is unnecessary and not statutorily mandated.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 476.064(4) FS.

LAW IMPLEMENTED: 476.204(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-21.008 Installment Payment of Fines.

Rulemaking Specific Authority 476.064(4) FS. Law Implemented 476.204(2) FS. History–New 12-7-92, Amended 5-31-93, Formerly 21C-21.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers’ Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers’ Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Construction Industry Licensing Board

RULE NO.: 61G4-15.0024
 RULE TITLE: Supervision of Business Entities
 PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to assist applicants in establishing supervision of proposed additional business entities.

SUMMARY: The new rule will establish documentation helpful in application hearings before the Board and provide a consistent standard in formal review.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 489.108, 489.119 FS.
LAW IMPLEMENTED: 489.108, 489.119 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-15.0024 Supervision of Business Entities.
Documentation of one or more of the following factors in an application to qualify a business entity will demonstrate to the Board, absent evidence to the contrary, that an applicant possesses the ability to properly supervise the proposed additional business entity for purposes of the application:
- (1) The applicant to qualify an additional business owns 20% or more of the business to be qualified;
 - (2) The applicant to qualify an additional business is a W2 employee of the business to be qualified; or
 - (3) Other evidence of the means and methods utilized by the applicant to ensure control over the construction work of the proposed additional entity.

Rulemaking Authority 489.108, 489.119 FS. Law Implemented 489.108, 489.119 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2012

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.002
RULE TITLE: Required Training
PURPOSE AND EFFECT: The Board proposes the rule amendment delete the requirement of 6 months of on-the-job training.
SUMMARY: The proposed changes will delete the requirement of 6 months of on-the-job training.
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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 466.004, 466.024 FS.
LAW IMPLEMENTED: 466.023, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B5-16.002 Required Training.
- (1) through (3) No change.

(4) On-the-job training required for the performance of certain remediable tasks consists of training in those tasks by a licensed dentist who assumes full responsibility for assuring that the dental hygienist or dental assistant has completed hands-on training in order that he/she is competent to perform the tasks. ~~A dental hygienist or dental assistant must complete a minimum of 6 months of on-the-job training, including hands-on training, before enrolling in an expanded duties course.~~

Rulemaking Authority 466.004, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 4-20-81, Formerly 21G-16.02, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 7-12-88, 1-18-89, 11-16-89, Formerly 21G-16.002, 61F5-16.002, Amended 6-12-97, Formerly 59Q-16.002, Amended 1-29-07, 4-27-09, 11-16-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.003
 RULE TITLE: Orders
 PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.
 SUMMARY: This rule is unnecessary and is therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 120.53(1), 456.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.003 Orders.

Rulemaking Specific Authority 120.53(1), 456.081, 458.309 FS. Law Implemented 120.53(1), 456.081 FS. History—New 11-10-82, Formerly 21M-18.10, Amended 1-1-92, 11-30-92, Formerly 21M-18.010, 61F6-18.010, Amended 6-24-96, 6-11-97, Formerly 59R-1.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-2.002, 64B8-2.003
 RULE TITLES: Tattooing: General Supervision, Use of Acupuncture
 PURPOSE AND EFFECT: The rules are unnecessary and are being repealed.

SUMMARY: The rules are being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309(1), 877.04(1) FS.

LAW IMPLEMENTED: 458.305(3), 877.04(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-2.002 Tattooing: General Supervision.

Rulemaking Specific Authority 877.04(1) FS. Law Implemented 877.04(1) FS. History—New 9-24-92, Amended 1-20-93, Formerly 21M-29.002, 61F6-29.002, 59R-2.002, Repealed.

64B8-2.003 Use of Acupuncture.

Rulemaking Specific Authority 458.309(1) FS. Law Implemented 458.305(3) FS. History—New 10-10-95, Formerly 59R-2.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-3.009 Unlicensed Activity Fee

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.064, 458.309(1) FS.

LAW IMPLEMENTED: 456.064 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.009 Unlicensed Activity Fee.

Rulemaking Specific Authority 456.064, 458.309(1) FS. Law Implemented 456.064 FS. History—New 9-21-93, Formerly 61F6-19.009, 59R-3.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-4.016 Endorsement Application Deadline

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and

that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309, 458.313 FS.

LAW IMPLEMENTED: 458.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.016 Endorsement Application Deadline.

Rulemaking Specific Authority 458.309, 458.313 FS. Law Implemented 458.313 FS. History—New 11-10-82, Amended 12-4-85, Formerly 21M-22.16, 21M-22.016, 61F6-22.016, 59R-4.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

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| RULE NOS.: | RULE TITLES: |
| 64B8-5.004 | Examination Application Deadlines |
| 64B8-5.005 | Reexamination |

PURPOSE AND EFFECT: The Board proposes the repeal of these rules as they are unnecessary.

SUMMARY: These rules are unnecessary and are therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309 FS.

LAW IMPLEMENTED: 458.311 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-5.004 Examination Application Deadlines.

Rulemaking Specific Authority 458.309 FS. Law Implemented 458.311 FS. History—New 12-4-85, Formerly 21M-21.04, Amended 7-27-89, 1-1-92, Formerly 21M-21.004, Amended 11-4-93, 5-9-94, Formerly 61F6-21.004, 59R-5.004, Amended 6-7-98, 12-6-99, Repealed.

64B8-5.005 Reexamination.

Rulemaking Specific Authority 458.309 FS. Law Implemented 458.311 FS. History—New 7-12-93, Formerly 21M-21.005, 61F6-21.005, 59R-5.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

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| RULE NOS.: | RULE TITLES: |
| 64B8-8.005 | Prescriptions to Correct Refractive Errors |
| 64B8-8.008 | Random Blood and Urine Testing |

PURPOSE AND EFFECT: The Board proposes the repeal of these rules as they are unnecessary.

SUMMARY: These rules are unnecessary and are therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309 FS.

LAW IMPLEMENTED: 458.305(3), 458.311, 458.331 FS., ss. 5, 6, Ch. 89-374, Laws of Florida.

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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.005 Prescriptions to Correct Refractive Errors.

Rulemaking Specific Authority 458.309 FS. Law Implemented 458.305(3), 458.331(1)(n) FS. History—New 12-13-83, Formerly 21M-20.05, 21M-20.005, 61F6-20.005, 59R-8.005, Repealed.

64B8-8.008 Random Blood and Urine Testing.

Rulemaking Specific Authority 458.309 FS. Law Implemented 458.311, 458.331 FS., ss. 5, 6, Ch. 89-374, Laws of Florida. History—New 1-31-90, Formerly 21M-20.008, 61F6-20.008, 59R-8.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:

64B8-9.005

64B8-9.0075

64B8-9.010

64B8-9.011

RULE TITLES:

HIV/AIDS: Knowledge of Antibody Status; Action to be Taken

Standards of Practice in Certain Office Settings

Interpretation of Diagnostic Imaging Tests or Procedures

Itemized Patient Billing

PURPOSE AND EFFECT: The Board proposes the repeal of these rules as they are unnecessary.

SUMMARY: These rules are unnecessary and are therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.032, 458.309 FS.

LAW IMPLEMENTED: 456.032, 458.323, 458.331(1), 766.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-9.005 HIV/AIDS: Knowledge of Antibody Status; Action to be Taken.

Rulemaking Specific Authority 456.032, 458.309 FS. Law Implemented 456.032, 458.331(1)(s) FS. History–New 9-15-92, Formerly 21M-27.005, 61F6-27.005, 59R-9.005, Repealed.

64B8-9.0075 Standards of Practice in Certain Office Settings.

Rulemaking Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1) FS. History–New 11-13-00, Amended 6-4-02, 12-20-06, Repealed.

64B8-9.010 Interpretation of Diagnostic Imaging Tests or Procedures.

Rulemaking Specific Authority 458.309 FS. Law Implemented 458.331(1)(g), (m), (n), (t), (u), 766.111 FS. History–New 11-4-93, Formerly 61F6-27.015, 59R-9.010, Repealed.

64B8-9.011 Itemized Patient Billing.

Rulemaking Specific Authority 458.309(1) FS. Law Implemented 458.323 FS. History–New 5-9-94, Formerly 61F6-27.016, 59R-9.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.007
RULE TITLE: Continuing Education Credit for Physicians Volunteering for FMLE Comparison Study

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule

at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.564(6), 458.309 FS.

LAW IMPLEMENTED: 455.564(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.007 Continuing Education Credit for Physicians Volunteering for FMLE Comparison Study.

Rulemaking Specific Authority 455.564(6), 458.309 FS. Law Implemented 455.564(6) FS. History–New 12-5-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-35.001
RULE TITLE: Purpose

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being 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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.348(2), 458.309 FS.

LAW IMPLEMENTED: 458.348(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-35.001 Purpose.

Rulemaking Specific Authority 458.348(2), 458.309 FS. Law Implemented 458.348(2) FS. History—New 3-13-84, Formerly 21M-31.01, 21M-31.001, 61F6-31.001, 59R-35.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO. 64B9-3.002 RULE TITLE: Qualifications for Examination

PURPOSE AND EFFECT: The Board proposes these changes to amend the qualifications for examination.

SUMMARY: The purpose of this amendment is to amend the qualifications for examination.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008, 464.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit a completed Application for Nursing Licensure by Examination, form number DH-MQA 1094, 08/10, Application for Nursing Licensure by Re-Examination, form number DH-MQA 1120 10/08, or Application for Nursing Licensure by Endorsement, form number DH-MQA 1095, 08/10, hereby incorporated by reference demonstrating that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. These forms are available from the Board office or on the Board’s website: www.doh.state.fl.us/mqa/nursing. The demonstration shall include:

(a) through (d)9. No change.

10. A valid High School Diploma earned from an English speaking country;

~~11.40.~~ Completion of a college level course for academic credit in a U.S. institution; or

(2) through (5) No change.

Rulemaking Authority 464.006 FS. Law Implemented 456.013, 464.008, 464.009 FS. History--New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01, 9-23-03, 1-29-07, 11-22-07, 12-7-10.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
RULE TITLE: Graduates From Foreign or Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The purpose of this amendment is to clarify the requirements necessary.

SUMMARY: The Board proposes this rule amendment to clarify the requirements necessary.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.014 Graduates From Foreign or Non-NCSBN Jurisdictions.

(1) through (3) No change.

(4) In order for the applicant to meet the educational requirements of Section 464.008, F.S., the credentials report and transcripts must include all courses set forth in Section 464.019, F.S., and must demonstrate, at a minimum, the following equivalency to hours of theoretical and clinical instruction:

(a) through (b) No change.

(c) Registered and practical nursing programs must meet the requirements of Section 464.019(1)(f) and (g) ~~and (h)~~, F.S.

Rulemaking Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History--New 4-19-00, Amended 10-22-07, 5-31-09, 3-8-10.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.005
RULE TITLE: Standards for Certified Nursing Assistant Training Programs

PURPOSE AND EFFECT: The purpose of this amendment is to add necessary language concerning compliance.

SUMMARY: The Board proposes this rule amendment to add necessary language concerning compliance.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 464.202, 464.203 FS.

LAW IMPLEMENTED: 456.203, 464.2085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

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

(4) The certified nursing ~~nurse~~ assistant training program shall have sufficient staff, finances, resources, materials, space, and supplies to meet the purpose of the program and the needs of students, faculty, administration, and staff.

(a) through (h) No change.

(5) through (10) No change.

(11) All ~~c~~ Certified ~~n~~ Nursing ~~a~~ Assistant training programs with current approval from the Department of Education will maintain approval until 180 days after the effective date of these rules. All programs must comply with the renewal requirements in Rule 64B9-15.007, F.A.C. A renewal application with the Board of Nursing demonstrating compliance with these rules will be required. Programs will be approved for a two year period.

~~Rulemaking Specific~~ Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 5-25-03, Amended 8-10-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:
64B9-15.009

RULE TITLE:
Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose of this amendment is to amend the penalties and sentencing guidelines.

SUMMARY: The Board proposes this rule amendment to amend the penalties and sentencing guidelines.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 464.204 FS.

LAW IMPLEMENTED: 456.072, 464.204 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:

(a) Being found guilty, regardless of adjudication, of a forcible felony as defined in Chapter 776, F.S.

(Section 464.018(1)(d)1., F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$150 fine and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or \$150 fine and revocation |

(b) through (c) No change.

(d) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure.

(Section 464.018(1)(d)4., F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--|---|
| FIRST OFFENSE | \$50 fine, and probation | Denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine, IPN evaluation, and suspension to be followed by a term of probation | Denial of certification and \$150 fine and permanent revocation |

(e) No change.

(f) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse.

(Section 464.018(1)(d)6., F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine and suspension followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or \$150 fine and permanent revocation |

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation.

(Section 464.018(1)(d)7., F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or \$150 fine and permanent revocation |

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect.

(Section 464.018(1)(d)8., F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or \$150 fine and permanent revocation |

(i) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, F.S.

(Section 464.018(1)(e), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or \$150 fine and permanent revocation |

(j) False, misleading, or deceptive advertising.

(Section 464.018(1)(g), F.S.)

| | MINIMUM | MAXIMUM |
|--------------------------|-------------------------------------|--|
| FIRST OFFENSE | \$100 fine \$25 fine | Denial of certification or \$125 fine and suspension to be followed by probation \$100 fine and probation |
| SECOND OFFENSE | \$100 fine | Denial of certification or \$125 fine and suspension to be followed by probation |
| THIRD OFFENSE | \$125 fine and probation | \$150 fine and suspension to be followed by probation |

(k) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part.

(Section 464.018(1)(i), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--|---|
| FIRST OFFENSE | \$100 fine, IPN evaluation, and suspension to be followed by probation \$25 fine, IPN evaluation, and probation | Denial of certification and \$125 fine and permanent or \$50 fine, IPN evaluation and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$125 fine and revocation \$100 fine, IPN evaluation, and suspension to be followed by probation | Denial of certification or \$150 fine and revocation and \$125 fine and permanent revocation |

| | | |
|--------------------------|--------------------------------------|--|
| THIRD OFFENSE | \$125 fine and revocation | \$150 fine and permanent revocation |
|--------------------------|--------------------------------------|--|

(l) Failing to report to the department any person who the registrant knows is in violation of this part or of the rules of the department or the board; however, if the registrant verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the registrant is required to report such person only to an impaired professionals consultant.

(Section 464.018(1)(k) or 456.072(1)(i), F.S.)

| | MINIMUM | MAXIMUM |
|--------------------------|--|---|
| FIRST OFFENSE | \$50 \$25 fine | Denial of certification or \$100 fine and suspension to be followed by probation \$25 fine and probation |
| SECOND OFFENSE | \$75 fine and probation \$50 fine | Denial of Certification or \$150 fine and suspension to be followed by probation \$100 fine and suspension to be followed by probation |
| THIRD OFFENSE | \$75 fine and probation | \$150 fine and suspension to be followed by probation |

(m) No change.

(n) Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(Sections 456.072(1)(b), ~~456.072(1)(q)~~, ~~456.072(1)(dd)~~ & ~~464.018(1)(n)~~, F.S.)

| | MINIMUM | MAXIMUM |
|--------------------------|--|--|
| FIRST OFFENSE | \$50 fine and compliance with rule or terms of prior order | Denial of certification or \$100 fine and suspension until compliance with rule or terms of prior order |
| SECOND OFFENSE | \$125 fine and suspension until compliance with rule or terms of prior order plus extended probation \$100 fine and suspension until compliance with rule or terms of prior order | Denial of certification or \$150 fine and revocation \$125 fine and suspension until compliance with rule or terms of prior order plus extended probation |
| THIRD OFFENSE | \$125 fine and suspension until compliance with rule or terms of prior order plus extended probation | \$150 fine and revocation |

(o) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of a certified nursing assistant or to the ability to practice as a certified nursing assistant.

(Section 456.072(1)(c), ~~464.018(1)(c)~~, F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or \$150 fine and revocation |

(p) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure or certification, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

(Section 456.072(1)(f), ~~464.018(1)(b)~~, F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--|---|
| FIRST OFFENSE | \$50 fine and same penalty imposed by the other jurisdiction | Denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$100 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation | Denial of certification licensure or \$150 fine and revocation |
| THIRD OFFENSE | \$150 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension | Denial of certification licensure or \$150 fine and permanent revocation |

(q) No change.

(r) Procuring, attempting to procure, or renewing certification to practice as a CNA by bribery, by knowing misrepresentations, or through an error of the department or the board.

(Section 456.072(1)(h), ~~464.018(1)(a)~~, F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$50 fine and probation | Denial of certification or revocation |
| SECOND OFFENSE | \$150 fine and probation | Denial of certification or permanent revocation |

(s) No change.

(t) Failing to perform any statutory or legal obligation placed upon a registrant.

(Section 456.072(1)(k), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|---|---|
| FIRST OFFENSE | \$50 fine and compliance with legal obligation | Denial of certification or \$100 fine and suspension until compliance with legal obligation |
| SECOND OFFENSE | \$125 fine and suspension until compliance with legal obligation plus extended probation \$100 fine and suspension until compliance with legal obligation | Denial of certification or \$150 fine and revocation \$125 fine and suspension until compliance with legal obligation plus extended probation |
| THIRD OFFENSE | \$125 fine and suspension until compliance with legal obligation plus extended probation | \$150 fine and revocation |

(u) Making or filing a report which the registrant knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so.

(Section 456.072(1)(l), 464.018(1)(f), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|---|--|
| FIRST OFFENSE | \$50 fine | \$75 fine and suspension to be followed by probation |
| SECOND OFFENSE | \$125 fine and suspension to be followed by probation \$75 fine and probation | Denial of certification or \$150 fine and revocation \$100 fine and suspension to be followed by probation |
| THIRD OFFENSE | \$125 fine and suspension to be followed by probation | \$150 fine and revocation |

(v) No change.

(w) Exercising influence on the patient or client for the purpose of financial gain of the registrant or a third party.

(Section 456.072(1)(n), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$75 fine and probation | Denial of certification or revocation and \$125 fine |
| SECOND OFFENSE | \$125 fine and probation | Denial of certification or permanent revocation and \$150 fine |

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the registrant knows, or has reason to know, the registrant is not competent to perform.

(Section 456.072(1)(o), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$75 fine and probation | Denial of certification or revocation and \$125 fine |
| SECOND OFFENSE | \$125 fine and probation | Denial of certification or permanent revocation and \$150 fine |

(y) Delegating or contracting for the performance of professional responsibilities by a person when the registrant delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(Section 456.072(1)(p), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$75 fine and probation | Denial of certification or revocation and \$125 fine |
| SECOND OFFENSE | \$125 fine and probation | Denial of certification or permanent revocation and \$150 fine |

(z) No change.

(aa) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S.

(Section 456.072(1)(v), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--|---|
| FIRST OFFENSE | \$100 fine, IPN evaluation, and probation | Denial of certification or \$125 fine, IPN evaluation, and suspension to be followed by a term of probation or revocation |
| SECOND OFFENSE | \$125 fine, IPN evaluation, and suspension to be followed by a term of probation | Denial of certification and \$150 fine and permanent revocation |

(bb) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(Section 456.072(1)(w), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine and suspension to be followed by a term of probation |
| SECOND OFFENSE | \$125 fine and probation | Denial of certification or \$150 fine and revocation suspension to be followed by a term of probation |

(cc) Failing to report to the board, or the department if there is no board, in writing within 30 days after the registrant has been convicted or found guilty of, or entered a plea of nolo

contendere to, regardless of adjudication, a crime in any jurisdiction. Convictions, findings, adjudications, and pleas entered into prior to the enactment of this paragraph must be reported in writing to the board, or department if there is no board, on or before October 1, 1999.

(Section 456.072(1)(x), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------|---|
| FIRST OFFENSE | \$50 fine and probation | Denial of certification or revocation and \$100 fine |
| SECOND OFFENSE | \$100 fine and probation | Denial of certification or permanent revocation and \$150 fine |

(dd) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents.

(Section 456.072(1)(y), F.S.)

| | MINIMUM | MAXIMUM |
|--------------------------|---|---|
| FIRST OFFENSE | \$75 \$50 fine | Denial of certification or \$100 fine and suspension to be followed by probation \$75 fine and probation |
| SECOND OFFENSE | \$100 fine and probation \$75 fine | Denial of certification or \$150 \$400 fine and suspension to be followed by probation |
| THIRD OFFENSE | \$100 fine and probation | \$150 fine and suspension to be followed by probation |

(ee) Being unable to practice as a CNA with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

(Section 456.072(1)(z), 464.018(1)(j), F.S.)

| | MINIMUM | MAXIMUM |
|--------------------------|---|---|
| FIRST OFFENSE | \$50 fine, IPN evaluation, and probation | Denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation |
| SECOND OFFENSE | \$125 fine and revocation \$100 fine, IPN evaluation, and suspension to be followed by probation | Denial of certification or \$150 and \$125 fine and permanent revocation |
| THIRD OFFENSE | \$125 fine and revocation | \$150 fine and permanent revocation |

(ff) Testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.

(Section 456.072(1)(aa), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--|---|
| FIRST OFFENSE | \$50 fine, IPN evaluation, and probation | denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation |
| SECOND OFFENSE | \$100 fine, IPN evaluation, and suspension to be followed by a term of probation | denial of certification and \$150 fine and permanent revocation |

(gg) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.

(Section 456.072(1)(bb), F.S.)

| | MINIMUM | MAXIMUM |
|--------------------------|--|--|
| FIRST OFFENSE | \$50 fine | <u>Denial of certification or \$75 fine and suspension to be followed by a term of probation</u> |
| SECOND OFFENSE | \$125 fine and suspension to be followed by a term of probation \$75 fine and a term of probation | <u>Denial of certification or \$150 \$400 fine and revocation suspension to be followed by a term of probation</u> |
| THIRD OFFENSE | \$125 fine and suspension to be followed by a term of probation | \$150 fine and permanent revocation |

(hh) Being terminated from or failing to successfully complete an impaired practitioner treatment program (Section 456.072(1)(hh), F.S.):

| | MINIMUM | MAXIMUM |
|----------------|--|--|
| FIRST OFFENSE | \$50 fine, IPN evaluation, and probation | <u>Denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation</u> |
| SECOND OFFENSE | <u>\$125 fine, and revocation</u> | <u>Denial of certification or \$150 fine and revocation</u> |

~~Minimum: \$150 fine and suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated.~~

~~Maximum: Permanent revocation or denial of licensure.~~

(ii) Intentionally engaging in unprofessional conduct, as defined in Rule 64B9-8.005, F.A.C.

(Section 464.018(1)(h), F.S.):

| | MINIMUM | MAXIMUM |
|----------------|--|---|
| FIRST OFFENSE | \$50-00 fine, reprimand and probation, continuing education | Denial of certification or \$150-00 fine, reprimand, suspension followed by probation, or revocation |
| SECOND OFFENSE | \$150-00 fine, reprimand, suspension followed by probation | \$150-00 fine and revocation |

~~If the unprofessional conduct involves hitting a patient or intentionally causing harm to a patient, the MINIMUM penalty for a FIRST OFFENSE is REVOCATION of the license.~~

~~(jj) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted under Section 501.122(2), F.S., governing the registration of the devices.~~

(Section 456.072(1)(d), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--|--|
| FIRST OFFENSE | \$50 fine, reprimand, and probation | Denial of certification or \$150 fine, reprimand, suspension followed by probation, or revocation |
| SECOND OFFENSE | \$150 fine and suspension followed by probation | Denial of certification or \$150 fine and revocation |

~~(kk) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services naming the practitioner must identify the type of license the practitioner holds. This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under Chapter 394, Chapter 395, Chapter 400, or Chapter 429, F.S. Each board, or the department where there is no board, is authorized by rule to determine how its practitioners may comply with this disclosure requirement.~~

(Section 456.072(1)(t), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine, and suspension |
| SECOND OFFENSE | \$150 fine and suspension | \$150 fine and revocation |

~~(ll) Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint.~~

(Section 456.072(1)(u), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|--------------------------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine, and suspension |
| SECOND OFFENSE | \$150 fine and suspension | Denial of certification or \$150 fine and revocation |

~~(mm) With respect to making a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill that has been "upcoded" as defined in Section 627.732, F.S.~~

(Section 456.072(1)(ee), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|-----------------------|--|
| FIRST OFFENSE | \$100 fine | Denial of certification or \$100 fine, and suspension |
| SECOND OFFENSE | \$150 fine | Denial of certification or \$150 fine and revocation |

~~(nn) With respect to making a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill for payment of services that were not rendered.~~

(Section 456.072(1)(ff), F.S.)

| | MINIMUM | MAXIMUM |
|----------------|-----------------------|--|
| FIRST OFFENSE | \$50 fine | Denial of certification or \$100 fine, and suspension |
| SECOND OFFENSE | \$150 fine | Denial of certification or \$150 fine and revocation |

~~(oo) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.~~

(Section 456.072(1)(ii), F.S.)

| | MINIMUM | MAXIMUM |
|---------------|--------------------------------------|--|
| FIRST OFFENSE | \$150 fine and suspension | Denial of certification or revocation |

~~(pp) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.~~

(Section 456.072(1)(jj), F.S.)

| | MINIMUM | MAXIMUM |
|---------------|---------------------------------------|--|
| FIRST OFFENSE | Suspension until repayment | Denial of certification or revocation |

~~(qq) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.~~

(Section 456.072(1)(kk), F.S.)

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|----------------|-----------------------|-----------------------------------|
| <u>FIRST</u> | <u>\$150 fine and</u> | <u>Denial of certification or</u> |
| <u>OFFENSE</u> | <u>suspension</u> | <u>revocation</u> |

(rr) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

(Section 456.072(1)(ll), F.S.)

| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|----------------|-----------------------|-----------------------------------|
| <u>FIRST</u> | <u>\$150 fine and</u> | <u>Denial of certification or</u> |
| <u>OFFENSE</u> | <u>suspension</u> | <u>revocation</u> |

(4) through (7) No change.

Rulemaking Specific Authority 464.204 FS. Law Implemented 456.072, 464.204 FS. History—New 10-28-02, Amended 8-12-07, 8-3-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

Section III Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 40D-4.021 | Definitions |
| 40D-4.091 | Publications, Forms and Agreements Incorporated by Reference |
| 40D-4.101 | Content of Application |
| 40D-4.351 | Transfer of Permits |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-7.035
RULE TITLE: Staffing Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

Changes are limited to corrections to (4) where subsection 7 of Rule 59A-7.020, F.A.C., was incorrectly referenced and to (6) where subsection 8 of Rule 59A-7.034, F.A.C., was incorrectly referenced and are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC).

59A-7.035 Staffing Requirements.

(1) The laboratory must be staffed with a director(s) who meets the qualifications specified under Chapter 483, Part III, F.S., ~~for all specialties and subspecialties in which the laboratory is licensed.~~

(a) through (3) No change.

(4) Exclusive Use Laboratories shall be staffed in accordance with CLIA as defined under subsection 59A-7.020(8)(7), F.A.C.

~~(a) A director qualified under Chapter 483, Part III, F.S., and at least one director qualifying under paragraph 59A-7.035(1)(b), F.A.C.; and~~

~~(b) Clinical laboratory personnel licensed as a clinical laboratory director, supervisor, technologist, technician or exclusive use technician or registered as a trainee as provided under Chapter 483, Part III, F.S., and Chapter 64B3, F.A.C.~~

(5) Plasmapheresis centers performing ~~only waived tests,~~ total protein by refractometer or ABO and Rh typing shall be staffed with:

(a) through (b) No change.

(6) Sites performing testing authorized under Rule 59A-7.034, F.A.C., must be staffed with personnel qualified under subsection 59A-7.034(7)(8), ~~(5)~~, F.A.C., under the direct supervision of the clinical laboratory director, supervisor or technologist qualified under Chapter 483, Part III, F.S.

(7) Laboratories located outside Florida and licensed under Chapter 483, Part I, F.S., ~~and facilities issued a certificate of exemption under Chapter 483.106, F.S.,~~ must meet personnel qualification requirements established under the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder as described in subsection 59A-7.020(8)(6), F.A.C. Such personnel shall not be required to be licensed under Chapter 483, Part III, F.S.

Rulemaking Authority 483.051 FS. Law Implemented ~~483.034,~~ 483.035, 483.051, 483.111 FS. History—New 11-20-94, Amended 12-27-95, 7-27-09,_____.