

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-4.610
 RULE TITLE: Statewide Provider Contract for the School Readiness Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the Florida's Office of Early Learning's (OEL's) authority to administer the School Readiness Program by adopting a standard contract that must be used by early learning coalitions when contracting with School Readiness Program providers.

SUMMARY: This rule establishes requirements related to establishing agreements between early learning coalitions and School Readiness Program providers and incorporates a standard agreement by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

It is estimated that, over the course of five years, this rule will have a total cost impact of approximately \$72,900. This estimate is based on a cost of \$9 an hour for employee time, an estimate that it will take each impacted provider 45 minutes to comply with the requirements of the rule and an estimate of 10,800 impacted providers. The cost impact to each provider would be approximately \$6.75 per provider per year.

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:

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: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(d)9. FS.

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

DATE AND TIME: July 27, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32301, or via WebEx which may be accessed at the following website: http://www.floridaearlylearning.com/EarlyLearning/OEL_Program_ProposedRulesNotices.html

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ed Hoover, (850)717-8550. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephanie Savestanan at (850)717-8550

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-4.610 Statewide Provider Contract for the School Readiness Program.

(1) The Statewide School Readiness Provider Contract (Form OEL-SR 20, dated August 2012) is hereby incorporated by reference.

(2) An early learning coalition may not pay a School Readiness (SR) provider which registers to offer the SR program on or after October 1, 2012, except under the Statewide School Readiness Provider Contract adopted herein with the coalition. A coalition must be a party to a Statewide School Readiness Provider Contract.

(3) The Statewide School Readiness Provider Contract may be in effect for a term of up to three (3) years, at the discretion of the coalition, after which point the Statewide School Readiness Provider Contract must be executed again. A school district may sign a single Statewide School Readiness Provider Contract on behalf of all public schools in the district offering the SR program. The owner or manager of multiple private child care providers may sign a single Statewide School Readiness Provider Contract on behalf of all of his or her private providers within an early learning coalition service area in which it operates.

(4) To request participation in the SR program, a provider must complete and execute a copy of the Statewide School Readiness Provider Contract and submit all required documentation as indicated in the Statewide School Readiness Provider Contract to the early learning coalition under which the provider will operate. Upon determination that a provider is eligible to participate in the SR program, an early learning coalition shall complete and execute the Statewide School Readiness Provider Contract which has been executed by the provider.

(5) An early learning coalition which determines a provider is eligible to offer the SR program shall forward a copy of the fully executed Statewide School Readiness

Provider Contract to the SR provider to inform the provider of its eligibility to offer the SR program. A coalition shall keep the original fully executed Statewide School Readiness Provider Contract in the coalition's records on the SR provider.

(6) Neither a coalition nor an SR provider may omit, supplement, or amend the terms and conditions of the Statewide School Readiness Provider Contract. Neither a coalition nor an SR provider may include any attachments, addenda, or exhibits to the Statewide School Readiness Provider Contract except Exhibit 1 (Provider Location List) and Exhibit 2 (Required Documentation) which are incorporated as part of Form OEL-SR 20.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)9. FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Savestanan, Policy Director, Florida's Office of Early Learning

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Mel Jurado, Director, Florida's Office of Early Learning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011, Vol. 37/51

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-0.102	Time for Consideration of Emergency Petition for Variance or Waiver
40E-0.109	Point of Entry Into Proceedings and Mediation
40E-0.113	Variances from Specified Review Criteria for Environmental Resource Permits

PURPOSE AND EFFECT: To update the District's rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The proposed amendments update the delegation authority of the Governing Board pursuant to Sections 373.079(4) and 373.083(5), F.S., and remove reference to a repealed 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 proposed amendments are procedural in nature and have no economic impact.

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 proposed amendments are procedural in nature and have no economic impact.

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: 120.54(5), 373.044, 373.113, 373.171, 373.414(17) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.60, 373.079, 373.083, 373.146, 373.413, 373.427, 403.021, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: August 9, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk at 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paulette Glebocki, Lead Hydrogeologist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, 1(800)432-2045, ext. 6941, or (561)682-6941. For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, jsluth@sfwmd.gov, 1(800)432-2045, ext. 6299, or (561)682-6299.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-0.102 Time for Consideration of Emergency Petition for Variance or Waiver.

Notwithstanding Rule 28-104.005, F.A.C., when a petition for an emergency variance or waiver requires action by the ~~District Governing Board~~, the ~~District Board~~ shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt or at the next regularly scheduled meeting for which notice may be properly given.

Rulemaking ~~Specific~~ Authority 120.54(5) FS. Law Implemented 120.54(5), ~~373.079, 373.083~~ FS. History–New 7-2-98, Amended _____.

40E-0.109 Point of Entry Into Proceedings and Mediation. Point of entry into proceedings determining substantial interests are governed by Rule 28-106.111, F.A.C., and this section.

(1)(a) “Receipt of written notice of agency decision” as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) If notice is published pursuant to this chapter, publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.

(2) If the ~~District Board~~ takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Section 28-106.111, F.A.C., unless otherwise provided by law. The ~~District Board~~ action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.

(3) Notwithstanding Rule 28-106.111, F.A.C., intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, F.S., shall provide a 14 day point of entry to file petitions for administrative hearing under Rule 28-106.111, F.A.C.

Rulemaking Authority 120.54(5), 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 120.54(5), 120.569, 120.57, 120.60, 373.079, 373.083, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS. History–New 7-2-98, Amended 6-12-00, 3-22-09, _____.

40E-0.113 Variances from Specified Review Criteria for Environmental Resource Permits.

(1) The ~~District Governing Board~~ is authorized to grant a variance from the provisions of Section 373.414, F.S., paragraph 40E-4.301(1)(e) or Rule 40E-4.302, F.A.C., pursuant to Section 403.201, F.S. The variance under this rule is provided in addition to the variance and waiver procedures set forth in Chapter 28-104, F.A.C., which implements Section 120.542, F.S.

- (2) No change.
(3)(a) through (e) No change.

(f) The steps or measures the petition is taking to meet the requirement from which the variance is sought. ~~If the request is pursuant to subsection 40E-4.311(1), F.A.C., above, the petitioner shall include a schedule when compliance will be achieved.~~

- (g) through (h) No change.
(4) through (7) No change.

Rulemaking ~~Specific~~ Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 373.079, 373.083, 403.201 FS. History–New 9-2-98, Amended 6-12-00, 6-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Bureau Chief, Water Use Permitting and Compliance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 40E-1.021 Definitions, 40E-1.603 Application Procedures for Processing Permit Applications or Notices of Intent, 40E-1.6065 Consideration of Intended Agency Decision on Permit Applications, 40E-1.607 Permit Application Processing Fees, 40E-1.6107 Transfer of Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit, 40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern, 40E-1.659 Forms and Instructions, 40E-1.711 Orders of Corrective Action and Consent Order, 40E-1.715 Civil Penalty Calculation.

PURPOSE AND EFFECT: To update the District’s rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The proposed amendments include: 1) adding chapters applicable to the definitions; 2) clarifying types of permits; 3) deleting references to repealed rules; 4) updating delegation pursuant to Section 373.079(4) and 373.083(5), F.S.; 5) updating rules to comply with Section 120.55(1)(a)4. and 5., F.S., regarding incorporation of forms by reference; 6) updating titles of referenced rules; and 7) updating rule pursuant to Section 373.119, 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 proposed amendments are procedural in nature and have no economic impact.

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 proposed amendments are procedural in nature and have no economic impact.

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), 218.075, 373.044, 373.109, 373.113, 373.333, 373.4136, 373.416, 373.421(2), 373.421(6)(b), 380.051, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.60, 120.69, 218.075, 373.079, 373.083, 373.107, 373.109, 373.113, 373.116, 373.119, 373.129, 373.136, 373.171, 373.209, 373.229, 373.309, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.422, 373.426, 373.429, 373.430, 373.436, 373.603, 380.051, 403.201, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: August 9, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paulette Glebocki, Lead Hydrogeologist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, 1(800)432-2045, ext. 6941, or (561)682-6941. For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District,

3301 Gun Club Road, West Palm Beach, FL 33406, jsluth@sfwmd.gov, 1(800)432-2045, ext. 6299, or (561)682-6299

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-2, 40E-4, 40E-20, 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) “e-Permitting website” means the District’s website address for e-Permitting at <http://www.sfwmd.gov/ePermitting>.

(2) through (5) No change.

~~Rulemaking Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 668.003, 668.004, 668.50 FS. History—New 10-1-06, Amended _____.~~

40E-1.603 Application Procedures for Processing Permit Applications or Notices of Intent ~~Conceptual Approval, Individual and Standard Permits.~~

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

(b) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. For individual environmental resource permits, ~~and~~ standard environmental resource permits, individual water use permits, and standard general water use permits, the applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.

(c) through (e) No change.

(2) No change.

(3)(a) Agency action on individual permits and conceptual approvals for environmental resource permits shall occur within 90 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(b) An authorization to proceed for standard general water use permits in Chapter 40E-20, F.A.C., shall occur within 60 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(c) Agency action on a standard environmental resource permit application in Chapter 40E-40, F.A.C., shall occur within 60 days of receipt of a complete application, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

~~(d) An authorization to proceed for general permits in Chapter 40E-30, F.A.C., shall be issued within 30 days of receipt of a complete notice of intent, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.~~

(d)(e) Noticed general environmental resource permits under Chapter 40E-400, F.A.C., may be utilized by the applicant 30 days after the District receives the notice of intent, unless a notice that the project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District within 30 days, in accordance with Rule 40E-400.211, F.A.C. If notice that the proposed project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit if the requested activity is not covered by the noticed general permit rule.

Rulemaking Authority 120.53(1), 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS. History–New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06, Amended 12-1-11, _____.

40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

(1) After the application for a permit is declared by staff to be complete, ~~if a governing board hearing on the permit application is required,~~ the District shall prepare a Staff Review Summary, which shall contain its recommendations regarding the subject application and which shall constitute intended agency decision. A notice of intended agency decision together with the Staff Review Summary shall be furnished to the applicant and any persons requesting the same pursuant to Rule 40E-1.6058, F.A.C., as applicable. The notice shall state the District Staff’s recommendation that the District Governing Board approve, deny, or approve with conditions the permit application and the reasons therefore.

(2) The District Governing Board shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or individual water use permit application at its next available regularly scheduled regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) No change.

(4) Because the District Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the District Governing Board. If the District Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail by regular United States mail or electronic mail a notice of the final agency action to all persons who were notified of the intended agency decision.

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 120.60, 373.079, 373.083, 373.107, 373.109, 373.116, 668.003, 668.004, 668.50 FS. History–New 7-2-98, Amended 6-12-00, 10-1-06, _____.

40E-1.607 Permit Application Processing Fees.
Introductory paragraph – No change.

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)

PERMIT APPLICATION PROCESSING FEES FOR WATER USE PERMIT APPLICATIONS REVIEWED PURSUANT TO CHAPTERS 40E-2 AND 40E-20, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

Category	Amount
Individual Public Water Supply with a duration less than 20 years Maximum monthly allocation through Aquifer Storage and Recovery – No Change Permit Transfer to Another Entity Pursuant to Rules 40E-0.107 40E-1.611 and 40E-2.351, F.A.C.	\$300
Letter Modification to Individual Permit through Letter Modification to General Permit – No change.	

(2) No change.

(3) through (7) No change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b) FS. Law Implemented 218.075, 373.109, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, _____.

40E-1.6107 Transfer of Environmental Resource, Surface Water Management, ~~or~~ Water Use, or Wetland Resource Permit.

(1) To transfer an environmental resource, surface water management, or water use permit, the permittee, in addition to satisfying the applicable provisions in Rules 40E-2.351, ~~and~~ 40E-4.351, 40E-20.351, and 40E-40.351, F.A.C., must submit Form No. 0483, _____ (date), (hyperlink) _____, Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer, incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436.

(2) In addition, the permittee must provide information required in Rule 40E-1.6105, F.A.C., and file a statement from the proposed transferee in writing or at the District’s e-Permitting website that it has reviewed the District permit

and project design and will be bound by all terms and conditions of the permit, including all compliance requirements, for the duration of the permit.

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

~~Rulemaking Specific Authority 120.53(1), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History–New 5-11-93, Amended 10-3-95, 10-1-06, _____.~~

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) through (2) No change.

(3) The following coordinated agency review procedures apply to projects which require permits pursuant to Chapters 40E-2 or 40E-20 (Consumptive Use) and 40E-4 or 40E-40, (Environmental Resource), F.A.C.:

(a) The Coordinated Review Application shall consist of the application information required by Rules 40E-1.603 (Application Procedures for Processing Permit Applications or Notices of Intent), 40E-2.101 (Content of Application) or 40E-4.101 (Content of Application), F.A.C.

(b) No change.

(c) The District’s Coordinated Review process follows the permit review procedures set forth in Rule 40E-1.603, F.A.C. (Application Procedures for Processing Permit Applications or Notices of Intent Conceptual Approval, Individual and Standard Permits).

(d) No change.

(e) The Certification of the Coordinated Review Application required by Section 380.051(2)(a), F.S., and subsections 9J-19.002(3) (Purpose) and 9J-19.009(1) and (2) (Completion of Substantive Review), F.A.C., shall occur within 60 days after the District begins substantive review, and shall consist of the notice of proposed agency action together with the staff report on the individual permit pursuant to subsection 40E-1.603(6) (Application Procedures for Processing Permit Applications or Notices of Intent Conceptual Approval, Individual and Standard Permits), F.A.C., which may recommend denial to the Governing Board, or approval, or approval with conditions to its designee.

(f) No change.

~~Rulemaking Authority 373.044, 373.113, 380.051, 668.003, 668.004, 668.50 FS. Law Implemented 380.051, 668.003, 668.004, 668.50 FS. History–New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11, _____.~~

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District’s rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0186	_____	State of Florida Water Well Contractor’s Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.
0188-QMQ	8-03	Quarterly Report of Withdrawals, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.
0188-QMON	8-03	Quarterly Report of Monitoring Requirements, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0444	12-11	No change.
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference in subsection 40E-2.101(3), F.A.C.

0483	_____	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in subsection 40E-1.6107(1), F.A.C.
0645-W01	9-04	Water Use Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference in subsection 40E-2.101(1), F.A.C.
0645-G60	8-03	Table A Descriptions of Wells, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G61-1	8-03	Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G61-2	8-03	Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G65	8-03	Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD), incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G71	8-03	Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G72	8-03	Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0645-G73	8-03	Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.
0779	01-01	Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/Application for a Works of the District Permit
0830	5-5-92 4-94	Special Use Application and License , incorporated by reference in subsection 40E-63.091(9), F.A.C.
0881A through 1024		No change.
1045	11-10	<u>Application for a C-139 Basin Pollutant Source Control Permit and Guidebook for Preparing an Application for a C-139 Basin Pollutant Source Control Permit</u> , incorporated by reference in subsection 40E-63.430(2), F.A.C.
		No change.
		<u>Water Use General Permit</u>
1105 thru 1109	1106	
	8-03	
1189 thru	1318	No change.
<u>62-532.900(1)</u>	<u>10-07-10</u>	<u>State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well</u> , incorporated by reference in subsection 40E-3.101(1), F.A.C.
<u>62-532.900(2)</u>	<u>10-07-10</u>	<u>State of Florida Well Completion Report</u> , incorporated by reference in subsection 40E-3.411(1), F.A.C.

Rulemaking Authority 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, _____.

40E-1.711 Orders of Corrective Action and Consent Order Agreements.

- (1) No change.
- (2) Consent Order Agreement.

(a) A consent ~~order agreement~~ is final agency action wherein all parties and the District, by negotiation, have arrived at a resolution of alleged violations of law for the purpose of achieving full and expeditious compliance with Chapters 373 and 403, F.S., and District rules promulgated thereunder. A consent ~~order agreement~~, executed by all parties to an enforcement action, shall have the same force and effect as a final order entered by the District after a formal Section 120.57, F.S., administrative hearing, and shall be enforced in like manner.

(b) The resolution of an enforcement action which requires only the payment of civil penalties and costs but no corrective action shall be memorialized by use of a letter agreement. Any other remedial action required, such as mitigation, restoration, or procurement of permits shall be implemented by use of a consent order agreement.

(c) Upon execution by the Chair of the Governing Board, or a duly authorized designee, and filing by the District Clerk, a consent order agreement shall constitute agency action subject to the provisions of Rule 40E-0.109 40E-1.511, F.A.C.

(3) No change.

Rulemaking Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 373.119, 373.129, 373.136, 373.430, 373.603 FS. History–New 5-11-93, Formerly 40E-1.614, Amended 10-3-95,_____.

40E-1.715 Civil Penalty Calculation.

(1) Consistency and equitable treatment are essential elements of the District’s enforcement guidelines. Therefore, the District has developed two a civil penalty matrices matrix (CPMs) for use in calculating appropriate civil penalties in enforcement actions. The Consumptive Use CPM, Form No. _____, is incorporated by reference herein and utilized for violations of into this chapter and Chapters 40E-2, 40E-3, 40E-4, 40E-5, 40E-20, and 40E-21 40E-40, 40E-41, 40E-61, 40E-63 and 40E-400, F.A.C. The Environmental Resource CPM, Form No. _____, is incorporated by reference herein and utilized for violations of Chapters 40E-4, 40E-40, 40E-41, 40E-61, 40E-63, and 40E-400, F.A.C. Copies of the CPMs are also available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33405, 1(800)432-2045, ext. 6436, or (561)682-6436.

(2) The CPM is the initial basis for determining the appropriate amount for a particular penalty. The CPM reflects the District’s statutory authority under Section 373.129, F.S., to seek civil penalties of up to \$10,000 per day, per violation. The CPM is comprised of two principle components:

(a) The actual or potential harm to the public and the environment that may occur as a result of the violation; and

(b) The extent of deviation from statutory or regulatory requirements.

(3) Because an economic advantage can be derived through avoidance of expenditures necessary to achieve compliance with District permitting rules and regulations, the District shall consider in its assessment of civil penalties any economic benefit which the violator may have gained through noncompliance.

(4) Multiple penalties shall be calculated for every violation which constitutes an independent and substantially distinguishable violation, or when the same person has violated the same requirement in substantially different locations.

(5) Multi-day penalties shall be calculated where daily advantage is being gained by the violator for an ongoing violation, computed by multiplying the original assessment amount by the number of days of noncompliance.

Rulemaking Specific Authority 120.53(1), 373.044, 373.113, 373.333(1) FS. Law Implemented 120.69, 373.129, 373.209(3), 373.430, 373.603 FS. History–New 10-3-95, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Bureau Chief, Water Use Permitting and Compliance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-2.010	Review of Consumptive Use Permit Applications
40E-2.011	Policy and Purpose
40E-2.031	Implementation
40E-2.041	Permits Required
40E-2.091	Publications Incorporated by Reference
40E-2.101	Content of Application
40E-2.331	Modification of Permits
40E-2.341	Revocation of Permits
40E-2.381	Limiting Conditions
40E-2.451	Emergency Authorization
40E-2.501	Permit Classification

PURPOSE AND EFFECT: To update the District’s rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The proposed amendments include: 1) updating references to repealed rules; 2) updating titles of referenced rule chapters; 3) correcting typographical errors; 4) updating delegation pursuant to Sections 373.079(4) and 373.083(5), F.S.; 5) updating rules to incorporate forms in accordance with Section 120.55(1)(a)4. and 5., F.S.; and 6) adding ePermitting option to be consistent with other rules.

In addition, the amendments update the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., as follows: 1) update references to repealed rules; 2) update delegation pursuant to Sections 373.079(4) and (5), F.S.; 3) clarify types of permits; 4) correct typographical errors; 5) delete sections regarding basin expiration dates; 6) update rules to reflect compliance reports should be submitted

every 10 years rather than 5, in accordance with Section 373.236(3), F.S.; 7) change definition of "Xeriscape" to "Florida Friendly Landscaping" pursuant to Section 373.185, F.S.; 8) update name of map; 9) move Figure 3-4 and re-label Figures 3-5 and 3-6; 10) update rules to incorporate forms in accordance with Section 120.55(1)(a)4. and 5., F.S.; 11) add e-Permitting option to be consistent with other rules; and 12) delete outdated contact information.

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 proposed amendments are procedural in nature and have no economic impact.

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 proposed amendments are procedural in nature and have no economic impact.

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: 120.54(5), 120.60, 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.042, 373.0421, 373.079, 373.083, 373.103(1), 373.109, 373.196, 373.203, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.232, 373.233, 373.236, 373.239, 373.244, 373.246, 373.249, 373.250 FS.

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

DATE AND TIME: August 9, 2012, 9:00 a.m.
PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paulette Glebocki, Lead Hydrogeologist, South Florida Water Management District,

3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, 1(800)432-2045, ext. 6941, or (561)682-6941. For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, jsluth@sfwmd.gov, 1(800)432-2045, ext. 6299, or (561)682-6299

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-2.010 Review of Consumptive Use Permit Applications.

Consumptive use permit applications are processed pursuant to Section 120.60, Florida Statutes, ~~Part VI of~~ and Chapters 40E-1 and ~~28-106~~ 28-107, F.A.C.

Rulemaking Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History–New 7-2-98, Amended _____.

40E-2.011 Policy and Purpose.

(1) through (2) No change.

(3) Additional rules relating to water use are found in Chapter 40E-5, F.A.C., (Artificial Recharge), Chapter 40E-8, F.A.C., (Minimum Flows and Levels (MFLs)), Chapter 40E-10, F.A.C., (Water Reservations), Chapters 40E-20, F.A.C., (General Water Use Permits), 40E-21, F.A.C., (The Water Shortage Plan), 40E-22, F.A.C., (Regional Water Shortage Plans) and 40E-24 (Mandatory Year-Round Landscape Irrigation Conservation Measures) ~~40E-23, F.A.C., Water Resource Caution Areas~~.

(4) Standards for the construction, repair and abandonment of water wells are found in Chapters 40E-3, F.A.C. (Water Wells) and ~~40E-30 (General Permits for Water Wells), F.A.C.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216, 373.249 FS. History–New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91, 8-1-02, 8-31-03, 7-2-09, _____.

40E-2.031 Implementation.

(1) The effective dates for the water use permitting program established in this chapter are:

(a) If the use or withdrawal of water exceeds 100,000 gallons per day, the effective dates are:

1. January 12, 1977, for the portion of the District formerly within the Ridge and Lower Gulf Coast Water Management District,
2. March 2, 1974, for the remainder of the District;

(b) If the use or withdrawal of water does not exceed 100,000 gallons per day, the effective date is January 14, 1979.

(2) The effective dates specified in subsection (1) are used to determine the two year period provided in Section 373.236, F.S. 373.266, Florida Statutes, for existing water users to file initial applications.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.216, 373.226 FS. History–New 9-3-81, Formerly 16K-2.011, Amended.

40E-2.041 Permits Required.

(1) through (2) No change.

(3) Under certain circumstances the ~~District Board or the Executive Director~~ may issue a temporary water use permit pursuant to ~~Rule 40E-2.441, F.A.C., and~~ Section 373.244, Florida Statutes.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.103(1), 373.219, 373.244 FS. History–New 9-3-81, Formerly 16K-2.03(1), (2), Amended _____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~March 18, 2010,~~ _____ (hyperlink), is incorporated by reference herein, and incorporates the following forms: is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

(1) Form 0188-QMO, Quarterly Report of Withdrawals, (date) _____ (hyperlink) (referenced in Section 4.1):

(2) Form 0188-QASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, (date) _____ (hyperlink) (referenced in Section 4.1):

(3) Form 0188-QMOF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, (date) _____ (hyperlink) (referenced in Section 4.1):

(4) Form 0188-QBWDR, Quarterly Report of Bulk Water Delivered and Received, (date) _____ (hyperlink) (referenced in Section 4.1):

(5) Form 0188-QMON, Quarterly Report of Monitoring Requirements, (date) _____ (hyperlink) (referenced in Section 4.2):

(6) Form 0188-QCROP, Report of Planting and Harvest of Seasonal _____ Crops, (date) _____ (hyperlink) (referenced in Section 5.2.3):

(7) Form 0188-QMMOF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, (date) _____ (hyperlink) _____ (referenced in Section 5.2.3).

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” and forms incorporated therein are available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406. 1(800)432-2045, ext. 6436 or (561)682-6436.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, _____.

The following is an excerpt of the changes in the Basis of Review:

1.1 Objectives

Chapter 373, Florida Statutes (F.S.), enables and directs the District to regulate the use of water within its jurisdictional boundaries. The purpose of the water use regulatory program is to ensure that those water uses permitted by the District are reasonable-beneficial, will not interfere with any presently existing legal uses of water, and are consistent with the public interest pursuant to Section 373.223, F.S. The District has adopted rules for regulating the consumptive use of water, which are set forth in Chapters 40E-2 and 40E-20, Florida Administrative Code. The Basis of Review is incorporated by reference into Chapter 40E-2. The Basis of Review must be read in conjunction with Chapters 40E-2 and 40E-20, as applicable. The objective of the Basis of Review is to further specify the general procedures and information used by District staff for review of water use permit applications. All criteria in the Basis of Review applies to processing individual permit applications, and specified criteria applies to processing of general permit notices of intent. The criteria contained herein are flexible, with the primary goal being to meet District water resource objectives.

In addition, procedures for processing water use permit applications are set forth in Chapters 40E-0 and 40E-1, F.A.C. Rules 40E-1.603 and 40E-1.606. Rule 40E-1.610 provides procedures for permit renewals and Rule 40E-1.6107 sets forth procedures for permit transfers.

1.3.1 Third Party Interests

Frequently, other governmental entities, organizations, or affected citizens have an interest in the outcome of a permit action. Third party interests that would be substantially affected by issuance of a requested permit will have the opportunity to request an administrative hearing, pursuant to Sections 120.569 and 120.57(1), F.S. Rule 40E-1.521, prior to issuance of the permit. In order to obviate any delays in permit issuance, discussions with such entities regarding their water resource concerns prior to or during permit application review is encouraged. Issuance of a water use permit by the District does not relieve the Applicant of the responsibility to obtain all necessary federal, state, local, or other District permits or authorizations.

1.3.2.1 Competition within the Central Florida Coordination Area (CFCA)

In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the Legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the ~~District Governing Board~~ or of any other person or entity under Section 373.233, F.S., Competing Applications. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in Section 1.8, to minimize competition and thereby provide greater certainty of outcome than competition.

1.6 Professional Certification of Supporting Documents

All final plans, calculations, analyses, or other geologic/engineering documents, submitted as part of a permit application are required to be signed and sealed by an appropriate registered professional pursuant to Section 373.117, 373.1175, or Chapter 492, F.S., as appropriate.

1.7 Application Review Process

The District has established two categories ~~procedures~~ for ~~issuing~~ permits based on the quantity of water permitted; individual and standard general. ~~These two procedures include permit issuance by (1) the Governing Board for individual permits and (2) District staff for general permits~~ General permits include: (1) (minor standard general permits for uses of 3 million gallons per month or less; (2) major standard general permits for uses greater than 3 million gallons per month up to 15 million gallons per month; and (3) dewatering general permits). Individual permits must be obtained for water use activities that are not exempt pursuant to Rule 40E-2.051, F.A.C., and do not fall within the thresholds for general permits established in Rule 40E-20.302, F.A.C.

The permit application will be processed pursuant to Chapters 40E-0 and 40E-1 ~~Rule 40E-1.603, F.A.C.~~, for individual and general permits. These rules set forth procedures for filing applications, requests for additional information, permit application modification, public noticing of permit applications, and requests for administrative hearings.

(Remainder of section remains unchanged)

1.7.2.2 Special Duration Factors

A. 1. through 3. No change.

4. For irrigation uses permit applications filed before the applicable Basin Application Date in Section 1.7.3, the permit duration will be limited to the Basin Expiration Date;

5. through 8. renumbered 4 through 7. No change.

B.1. No change.

2. Lower East Coast Regional Water Supply Planning Area: Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project, except when stormwater discharge or

wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the Saint Lucie River/Canal.

3. through 4. No change.

C. through E. No change.

1.7.2.3 Compliance Reports

A. Where necessary to maintain reasonable assurance that the conditions for issuance of a permit can continue to be met over the duration of a 20 year permit, the District shall require the permittee to submit a compliance report pursuant to subsection 373.236(3), F.S., no more than once every ~~ten five~~ years. The permit shall be conditioned to assure compliance with the initial conditions for issuance, including implementation of schedules for Water Need and Demand Methodologies under Section 2.0, maintaining updated water conservation and efficiency requirements, and updated allocation methodologies, pursuant to District rules.

The compliance report shall contain sufficient information to maintain reasonable assurance that the permittee's use of water will continue to meet Chapters 40E-2 and 40E-20, F.A.C., as applicable, for the remaining duration of the permit. The compliance report shall, at a minimum, include all of the information specifically required by the permit limiting conditions.

B. No change.

C. No change.

1.7.3 Basin Expiration Dates

1.7.3.1 Definitions

A. ~~Irrigation Permit Expiration Basin — Geographic area where Individual and major Standard General Water Use Permits for the irrigation use class have a specified Irrigation Basin Expiration Date.~~

B. ~~Basin Application Date — The date, specified below in Section 1.7.3.3, after which complete applications for Individual and major Standard General Water Use Permits for the irrigation use class shall be reviewed under newly adopted rules.~~

C. ~~Basin Expiration Date — The date of expiration, specified below in Section 1.7.3.3, of Individual and major Standard General Water Use Permits for the irrigation use class located in the specified Irrigation Permit Expiration Basin.~~

1.7.3.2 Policy and Purpose

This Section addresses application and expiration procedures associated with Individual and major Standard General Water Use Permits for the irrigation use class during the transition from the use of Basin Expiration Dates to use of permit durations based on the date of permit application. These criteria establish Irrigation Permit Expiration Basins, Basin

~~Expiration Dates, Basin Application Dates, and application procedures for Individual and major Standard General Water Use Permits for the irrigation use class.~~

~~The Irrigation Permit Expiration Basins are defined considering a number of factors including commonality of supply source, resource concerns, and work load management. By establishing the Irrigation Permit Expiration Basins, the District specifically does not intend to establish any priority or preference between individual users or basins. The District recognizes individual user concerns regarding availability of shared resources across basin lines may warrant flexibility in the timing of permit application and review. Thus, procedures to address such concerns are detailed below.~~

~~1.7.3.3 Basin Expiration and Application Dates~~

~~A. An Individual and major Standard General Water Use Permit for the Irrigation Use Class shall expire on the Basin Expiration Date for the Irrigation Permit Expiration Basin in which the permitted project is located.~~

Irrigation Permit Expiration Basin	Basin Application Date	Basin Expiration Date
Upper East Coast Basin A	October 30, 2003	February 28, 2004
Upper East Coast Basin B	February 28, 2004	June 30, 2004
Upper East Coast Basin C	June 30, 2004	October 30, 2004
Lower West Coast Basin A	October 30, 2004	February 28, 2005
Lower West Coast Basin B (excluding projects located within the Lake Okeechobee Basin)	February 28, 2005	June 30, 2005
Lower West Coast Basin C	June 30, 2005	October 30, 2005
Lower West Coast Basin D	October 30, 2005	February 28, 2006
Lower West Coast Basin E (excluding projects located within the Lake Okeechobee Basin)	February 28, 2006	June 30, 2006
Broward County Basin	June 30, 2006	October 30, 2006
Dade / Monroe Basin	October 30, 2006	February 28, 2007
Palm Beach County Basin	February 28, 2007	June 30, 2007
Kissimmee Basin A	October 30, 2007	February 28, 2008
Kissimmee Basin B	February 28, 2008	June 30, 2008
Kissimmee Basin C	June 30, 2008	October 30, 2008
Lake Okeechobee Basin	October 30, 2008	February 28, 2009

~~1.7.3.4 Lake Okeechobee Basin~~

~~Permittees located within the Lake Okeechobee Basin using water, in whole or in part, from sources other than Lake Okeechobee, the Caloosahatchee River, the St. Lucie River/Canal, or integrated conveyance systems that are hydraulically connected to either Lake Okeechobee, the Caloosahatchee River or the St. Lucie River/Canal, may elect to have their permit applications reviewed concurrently with other water use applications located within the same Irrigation Permit Expiration Basin.~~

~~1.7.3.5 Irrigation Permit Expiration Basin Descriptions~~

- ~~(1) Lower West Coast Basin A is described in Figure 2.~~
- ~~(2) Lower West Coast Basin B is described in Figure 3.~~

- ~~B. Individual and major Standard General Water Use Permits for the Irrigation Use Class issued pursuant to applications that are completed before the Basin Application Date shall have a permit expiration date commensurate with the Basin Expiration Date.~~
- ~~C. The District shall provide notice to Individual and major Standard General Water Use Permit holders for the Irrigation Use Class of the expiration date of their permits 30 days prior to the Basin Application Date applicable to their project. Notice shall be made by mail or by publication in a newspaper of general circulation in the affected area.~~
- ~~D. The following table identifies the Irrigation Permit Expiration Basins and states the applicable Basin Application Dates and Basin Expiration Dates.~~

- ~~(3) Lower West Coast Basin C is described in Figure 4.~~
- ~~(4) Lower West Coast Basin D is described in Figure 5.~~
- ~~(5) Lower West Coast Basin E is described in Figure 6.~~
- ~~(7) Upper East Coast Basins A, B, and C are described in Figure 7.~~
- ~~(8) Palm Beach County Basin is described in Figure 8.~~
- ~~(9) Broward County Basin is described in Figure 9.~~
- ~~(10) Kissimmee Basins A, B, and C are described in Figure 10.~~
- ~~(11) Dade/Monroe Basin is described in Figure 11.~~
- ~~(12) Lake Okeechobee Basin is described in Figure 12.~~

(Figure 1 is proposed to be deleted)

Figure 1

(Figure 2 is proposed to be deleted)

Figure 2

(Figure 3 is proposed to be deleted)

Figure 3

(Figure 4 is proposed to be deleted)

Figure 4

(Figure 5 is proposed to be deleted)

Figure 5

(Figure 6 is proposed to be deleted)

Figure 6

(Figure 7 is proposed to be deleted)

Figure 7

(Figure 8 is proposed to be deleted)

Figure 8

(Figure 9 is proposed to be deleted)

Figure 9

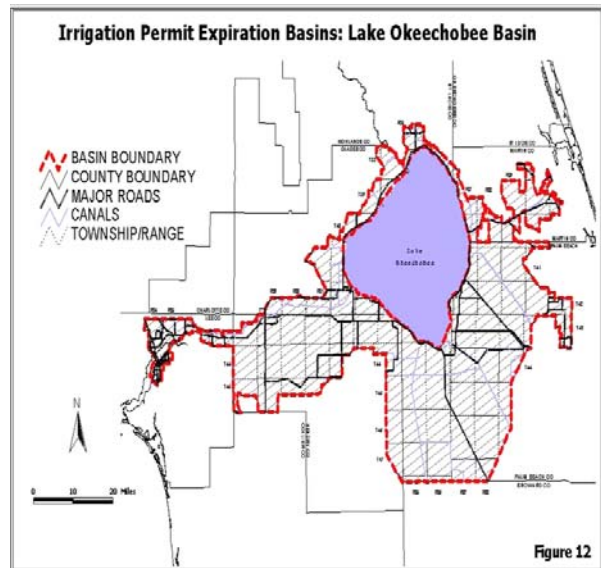
(Figure 10 is proposed to be deleted)

Figure 10

(Figure 11 is proposed to be deleted)

Figure 11

(Move to Section 3.2.1(G), remove Irrigation Permit Expiration Basins: from title and renumber as Figure 3-5)



1.7.3.6 Basin Boundary Overlap

For projects that cross Irrigation Permit Expiration Basin boundaries, the District shall assign a Basin Expiration Date and Basin Application Date that best addresses resource issues. A permit shall be assigned the Basin Expiration Date and Basin Application Date of the Irrigation Permit Expiration Basin in which:

- i. adverse resource impacts are likely to occur;
- ii. resource competition is a concern;
- iii. the majority of the withdrawal facilities are located; or;
- iv. the majority of the project's irrigated acreage is located if the withdrawal facilities are split equally between the basins.

1.7.3.7 User Rights

A. The District does not intend, by adoption of these rules, to create a priority or preference between water users within different basins, however, it is possible that projects located in an adjacent basin having an earlier Basin Expiration Date and Basin Application Date may affect user rights by providing the ability to apply, and get a permit, before another affected user outside the designated basin is otherwise authorized to apply for a permit. Thus, if due to basin boundary lines water user rights are affected, a water user may elect to have its permit application reviewed concurrently with other water use applications within an adjacent basin. The manner in which user rights may be affected include contribution to cumulative drawdown impacts

~~which may trigger water resource protection rules such that there may be insufficient water available for allocation to all permit applicants.~~

~~B. Water users shall have the burden of identifying those projects which may affect their water use rights.~~

1.7.4 Permit Renewals

Applications for permit renewal shall be made pursuant to Rule 40E-1.610, F.A.C., any time within six months prior to permit expiration. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date, ~~except as provided in Section 1.7.3.~~ Permits for which renewal applications have been submitted shall remain in effect past the expiration date until final agency action on the application is taken.

1.8 Definitions

Allocation Coefficient through Existing Legal Use of Water – No change.

Florida-Friendly Landscaping – A landscaping method that details nine landscape principles that conserve water, protect the environment, and promote planting native flora adaptable to local conditions. The principles are described in Section 373.185, F.S.

The definitions set forth in Chapter 40E-8, F.A.C., shall be incorporated into the Basis of Review.

Flow Meter through Wind Stress Damage – No change

~~*Xeriscape* – A landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The definitions set forth in Chapter 40E-8, F.A.C., shall be incorporated into the Basis of Review.~~

2.1 Demonstration of Need

To receive a general or individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water, as required by Section 373.223, F.S. In order to demonstrate that a water use is reasonable-beneficial, the Applicant must show "need" for the water in the requested amount. This chapter describes the factors involved in determining whether there is need and for determining the appropriate permit allocation, or "demand," for a particular water use.

For twenty year duration permits, the permittee shall ensure that, on a continual basis, the conditions for permit issuance are met for the duration of the permit, including requirements for attaining the maximum reasonable-beneficial use of water, preventing inefficient uses of water, and ensuring that uses continue to be consistent with the public interest. Every ~~ten~~ five years the permittee shall be required to evaluate and update the water use based on current District rules regarding efficiency of use and reasonable demands.

Demonstration of "need" requires consideration of several factors, including: 1) legal control over the project site, facilities, and for public water supplies, the proposed service area, and 2) compatibility of the proposed water use with the land use at the project site or area to be supplied water.

Demonstration of "demand" is dependent on the specific water use classification requirements set forth in Sections 2.2 through 2.8.

2.3.1 Water Conservation Plans

All individual permit applicants for landscape and golf course irrigation projects shall develop a conservation program incorporating the following mandatory elements. This conservation program must be submitted at the time of permit application.

A. The use of ~~Florida-Friendly Xeriscape~~ landscaping principles for proposed projects and modifications to existing projects where it is determined that Florida-Friendly landscaping Xeriscape is of significant benefit as a water conservation measure relative to the cost of Florida-Friendly landscaping Xeriscape implementation and meets the requirements of Section 373.185(2)(a)-(f), F.S.

B. No change.

C. The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.

2.5.3 Long-Term Dewatering Individual Permits

Long-term dewatering individual permits apply to projects that exceed the thresholds and criteria described in Basis of Review, Sections 2.5.1 and 2.5.2 above. ~~These permits must be approved by the District Governing Board.~~ Two types of individual dewatering permits are available from the District. For projects where all the dewatering activities are defined at the time of the permit application, the applicant may apply for a "standard" Individual Permit. For long-term, multi-phased projects, with undefined activities or no contractor at the time of the permit application, the applicant may apply for a "master" Individual Permit.

Applicants for all individual dewatering permits must satisfy the conditions of issuance for Individual Permits (Rule 40E-2.301, F.A.C.), ~~and may not commence dewatering prior to approval of the permit by the Governing Board.~~ In order to provide reasonable assurances that water reserved in Rule 40E-10.041, F.A.C., will not be withdrawn, all water from the dewatering activity shall be retained on site. If the applicant demonstrates that retaining the water on site is not feasible, the project shall be modified to demonstrate pursuant to Section 3.11 that reserved water will not be withdrawn. The applicant may elect to begin dewatering for a single period of only 90 days in areas of the project, that meet the No-Notice criteria specified in Section 2.5.1 of this Basis of Review, once an application for an Individual dewatering permit has been submitted to the District.

The applicant must provide the information required for the Dewatering General Permit, as specified in Section 2.5.2. In addition, the applicant shall provide estimates of the maximum monthly and annual dewatering withdrawals for the project and will be required to submit records of monthly withdrawals for each dewatering pump to the District. Staff shall not specify maximum monthly or annual withdrawal volumes in the recommended permit conditions ~~presented to the Governing Board.~~

A. “Standard” Individual Permits

The applicant shall specify all proposed dewatering activities for the project in terms of depth, duration, and areal extent of dewatering and proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm. The applicant may proceed with all dewatering activities once the permit has been approved ~~by the Governing Board.~~

B. “Master” Individual Permits

Due to project uncertainties, the applicant may not be able to specify all aspects of the proposed dewatering activities at the time of the permit application. In order to receive a “master” dewatering permit, the applicant must meet all conditions of issuance and specify the depth, duration, and areal extent of dewatering, the proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm for “typical” dewatering activities for the project. In addition, the applicant shall provide an estimated project schedule showing dewatering activities and calculated estimated maximum monthly and annual dewatering withdrawals. After approval of the permit ~~by the Governing Board,~~ the applicant shall be required by limiting condition to supply site-specific dewatering plans for each proposed dewatering activity to the District for review and approval at least two weeks prior to dewatering. The applicant may not initiate dewatering prior to receiving written notification from District Staff, that the proposed dewatering activity is consistent with the “master” permit approved ~~by the Governing Board.~~

(No change to Table 2-3 Dewatering Permits)

2.6.1 Water Conservation Plans

Introductory paragraph – No change.

A. No change.

B. Where the local government operating the public water supply utility, pursuant to Section 125.568 or 166.048, F.S., determines that Florida-Friendly Landscaping Xeriscape would be of significant benefit as a water conservation measure relative to the cost of Florida-Friendly Landscaping Xeriscape implementation, the local government operating the public water supply utility is required to adopt a Florida-Friendly Landscaping Xeriscape landscape ordinance meeting the requirements of Section 373.185(2)(a)-(f), F.S. In the event such a

Florida-Friendly Landscaping Xeriscape ordinance is proposed for adoption, the permit Applicant shall submit the draft ordinance to the District for determination of compliance with Section 373.185(2)(a)-(f), F.S. If the ordinance which the local government has or proposes to adopt includes an alternative set of requirements which do not encompass those contained in Section 373.185(2)(a)-(f), F.S., eligibility for the incentive program will not be achieved. The District, in compliance with Section 373.185, F.S., offers the following incentive program, to those local governments who are eligible, consisting generally of information and cost-benefit analysis assistance. Specifically, the information provided interested parties will consist of an explanation of the costs and benefits of Florida-Friendly Xeriscape landscapes; the types of plants suitable for Florida-Friendly Xeriscape landscapes within the local government’s jurisdiction; the types of irrigation methods suitable for Florida-Friendly Xeriscape landscaping and the use of solid waste compost. Further, if requested, the District will assist local governments in determining whether the benefits of requiring Florida-Friendly Xeriscape landscaping outweigh the costs within that local government’s jurisdiction; this assistance may consist of economic considerations, technical information or referral to other agencies that can provide information the local government may need to perform its cost benefit determination. The Governing Board finds that the implementation and use of Florida-Friendly Xeriscape landscaping, as defined in Section 373.185, F.S., contributes to the conservation of water. The Governing Board further supports adoption of local government ordinances as a significant means of achieving water conservation through Florida-Friendly Xeriscape landscaping.

C. through I. No change.

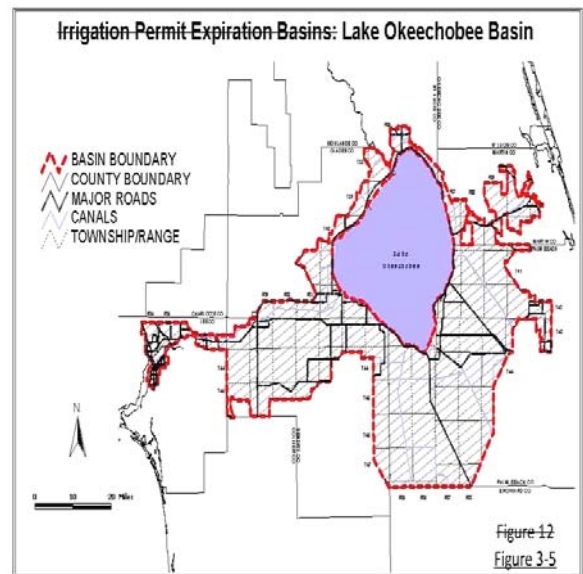
3.2.1 Restricted Allocation Areas

A. through D. No change.

E. In addition to all other applicable consumptive use statutory and rule provisions, the following restrictions shall apply when allocating water by permit for water use withdrawals within the Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2 or 3.

This section is a component of recovery strategies for ~~MFLs minimum flows and levels~~ for the Everglades and the Northwest Fork of the Loxahatchee River, as set forth in Chapter 40E-8, F.A.C., and assists in implementing the objective of the District to ensure that water necessary for Everglades restoration and restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification under this rule.

- (1) through (6) No change.
- (7) Permit applicants must meet the requirements of any established ~~MFL minimum flow and level~~ and water reservation, if applicable.
- F. No change.
- G. The following restrictions shall apply when allocating surface water derived from the Lake Okeechobee Waterbody for consumptive use within the Lake Okeechobee Basin as ~~delineated in Figure 3-5 defined in Section 1.7.3~~. This rule is a component of the recovery strategy for ~~MFLs minimum flows and levels~~ for Lake Okeechobee, as set forth in Chapter 40E-8, F.A.C., to address lower lake management levels and storage under the U. S. Army Corps of Engineers’ interim Lake Okeechobee Regulation Schedule (LORS), adopted to protect the public health and safety (April 28, 2008). Compliance with this rule along with the other criteria contained in the Basis of Review implements the objectives of the District to protect the public health and safety, to prevent interference among legal users of Lake water, to be consistent with the MFL recovery strategy as defined in Rule 40E-8.421, F.A.C., and to ensure that water necessary for Everglades restoration is not allocated for consumptive use.
- (1) The rule applies to applications for new projects, existing unpermitted projects, modifications to existing projects, and permit renewals for existing projects located within the Lake Okeechobee Basin as ~~delineated in Figure 3-5 described in Section 1.7.3~~, that propose to use surface water from the “Lake Okeechobee Waterbody,” defined as:
 - (a) through (b) No change.
 - (2) through (4) No change.
 - (5) Requests for temporary increases over the project’s base condition water use from the Lake Okeechobee Waterbody shall be granted to accommodate increased demands during a reasonable time period while alternative sources are constructed provided all other consumptive use permit criteria are satisfied. The duration of the temporary increase shall be determined based on a construction schedule for the alternative source to be implemented with due diligence and defined in permit conditions. Additionally, the permit shall include requirements to reduce the allocation to the base condition water use in accordance with this construction schedule.



3.4 Saline Water Intrusion

A water use permit application will be denied if the application requests freshwater withdrawals that would cause harm to the water resources as a result of saline water intrusion. Harmful saline water intrusion occurs when:

- A. No change.
- B. Withdrawals result in the sustained upward movement of saline water. Sustained upward movement is the level of movement that persists when the withdrawals have ceased. When the saline interface occurs beneath the point of withdrawal, the ~~maximum~~ ~~maximum~~ amount of pumpage from any well shall be constrained as follows:

(Remainder of section remains unchanged)

3.11.1 Picayune Strand and Fakahatchee Estuary

A permit applicant shall provide reasonable assurances that the proposed use will not withdraw water reserved under Rules 40E-10.041(1) and (2), F.A.C., except that water uses less than 100,000 gallons per day associated with land management or public access/recreation shall be permissible. Compliance with the following criteria constitutes reasonable assurances that water reserved in Rules 40E-10.041(1) and (2), F.A.C., will not be withdrawn. Water not reserved under Rules 40E-10.041(1) and (2), F.A.C., shall be allocated pursuant to Subsections A and B.

For this section, the following definitions apply:

Direct Withdrawals from Groundwater: water pumped from a well(s) constructed within the boundaries of the Picayune Strand or Fakahatchee Estuary into the water table or unconfined portions of the Lower Tamiami aquifer.

Indirect Withdrawals from Groundwater: a) a groundwater withdrawal from a well(s) constructed outside the boundaries of Picayune Strand and Fakahatchee Estuary into the water table or Lower Tamiami aquifer that results in a 0.1 foot or greater drawdown in the water table aquifer at any location underlying the Picayune Strand or the Fakahatchee Estuary as determined by an evaluation conducted pursuant to Section 1.7.5.2.A. or b) a groundwater withdrawal that causes a water table drawdown of 0.1 foot or greater underlying any canal identified in Figure ~~3-6~~ ~~3-5~~, as determined by an evaluation conducted pursuant to Section 1.7.5.2.A.

Direct Withdrawals from Surface Water: Withdrawal of surface water from facilities physically located within the Picayune Strand or Fakahatchee Estuary boundaries.

Indirect Withdrawal from Surface Water: Withdrawal of surface water from any canal identified in Figure ~~3-6~~ ~~3-5~~.

A.1. through 8. No change.

B. Model Impact Evaluation. If required by Section A, the applicant shall demonstrate water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn by conducting the following model impact evaluation. A pre-application meeting between the applicant and District staff is strongly recommended to be conducted prior to initiating model development.

1. Defining Scope of Model Evaluation

- (a) For groundwater withdrawals, identify the cone of influence of the proposed withdrawal per Section 1.7.5.2.A. Based on this analysis, the Applicant shall identify which reservation inflow locations (set forth in Figures 1 and 2 in Rule 40E-10.021, F.A.C.) and conveyance system(s) identified on Figure ~~3-6~~ ~~3-5~~ are potentially influenced by the proposed withdrawal.
- (b) For surface water withdrawals, identify the reservation inflow locations, reservation water body (set forth in Figures 1 and 2 in Rule 40E-10.021, F.A.C.), and conveyance system(s) identified on Figure ~~3-6~~ ~~3-5~~ that are potentially influenced by the proposed withdrawal.

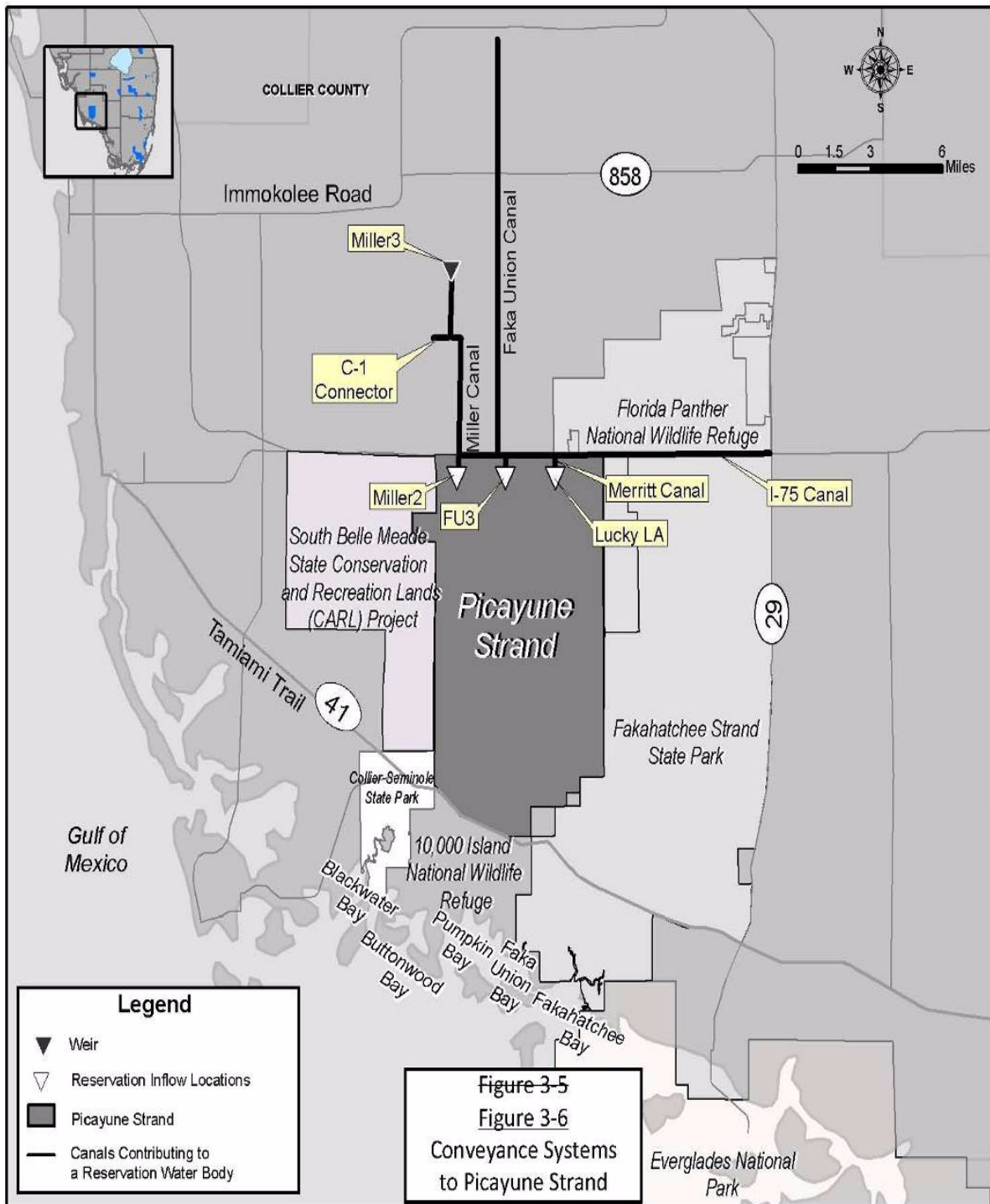
2. (a) through (f) No change.

3. Impact Evaluation. Once the model is calibrated, applicants shall demonstrate that water reserved for the Picayune Strand and Fakahatchee Estuary will not be withdrawn, based on the following:

- (a) "Without scenario": All existing legal uses at the effective date of the rule shall be represented using the allocation in the permit. For the purposes of this evaluation and paragraph (b) the annual allocation shall be distributed on a monthly basis based on the use type. For a public water supply use type, the monthly distribution shall be calculated based on the measured monthly pumpage divided by the annual total pumpage using the average of the three most recent representative years. Representative years shall not include years with water shortage restrictions, years with plant failures or other years that are not representative of normal pumpage. For an irrigation use type, the monthly distribution shall be determined using the Blaney-Criddle distribution calculated for each project pursuant to "Part B Water Use Management System Design and Evaluation Aids" of the Volume III, Permit Information Manual for Water Use Permit Applications referenced in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", which is incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., the annual allocation and the associated monthly distribution shall be simulated using the calibrated model developed in accordance with the criteria identified in Subsection 3.11.1.B.2 in order to generate a daily flow data for each represented inflow location identified in Subsection 3.11.1. These data shall be presented as daily hydrographs as well as seasonal and period of record flow probability curves.

(b) through (c) No change.

4. through 5. No change.



4.1 Withdrawal Quantity

Proper accounting for water use is essential to establish that the use is a reasonable-beneficial use of the resource and in the public interest. In addition, proper accounting of the various water uses enables the District to better estimate water use and to implement water shortage plans.

All Permittees with a maximum monthly allocation of greater than 3.0 million gallons, or irrigation water users located within the South Dade County Water Use Basin (as designated in Figure 21-11, Chapter 40E-21, F.A.C.), with a maximum monthly allocation of greater than 15.0 million gallons, are required to monitor and report withdrawal quantities from each withdrawal facility or point of diversion. Permittees shall submit the following forms, if applicable, electronically or at the address provided below:

0188-OMO, Quarterly Report of Withdrawals, (date) (hyperlink) :

0188-OASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, (date) (hyperlink) :

0188-OMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, (date) (hyperlink) :

0188-OBWDR, Quarterly Report of Bulk Water Delivered and Received, (date) (hyperlink) :

These forms are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(Remainder of section remains unchanged)

4.2 Saline Water Monitoring

The purpose of saline water monitoring is to ensure that harmful saline water intrusion, whether lateral from a surface or groundwater saline source, vertical from an aquifer containing lower quality water, or a combination of both, does not occur. Saline water monitoring is accomplished by routine sampling of the discharge water from production wells or from separate monitor wells. However, in areas of known saline water movement, separate monitor wells are required to be designed and constructed expressly for the purpose of saline water intrusion monitoring. The dissolved chloride concentration and the water level elevation, referenced to National Geodetic Vertical Datum, shall be measured. Frequency of measurements may be weekly, monthly, or quarterly, and will be identified in the permit limiting conditions. The data shall be reported using Form No. 0188-OMON, Quarterly Report of Monitoring Requirements, (date) (hyperlink), incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.

A. through G. No change.

H. Staff evaluation indicates saline water may come in contact with a fresh water source ~~(per Section 3.4.1 of this Basis of Review)~~ as a result of the proposed use.

(Remainder of section remains unchanged)

5.1 Standard Permit Conditions

A. through N. No change.

O. Permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted activities are located. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, F.A.C.

(Remainder of section remains unchanged)

5.2 Special Permit Conditions

Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: ~~S:F:W:M:D: at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, MSC 9611, Supervising Hydrogeologist—Water Use Compliance, Water Use Division (4320), P. O. Box 24680, West Palm Beach, FL 33416-4680 or by e-mail to wucomp@sfwmd.gov.~~

5.2.1 Public Water Supply

A. through G. No change.

H. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every ~~ten~~ five years from the date of permit issuance, the permittee shall submit a water use compliance report for review and approval by District Staff to SFWMD at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, MSC 9611, P. O. Box 24680, West Palm Beach, FL 33416-4680, which addresses the following:

1. and 2. No change.

5.2.3 Irrigation

A. No change.

B. ~~Landscape and Golf~~ course irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

(a) through (e) No change.

C. No change.

D. The permittee shall complete Form No. 0188-OCROP, a "Report of Planting and Harvest of Seasonal Crops", (date) (hyperlink), incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C., form and submit it with the appropriate "Quarterly Report of Withdrawals From Wells and Surface Water Pumps" (Form No. 0188-OMQF), incorporated by reference in paragraph 40E-2.091(1)(a) form.

E. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every ~~ten~~ five years from the date of permit issuance the permittee shall submit a water use compliance report for review and approval by District Staff to SFWMD at www.sfwmd.gov/ePermitting, or the Regulatory Support Bureau, MSC 9611, P. O. Box 24680, West Palm Beach, FL 33416-4680, which addresses the following:

1. and 2. No change.

F. No change.

G. Landscape irrigation shall be restricted to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.

5.2.8 Well Construction

A. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters 40E-3 and ~~40E-30~~, F.A.C.

B. through D. No change.

E. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapters 40E-3 or ~~40E-30~~, F.A.C.: (individual wells identified based on project specifications).

F. through H. No change.

40E-2.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are online at www.sfwmd.gov, "Locations." ~~with the District.~~

(a) The application, Form No. 0645-W01, Water Use Permit Application, (date), (hyperlink) shall include the following forms, if applicable ~~contain~~: The following parts of Form 0645 Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.;

1. Part RC-1A Administrative Information for Water Use Permit Applications;

2. Part RC-1W Application for a Water Use Permit;

(b) Form No. 0645-G60, Table A Description of Wells, (date), (hyperlink), for permits with wells;

(c) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, (date), (hyperlink), for permits with pumps;

(d) Form No. 0645-G61-2, Table C Description of Culverts, (date), (hyperlink), for permits with irrigation culverts;

(e) Form No. 0645-G65, Table D Crop Information, (date), (hyperlink), for agricultural permits;

(f) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, (date), (hyperlink), (2) For public water supply permits;

(g) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, (date), (hyperlink), for public water supply permits;

(h) Form No. 0645-G70, Table H Projected Water Use, (date), (hyperlink), for public water supply permits;

(i) Form No. 0645-G71, Table I Water Treatment Method and Losses, (date), (hyperlink), for public water supply permits;

(j) Form No. 0645-G72, Table J Aquifer Storage and Recovery, (date), (hyperlink), for public water supply permits; and

(k) Form No. 0645-G73, Table K Water Supply System Interconnections, (date), (hyperlink), for public water supply permits.

(b) through (d) renumbered (l) through (n) No change.

(2) No change.

(3) Applicants for a Dewatering Water Use permit shall electronically file or file with the District Form 0445, (date), (hyperlink), Mining/Dewatering Permit Application.

(4) The forms identified in subsections (1) and (3) above are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History—New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, 8-1-02, _____.

40E-2.331 Modification of Permits.

(1) through (3) No change.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. through 4. No change.

5. Does not result in a modification of the permit ~~which must be approved by the Governing Board~~ pursuant to Section 373.239(2), F.S.

6. No change.

(b) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.223, 373.229, 373.239 FS. History—New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, 2-13-08, 7-2-09, 3-15-10, _____.

40E-2.341 Revocation of Permits.

Violations of this chapter may result in the revocation or suspension of the authorization in whole or in part in accordance with the provisions of Chapter 373, including

Sections 373.119 and 373.243, Florida Statutes, Chapter 120, Florida Statutes, and Rules 40E-1.609 and 28-106.2015 28-107.004, F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(6), 373.103(4), 373.219, 373.229 FS. History–New 4-20-94, Amended 7-2-98,_____.

40E-2.381 Limiting Conditions.

The District Board shall impose on any permit granted under this chapter such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.079, 373.083, 373.219(1) FS. History–New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 4-23-07, 2-13-08,_____.

40E-2.451 Emergency Authorization.

(1) Permission to begin use, withdrawal, or diversion of water prior to the issuance of a permit may be applied for in writing, when emergency conditions exist which would justify such permission. However, no such permission shall be granted unless the use, withdrawal, or diversion is already being considered for a permit under Rule 40E-2.041, F.A.C. A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) Emergency authorizations shall be administered pursuant to Rule 40E-0.108 40E-1.6115, F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.219 FS. History–New 9-3-81, Formerly 16K-2.11, Amended 4-20-94, 7-2-98,_____.

40E-2.501 Permit Classification.

Each water use permit shall be classified according to source, use and method of withdrawal. The source use and method of withdrawal classes are listed in Rules 40E-21.631 40E-21.611 through 40E-21.691, F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.246 FS. History–New 9-3-81, Formerly 16K-2.12(2), Amended 7-4-82,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Bureau Chief, Water Use Permitting and Compliance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-5.101	Content of Application
40E-5.381	Limiting Conditions

PURPOSE AND EFFECT: To update the District’s rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The District proposes to update the Governing Board delegation pursuant to Section 373.079(4) and 373.083(5), F.S.; add ePermitting as an option, which is consistent with other rules; include location where applications may be submitted; and delete references to separate parts of Form 0645 which have been consolidated in Form 0645-W-01.

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 proposed amendments are procedural in nature and have no economic impact.

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 proposed amendments are procedural in nature and have no economic impact.

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, 373.229 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.106(1), 373.219 FS.

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

DATE AND TIME: August 9, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paulette Glebocki, Lead Hydrogeologist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, 1(800)432-2045, ext. 6941, or (561)682-6941. For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, jsluth@sfwmd.gov, 1(800)432-2045, ext. 6299, or (561)682-6299

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-5.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are available online at www.sfwmd.gov, "Locations," with the District Water Use Permit Application, Form No. 0645-W-01, which is incorporated by reference in subsection 40E-2.101(1), F.A.C., The application shall contain:

~~(a) The following parts of Form 0645 Surface Water Management Permit Applications and/or Water Use Permit Applications, as incorporated by reference in Rule 40E 1.659, F.A.C.;~~

~~1. Part RC-1A Administrative Information for Surface Water Management Permit Applications and/or Water Use Permit Applications;~~

~~2. Part RC-1W Application for a Water Use Permit;~~

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

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.229 FS. Law Implemented 373.106(1) FS. History--New 9-3-81, Formerly 16K-2.02(2), Amended 5-30-82, 8-14-03, _____.

40E-5.381 Limiting Conditions.

The ~~District Governing Board~~ shall impose on any permit granted under this chapter such reasonable standards and special permit conditions necessary to assure that the permitted

activity is consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.106(1), 373.219 FS. History--New 8-14-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Bureau Chief, Water Use Permitting and Compliance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.221	Minimum Flows and Levels (MFLs): Surface Waters
40E-8.321	Minimum Flows and Levels (MFLs): Surface Waters
40E-8.341	Minimum Flows and Levels (MFLs): Surface Waters for Upper East Coast Regional Planning Area
40E-8.421	Prevention and Recovery Strategies

PURPOSE AND EFFECT: To update the District's rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The proposed amendments update incorporation language in accordance with Section 120.55(1)(a)4. and 5., F.S.; add ePermitting as an option, which is consistent with other rules; update delegation pursuant to Section 373.079(4) and 373.083(5), F.S.; correct typographical errors; and add acronym to title.

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 proposed amendments are procedural in nature and do not have an economic impact.

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 proposed amendments are procedural in nature and do not have an economic impact.

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: 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: August 9, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087, or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paulette Glebocki, Lead Hydrogeologist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, 1(800)432-2045, ext. 6941, or (561)682-6941. For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, jsluth@sfwmd.gov, 1(800)432-2045, ext. 6299, or (561)682-6299

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-8.011 Purpose and General Provisions.

(1) through (3) No change.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., Section 3.9 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~September 10, 2001,~~ incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C. the water shortage plan implementation provisions specified in

Rules 40E-8.441, 40E-21.531, and 40E-21.541, and Part III of Chapter 40E-22, F.A.C., ~~September 10, 2001,~~ are inseparable components of the ~~MFLs minimum flows and levels~~ established in Rules 40E-8.321 and 40E-8.331, F.A.C.; ~~September 10, 2001.~~ The District would not have adopted the ~~MFLs minimum flows and levels~~ set forth in Rules 40E-8.321 and 40E-8.331, F.A.C., for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules. If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

(5)(a) through (d) No change.

(e) Establish ~~MFLs Minimum Flows and levels~~ for other tributaries to the Northwest Fork of the Loxahatchee River including Loxahatchee Slough, Cypress Creek, Kitching Creek and Hobe Grove Ditch as committed to in the District's Priority Water Body List, as updated.

~~Rulemaking Specific~~ Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History—New 9-10-01, Amended 4-1-03, 1-19-06, _____.

40E-8.021 Definitions.

(1) through (15) No change.

~~(16)(17) MFL Minimum Flow and Level Exceedance~~ – means to fall below a minimum flow or level, which is established in Parts II and III of this chapter, for a duration greater than specified for the MFL water body.

~~(17)(18) MFL Minimum Flow and Level Violation~~ – means to fall below a minimum flow or minimum level, which is established in Parts II and III of this chapter, for a duration and frequency greater than specified for the MFL water body. Unless otherwise specified herein, in determining the frequency with which water flows and levels fall below an established MFL for purposes of determining an MFL violation, a "year" means 365 days from the last day of the previous MFL exceedance.

~~(18)(20) MFL Water Body~~ – means any surface water, watercourse, or aquifer for which an MFL is established in Part II or III of this chapter.

~~(19)~~(16) Minimum Flow – means a flow established by the District pursuant to Sections 373.042 and 373.0421, F.S., for a given water body and set forth in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

~~(20)~~(19) Minimum Level – means the level of groundwater in an aquifer or the level of surface water established by the District pursuant to Sections 373.042 and 373.0421, F.S., in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources of the area.

(21) Northwest Fork of the Loxahatchee River: Means those areas defined below:

(a) Northwest Fork of the Loxahatchee River that has been federally designated as Wild, Scenic and Recreational uses (as defined in the Loxahatchee River Wild and Scenic River Management Plan 2000) (see Map 1, incorporated herein), including the river channel that extends from river mile 6.0 (latitude 26.9856, longitude 80.1426) located near the eastern edge of Jonathan Dickinson State Park and continues upstream to the G-92 structure (latitude 26.91014, longitude 80.17578), including the South Indian River Water Control District Canal C-14 Canal. The river channel includes the physical water flow courses and adjacent floodplain up to the limits of the floodplain swamp and wetlands within Riverbend Park, as determined by state wetland delineation criteria;

(b) through (d) No change.

(22) through (31) No change.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06.

40E-8.221 Minimum Flows and Levels (MFLs): Surface Waters.

(1) through (5) No change.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 4-1-03, 12-12-06.

40E-8.321 Minimum Flows and Levels (MFLs): Surface Waters.

No change.

Rulemaking Specific Authority 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01.

40E-8.341 Minimum Flows and Levels (MFLs): Surface Waters for Upper East Coast Regional Planning Area.

No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New 11-11-02.

40E-8.421 Prevention and Recovery Strategies.

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

(c) The rules implementing water resource protection tools, including Chapters 40E-2, 40E-8, 40E-20, 40E-21, 40E-22, F.A.C., and the “Basis of Review for Consumptive Use Permits Within the South Florida Water Management District —April 23, 2007”, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., identify the specific factors and conditions that will be applied and considered in implementing the conceptual model. Due to the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, and economic considerations that will be faced when implementing these rules, it is critical to apply such criteria flexibly and to reserve for the governing board the ability to implement water resource protection and allocation programs considering all of the District’s missions under Chapter 373, F.S., and to balance water supply, flood protection, resource protection and water quality protection needs. Implementation of the recovery and prevention strategies will be achieved in compliance with the assurances to consumptive users and to natural systems contained in the LEC Plan and the LWC Plan.

(d) through (f) No change.

(2) through (5) No change.

(6) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent.

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable, consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the Lower East Coast Regional Water Supply Plan (LEC Plan), the Comprehensive Everglades Restoration Plan (CERP), and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2, 40E-20, 40E-21, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —April 23, 2007”, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C., including Section 3.2.1.E. regarding Restricted Allocation Areas for Lower East Coast Everglades Waterbodies and North Palm Beach County/Loxahatchee River Watershed Waterbodies, shall apply to consumptive use direct

and indirect withdrawals from surface and groundwater sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) through (f) No change.

(g) As reservations are adopted to restore the Loxahatchee River beyond that to be achieved by the MFL, the District shall revise the ~~MFL minimum flow and level~~ and associated prevention and recovery strategy, as appropriate, under Sections 373.042 and 373.0421, F.S., to be consistent with the reservation.

(7) through (8) No change.

Rulemaking Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 4-23-07, 10-14-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Clemente, Bureau Chief, Water Use Permitting and Compliance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.010	Review of General Water Use Permit Applications
40E-20.061	Delegation of Authority Pertaining to General Water Use Permits
40E-20.091	Publications Incorporated by Reference
40E-20.101	Content of General Water Use Permit Applications
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.321	Duration of General Water Use Permits

PURPOSE AND EFFECT: To update the District’s rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The proposed amendments are as follows: 1) update references to repealed rules; 2) update titles of agency positions; 3) update rules to comply with Section 120.55(1)(a)5., regarding incorporation of materials by reference; and remove references to basin expiration dates that have passed.

In addition, the amendments update the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., as follows: 1) update references to repealed rules; 2) update delegation pursuant to Section 373.079(4) and (5), F.S.; 3) clarify types of permits; 4) correct typographical errors; 5) delete sections regarding basin expiration dates; 6) update rules to reflect compliance reports should be submitted every 10 years rather than 5, in accordance with Section 373.236(3), F.S.; 7) change definition of “Xeriscape” to “Florida Friendly Landscaping” pursuant to Section 373.185, F.S.; 8) update name of map; 9) move Figure 3-4 and relabel Figures 3-5 and 3-6; 10) update rules to incorporate forms in accordance with Section 120.55(1)(a)4. and 5., F.S.; 11) add ePermitting option to be consistent with other rules; and 12) delete outdated contact information.

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 proposed amendments are procedural in nature and have no economic impact.

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 proposed amendments are procedural in nature and have no economic impact.

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: 120.54(5), 120.60, 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.118, 373.042, 373.0421, 373.103, 373.118, 373.1501, 373.1502, 373.171, 373.219, 373.223, 373.229, 373.2295, 373.470 FS.

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

DATE AND TIME: August 9, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087, or (561)682-2087. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paulette Glebocki, Lead Hydrogeologist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, 1(800)432-2045, ext. 6941, or (561)682-6941. For procedural questions contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, jsluth@sfwmd.gov, 1(800)432-2045, ext. 6299, or (561)682-6299

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-20.010 Review of General Water Use Permit Applications.

General Water Use permit applications are processed pursuant to the provisions of Section 120.60, F.S., ~~Part VI of and Chapters 40E-1, F.A.C., and 28-106 Chapter 28-107, F.A.C.~~

Rulemaking Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended 8-14-02, _____.

40E-20.061 Delegation of Authority Pertaining to General Water Use Permits.

The Governing Board delegates to the Executive Director the authority to issue general water use permits under this chapter pursuant to Section 373.118, F.S. The Executive Director hereby executes such delegated authority through the Chief Director and supervisors of the Bureau Division that reviews water use permit applications.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118 FS. History—New 8-14-02, Amended _____.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~March 18, 2010,~~” and associated forms incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C., are applicable and referenced throughout this chapter ~~is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.~~

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.171, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, _____.

40E-20.101 Content of General Water Use Permit Applications.

(1) Except in those circumstances detailed in subsection (4) below, an application for a General Water Use permit shall be filed with electronically at www.sfwmd.gov.ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District’s Service Centers. The addresses and phone numbers of the District’s Service Centers are online at www.sfwmd.gov, “Locations.” Water Use Permit Application, Form No. 0645-W-01, which is incorporated by reference in subsection 40E-2.101(1), F.A.C., shall be filed with the District prior to commencement of any use of water authorized in this chapter. The application for all General Water Use Permits shall contain: ~~with the District.~~

(a) through (d) No change.

(2) Applicants for a Standard General Water Use Permit under subsection 40E-20.302(1), F.A.C., shall submit Form No. 0645-W01, Water Use Permit Application, _____ (date) _____, (hyperlink), and shall include the following forms, if applicable: file the following parts of Form 0645 – Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.

(a) Form No. 0645-G60, Table A Description of Wells, _____ (date) _____, (hyperlink), for permits with wells; ~~Part RC 1A Administrative Information for Water Use Permit Applications, and~~

(b) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, _____ (date) _____, (hyperlink), for permits with pumps; ~~Part RC 1W Application for a Water Use permit (all Standard General Water Use Permits) or Part RC 1G Application for a General Water Use Permit (Standard General Water Use Permits with recommended maximum allocations < 3 million gallons per month);~~

(c) Form No. 0645-G61-2, Table C Description of Culverts, _____ (date) _____, (hyperlink), for permits with irrigation culverts;

(d) Form No. 0645-G65, Table D Crop Information, _____ (date) _____, (hyperlink), for agricultural permits;

(e) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, _____ (date) _____, (hyperlink), (2) for public water supply permits;

(f) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, _____ (date) _____, (hyperlink), for public water supply permits;

(g) Form No. 0645-G70, Table H Projected Water Use, _____ (date) _____, (hyperlink), for public water supply permits;

(h) Form No. 0645-G71, Table I Water Treatment Method and Losses, _____ (date) _____, (hyperlink), for public water supply permits;

(i) Form No. 0645-G72, Table J Aquifer Storage and Recovery, (date) _____, (hyperlink), for public water supply permits; and

(j) Form No. 0645-G73, Table K Water Supply System Interconnections, (date) _____, (hyperlink), for public water supply permits.

(3) Applicants for a Dewatering Water Use General Permit under subsection 40E-20.302(2), F.A.C. shall electronically file or file with the District Form 0445, (date) _____, (hyperlink) _____, Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference herein ~~in~~ Rule 40E-1.659, F.A.C.

(4) Applicants are not required to file an application to qualify for a No-Notice Short-Term Dewatering Permit, if the conditions of Rule 40E-20.301 and subsection 40E-20.302(3), F.A.C., are satisfied.

(5) Copies of the forms referenced above are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History--New 8-14-02, Amended 8-31-03(2), 8-31-03(3), _____.

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

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

(i) Is in accordance with the established minimum flows and levels (MFL) and implementation provisions in Chapter 373, F.S., Chapters 40E-2 and 40E-8, F.A.C.; and

(j) through (k) No change.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History--New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09, _____.

40E-20.321 Duration of General Water Use Permits.

(1) No change.

(2) The duration of the general water use permit authorized in subsection 40E-20.302(1), F.A.C., shall not exceed the following time periods:

(a) No change.

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

“Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-20.091, F.A.C.

(3) through (6) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History--New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03, 4-23-07, 2-13-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Bureau Chief, Water Use Permitting and Compliance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.:	RULE TITLES:
61G5-17.006	General Information and Forms
61G5-17.009	Meetings and Election of Officers
61G5-17.010	Notice of Meetings
61G5-17.011	Agenda
61G5-17.013	Emergency Meetings
61G5-17.020	Security and Monitoring Procedures for Licensure Examination
61G5-17.0201	Licensure Examinations and Examination Procedures for Handicapped Candidates
61G5-17.021	Designation of Official Reporter
61G5-17.023	Final Orders

PURPOSE AND EFFECT: The Board reviewed the rules as required by Executive Order 11-01 and proposes to repeal Rules 61G5-17.006, 61G5-17.023, F.A.C., as they are not statutorily mandated. Rules 61G5-17.009, 61G5-17.010, 61G5-17.011, 61G5-17.013, F.A.C., are being repealed as they are not statutorily mandated and duplicative of Section 120.525, F.S. and Rules 61G5-17.020, 61G5-17.0201, 61G5-17.021, F.A.C., are being repealed as they are not statutorily authorized.

SUMMARY: As required by Executive Order 11-01, the rules were reviewed and Rules 61G5-17.006, 61G5-17.023, F.A.C., are being repealed as they are not statutorily mandated; Rules 61G5-17.009, 61G5-17.010, 61G5-17.011, 61G5-17.013, F.A.C., are being repealed as they are not statutorily mandated and duplicative of Section 120.525, F.S.; Rules 61G5-17.020, 61G5-17.0201, 61G5-17.021, F.A.C., are being repealed as they are not statutorily authorized.

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), (2)(b),(c),(4), 120.54(8), 455.217(1)(d), 455.203(5), 477.016 FS.

LAW IMPLEMENTED: 119.07, 120.53(1),(2)(b),(c),(4), 455.205, 455.207, 455.217(1)(d), 477.0201 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G5-17.006 General Information and Forms.

Rulemaking Specific Authority 477.016 FS. Law Implemented 455.205, 119.07, 477.0201 FS. History–New 11-2-80, Amended 9-30-85, Formerly 21F-17.06, Amended 11-4-86, 1-10-88, 1-10-90, Formerly 21F-17.006, Amended 10-1-97, Repealed.

61G5-17.009 Meetings and Election of Officers.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 455.207 FS. History–New 11-2-80, Formerly 21F-17.09, 21F-17.009, Repealed.

61G5-17.010 Notice of Meetings.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History–New 11-2-80, Formerly 21F-17.10, 21F-17.010, Repealed.

61G5-17.011 Agenda.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History–New 11-2-80, Formerly 21F-17.11, 21F-17.011, Repealed.

61G5-17.013 Emergency Meetings.

Rulemaking Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History–New 11-2-80, Formerly 21F-17.13, 21F-17.013, Repealed.

61G5-17.020 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 4-6-82, Formerly 21F-17.20, 21F-17.020, Repealed.

61G5-17.0201 Licensure Examinations and Examination Procedures for Handicapped Candidates.

Rulemaking Specific Authority 477.016, 455.203(5) FS. Law Implemented 455.217(1) FS. History–New 1-9-95, Repealed.

61G5-17.021 Designation of Official Reporter.

Rulemaking Specific Authority 120.53(2)(b),(c),(4), 477.016 FS. Law Implemented 120.53(2)(b),(c),(4) FS. History–New 2-26-85, Formerly 21F-17.21, 21F-17.021, Repealed.

61G5-17.023 Final Orders.

Rulemaking Specific Authority 120.53(1), 477.016 FS. Law Implemented 120.53(1) FS. History–New 6-5-88, Formerly 21F-17.023, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.:	RULE TITLES:
61G5-18.002	Manner of Application
61G5-18.005	Examination Review Procedure
61G5-18.0055	Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The Board reviewed the rules as required by Executive Order 11-01 and proposes to repeal Rules 61G5-18.002, F.A.C., because it is not statutorily mandated; the proposed repeal of Rule 61G5-18.005, F.A.C., is necessary as it is not statutorily authorized; Rule 61G5-18.005, F.A.C., is being repealed because it is unnecessary and duplicative of Section 477.019, F.S.

SUMMARY: As required by Executive Order 11-01, the rules were reviewed and are being repealed as they are not statutorily mandated; statutorily authorized; or duplicative of Section 477.019, 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: 120.53, 455.217(2), 477.016, 477.019(4),(5) FS.

LAW IMPLEMENTED: 455.217(2), 477.019 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G5-18.002 Manner of Application.

Rulemaking Specific Authority 120.53, 477.016 FS. Law Implemented 477.019 FS. History–New 11-3-80, Amended 1-17-83, Formerly 21F-18.02, Amended 6-22-87, Formerly 21F-18.002, Amended 7-30-02, Repealed.

61G5-18.005 Examination Review Procedure.

Rulemaking Specific Authority 477.016, 455.217(2) FS. Law Implemented 455.217(2) FS. History–New 11-3-80, Formerly 12F-18.05, Amended 8-20-90, Formerly 21F-18.005, Repealed.

61G5-18.0055 Supervised Cosmetology Practice Exception.

Rulemaking Authority 477.016, 477.019(4) FS. Law Implemented 477.019(4), (5) FS. History–New 11-25-98, Amended 2-25-07, 5-19-09, 5-13-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.006
 RULE TITLE: Transfer of Ownership or Location of a Salon

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule because it is unnecessary and is duplicative of Section 477.019, F.S.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is unnecessary and is duplicative of Section 477.019, 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: 477.016 FS.

LAW IMPLEMENTED: 455.025(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, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.006 Transfer of Ownership or Location of a Salon.

Rulemaking Specific Authority 477.016 FS. Law Implemented 477.025(7) FS. History–New 5-12-81, Amended 10-6-85, Formerly 21F-20.06, 21F-20.006, Amended 10-30-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.001
 RULE TITLE: Purpose

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.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it 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: 477.016 FS.

LAW IMPLEMENTED: 477.019(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, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.001 Purpose.

Rulemaking Specific Authority 477.016 FS. Law Implemented 477.019(2), FS. History–New 11-2-80, Amended 5-12-81, 10-29-85, Formerly 21F-22.01, Amended 8-20-90, Formerly 21F-22.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.: 61G5-24.001, 61G5-24.018
 RULE TITLES: Collection and Payment of Fees, Examination Review Fee

PURPOSE AND EFFECT: The Board reviewed the rules as required by Executive Order 11-01 and proposes to repeal the rules as they are unnecessary.

SUMMARY: As required by Executive Order 11-01, the rules were reviewed and are being repealed as they are 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: 455.217(2), 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.217, 477.026 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G5-24.001 Collection and Payment of Fees.

Rulemaking Specific Authority 477.016, 477.026 FS. Law Implemented 477.026 FS. History--New 11-2-80, Formerly 21F-24.01, 21F-24.001, Repealed.

61G5-24.018 Examination Review Fee.

Rulemaking Specific Authority 455.217(2) FS. Law Implemented 455.217 FS. History--New 1-10-90, Formerly 21F-24.018, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.: 61G5-25.003
RULE TITLES: Delinquent Status

PURPOSE AND EFFECT: The Board reviewed the rule as required by Executive Order 11-01 and proposes to repeal the rule because it is unnecessary and is duplicative of Section 477.271, F.S.

SUMMARY: As required by Executive Order 11-01, the rule was reviewed and is being repealed as it is unnecessary and is duplicative of Section 477.271, 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: 477.016 FS.

LAW IMPLEMENTED: 455.271, 477.0212 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, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-25.003 Delinquent Status.

Rulemaking Specific Authority 477.016 FS. Law Implemented 455.271, 477.0212 FS. History--New 2-1-95, Amended 4-5-95, 7-2-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011, F.A.C.,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.: 61G5-29.002, 61G5-29.003
RULE TITLES: Specialty Registration, Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Training for Initial Registration

61G5-29.012 Who May Apply

PURPOSE AND EFFECT: The Board reviewed the rules as required by Executive Order 11-01 and proposes to repeal Rule 61G5-29.002, F.A.C., because it is unnecessary and duplicative of Section 477.0201, F.S.; the proposed repeal of Rule 61G5-29.003, F.A.C., is necessary as it is unnecessary and duplicative of Section 455.2228, F.S.; Rule 61G5-29.012, F.A.C., is being repealed because it is not statutorily mandated. **SUMMARY:** As required by Executive Order 11-01, the rules were reviewed and are being repealed as they are unnecessary and duplicative of Section 477.0201, F.S., or Section 455.2228, 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: 455.228(5), 477.016 FS.

LAW IMPLEMENTED: 455.228(5), 477.0201 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G5-29.002 Specialty Registration.

Rulemaking Specific Authority 477.016 FS. Law Implemented 477.0201 FS. History–New 11-7-85, Amended 3-29-87, 10-26-87, Formerly 21F-29.002, Repealed.

61G5-29.003 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Training for Initial Registration.

Rulemaking Specific Authority 455.2228(5), 477.016 FS. Law Implemented 455.2228 FS. History–New 11-25-98, Repealed.

61G5-29.012 Who May Apply.

Rulemaking Specific Authority 477.016 FS. Law Implemented 477.0201 FS. History–New 10-26-87, Amended 1-10-90, Formerly 21F-29.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NOS.:

RULE TITLES:

61G5-31.002

Hair Braiding, Hair Wrapping, and Body Wrapping; Registration Requirements, Practice Outside of Licensed Salon

61G5-31.003

Hair Braiding, Hair Wrapping, and Body Wrapping Registration

PURPOSE AND EFFECT: The Board reviewed the rules as required by Executive Order 11-01 and proposes to repeal the rules as they are not statutorily mandated and are duplicative of Section 477.0132, F.S.

SUMMARY: As required by Executive Order 11-01, the rules were reviewed and are being repealed as they are not statutorily mandated and are duplicative of Section 477.0132, 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: 477.0132, 477.016, 477.026(1)(f) FS.

LAW IMPLEMENTED: 477.0132, 477.026(1)(f), 477.029 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G5-31.002 Hair Braiding, Hair Wrapping, and Body Wrapping; Registration Requirements, Practice Outside of Licensed Salon.

Rulemaking Specific Authority 477.0132, 477.016 FS. Law Implemented 477.0132, 477.029 FS. History—New 2-1-95, Amended 11-25-98, 9-6-00, Repealed.

61G5-31.003 Hair Braiding, Hair Wrapping, and Body Wrapping Registration.

Rulemaking Specific Authority 477.0132, 477.016, 477.026(1)(f) FS. Law Implemented 477.0132, 477.026(1)(f), 477.029 FS. History—New 2-1-95, Amended 11-25-98, 9-6-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-3.017
RULE TITLE: Notice of Apportionment of Medical Reimbursement Due to a Pre-Existing Condition(s)

PURPOSE AND EFFECT: The purpose of this proposed new rule is to inform claims administrators of notice requirements to employees when the payment of a compensable medical benefit will be apportioned, pursuant to Section 440.15(5), F.S. The proposed rule clarifies that claims administrators must provide employees with notification of decisions to apply apportionment. The proposed rule provides that compliance with the notice requirements is achieved by mailing Form

DFS-F2-DWC-12 (Notice of Denial), or a letter to the employee explaining its apportionment decision to the employee, as specified. The proposed rule also clarifies that compliance with the notice requirements under proposed Rule 69L-3.017, F.A.C., does not satisfy the notification requirement under subsection 69L-7.602(5), F.A.C.

SUMMARY: The proposed new rule addresses the apportionment of benefits by claims administrators under Section 440.15(5), F.S. The proposed rule clarifies that claims administrators are required to provide employees seeking medical services (for dates of injury on or after 10/1/2003) with notification, in cases where the payment of a medical benefit will be subject to apportionment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that the proposed rule will 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 Statement of Estimated Regulatory Cost (SERC) has been prepared by the agency.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: A preliminary economic analysis prepared by the agency estimates the aggregate cost to the subject (418 companies are approved to offer workers' compensation as an authorized line of business in Florida) carrier community to be \$10,450 per year to comply with the sending of the required notices. There is also a one-time cost for each carrier to account for programming costs associated with complying with the new rule. Programming costs are estimated to be \$1,125 per company. Therefore, over a 5-year period, the estimated total aggregate cost of compliance to the subject carrier community is \$522,500.

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

RULEMAKING AUTHORITY: 440.185(5), 440.20(3), 440.591 FS.

LAW IMPLEMENTED: 440.12(2), 440.14, 440.15(5), 440.192(8), 440.20(2), (4), (9), (15)(f), 440.207(2) FS.

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

DATE AND TIME: Friday, August 3, 2012 (Immediately upon conclusion of the hearing for Rule 69L-7.602, F.A.C., if permissible, otherwise 3:00 p.m.)

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689 or Eric.Lloyd@myfloridacfo.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-3.017 Notice of Apportionment of Medical Reimbursement Due to a Pre-Existing Condition(s).

For dates of injury occurring on or after 10/1/2003, if the claims administrator decides to apportion payment of a medical benefit pursuant to Section 440.15(5), F.S., it shall send Form DFS-F2-DWC-12, Notice of Denial, or a letter to the employee explaining its apportionment decision, no later than three (3) business days after the date the claims administrator notified a health care provider that payment of the medical benefit will be apportioned pursuant to subsection 69L-7.602(5), F.A.C. Compliance with this rule is independent of and does not satisfy the notification requirement pursuant to subsection 69L-7.602(5), F.A.C.

Rulemaking Authority 440.185(5), 440.20(3), 440.591 FS. Law Implemented 440.12(2), 440.14, 440.15(5), 440.192(8), 440.20(2), (4), (9), (15)(f), 440.207(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.019
 RULE TITLE: Policies and Endorsements Covering Employees Engaged in Work in Florida

PURPOSE AND EFFECT: The proposed rule allows out-of-state employers with construction projects in Florida with workers' compensation policies listing "Florida" in Item

3.C. of the policy information page, up to two business days from the commencement of an investigation, pursuant to Section 440.107(3), F.S., to endorse the policy to list "Florida" in Item 3.A. and use Florida approved classification codes, rates, and estimated payroll in Item 4. A Stop-Work Order shall be issued to an employer only after the expiration of two business days from the commencement of an investigation on such employer.

SUMMARY: The proposed amendment provides a period of (2) two business-days for out-of-state employers to establish that they have been issued a properly endorsed Florida workers' compensation policy.

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: A preliminary economic analysis prepared by the Department determined that the proposed rule's potential economic impact did not exceed any of the criteria established in Section 120.541(1), F.S., and is therefore not subject to legislative ratification pursuant to Section 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 440.107(9), 440.10(1)(g), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(g) FS.

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

DATE AND TIME: Wednesday, August 8, 2012, 10:00 a.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Delaney, (850)413-1775 or Robin.Delaney@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Delaney, Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1775 or Robin.Delaney@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.019 Policies and Endorsements Covering Employees Engaged in Work in Florida.

(1) through (3) No change.

(4) A workers' compensation policy that lists "Florida" in Item 3.C. of the policy information page (NCCI form number WC 00 00 01 A) does not meet the requirements of Sections 440.10(1)(g) and 440.38(7), F.S., and is not valid proof of workers' compensation coverage for employees engaged in work in this state.

(a) If the workers' compensation policy lists "Florida" in Item 3.C. of the policy information page, the employer's insurance carrier shall have up to two business days from the commencement of an investigation, pursuant to Section 440.107(3), F.S., to endorse the policy to list "Florida" in Item 3.A. and use Florida approved classification codes, rates, and estimated payroll in Item 4.

(b) If the policy information page does not list "Florida" in Item 3.A. and use Florida approved classification codes, rates, and estimated payroll in Item 4., a Stop-Work Order shall be issued to an employer only after the expiration of two business days from the commencement of an investigation on such employer.

(5) through (6) No change.

Rulemaking Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.10(1)(g), 440.38(7) FS. History--New 6-17-04, Amended 11-21-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Delaney, Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 22, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.501
RULE TITLE: Florida Workers' Compensation Reimbursement Manual for Hospitals

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the rule to adopt by reference the 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals, replacing the 2006 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals in the existing rule. The 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals will incorporate a fee schedule for certain hospital outpatient services within defined geographic areas in Florida utilizing Current Procedural Terminology® (CPT) line level charge data. The methodology for the incorporated fee schedule establishes criteria to evaluate 18 months of hospital outpatient bill data. The 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals also makes technical changes to include a new manual format, an expanded table of contents and chapters by topic.

SUMMARY: Rule amendment to adopt the 2012 Edition of the Florida Workers' Compensation Reimbursement Manual for Hospitals. The Manual incorporates a fee schedule reimbursement methodology for certain hospital services based on CPT line level charge data obtained from defined geographic areas in Florida and establishes criteria to evaluate 18 months of hospital outpatient data.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will 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 statement of estimated regulatory costs (SERC) will be prepared by the Department.

Based on its own preliminary analysis, the Department estimates that the proposed rule will result in new costs of \$2000 per carrier or claims administrator for expenses associated with the loading and installation of the proposed outpatient fee schedule into their medical claims payment software. There are 418 subject carriers (as of 9/26/2011) impacted by the proposed rule, thus, the aggregate, one-time cost to the carrier community for updated software is \$836,000. Additionally, an analysis of the proposed revision to the Florida outpatient fee schedule performed by the National Council on Compensation Insurance (NCCI) estimates that implementing the proposed fee schedule for Category 2 and Category 3 hospital services would result in an impact of between -0.5% (\$-14M) and -0.6% (\$-17M) on overall workers' compensation system costs in Florida. The Department has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs, or if no SERC is required, the information expressly relied on and described herein: Based on the preliminary economic analysis conducted by the

Department and the analysis that was prepared by NCCI, the Department has determined that the proposed rule is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in aggregate within 5 years after implementation of the rule.

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

RULEMAKING AUTHORITY: 440.13(12), (14), 440.591 FS.
LAW IMPLEMENTED: 440.13(7), (12), (14) FS.

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

DATE AND TIME: Wednesday, August 8, 2012, 2:00 p.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Lloyd, Office of Medical Services, Program Administrator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689 or Eric.Lloyd@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 2012 ~~2006~~ Edition, is adopted by reference as part of this rule. The Hospital Manual contains the Maximum Reimbursement Allowances (MRAs) determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes policy, procedures, principles and standards for implementing statutory provisions regarding reimbursement for medically necessary services and supplies provided to injured workers in a hospital setting. The policy, procedures, principles and standards in the Manual are in addition to the requirements established by the Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule, Rule 69L-7.602, F.A.C. The Reimbursement Manual for Hospitals is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or may be obtained free of charge by print or download from the Department's website at

<http://www.myfloridacfo.com/wc/publications.html>.

(2) The Florida Workers' Compensation Health Care Provider Reimbursement Manual [HCP RM], 2011 ~~2006~~, incorporated by reference into Rule 69L-7.020, F.A.C.; and the Workers' Compensation Medical Services Billing, Filing and Reporting Rule, Rule 69L-7.602, F.A.C., are recognized for use in conjunction with the Florida Workers' Compensation Reimbursement Manual for Hospitals, 2012 Edition ~~also incorporated by reference into this rule~~. Both rules and the HCP RM are available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.myfloridacfo.com/wc/publications/html>.

Rulemaking Specific Authority 440.13(12), (14), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, 4L-7.501, Amended 12-4-03, 1-1-04, 7-4-04, 10-1-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Lloyd, Office of Medical Services, Program Administrator, Division of Workers' Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.:	RULE TITLE:
69L-7.602	Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

PURPOSE AND EFFECT: The proposed rule (which applies to dates of injury occurring on or after October 1, 2003) clarifies that an insurer must provide health care providers with prior notification of a decision to apply apportionment in the payment of reimbursement for medical services. The amendment provides that an insurer shall, at the time of authorization or, if the decision to apportion the reimbursement is made after authorization, but prior to the rendering of services, provide each health care provider with written or electronic notification of its decision to apply apportionment in the payment of reimbursement for medical service(s). The proposed rule also deletes subsection (7) of the rule which addresses administrative penalties and fines for untimely payments to health care providers or the disposition of other medical bills. These penalty provisions are transferred to Rule Chapter 69L-24, F.A.C.

SUMMARY: The proposed rule clarifies that insurers are required to provide notification to health care providers in cases where payment of reimbursement for medical services will be subject to apportionment. This proposed change also deletes a penalties provision that has previously been moved to Rule Chapter 24, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that the proposed rule will 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 Statement of Estimated Regulatory Cost (SERC) has been prepared by the agency.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: A preliminary economic analysis prepared by the agency estimates that the each carrier will incur programming costs of \$1125 in order to comply with the proposed amendment to Rule 69L-7.602, F.A.C. Multiplied by the 418 carriers with workers' compensation as an authorized line of business in Florida, the estimated aggregate programming costs is \$470,250.

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

RULEMAKING AUTHORITY: 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), (5), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 FS.

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

DATE AND TIME: Friday, August 3, 2012, 2:00 p.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689 or Eric.Lloyd@myfloridacfo.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule.

(1) through (4) No changes.

(5) Insurer Responsibilities.

(a) No change.

(b) At the time of authorization for medical service(s) or upon receipt of notification of emergency care, an insurer shall notify each health care provider, in writing, of data elements or supporting documentation that are necessary for reimbursement determinations that are in addition to the requirements of this rule and the applicable reimbursement manual.

2. This subparagraph applies to dates of injury occurring on or after October 1, 2003. At the time of authorization for medical service(s), or upon receipt of notification of emergency care, an insurer shall issue a written or electronic notice to each health care provider stating whether the insurer will, when paying reimbursement for the medical service(s) for a compensable injury, apportion out the percentage of need for the care attributable to a pre-existing condition pursuant to Section 440.15(5), F.S. If the insurer decides to apportion out the percentage of need for the care attributable to the pre-existing condition after authorization, the insurer shall issue a written or electronic notice to each health care provider stating that it will apply such apportionment, pursuant to Section 440.15(5), F.S., to the reimbursement for the authorized medical service(s). Compliance with this subparagraph is independent of and does not satisfy the notification requirement pursuant to Rule 69L-3.017, F.A.C.

(c) through (v) No change.

(6) No change.

~~(7) Insurer Administrative Penalties and Administrative Fines for Untimely Health Care Provider Payment or Disposition of Medical Bills.~~

~~(a) The Department shall impose insurer administrative penalties for failure to comply with the payment, adjustment, disallowance or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate form category that was received within a specific calendar month. Such insurer penalties shall be determined according to the penalty schedule in paragraph (7)(b) of this rule.~~

~~(b) Pursuant to Section 440.185(9), F.S., the Department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be applied as follows:~~

~~1. Calculated on a monthly basis for each separate form category (Forms DFS F5-DWC-9, DFS F5-DWC-10, DFS F5-DWC-11 and DFS F5-DWC-90) received and accepted by the Division within a specific calendar month; and~~

~~2. Insurers are required to report all medical reports timely pursuant to paragraph (5)(e) of this rule. Insurers that fail to submit a minimum of 95% of all medical reports timely are subject to an administrative fine. Each untimely filed medical report which falls below the 95% requirement is subject to the following penalty schedule:~~

- ~~a. 1—30 calendar days late \$5.00;~~
- ~~b. 31—60 calendar days late \$10.00;~~
- ~~c. 61—90 calendar days late \$25.00;~~
- ~~d. 91 or greater calendar days late \$100.00.~~

~~3. Each medical report that does not pass the electronic reporting edits shall be rejected by the Division and considered not filed pursuant to paragraph (5)(e) of this rule. If the medical report remains rejected and not corrected, resubmitted and accepted by the Division for greater than 90 days, an administrative fine shall be assessed in the amount of \$100.00 for each such medical report. Rejected and not resubmitted medical reports will not be included in the 95% timely reporting requirement.~~

~~4. Untimely filed medical reports for a given month will be excluded from the administrative fine set forth in subparagraph (7)(b)3. above as falling within the performance standard between 100% and 95% in the following order:~~

- ~~a. Medical Reports filed 1—30 calendar days late; then~~
- ~~b. Medical Reports filed 31—60 calendar days late; then~~
- ~~c. Medical Reports filed 61—90 calendar days late; then~~
- ~~d. Medical Reports filed 91+ calendar days late.~~

Rulemaking Authority 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS. Law Implemented 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended 7-4-04, 10-20-05, 6-25-06, 3-8-07, 1-12-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NOS.: 69L-29.001 69L-29.002 69L-29.003 69L-29.004 69L-29.005 69L-29.006 69L-29.007 69L-29.008 69L-29.009 69L-29.010 69L-29.011	RULE TITLES: Definitions Eligibility Requirements for Certification Certification Time Frames Occasional Health Care Providers Revocation of Certification Status Decertification Process Recertification Process Verification of Determining Certification Status Carrier Responsibilities Certified Provider Responsibilities Workers' Compensation Certification Training Courses
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PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the current rule chapter to revise the process by which health care providers meet the minimum criteria for certification pursuant to Section 440.13(3)(a), F.S. The proposed amendment also introduces the "Florida Workers' Compensation Health Care Provider Certification Tutorial", a no-cost, on-line resource that implements an electronic certification process for health care providers that will improve the efficiencies in the certification process. The tutorial ensures participation only by statutorily defined providers and provides a learning tool that allows providers to progress at their own pace and to create and maintain their provider profile. The tutorial consists of an overview of the Florida Workers' Compensation System and the general administrative policies with which a health care provider must become familiar to be certified and successfully participate under the system. The proposed rule amendment also deletes existing Rule(s) 69L-29.004, 69L-29.006, 69L-29.007, 69L-29.009 and 69L-29.011, F.A.C.

SUMMARY: The proposed amendment, a significant rewrite of the existing rule chapter, introduces an electronic certification process that allows health care providers an efficient and flexible means to obtain, manage and maintain their requisite certifications. The amended rule chapter also includes an on-line, no-cost tutorial to assist providers seeking to gain familiarity with the certification process.

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

A SERC has been prepared by the agency.

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: a preliminary analysis performed by the agency indicates that the proposed amendment imposes no significant costs on health care providers subject to the certification process. The on-line certification process and tutorial introduced by the amendment are provided at no cost to providers. There are no significant costs to the agency, as the proposed changes are not anticipated to require additional employees or an increase in other expenditures to administer. 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: 440.13(3)(a), 440.591 FS.

LAW IMPLEMENTED: 440.13(3), (13) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, August 3, 2012, 10:00 a.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Lloyd, Program Administrator, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689, Eric.Lloyd@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-29.001 Definitions.

~~(1) "Application" means form DFS Form 3160 0020 required by this rule chapter to be submitted by health care providers to the Department. The DFS Form 3160 0020 application form is incorporated into this rule chapter by reference in subsection 69L-29.002(1), F.A.C.~~

~~(2) "Certification training course" is a training and education course approved by the Department to satisfy the minimum five-hour course required by Section 440.13(3)(a), F.S.~~

~~(1)(3) "Certified health care provider" or "certified provider" is as defined in Section 440.13(1)(d), F.S.~~

~~(2)(4) "Certification" is the process through which a health care provider is approved as eligible to receive reimbursement for services rendered under Chapter 440, F.S., upon completion~~

~~of the Division's Health Care Provider Certification Tutorial by correctly answering 95% of the tutorial review questions. "Certify" is the process through which the Department grants or denies certification status to a health care provider.~~

~~(3) "Deemed certified" is the status of a health care provider not required to complete the Health Care Provider Tutorial pursuant to this rule chapter.~~

~~(4) "Division" is defined in Section 440.02(14), F.S.~~

~~(5) "Decertification" means Department revocation of certification.~~

~~(6) "Department" is defined in Section 440.02(12), F.S.~~

~~(5)(7) "Emergency services and care" is as defined in Section 440.13(1)(f), F.S.~~

~~(6)(8) "Health care facility" is as defined in Section 440.13(1)(g), F.S.~~

~~(7)(9) "Health care provider" or "provider" is as defined in Section 440.13(1)(h), F.S.~~

~~(8) "Health Care Provider Certification List" or "Certification List" is the Division's electronic database of providers certified pursuant to this Rule Chapter.~~

~~(9) "Health Care Provider Certification Tutorial" or "HCP Tutorial", hereby incorporated by reference in this rule chapter, is the electronic tool used by the Division to educate providers on Chapter 440, F.S., and applicable administrative rules that govern the provision of medical treatment and services under the Florida Workers' Compensation health care delivery system. The HCP Tutorial is also the tool by which the Division documents a provider's familiarity with applicable provisions of the statute and administrative rules for certification pursuant to this rule chapter.~~

~~(10) "Non-physician health care provider" means a health care provider licensed pursuant to the Florida Statutes who is not a physician as defined in Section 440.13(1)(q), F.S., and who bills for services rendered on form DFS-F5-DWC-9 pursuant to Rule 69L-7.602, F.A.C.~~

~~(11) "Occasional provider" means a health care provider who treats twelve (12) or fewer injured employees in one calendar year.~~

~~(10)(12) "Physician" is as defined in Section 440.13(1)(q), F.S.~~

~~(11) "Recognized practitioner" is a non-physician health care provider licensed by the Department of Health (hereinafter "DOH") who works under the protocol of a physician or who, upon referral from a physician, can render direct billable services independent of the supervision of a physician.~~

~~(12)(13) "Revocation" "Suspension" means Department's action to remove a provider's name from the Certification List bar for a specified period of time a health care provider's eligibility to receive reimbursement for services rendered under Chapter 440, F.S.~~

(13) “Nursing Home Facility” is a health care facility licensed under Chapter 400, F.S.

(14) “Home Health Agency” is a health care facility licensed under Chapter 400, F.S.

(15) “Home Medical Equipment Provider” or “HME Provider” is a health care facility licensed under Chapter 400, F.S.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.001, 59A-29.001, Amended _____.

69L-29.002 Eligibility Requirements for Certification.

(1) A Provider who correctly answers 95% of the HCP Tutorial review questions shall qualify for certification if the Provider is: The Department shall certify health care providers who meet the following requirements:

(a) A physician that The health care provider holds a clear active valid license issued by the Department of Health (hereinafter “DOH”) or a Florida medical school teaching or faculty certificate issued pursuant to Sections 458.3145, 459.0077, 463.0057 or 466.002, F.S., or a chiropractic medicine faculty certificate pursuant to Section 460.4062, F.S., or a temporary certificate in an area of critical need pursuant to Section 458.315, F.S.; or

(b) A recognized practitioner that holds a clear active license issued by DOH. The health care provider has submitted a signed, typed, and completed application form DFS Form 3160-0020 to the Division of Workers’ Compensation, Office of Medical Services, c/o Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232. Illegible or unsigned applications shall be returned. The DFS Form 3160-0020 application form is incorporated by reference into Chapter 69L-29, F.A.C. The version of the form required to be submitted to the Department shall bear the date October 15, 1994. A copy of the application form DFS Form 3160-0020 may be obtained from the Department.

(c) Physicians shall enroll in and complete a minimum 5 hour Department approved training course, pursuant to Section 440.13(3)(a), F.S. The Department shall not credit a physician for completion of any training course to meet the requirements of Section 440.13(3)(a), F.S., prior to the date the Department approves the training course for credit.

(2) A health care facility with an unencumbered license issued by the Agency for Health Care Administration (hereinafter “AHCA”) is deemed certified. The Department shall not certify a health care provider when:

(a) The Agency for Health Care Administration has entered an adverse final order imposing an administrative penalty, which revokes or suspends the health care provider’s license, or places the health care provider on probation, or the health care provider agrees to such an administrative penalty, within twelve months preceding the date of filing of the application form DFS Form 3160-0020; or

(b) The Department has entered an adverse final order imposing an administrative penalty or fine against the health care provider within twelve months preceding the date of filing of the application form DFS Form 3160-0020; or

(c) The health care provider has been suspended three times pursuant to subsection 69L-29.006(5), F.A.C.

(3) A provider under contract with a licensed managed care organization is deemed certified. The following are not required to be certified in order to provide services pursuant to Section 440.13, F.S.:

(a) Health care providers rendering emergency services and care;

(b) Pharmacists licensed under Chapter 465, F.S.

(c) Medical suppliers who bill on the DFS F5-DWC-10.

(d) Health care providers of medical services rendered outside the State of Florida;

(e) Federal health care providers;

(f) Health care facilities, except that physicians and non-physician health care providers employed as health care providers must be certified under this rule as a condition to eligibility for payment under Chapter 440, F.S.

(4) A pharmacist licensed under Chapter 456, F.S. is deemed certified.

(5) A provider shall not be eligible for reimbursement of services pursuant to Section 440.13, F.S., until such time as the certification requirements under this rule are met.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History—New 3-14-95, Formerly 38F-53.002, 59A-29.002, Amended _____.

69L-29.003 Certification Time Frames.

The Department shall certify health care providers within the following time frames:

(1) Upon correctly answering 95% of the HCP Tutorial review questions, the provider shall receive an electronically generated Division of Workers’ Compensation Approval of Provider Certification and Eligibility for Reimbursement Notification (hereinafter “DWC Provider Certification Notice”). Upon the effective date of this rule, the Department shall accept applications for certification from physicians. Within 90 days of receipt of an application for certification, the Department shall return to the physician a notice of approval or denial of certification, or shall request additional required information not previously submitted, and shall state the reasons for denial of certification. The Department shall maintain the original application form DFS Form 3160-0020 in its files. Physicians, as a condition to eligibility for payment under Chapter 440, F.S., shall be certified within 12 months of the effective date of this rule.

(2) The DWC Provider Certification Notice shall include the effective date on which a provider may begin to receive reimbursement for medical treatment and services rendered to injured employees under Chapter 440, F.S. Beginning 12

~~months following the effective date of this rule, the Department shall accept applications for certification from non-physician health care providers. Within 90 days of receipt of an application for certification, the Department shall return to the non-physician health care provider a notice of approval or denial of certification, and shall request additional required information not previously submitted, or shall state the reasons for denial of certification. The Department shall maintain the original application form DFS Form 3160-0020 in its files. Non-physician health care providers, as a condition to eligibility for payment under Chapter 440, F.S., shall be certified within 24 months of the effective date of this rule.~~

(3) A provider's certification remains in effect unless voluntarily withdrawn by the provider or revoked by the Department pursuant to Rule 69L-29.005, F.A.C.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.002, 59A-29.003, Amended.

69L-29.004 Occasional Health Care Providers.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.004, 59A-29.004, Repealed.

69L-29.005 Revocation Decertification of Certification Status a Health Care Provider.

~~(1) The Department shall revoke a provider's certification and shall issue a final order removing a certified provider's name from the Certification List when any one of the following conditions occurs: Pursuant to Section 440.13(13), F.S., the Department shall suspend and remove health care providers from its database of certified health care providers, upon the following:~~

(a) The Department determines that a provider is in violation of Chapter 440, F.S., or the administrative rules adopted by the Department pursuant to Chapter 440, F.S.; or When the Department enters an adverse final order against the health care provider imposing an administrative fine or penalty upon the health care provider for violations of Chapter 440, F.S., or the administrative rules adopted by the Department;

(b) DOH changes the physician's or recognized practitioner's license to a status other than clear active; or When the Department of Health has entered an adverse final order imposing an administrative penalty, which revokes or suspends the health care provider's license, or places the health care provider on probation, or the health care provider agrees to such an administrative penalty;

(c) AHCA revokes the facility's license; or

(d) The certified provider fails to renew or voluntarily surrenders the applicable license issued by DOH or AHCA; or

(e) The certified provider no longer meets the eligibility requirements for being certified or deemed certified pursuant to this Rule Chapter.

(2) The provider whose certification is revoked pursuant to this section shall not be eligible for reimbursement under Chapter 440, F.S. When a health care provider is suspended or decertified, the health care provider shall notify each carrier from whom he/she has received authorization to treat an injured employee. The carrier shall transfer the care of the injured employee to another certified health care provider.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.005, 59A-29.005, Amended.

69L-29.006 Decertification Process.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (8), (13) FS. History–New 3-14-95, Formerly 38F-53.006, 59A-29.006, Repealed.

69L-29.007 Recertification Process.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.007, 59A-29.007, Repealed.

69L-29.008 Verification of Determining Certification Status.

(1) Upon issuance of the DWC Provider Certification Notice, the following information will be recorded on the Certification List: When a carrier or an agent of the carrier requests the certification status of a health care provider, the health care provider shall provide proof of current certification before being authorized to render care. A copy of the notice of approval of certification issued by the Department to the health care provider may be used as proof of current certification.

(a) Provider's First and Last Name;

(b) Provider's DOH or AHCA license number;

(c) Provider's place of business name, address(es) and telephone number(s);

(d) Provider's specialty board affiliation(s) and sub-specialty(ies).

(2) The certification status of a provider may be verified by accessing the Certification List at <http://www.myfloridacfo.com/WC/index.htm> under the "Databases" link. The Department shall maintain on a quarterly basis a list of health care providers suspended or decertified and the duration of suspension.

(3) A provider who, pursuant to this rule chapter, is deemed certified may elect to be listed on the Certification List by completing the HCP Tutorial Pre-Screening Assessment at: [taps://apps.fldfs.com/provider/HCPSearch.asp](https://apps.fldfs.com/provider/HCPSearch.asp).

The Department shall respond to written requests for certification status within sixty days of receipt of the request. The request shall provide the full name, license number, and mailing address of each health care provider for whom certification status is being requested. No request for certification status shall be answered over the telephone or accepted by facsimile transmission.

(4) A provider who, pursuant to this rule chapter, is deemed certified and elects not to be listed on the Certification List, shall provide proof of current licenser or contract with a licensed managed care organization upon which certification status is deemed when requested in writing by an insurer, including electronic written requests, within ten (10) days of the request.

(5) Providers are responsible for maintaining and updating their provider profile to reflect any changes in the information identified in subsection (1).

Rulemaking Specific Authority 440.13(3)(a), 440.591 F.S. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.008, 59A-29.008, Amended _____.

69L-29.009 Carrier Responsibilities.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.009, 59A-29.009, Repealed _____.

69L-29.010 Certified Health—Care Provider Responsibilities.

(1) A certified provider Health-care providers shall be responsible for notifying the Division Department in writing of any change in the status of the that health-care provider’s license or contract with a licensed managed care organization; or mailing address within 30 10 days of such change. Such notifications changes shall be sent to: Division of Workers’ Compensation, Office of Medical Services, c/o Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida, 32399-4232 or workers.compmedservice@myfloridacfo.com.

(2) A certified provider shall ensure the information recorded on the Certification List is current and accurate by updating his, her or its provider record maintained in the Division’s Provider Database, accessible on the Division’s website at <https://apps.fldfs.com/provider/HCPSearch.aspx>.

(3) Failure to comply with this rule shall result in forfeiture of any remedy pursuant to Section 440.13(7), F.S., for services rendered on or subsequent to the change in the provider’s certification status.

Rulemaking Specific Authority 440.13(3)(a), 440.591 F.S. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.010, 59A-29.010, Amended _____.

69L-29.011 Workers’ Compensation Certification Training Courses.

Rulemaking Specific Authority 440.13(3)(a), 440.591 FS. Law Implemented 440.13(3), (13) FS. History–New 3-14-95, Formerly 38F-53.011, 59A-29.011, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Lloyd, Office of Medical Services, Program Administrator, Division of Workers’ Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NO.: 69U-100.964
 RULE TITLE: Transactions Relating to Iran or Terrorism

PURPOSE, EFFECT AND SUMMARY: The proposed new rule adopts federal standards set by the U.S. Treasury Department, Office of Foreign Assets Control, in 31 C.F.R. Part 561 to establish the minimum standards for due diligence policies, procedures, and controls for Florida state chartered financial institutions that maintain certain accounts with foreign financial institutions, to reasonably detect whether the foreign financial institution engages in certain activities facilitating the development of weapons of mass destruction by the Government of Iran, provides support for certain foreign terrorist organizations, or participates in other related activities.

RULEMAKING AUTHORITY: 655.012, 120.54(1)(f) FS., Ch. 2012-201, Laws of Fla.

LAW IMPLEMENTED: Ch. 2012-201, Laws of Fla.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@flofr.com.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-100.964 Transactions Relating to Iran or Terrorism. Florida state-chartered financial institutions shall comply with the federal standards set out by the U.S. Treasury Department, Office of Foreign Assets Control, in 31 C.F.R. Part 561, Subparts B, C, and D, which are adopted and incorporated by reference, as the minimum standards for due diligence policies, procedures, and controls as required by Chapter 2012-201, Laws of Florida.

Rulemaking Authority 655.012, 120.54(1)(f) FS., Ch. 2012-201, Laws of Fla. Law Implemented Ch. 2012-201, Laws of Fla. History–New _____.

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NO.: 69U-105.206
 RULE TITLE: Regulatory Standards for Evaluating Applications

PURPOSE AND EFFECT: The proposed rule amendment updates the rule to reflect changes in initial capital amounts in Section 658.21, Florida Statutes. Chapter 2008-75, Laws of Florida, increased minimum initial capital amounts to \$8 million for banks and \$3 million for trust companies.

SUMMARY: The proposed rule amendment updates the rule to reflect changes in initial capital amounts in Section 658.21, Florida Statutes. Chapter 2008-75, Laws of Florida, increased minimum initial capital amounts to \$8 million for banks and \$3 million for trust companies.

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: 1) No requirement for a SERC was triggered under Section 120.541(1), F.S.; and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 655.012(2), 658.26(2)(a) FS.

LAW IMPLEMENTED: 517.051(5), 517.301, 517.311, 655.001(2)(c), (d), 655.0322, 655.037, 655.0385, 655.0386, 655.057(6), 658.19, 658.20, 658.21, 658.25, 658.26, 658.33, 665.013, 667.003 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: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-105.206 Regulatory Standards for Evaluating Applications.

- (1) No change.
- (2) Standards. In making its determination OFR shall consider the following statutory criteria:
 - (a) No change.
 - (b) Capital structure.

1. Capital should be adequate to enable the new state financial institution to provide necessary services for state financial institutions, including loans of sufficient size, to meet the needs of prospective customers.

2. Capital should be sufficient to purchase, build, or lease a suitable permanent facility complete with equipment.

3. The initial capital accounts, at opening, for a new bank or association shall not be less than ~~\$8.0 million~~ ~~\$2.0 million in non-metropolitan areas and \$4.0 million in metropolitan areas.~~ OFR may determine that higher amounts are necessary based on local market conditions or the operating plans of the organizing group. A higher amount may not be required where the applicant is proposed as a subsidiary of a registered financial institution holding company upon a finding by OFR that the financial institution holding company and its affiliated financial institutions have demonstrated satisfactory performance records of meeting OFR requirements.

4. The initial capital accounts, at opening, for a new trust company shall not be less than ~~\$3.0~~ ~~\$2.0~~ million.

5. The capital referred to above shall be allocated among capital stock, paid-in surplus, and undivided profits in the ratios set forth in subsection (3) of Section 658.21, F.S.

6. With respect to all classes and series of voting stock, the voting rights, right to receive payment of dividends, right to receive payment in the event of liquidation, and any other rights or benefits of ownership shall be proportional to the amount of capital contributed in exchange for such shares.

- (c) through (d) No change.
- (3) through (5) No change.

Rulemaking Specific Authority 655.012(2) 655.012(3), 658.26(2)(a) FS. Law Implemented 517.051(5), 517.301, 517.311, 655.001(2)(c), (d), 655.0322, 655.037, 655.0385, 655.0386, 655.057(6), 658.19, 658.20, 658.21, 658.25, 658.26, 658.33, 665.013, 667.003 FS. History–New 5-24-78, Amended 6-9-81, Formerly 3C-10.051, Amended 6-20-90, Formerly 3C-10.0051, Amended 8-14-94, 4-15-98, Formerly 3C-105.206, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hayes, Chief, Bureau of Bank Regulation, District I
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NOS.:	RULE TITLES:
69U-110.005	Application and Filing Fee
69U-110.031	Powers

PURPOSE AND EFFECT: Rule 69U-110.005, F.A.C., is proposed for amendment to strike the requirement that application forms be filed in triplicate to reduce regulatory burdens. Rule 69U-110.031, F.A.C., is proposed for amendment to delete subparagraph (2)(a)2., to comport with changes to federal rules.

SUMMARY: Rule 69U-110.005, F.A.C., is proposed for amendment to strike the requirement that application forms be filed in triplicate to reduce regulatory burdens. Rule 69U-110.031, F.A.C., is proposed for amendment to delete subparagraph (2)(a)2., to comport with changes to federal rules.

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 655.012(2) FS.

LAW IMPLEMENTED: 657.005, 655.061, 657.031, 657.042 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: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@loft.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69U-110.005 Application and Filing Fee.

Application for authority to organize and operate a credit union shall be made to OFR per Rule 69U-105.001 and Chapter 69U-105, Part I, F.A.C., and as follows:

(1) The organizers of the proposed credit union shall complete and file Form OFR-U-60, Application for Authority to Organize and Operate a Credit Union (revised 10/2006), which is hereby incorporated by reference, ~~in triplicate~~ and proposed bylaws on Form OFR-U-61, Model Credit Union Bylaws (revised 10/2006), which is hereby incorporated by reference, ~~in triplicate~~. The original shall be submitted to OFR with a nonrefundable filing fee of \$250. A copy of such documents shall be submitted to the National Credit Union Administration and a copy shall be retained by the organizers.

(2) Each proposed director, member of the supervisory committee, member of the credit committee, and executive officer shall complete the biographical report section only of Form OFR-U-10, Interagency Biographical and Financial Report (revised 6/2006) and Form OFR-U-10-A, Addendum to Form OFR-U-10 (revised 6/2006), which are hereby incorporated by reference, ~~in triplicate~~. The original shall be submitted to OFR, a copy of such documents shall be submitted to the National Credit Union Administration, and a copy shall be retained by the organizers.

(3) through (4) No change.

Rulemaking Specific Authority 655.012(2) FS. Law Implemented 657.005 FS. History—New 10-21-75, Amended 3-21-77, 10-13-81, Formerly 3C-30.02, 3C-30.002, Amended 10-8-95, Formerly 3C-110.005, Amended 3-6-07, _____.

69U-110.031 Powers.

(1) No change.

(2) General Powers Activities. Credit unions are authorized to engage in those general powers activities to provide financial services and benefits to their members without prior approval of the OFR, unless such approval is otherwise specifically required by law or is necessary to achieve competitive equality per Section 655.061, F.S. The following general powers activities are so authorized for competitive equality:

(a) Credit unions exempted from significant events reporting per Section 655.948(4)(a), F.S., and meeting the net worth and Capital, Asset, Management, Earnings and Liquidity (CAMEL) rating eligibility criteria for the National Credit Union Administration’s Regulatory Flexibility Program, as specified in 12 C.F.R Part 742 (2006), which is hereby incorporated by reference, may:

1. Establish and maintain Federal public unit and nonmember accounts in accordance with National Credit Union Administration (NCUA) Rule 701.32 (codified at 12 C.F.R. § 701.32 (2006)), which is hereby incorporated by reference, and the exemption of NCUA Rule 742.4(a) (codified at 12 C.F.R. § 742.4(a)(2006)), which is incorporated by reference in paragraph (a), consistent with the limitations of Chapter 280, F.S.;

~~2. Invest in real estate and equipment for the credit union as provided in Section 657.042(5), F.S., that may exceed five percent of the capital of the credit union, without prior notice or approval of the OFR; and~~

~~2.3. Invest in commercial mortgage related securities as may be permitted by NCUA Rule 703.16 (codified at 12 C.F.R. § 703.16 (2006)), which is hereby incorporated by reference, and the exemption, limitations and restrictions of NCUA Rule 742.4(b) (codified at 12 C.F.R. § 742.4(b) (2006)), which is incorporated by reference in paragraph (a).~~

(b) No change.

(3) No change.

Rulemaking Specific Authority 655.012(2) FS. Law Implemented 655.061, 657.031, 657.042 FS. History—New 3-6-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hayes, Chief, Bureau of Bank Regulation, District I
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NOS.:	RULE TITLES:
69U-120.004	Loans Secured by Secondary Liens on Real Estate
69U-120.009	Securities Purchasable by Banks; Investment Characteristics

PURPOSE AND EFFECT: Rule 69U-120.004, F.A.C., is proposed for amendment to remove language nullified by the repeal of certain statutory language in Section 658.48, Florida Statutes, as a result of Chapter 2011-194, Laws of Fla. (2011). Rule 69U-120.009, F.A.C., is proposed for amendment to conform the rule to statutory revisions to Section 658.67, F.S., as a result of Chapter 2011-194, Laws of Fla. (2011).

SUMMARY: Rule 69U-120.004, F.A.C., is proposed for amendment to remove language nullified by the repeal of certain statutory language in Section 658.48, Florida Statutes, as a result of Chapter 2011-194, Laws of Fla. (2011). Rule 69U-120.009, F.A.C., is proposed for amendment to conform the rule to statutory revisions to Section 658.67, F.S., as a result of Chapter 2011-194, Laws of Fla. (2011).

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 655.012(2) FS.

LAW IMPLEMENTED: 658.48, 658.67 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: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69U-120.004 Loans Secured by Secondary Liens on Real Estate.

~~(1) As provided by subparagraph 658.48(5)(c)5., F.S., state banks may make loans based on the security of secondary real estate mortgages in an amount not to exceed 10 percent of capital accounts to any one borrower.~~

~~(2)~~ For computation of total loans to any one borrower, loans secured by secondary liens will be considered unsecured unless the following criteria are met:

~~(1)(a)~~ The position of the state bank’s mortgage shall be documented. Acceptable forms of documentation shall include an attorney’s title opinion, or title insurance, or a written memorandum of title search prepared by the bank’s own employee or agent. A written notation made by the person preparing the documentation that prior mortgages contain no future advance provisions is required. If prior liens do contain future advance provisions, an estoppel letter from prior mortgages must be obtained.

~~(2)(b)~~ Appropriate records shall be maintained to fully establish the bank’s equity in their mortgage at the time the loan is made.

~~(3)(e)~~ Any loan with a maturity in excess of 5 years from origination will be subject to principal reduction through a regular schedule of payments. At least one such payment is required annually.

~~(4)(d)~~ Any loan due on demand shall not be carried on the books of a state bank in excess of 5 years, however, it may be converted to an amortized loan with a stated maturity and thereby permissibly extended beyond 5 years.

~~Rulemaking Specific Authority 655.012(2) 655.012(3), 655.06 FS. Law Implemented 658.48 FS. (See also 12 U. S. C. 371) History—New 6-13-77, Amended 4-23-78, 6-30-81, Formerly 3C-11.17, 3C-11.017, 3C-120.004, Amended _____.~~

69U-120.009 Securities Purchasable by Banks; Investment Characteristics.

(1) Securities of political subdivisions of the states are not eligible for investment unless current as to all payments of principal and interest and otherwise supported as to investment quality and marketability by a credit rating file compiled and maintained in current status by the purchasing bank or trust company rated at least Baa or BAA by established investment services (such as Standard and Poor’s Corporation, Moody’s Investors Service, and The Fitch Publishing Company, Inc.) are eligible bank investments. It is understood that the compiled and current credit rating file will indicate such ratings indicate the presence of protection for both principal and interest through satisfactory basic credit factors as follows:

(a) For general obligations – assessed valuations; tax rates; tax collections; receipts and disbursements; long-term debt record; direct debt-overlapping debt; budget controls; operating results; economic status of political subdivision including population trend; and, political subdivision management record.

(b) For revenue obligations – assessed valuations; tax rates; tax collections; specific pledged revenues, with projections if available; operating expenses chargeable to revenues; net revenues available for debt service; nature of revenue lien; restrictions against excessive additional revenue bonds; necessity of project; competitive facilities; legal authority for the revenue issue; economic status of political subdivision; and population, including growth trend.

~~(2) Absence of a rating shall not of itself render a security ineligible. Non-rated general obligations and revenue issues of quality but limited in size which possess the factors present in rated issues to a satisfactory and equivalent degree shall be regarded as eligible.~~

~~(2)(3) Corporate obligations listed upon a recognized exchange, and new corporate issues for which listing applications are pending, which are current as to all payments of principal and interest and otherwise supported as to investment quality and marketability by a credit file compiled and maintained in current status by the purchasing bank or trust company rated at least Baa or BAA by established statistical services shall be considered eligible bank investments, except as follows:~~

(a) Equipment trust issues shall not be subject to the listing requirement.

(b) Securities convertible into stock at the option of the holder or with stock purchase warrants attached shall be prohibited if the price paid is in excess of the comparative investment value considered independently of the conversion or purchase warrant features.

(c) Securities convertible into stock at the option of the issuer are predominantly speculative and shall be ineligible.

~~(3)(4) Marketability, which is considered as present in listed corporate issues and in new corporate issues for which listing applications are pending, shall be accepted as present in securities of political subdivisions if they shall be salable under ordinary circumstances with reasonable promptness at a fair value.~~

~~Rulemaking Specific Authority 655.012(2) 655.012(3) FS. Law Implemented 658.67 FS. History—New 7-18-74, Amended 6-30-81, Formerly 3-1.04, 3C-11.04, 3C-11.004, 3C-120.009, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hayes, Chief, Bureau of Bank Regulation, District I
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NOS.:	RULE TITLES:
69U-140.008	Permissible Activities for an Agency
69U-140.015	Capital Equivalency or Asset Maintenance

PURPOSE AND EFFECT: Rule 69U-140.008, F.A.C., is proposed for amendment to clarify and make the rule consistent with the actual activities that an international agency may engage in Rule 69U-140.015, F.A.C., is proposed for amendment to conform the rule to statutory revisions in Section 658.67, F.S. enacted by Chapter 2011-194, Laws of Fla. (2011).

SUMMARY: Rule 69U-140.008, F.A.C., is proposed for amendment to clarify and make the rule consistent with the actual activities that an international agency may engage in Rule 69U-140.015, F.A.C., is proposed for amendment to conform the rule to statutory revisions in Section 658.67, F.S. enacted by Chapter 2011-194, Laws of Fla. (2011).

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 655.012(2), 663.061(3), 663.13 FS.

LAW IMPLEMENTED: 663.061, 663.07(1), (3), (5), (7), (9), 663.12(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 RULES IS: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69U-140.008 Permissible Activities for an Agency.

(1) ~~An international banking corporation is authorized to transact only such limited business in Florida as is clearly related to and usual in international or foreign business and financing international commerce.~~ Generally, permissible activities shall include those activities permissible for corporations engaged in international banking or financial operations under the Edge Act, 12 U.S.C. sections 611-631, except such of those activities that are contrary to or inconsistent with any of the provisions of Chapter 663, F.S., or these rules.

(2) through (4) No change.

(5) Lending. ~~An No international banking corporation shall make loans from its agency office in Florida unless such loans are clearly related to and usual in international or foreign business and financing international commerce.~~ Thus, an agency may provide financing and banking services to foreign businesses and foreign individuals in their foreign operations, and also in their operations in the United States or elsewhere, where such operations are in the stream of international business and commerce. An agency may also provide financing and banking services to United States businesses and customers in their foreign operations and in their operations in

Florida and elsewhere that are clearly related to international commerce, such as operations directly connected with the production, storage, transportation and sale of goods for export or import if the importation or exportation of the goods is financed by the banking agency. ~~Real estate loans, automobile loans, retail installment contract financing, loans for the purchase of securities and other essentially domestic loans will not fall within the category of permissible activities.~~

(6) Deposits.

(a) An international bank agency licensed by this state may accept, pursuant to Section ~~663.061~~ 663.06, F.S., only the following deposits:

1. through 4. No change.

(b) No change.

(7) No change.

~~Rulemaking Specific Authority 655.012(2) 655.012(3), 663.061(3), 663.13 FS. Law Implemented 663.061 FS. History—New 5-4-78, Amended 2-24-80, 7-21-81, 12-2-85, Formerly 3C-15.03, Amended 5-27-87, 5-18-88, Formerly 3C-15.003, Amended 11-5-97, Formerly 3C-140.008, Amended _____.~~

69U-140.015 Capital Equivalency or Asset Maintenance.

(1) through (5) No change.

(6) Notwithstanding the limitations of Section 658.67, F.S., an international bank agency or international branch is authorized to use securities issued by foreign governments, or foreign government sponsored entities, for the purpose of satisfying the capital equivalency or asset maintenance requirements of Section 663.07, F.S., provided that:

(a) The bonds or other obligations used for this purpose are current as to all payments of principal and interest and otherwise supported as to investment quality and marketability by a credit rating file compiled and maintained in current status are rated in one of the four highest classifications;

(b) through (c) No change.

(7) through (11) No change.

~~Rulemaking Specific Authority 655.012(2) 655.012(3), 663.13 FS. Law Implemented 663.07(1), (3), (5), (7), (9), 663.12(4) FS. History—New 3-10-82, Amended 11-21-85, Formerly 3C-15.10, Amended 10-5-89, Formerly 3C-15.010, Amended 8-24-93, Formerly 3C-140.007, 3C-140.015, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hayes, Chief, Bureau of Bank Regulation, District I

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

Finance

69V-160.025 Property Insurance on Loans
 PURPOSE AND EFFECT: Rule 69V-160.025, F.A.C., is recommended for amendment to strike subsection (11). The Office lacks statutory authority to require licensees under the act to display the rules governing insurance on household goods and appliances.

SUMMARY: Rule 69V-160.025, F.A.C., is recommended for amendment to strike subsection (11). The Office lacks statutory authority to require licensees under the act to display the rules governing insurance on household goods and appliances.

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 20.05(5), 516.22(1) FS.

LAW IMPLEMENTED: 516.031(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: Andy Grosmaire, Chief, Bureau of Finance Enforcement, (850)410-9848, andy.grosmaire@fiofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.025 Property Insurance on Loans.

(1) through (10) No change.

~~(11) Rules to be displayed. The licensee shall display in a conspicuous place in the office of the lending institution the rules contained herein governing insurance on household goods and appliances. Upon request of the borrower, the licensee shall explain clearly to the borrower his rights and limitations as set forth in said rules.~~

(12) No change.

Rulemaking Specific Authority 20.05(5), 516.22(1) FS. Law Implemented ~~516.20(4)~~, 516.031(3) FS. History-New 9-1-75, Amended 8-16-83, Formerly 3D-160.25, 3D-160.025, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Oaks, Director, Division of Finance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.802
 RULE TITLE: Minimum Disclosure

PURPOSE AND EFFECT: Rule 69V-560.802, F.A.C., is to be amended to remove deferred presentment providers from the requirement to post a schedule of fees, as there is no specific statutory authority as applied to deferred presentment providers.

SUMMARY: Rule 69V-560.802, F.A.C., is to be amended to remove deferred presentment providers from the requirement to post a schedule of fees, as there is no specific statutory authority as applied to deferred presentment providers.

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 560.105, 560.404(23) FS.

LAW IMPLEMENTED: 560.309 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: Andy Grosmaire, Chief, Bureau of Finance Enforcement, (850)410-9848, andy.grosmaire@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.802 Minimum Disclosure.

(1) Every check casher ~~and deferred presentation provider~~ must continuously post in a conspicuous place a clearly legible schedule of fees charged in every location and mobile unit.

(2) The term “conspicuous place” is defined herein as a place which is reasonably calculated to impart the information to the public.

Rulemaking Specific Authority 560.105, 560.404(23) FS. Law Implemented 560.309 FS. History--New 9-24-97, Amended 12-30-98, 12-17-01, Formerly 3C-560.802, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Gregory Oaks, Director, Division of Finance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-500.004	Computation of Number of Purchasers for Purposes of Section 517.061(11), F.S.
69W-500.007	General Solicitation or General Advertising in Connection with an Offering Exempted Under Section 517.061(11), F.S.
69W-500.013	Exemption/Mobile Home Parks/Limited Purpose Stock Offering

PURPOSE AND EFFECT: Rule 69W-500.004, F.A.C., is proposed for amendment to strike subparagraphs (1)(a), (b) and (c), which are redundant of Section 517.061(11), F.S. Rule 69W-500.007, F.A.C., is recommended for amendment to update definitions for general solicitation or general advertising to include electronic media other than television or radio. Rule 69W-500.013, F.A.C., is recommended for amendment to strike subsection (5) as this provision conflicts with Section 517.061, F.S.

SUMMARY: Rule 69W-500.004, F.A.C., is proposed for amendment to strike paragraphs (1)(a), (b) and (c), which are redundant of Section 517.061(11), F.S. Rule 69W-500.007, F.A.C., is recommended for amendment to update definitions

for general solicitation or general advertising to include electronic media other than television or radio. Rule 69W-500.013, F.A.C., is recommended for amendment to strike subsection (5) as this provision conflicts with Section 517.061, 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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 517.03 FS.

LAW IMPLEMENTED: 517.061 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: John Kim, Assistant General Counsel, (850)410-9781, john.kim@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-500.004 Computation of Number of Purchasers for Purposes of Section 517.061(11), F.S.

(1) The following purchasers shall be excluded in computing the number of purchasers for purposes of Section 517.061(11), F.S.:

~~(a) Any relative or spouse of a purchaser and any relative of such spouse, who shares the same principal residence as such purchaser;~~

~~(b) Any trust or estate in which a purchaser or any of the persons related to him as specified in paragraph (1)(a) or (c) of this rule collectively owns more than 50% of the beneficial interest in such trust or estate (excluding contingent interests); and~~

~~(e) Any corporation or other organization of which a purchaser or any of the persons related to him as specified in paragraphs (1)(a) and (b) of this rule, collectively, are the beneficial owners of more than 50% of the equity securities (excluding directors' qualifying shares) or equity interest;~~

~~(a)(d)~~ The issuer, including any promoter of that issuer;

~~(b)(e)~~ Any General Partner of a Limited Partnership, regardless of the types of interest in the Limited Partnership purchased or held by the General Partner;

~~(c)(f)~~ Any purchaser with whom the transaction was consummated outside the State of Florida.

(2) No change.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.04, Amended 7-31-91, Formerly 3E-500.004, Amended 5-15-07, _____.

69W-500.007 General Solicitation or General Advertising in Connection with an Offering Exempted Under Section 517.061(11), F.S.

(1) No change.

(2) For purposes of Section 517.061(11)(a)2., F.S., general solicitation or general advertising, shall be deemed to include, but not be limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine or similar medium, or broadcast over the television or radio, or transmitted through electronic media; or

(b) Any seminar, meeting, letter, circular, notice or other written communication.

(3) No change.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.07, Amended 7-31-91, Formerly 3E-500.007, Amended _____.

69W-500.013 Exemption/Mobile Home Parks/Limited Purpose Stock Offering.

Transactions which involve the offer or sale of stock, bonds, or other instruments deemed to be securities as defined in Section 517.021(21), F.S., offered or sold by or on behalf of a non-profit corporation consisting solely of property owners of a singular mobile home park, where the securities evidence shares of the corporation, are hereby exempted from the registration requirements of Section 517.07, F.S., provided that such securities meet and comply with all of the following criteria:

(1) through (4) No change.

~~(5) That the Office of Financial Regulation is provided with reasonable notice of the issuance of said securities prior to or contemporaneous with their offer and sale.~~

Rulemaking Authority 517.03 FS. Law Implemented 517.061(18) FS. History—New 1-8-86, Amended 7-31-91, Formerly 3E-500.013, Amended 9-30-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:
69W-600.001

RULE TITLES:
Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser

69W-600.004

Registration of Issuer/Dealers, Principals and Branch Offices

69W-600.008

Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent

PURPOSE AND EFFECT: Rule 69W-600.001, F.A.C., is recommended for amendment to strike subparagraph (1)(b)6., as this provision is redundant of existing books and records requirements, and to add a requirement for control persons and/or owners to provide fingerprint cards in support of the application, pursuant to Section 517.12(7), F.S. Rule 69W-600.004, F.A.C., is recommended for amendment to strike subparagraph (3)(b)4., relating to evidence of current registration with the Secretary of State, as there is no specific statutory authority for this requirement. Rule 69W-600.008, F.A.C., is recommended to be amended to change the number of days for notice in subparagraph (1) from 20 to 30 for consistency with other amendment provisions, and to correct a cross-reference typographical error in subparagraph (1) from 59W to 69W.

SUMMARY: Rule 69W-600.001, F.A.C., is recommended for amendment to strike subparagraph (1)(b)6., which requires proof of clearing agreements when requested by the Office, and to add a requirement for control persons and/or owners to provide fingerprint cards in support of the application, pursuant to Section 517.12(7), F.S. Rule 69W-600.004, F.A.C., is recommended for amendment to strike subparagraph (3)(b)4., relating to evidence of current registration with the Secretary of State, as there is no specific statutory authority for this requirement. Rule 69W-600.008, F.A.C., is recommended to be amended to change the number of days for notice in subsection (1) from 20 to 30 for consistency with other amendment provisions, and to correct a cross-reference typographical error in subparagraph (1) from 59W to 69W.

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 517.03(1), 517.12(6) FS.

LAW IMPLEMENTED: 517.12, 517.1205, 517.161(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kim, Assistant General Counsel, (850)410-9781, john.kim@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) No change.

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

1. through 5. No change.

6. Any direct or indirect owner or control person 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 or indirect owner or control person shall submit to the Office fingerprint cards in accordance with subsection 69W-600.006(3), F.A.C. A fully disclosed dealer shall furnish proof of clearing agreements when requested by the Office of Financial Regulation;

7. through 9. No change.

(2) through (3) No change.

Rulemaking Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07, 11-22-10,_____.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) No change.

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

1. Form BR, which is incorporated by reference under subsection 69W-301.002(7), F.A.C.

2. Statutory fee in the amount required by Section 517.12(10), F.S.

3. Manager and resident agent as appropriate in this rule must be registered as set forth in Rule 69W-600.002, F.A.C.

~~4. Evidence of current registration or exemption from the registration requirements of the Florida Secretary of State.~~

(c) through (d) No change.

Rulemaking Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, 5-15-07, 11-22-10,_____.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office of Financial Regulation on the forms prescribed by the Financial Services Commission, in accordance with subsection 69W-301.002(7) 59W-301.002(7), F.A.C., within thirty (30) twenty-(20) calendar days of the date of termination. Such forms shall be filed electronically in accordance with Rules 69W-301.002, 69W-600.0091, 69W-600.0092 and 69W-600.0093, F.A.C.

(2) through (6) No change.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended 3-16-06, 11-22-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-700.019
RULE TITLE: Submission of Sales Reports

PURPOSE AND EFFECT: Rule 69W-700.019, F.A.C., is recommended for amendment to change the requirement of mandatory submission of sales reports to only require submission of sales reports upon request by the Office pursuant to Section 517.081(3), F.S., to reduce regulatory burdens. Also, an amendment is proposed to clarify the requirement of notice of consummated sales/discontinued offerings in subsection (3) by replacing language containing “should” to “shall.”

SUMMARY: Rule 69W-700.019, F.A.C., is recommended for amendment to change the requirement of mandatory submission of sales reports to only require submission of sales reports upon request by the Office, to reduce regulatory burdens. Also, an amendment is proposed to clarify the requirement of notice of consummated sales/discontinued offerings in subsection (3) by replacing language containing “should” to “shall.”

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 517.03(1) FS.

LAW IMPLEMENTED: 517.081(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: John Kim, Assistant General Counsel, (850)410-9781, john.kim@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-700.019 Submission of Sales Reports.

(1) Sales reports shall be submitted upon request to the Office of Financial Regulation for securities registered pursuant to Section 517.081, F.S. The Office of Financial Regulation will require sales reports to be submitted for securities registered pursuant to Section 517.081, F.S., as follows:

~~(1) In the case of a firm commitment by an underwriter, within one hundred and twenty (120) days after distribution of securities.~~

~~(2) In a “best efforts” underwriting, every thirty (30) days until the offering is completed.~~

(2)(3) When all sales have been consummated or it is the desire to discontinue an offering, notice shall be given to the Office of Financial Regulation should be notified so that it may close its files on this registration.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3) FS. History—(Formerly 3E-20.18) New 9-20-82, Formerly 3E-700.19, Amended 12-8-87, 7-31-91, Formerly 3E-700.019, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-800.001
RULE TITLE: Filing – Notification Registration Including Shelf Filings

PURPOSE AND EFFECT: Rule 69W-800.001, F.A.C., is recommended for amendment to change the word “telegraphic” in subsection (4) to “electronic” to reflect other forms of electronic delivery.

SUMMARY: Rule 69W-800.001, F.A.C., is recommended for amendment to change the word “telegraphic” in subsection (4) to “electronic” to reflect other forms of electronic delivery.

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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 517.03(1) FS.

LAW IMPLEMENTED: 517.082 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: John Kim, Assistant General Counsel, (850)410-9781, john.kim@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-800.001 Filing – Notification Registration Including Shelf Filings.

(1) through (3) No change.

(4) ~~Electronic Telegraphic~~ notification of effective registration with the SEC shall be filed within ten (10) business days from the date federal registration is granted if such registration was pending with the SEC at the time the notification application was filed.

(5) through (6) No change.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.082 FS. History—New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.001, Amended 11-22-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
RULE TITLE: Adjustments to Reflect Consumer Price Index

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 3., F.S.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.095
RULE TITLE: Site Determined Baccalaureate Access

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. 25, June 22, 2012 issue of the Florida Administrative Weekly.

Form BAAC-01, Baccalaureate Proposal Approval Application is being amended to remove reference to Section 1007.33(6), Florida Statutes, deleted by HB 7135 during the 2012 legislative session.

EVALUATION CRITERIA

A. PLANNING PROCESS

- 1. Internal Process and Meetings *(Limit 800 words)*
- 2. External Process and Meetings *(Limit 1200 words)*

The college must engage in discussions and coordination with public universities and regionally accredited private postsecondary institutions, as outlined in ~~the~~ section 1007.33, Florida Statutes (5)(a). ~~of statute below~~. The proposal must provide evidence of these discussions and coordination.

~~Section 1007.33, Florida Statutes (6)(e) requires that prior to developing or proposing a new baccalaureate degree program, all Florida colleges...shall:~~

~~1. Engage in need, demand, and impact discussions with the state university in their service district and other local and regional, accredited postsecondary providers in their region.~~

~~2. Send documentation, data, and other information from the discussions regarding program need, demand, and impact to the college's board of trustees, the Division of Florida Colleges, and the Chancellor of the State University System.~~

~~3. Base board of trustees approval of the new program upon the documentation, data, and other information described in this paragraph.~~