

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.:	RULE TITLES:
IT-12.001	Definitions
IT-12.002	Acquisition Procedures
IT-12.003	Accessioning Procedures
IT-12.004	Inventory of State-owned Artifacts
IT-12.005	Loan of State-owned Artifacts
IT-12.006	Deaccession and Disposal of State-owned Artifacts

PURPOSE AND EFFECT: Create a new chapter and rules for the Museum of Florida History. The new chapter is IT-12 Museum of Florida History.

SUBJECT AREA TO BE ADDRESSED: Rules within the chapter detail: Definitions (IT-12.001), Acquisition Procedures (IT-12.002), Accessioning Procedures (IT-2.003), Inventory of State-owned Artifacts (IT-12.004), Loan of State-owned Artifacts (IT-12.005), and Deaccession and Disposal of State-owned Artifacts (IT-12.006).

RULEMAKING AUTHORITY: 265.704(1), 265.706(6) FS.

LAW IMPLEMENTED: 265.704, 265.706 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, June 18, 2012, 9:30 a.m.

PLACE: Museum of Florida History, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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 3 days before the workshop/meeting by contacting: Jeana Brunson. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeana Brunson, Museum of Florida History, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-9.001	Fresh Form
20-9.002	Processed Form
20-9.003	Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse or Processing Plant, or to a Fresh Fruit Juice Distributor
20-9.004	Fruit Handled by Express and Gift Package Shippers
20-9.005	Requirements to Guarantee Payment of Excise Tax
20-9.006	Late Filing of Returns and Inadequacy of Bond
20-9.007	Mixing of Oranges
20-9.008	Utilization of Certificate of Deposit in Lieu of Bond

PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to 2012 Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S, changing tax(es) to assessment(s).
RULEMAKING AUTHORITY: 601.10(1), (7), 601.15(1), (5), (6), (10)(a), 601.155(3), (7) FS.

LAW IMPLEMENTED: 601.15, 601.152, 601.154, 601.155, 601.27 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33831

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: Dianne Screws at (863)537-3999 or dscrews@citrus.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins at (863)537-3956 or awiggins@citrus.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

<p>RULE NOS.:</p> <p>20-10.001</p> <p>20-10.002</p> <p>20-10.003</p>	<p>RULE TITLES:</p> <p>Charitable and Unemployment Relief Shipments</p> <p>Interstate Shipments for Commercial Processing</p> <p>Gift Fruit Shipments</p>
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PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”

RULEMAKING AUTHORITY: 601.10(1), 601.50 FS.

LAW IMPLEMENTED: 601.50, 601.501 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

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DEPARTMENT OF CITRUS

<p>RULE NO.:</p> <p>20-36.007</p>	<p>RULE TITLE:</p> <p>Payment of Fees at Time of Inspection</p>
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PURPOSE AND EFFECT: Amending rule to change all references to tax(es), or excise tax(es) to assessments in order to comply with Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: Legislative rewrite of Chapter 601, F.S., changing tax to assessments.

RULEMAKING AUTHORITY: 601.10(1), 601.15(1)(a) FS.

LAW IMPLEMENTED: 601.9911 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

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DEPARTMENT OF CITRUS

<p>RULE NO.:</p> <p>20-44.001</p>	<p>RULE TITLE:</p> <p>Intrastate Shipments</p>
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PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”

RULEMAKING AUTHORITY: 601.10(1), (7), 601.11, 601.50 FS.

LAW IMPLEMENTED: 601.03(8), 601.10(7), 601.11, 601.50(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-50.001	Purpose
20-50.002	Seedless Grapefruit for Fresh Use Maturity Standards
20-50.003	When Seedless Grapefruit Shall be Deemed Mature
20-50.004	Seeded Grapefruit for Fresh Use Maturity Standards
20-50.005	When Seeded Grapefruit Shall be Deemed Mature

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-50 provides grapefruit maturity standards for fresh utilization.

SUBJECT AREA TO BE ADDRESSED: Fresh grapefruit maturity standards.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-51.001	Purpose
20-51.002	Minimum Ratios of Solids to Acid

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-51 provides fresh grapefruit minimum ratios of solids to acid.

SUBJECT AREA TO BE ADDRESSED: Fresh grapefruit minimum ratios of solids to acid.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-52.001	Purpose
20-52.002	Minimum Juice Content
20-52.003	Determination of Unusual or Abnormal Conditions
20-52.004	Establishment of Different Sizes

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-52 provides minimum juice content for fresh grapefruit utilization.

SUBJECT AREA TO BE ADDRESSED: Minimum juice content for fresh grapefruit utilization.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-53.001	Purpose
20-53.002	Oranges for Fresh Use Maturity Standards
20-53.003	Maturation of Oranges Earlier Than Normal

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-53 provides oranges maturity standards for fresh utilization.

SUBJECT AREA TO BE ADDRESSED: Oranges maturity standards for fresh utilization.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, FL 33830

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-54.001	Purpose
20-54.002	Minimum Ratios of Solids to Acid

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-54 provides fresh oranges minimum ratios of solids to acid.

SUBJECT AREA TO BE ADDRESSED: Fresh oranges minimum ratios of solids to acid.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, FL 33830

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins, awiggins@citrus.state.fl.us or (863)537-3956

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-55.001	Purpose
20-55.002	Tangerine Maturity Standards

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-55 provides tangerine maturity standards for fresh utilization.

SUBJECT AREA TO BE ADDRESSED: Tangerine maturity standards for fresh utilization.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, FL 33830

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins, awiggins@citrus.state.fl.us or (863)537-3956
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE NOS.: **RULE TITLES:**
20-56.001 Purpose
20-56.002 Minimum Ratios of Solids to Acid
PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-56 provides tangerine minimum ratios of solids to acid for fresh utilization.
SUBJECT AREA TO BE ADDRESSED: Tangerine minimum ratios of solids to acid for fresh utilization.
RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.
LAW IMPLEMENTED: 601.9910(1) FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 30, 2012, 9:30 a.m.
PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, FL 33830

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins, awiggins@citrus.state.fl.us or (863)537-3956
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE NO.: **RULE TITLE:**
20-69.001 Requirements for Fruit Imported for Processing
PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.
SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”

RULEMAKING AUTHORITY: 601.10(1),(7), 601.11 FS.
LAW IMPLEMENTED: 601.02(3), (4), (5), 601.10(7), 601.11, 601.15(3), 601.155, 601.47, 601.48, 601.49 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 30, 2012, 9:30 a.m.
PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830
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DEPARTMENT OF CITRUS

RULE NOS.: **RULE TITLES:**
20-71.005 Manifest Requirements and Statements for In-State Bulk Transports
20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products
PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.
SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”
RULEMAKING AUTHORITY: 601.10(1), (7), 601.11, 601.49, 601.51 FS.
LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 30, 2012, 9:30 a.m.
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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-82.001	Purpose
20-82.002	When Grapefruit for Processing into Juice and Juice Products Deemed Mature
20-82.003	Grapefruit for Processing into Grapefruit Sections and Salads Deemed Mature
20-82.004	Adjustment of Minimum Total Soluble Solids Requirements

PURPOSE AND EFFECT: 2012 Legislative rewrite removed maturity standards from the statute and gave authority to department to place in rules. New Chapter 20-82, F.A.C., provides grapefruit maturity standards for processed utilization

SUBJECT AREA TO BE ADDRESSED: Grapefruit maturity standards for processed utilization.

RULEMAKING AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
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DEPARTMENT OF CITRUS

RULE NO.:	RULE TITLE:
20-91.008	Assessment Forms Provided by Department

PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”

RULEMAKING AUTHORITY: 601.10(1), 601.15(10)(a) FS.
 LAW IMPLEMENTED: 601.152(8)(b), (c) FS.

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DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-98.006	Definitions

PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”

RULEMAKING AUTHORITY: 601.10(1), 601.11, 601.15 FS.

LAW IMPLEMENTED: 601.101 FS.

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 DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

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: Dianne Screws at (863)537-3999 or dscrews@citrus.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins @ (863)537-3956 or awiggins@citrus.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-100.004 Official Forms Used by Agency
PURPOSE AND EFFECT: Amending rule to change all references to tax, taxes, excise tax or excise taxes to assessment(s) due to the 2012 Legislative rewrite of Chapter 601, F.S.

SUBJECT AREA TO BE ADDRESSED: 2012 Legislative rewrite of Chapter 601, F.S., regarding the change of “tax” to “assessment.”

RULEMAKING AUTHORITY: 601.10(1), (15) FS.

LAW IMPLEMENTED: 601.10(15) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

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: Dianne Screws at (863)537-3999 or dscrews@citrus.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-108.004 Determination of Minimum Bond
 Required

PURPOSE AND EFFECT: Amending rule to include the schedule, removed from statute by the 2012 Legislative rewrite of Chapter 601, F.S., used in determining the minimum bond amount required for citrus fruit dealers.

SUBJECT AREA TO BE ADDRESSED: Minimum bond requirements schedule for citrus fruit dealers.

RULEMAKING AUTHORITY: 601.10(1), (7), 601.56 FS.

LAW IMPLEMENTED: 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

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: Dianne Screws at (863)537-3999 or dscrews@citrus.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins @ (863)537-3956 or awiggins@citrus.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-102.101 Public Information and Inspection of
 Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend a statutory reference in Form DC1-201, Invoice for Production of Records.

SUBJECT AREA TO BE ADDRESSED: Legal Services.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.
(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, Invoice for Production of Records. Form DC1-201. Form DC1-201 shall also indicate if

any information is redacted from the copies provided as required by state law. Form DC1-201, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00951>, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is February, 2012.

Rulemaking Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History--New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, 12-25-08, 8-18-09, 2-26-12, _____.

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. Specifically, the amendments update the Governing Board delegation pursuant to Sections 373.079(4) and 373.083(5), F.S.

SUBJECT AREA TO BE ADDRESSED: Exceptions to Uniform Rules of Procedure.

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.

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

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, 3301 Gun Club Road, West Palm Beach, FL 33406, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 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) through (7) No change.

Rulemaking 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, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
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, or 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. Specifically, the 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 Sections 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.

SUBJECT AREA TO BE ADDRESSED: General and procedural rules.

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.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 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, _____.

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, 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
<u>0186</u>	<u> </u>	<u>State of Florida Water Well Contractor's Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.</u>
0188-QMQ	<u> </u>	<u>Quarterly Report of Withdrawals, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.</u>
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	<u> </u>	<u>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.</u>
0188-QMON	<u> </u>	<u>Quarterly Report of Monitoring Requirements, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.</u>
0188-QMQF	<u> </u>	<u>Quarterly Report of Withdrawals from Wells and Surface Water Pumps, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.</u>
0188-QCROP	<u> </u>	<u>Report of Planting and Harvest of Seasonal Crops, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.</u>
0188-QBWDR	<u> </u>	<u>Quarterly Report of Bulk Water Delivered and Received, incorporated by reference in paragraph 40E-2.091(1)(a), F.A.C.</u>
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0444	12-11	No change.
0445	<u> </u>	<u>Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference in subsection 40E-2.101(3), F.A.C.</u>
0483	<u> </u>	<u>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.</u>
0645-W01	<u> </u>	<u>Water Use Permit Application (RC-1A, RC-1W, RC-1G), incorporated by reference in subsection 40E-2.101(1), F.A.C.</u>
0645-G60	<u> </u>	<u>Table A Descriptions of Wells, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G61-1	<u> </u>	<u>Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G61-2	<u> </u>	<u>Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G65	<u> </u>	<u>Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G74	<u> </u>	<u>Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G69	<u> </u>	<u>Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G70	<u> </u>	<u>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.</u>
0645-G71	<u> </u>	<u>Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G72	<u> </u>	<u>Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0645-G73	<u> </u>	<u>Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(a), F.A.C.</u>
0779	<u>01-01</u>	<u>Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit</u>
	5-5-92	

0830	4-94	Special Use Application and License, incorporated by reference in subsection 40E-63.091(9), F.A.C.
0881A through 1024		No change.
<u>1045</u>	<u>11-10</u>	<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, incorporated by reference in subsection 40E-63.430(2), F.A.C.</u>
		No change.
		Water Use General Permit
1105 thru 1106		
1109	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, incorporated by reference in subsection 40E-3.101(1), F.A.C.</u>
<u>62-532.900(2)</u>	<u>10-07-10</u>	<u>State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C.</u>

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.

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. Specifically, the amendments: 1) update references to repealed rules; 2) update titles of referenced rule chapters; 3) correct typographical errors; 4) update delegation pursuant to Sections 373.079(4) and 373.083(5), F.S.; 5) update rules to incorporate forms in accordance with Section 120.55(1)(a)4. and 5., F.S.; and 6) add 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.

SUBJECT AREA TO BE ADDRESSED: Consumptive/Water Use permitting.

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.

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

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 hours before the workshop/meeting by contacting: South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-2.010 Review of Consumptive Use Permit Applications.

Consumptive use permit applications are processed pursuant to Section 120.60, Florida Statutes ~~and, Part VI of~~ 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-QMQ, 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-QMON, Quarterly Report of Monitoring Requirements, (date), (hyperlink) (referenced in Section 4.2);

(4) Form 0188-QMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, (date), (hyperlink) (referenced in Section 4.1);

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

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

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, _____.

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. and 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.
- 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.

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.
- (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.

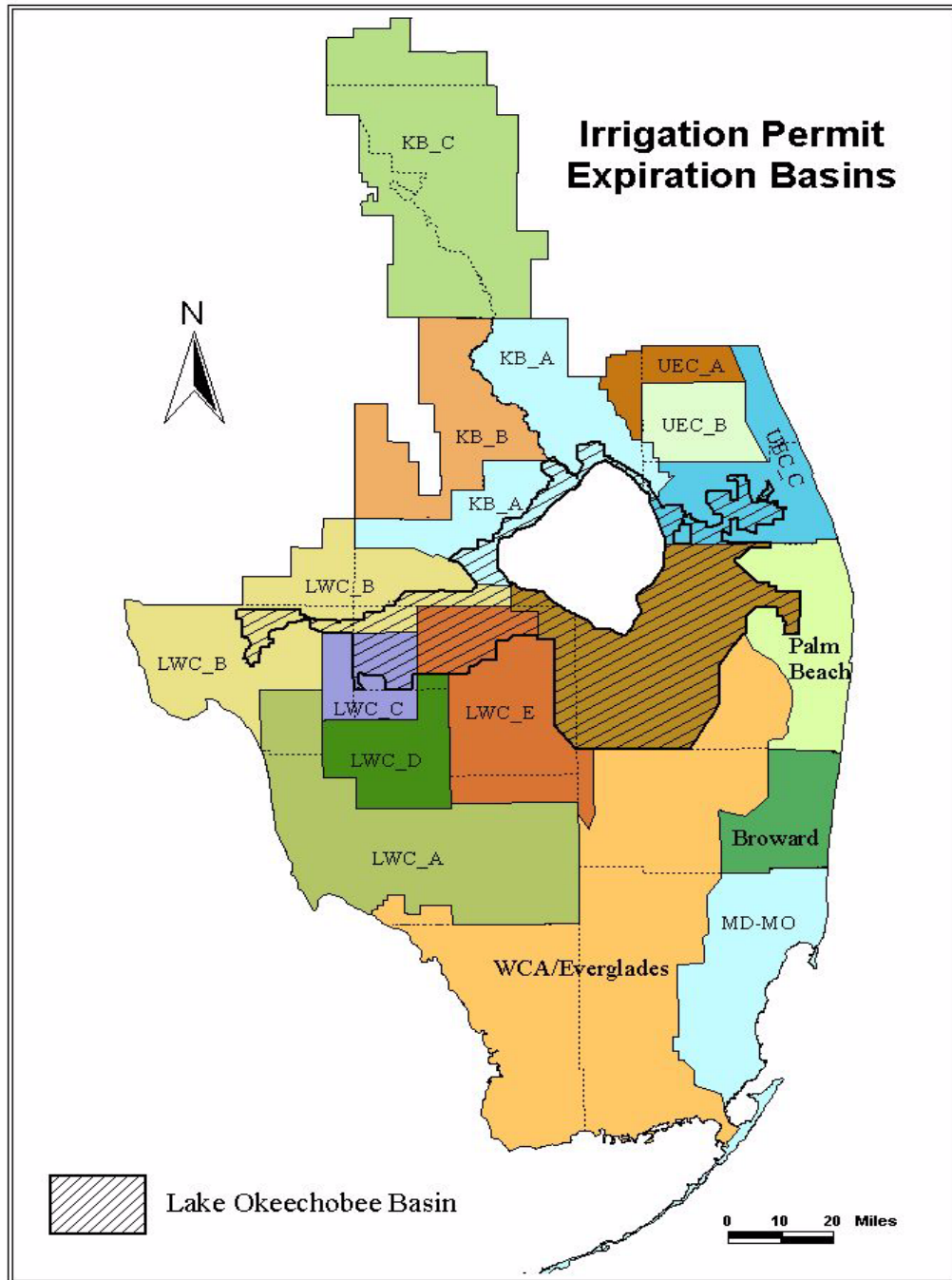
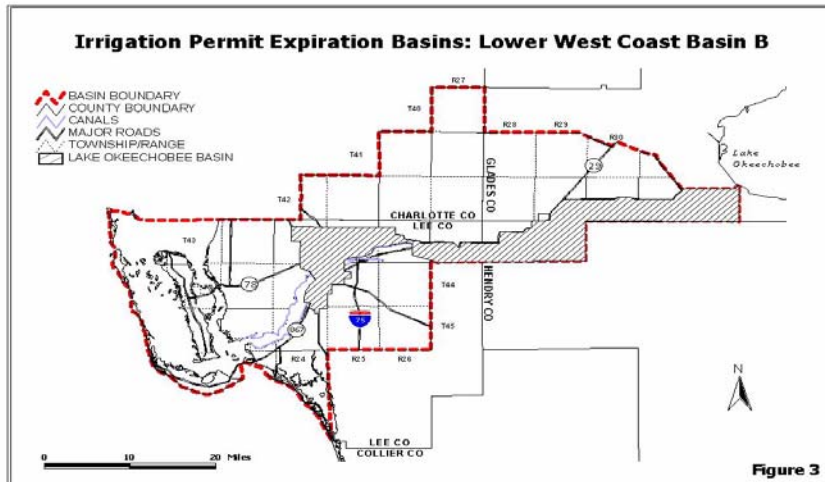
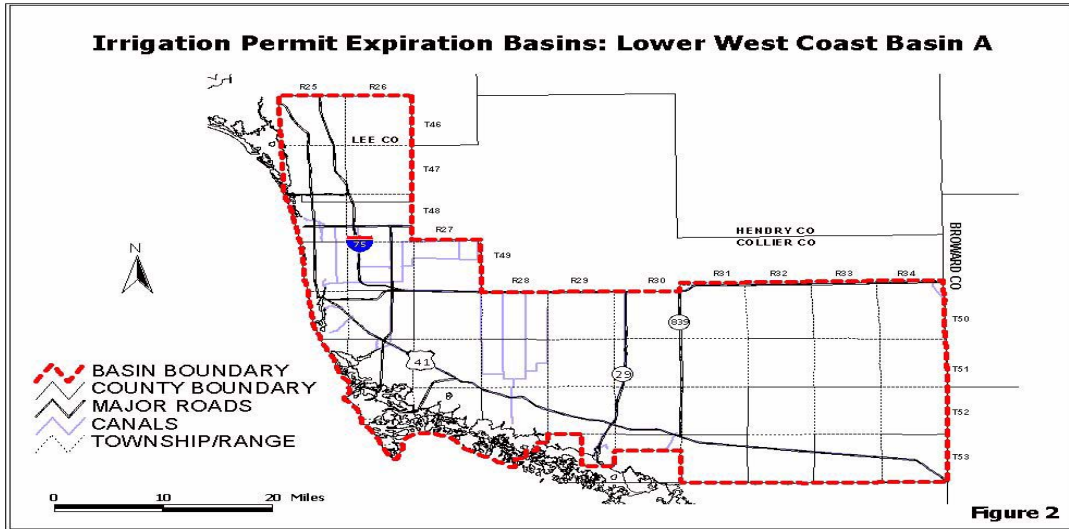
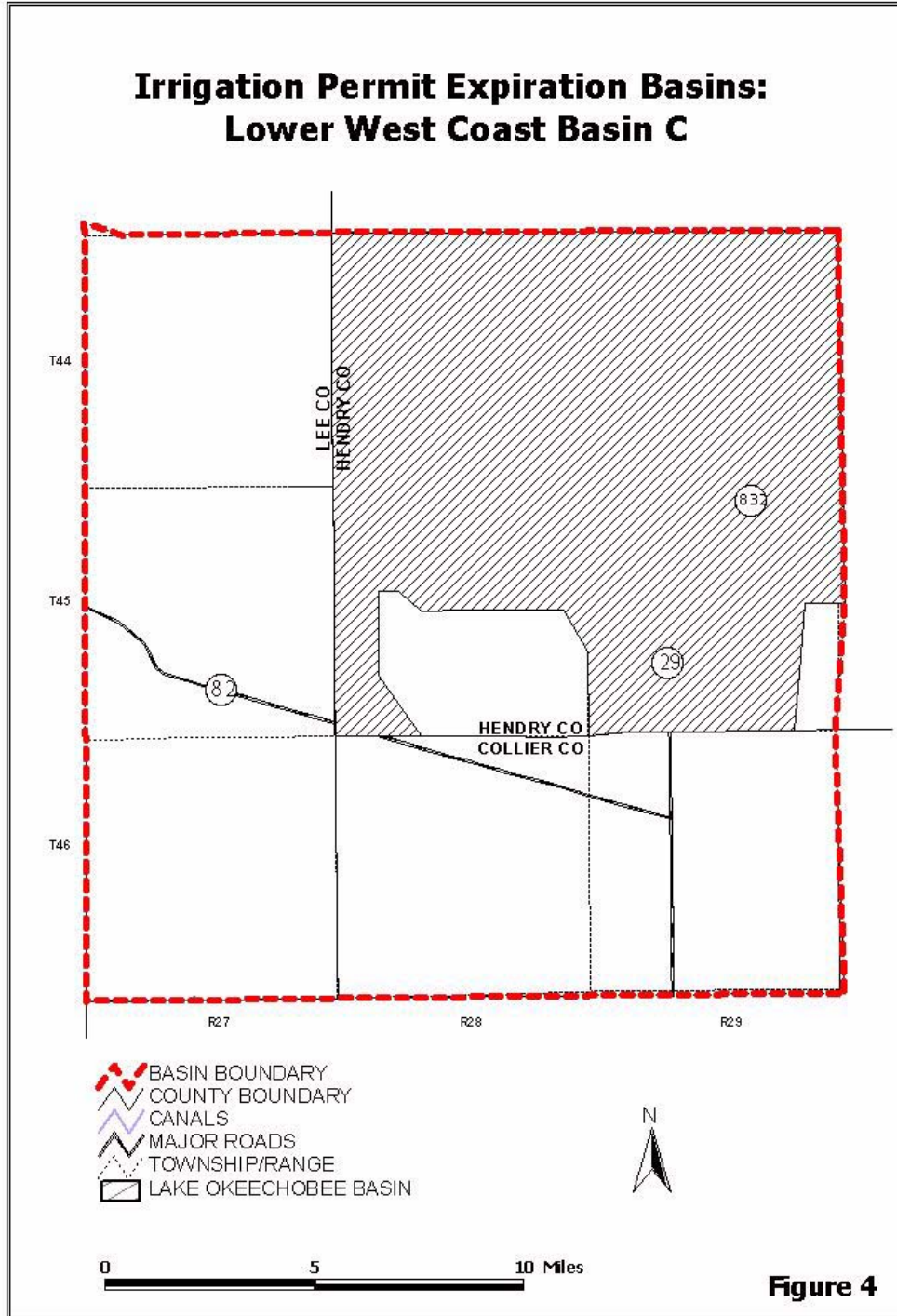
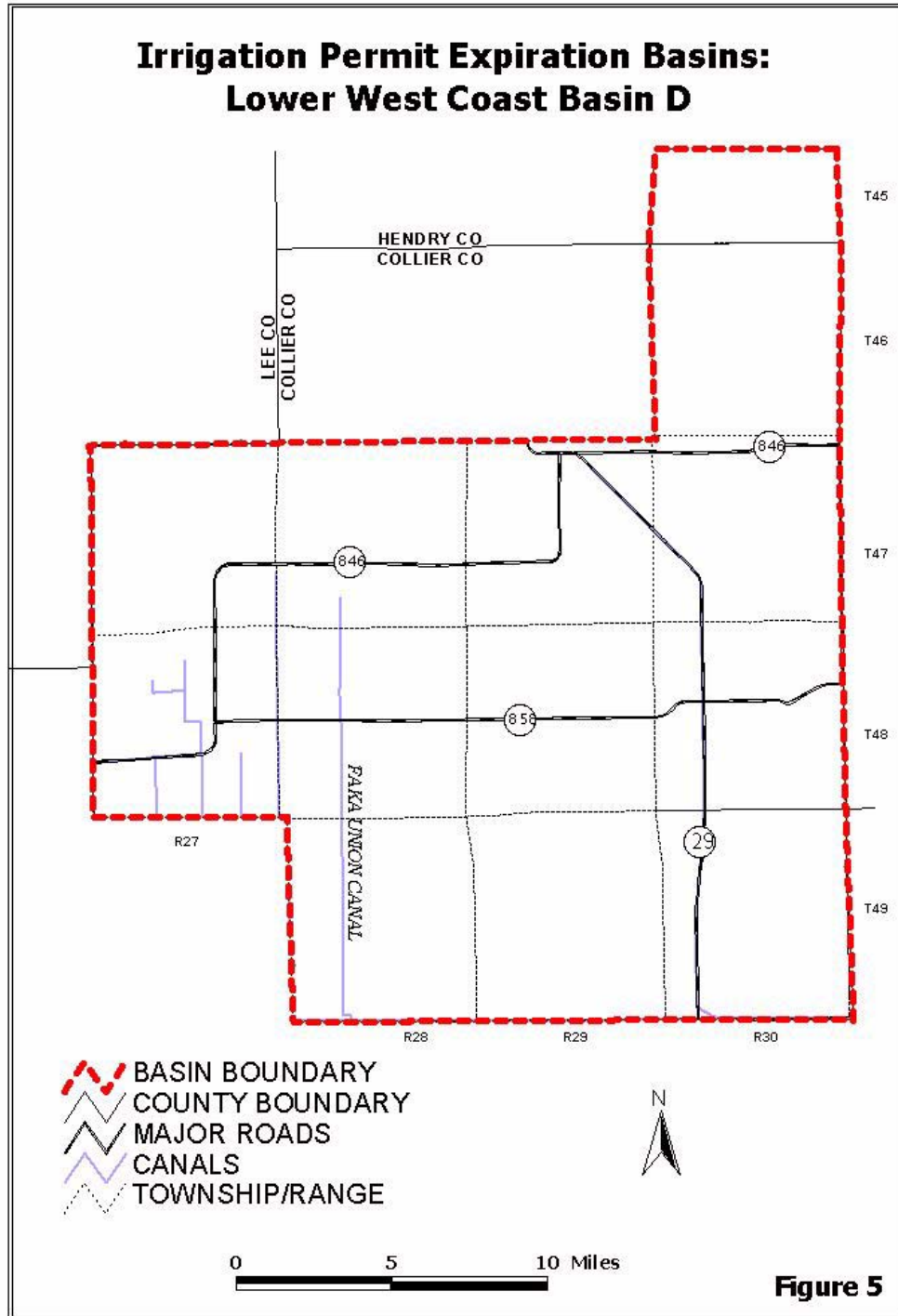
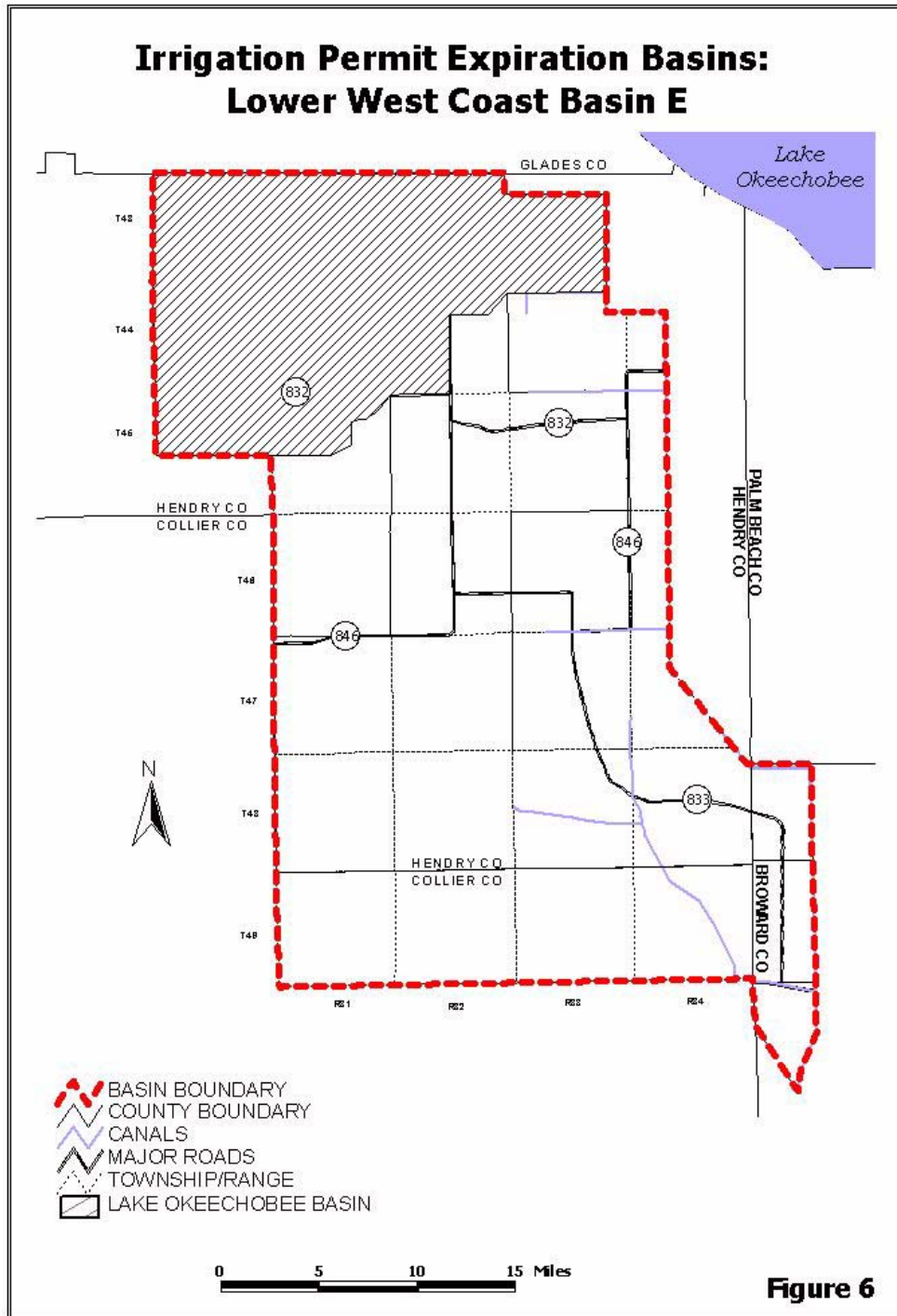


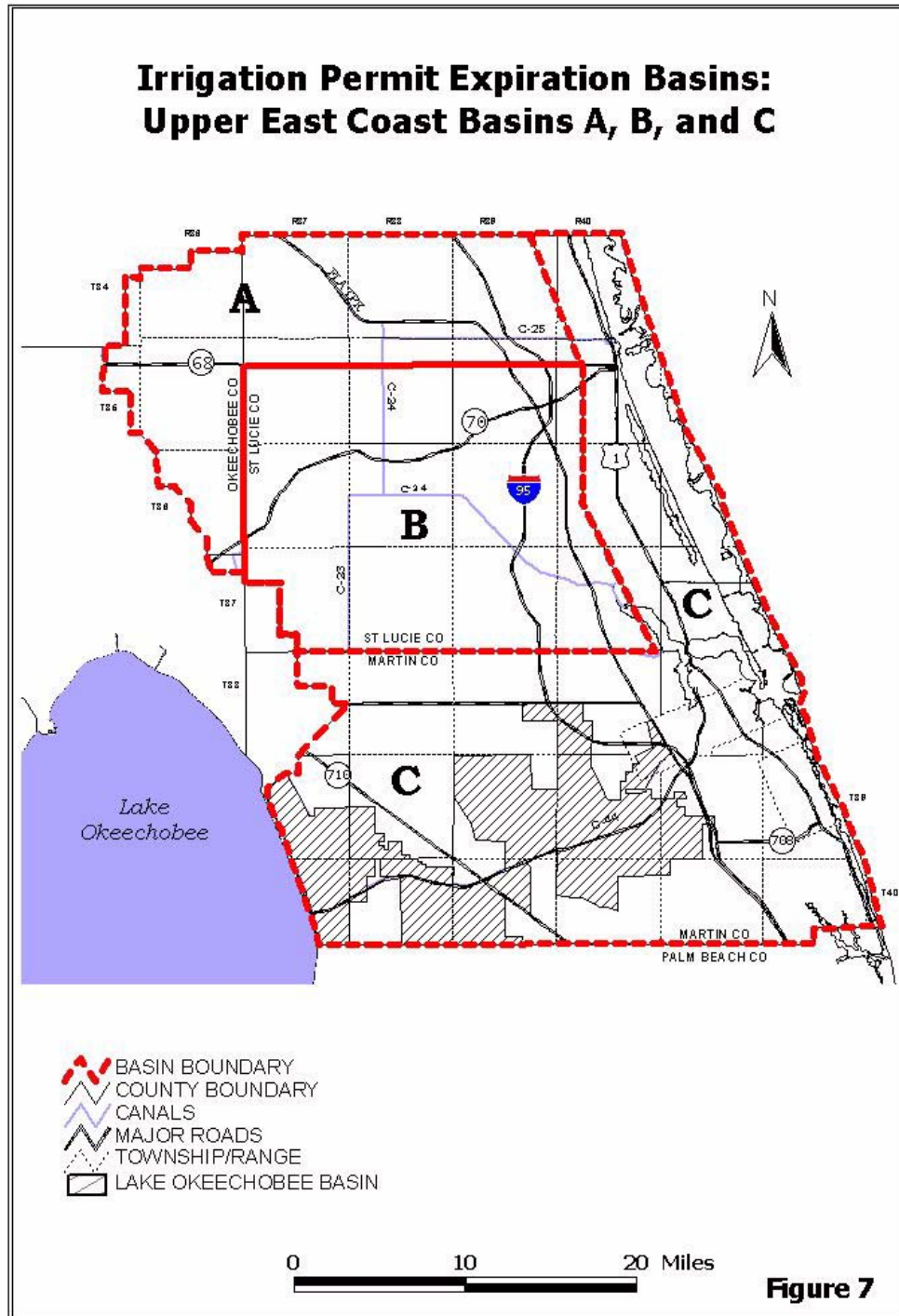
Figure 1

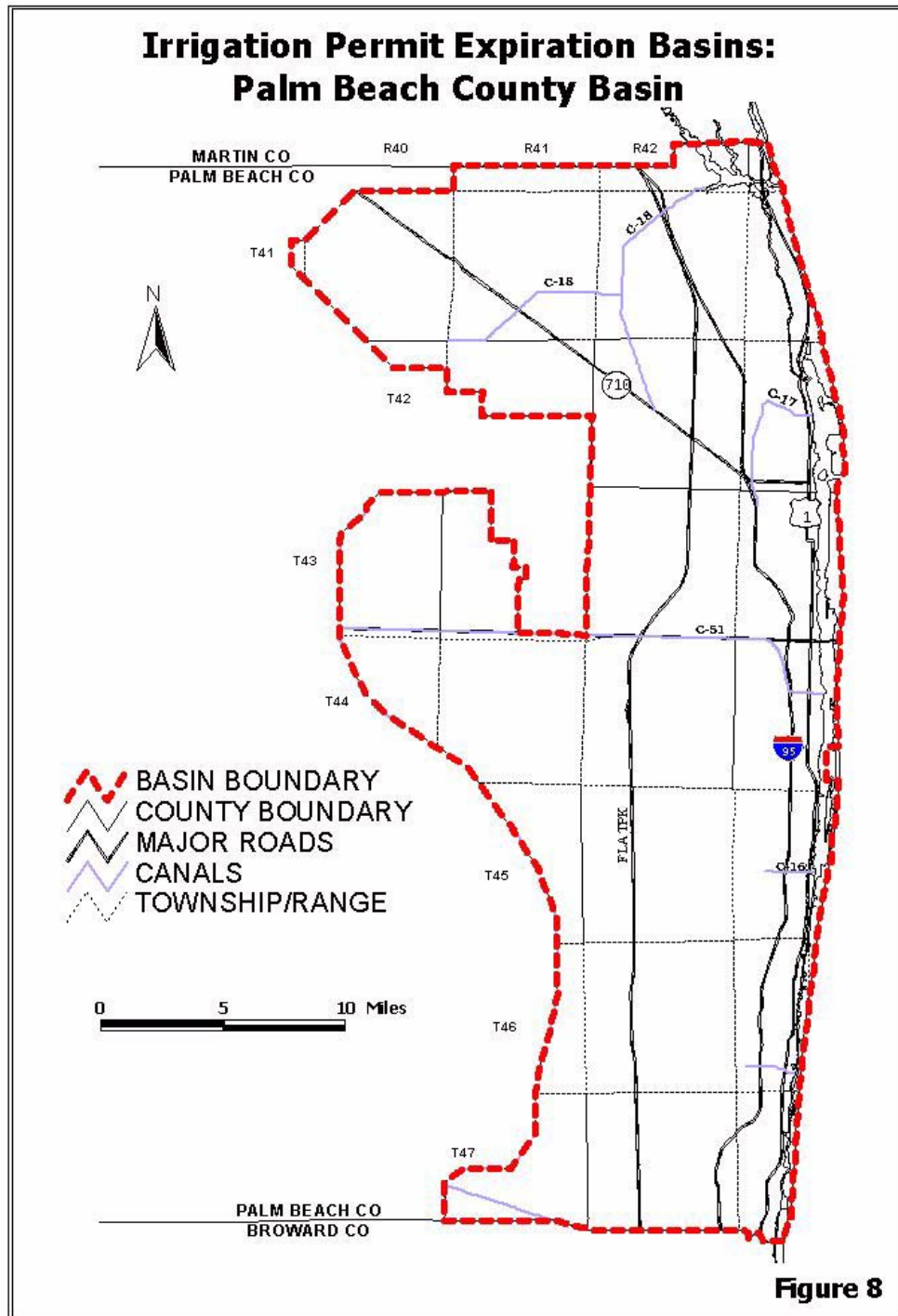


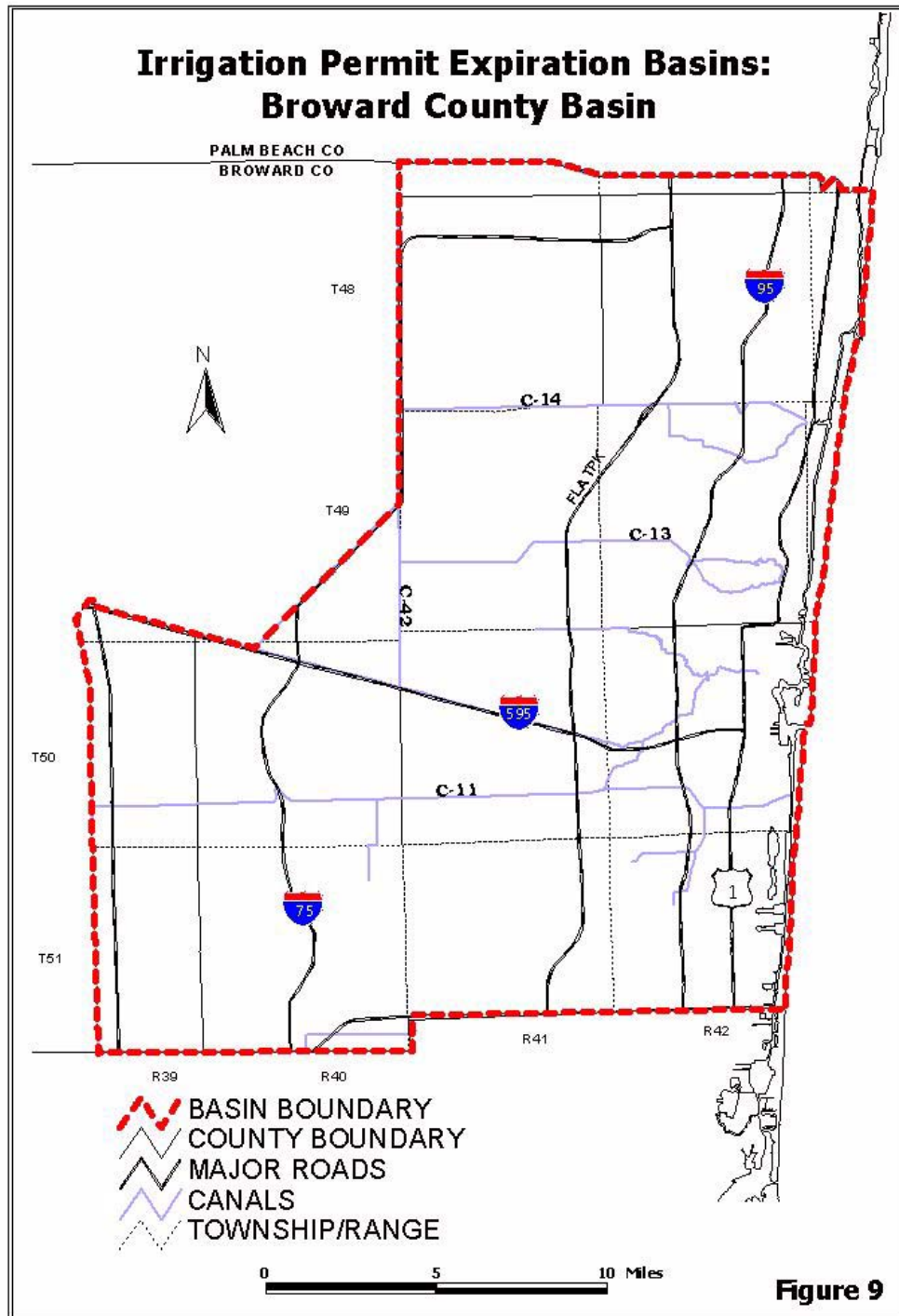


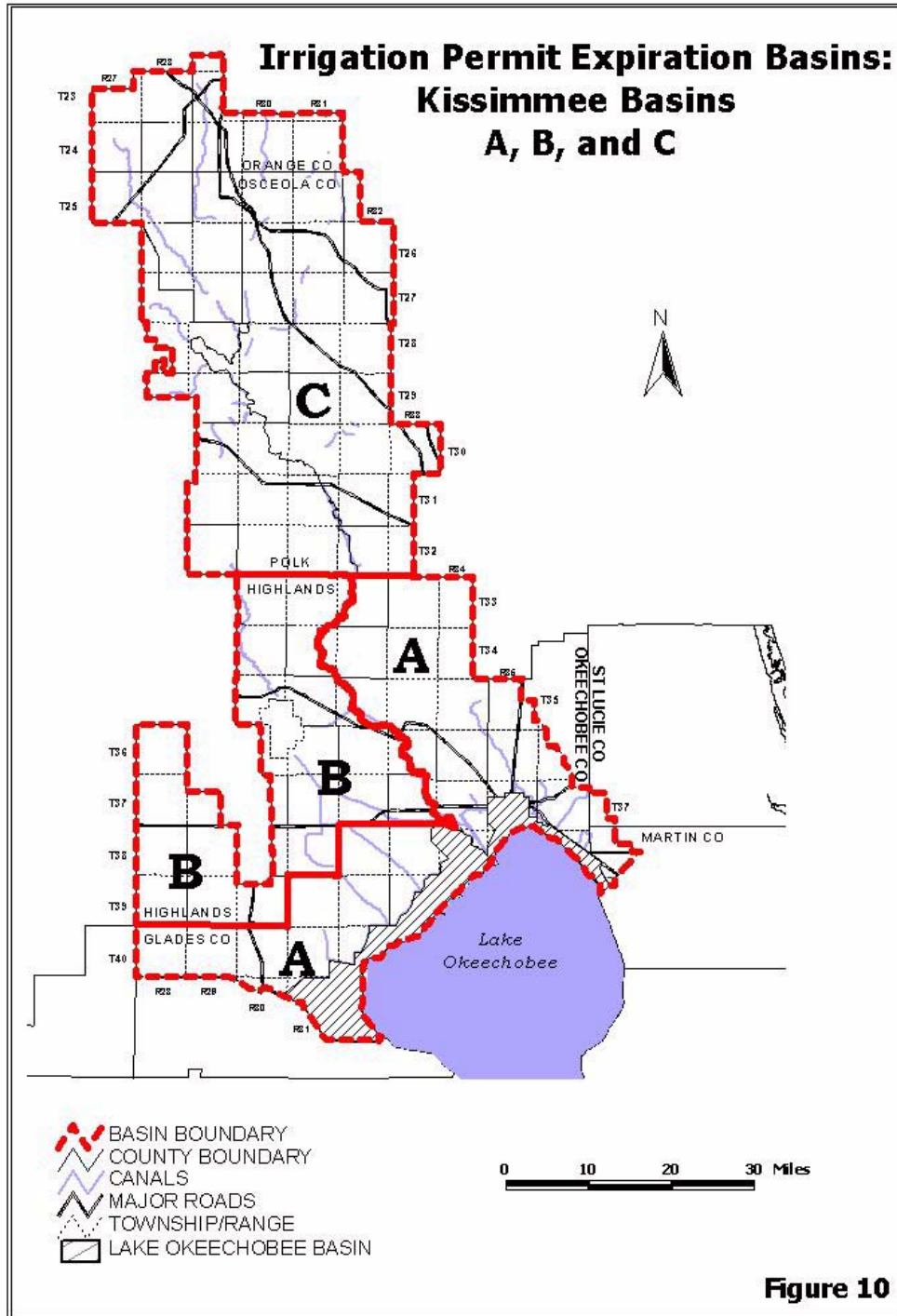


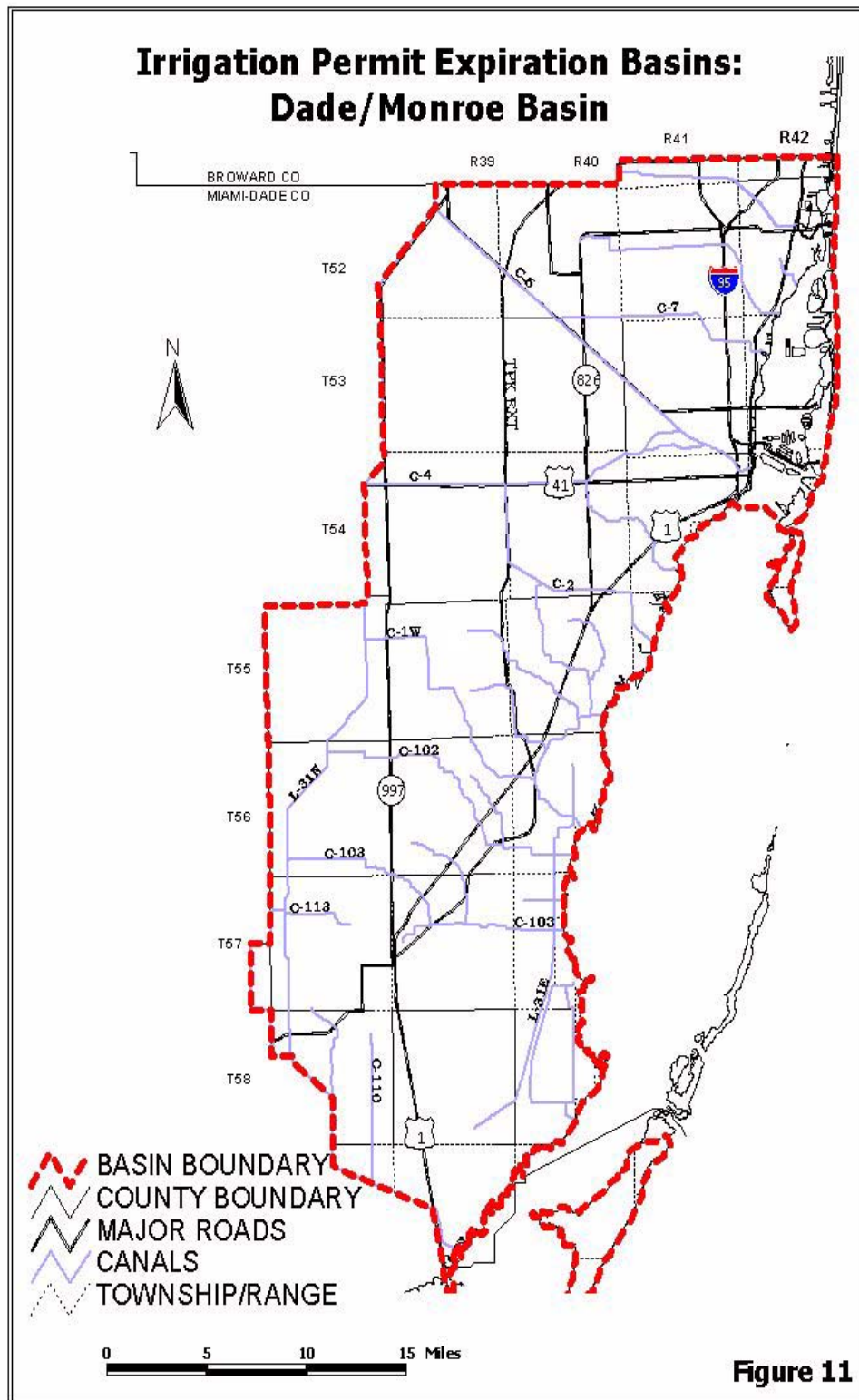




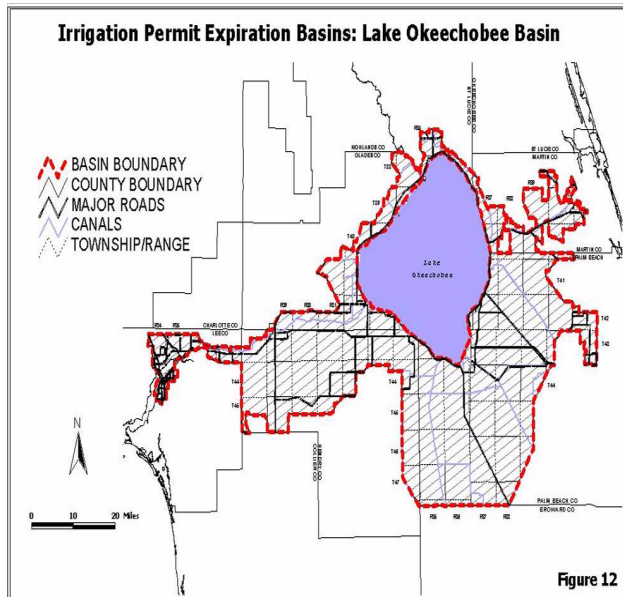








(Move to Section 3.2.1(G), remove Irrigation Permit Expiration Basins: from title and renumber as Figure 3-5)



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.

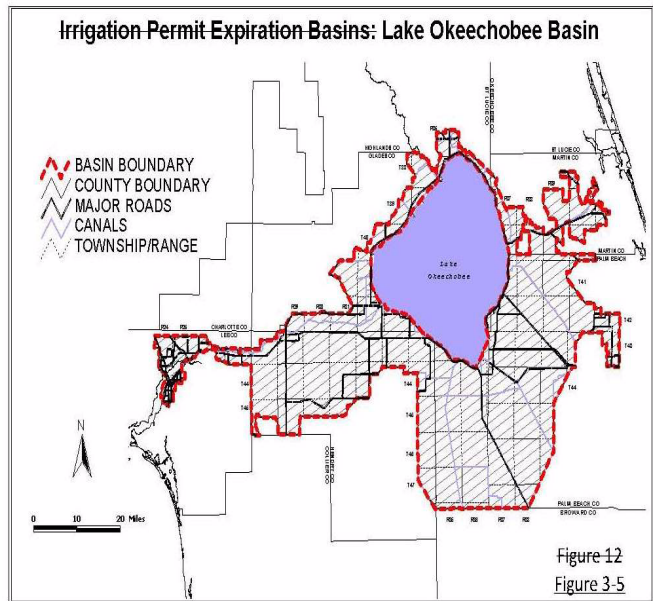
(2) through (3)(c)(iii) No change.

(iv) Unassigned, Terminated, or Reduced Base Condition Water Use. The requested allocation is for available base condition water use calculated pursuant to subsection 3.2.1(G)(2), above, that was not authorized by an existing permit (i.e. "unassigned"), permitted base condition water use that has been made

available through a permit which was terminated after January 1, 2008, or water made available pursuant to a modification made after January 1, 2008 which reduced the permitted base condition water use of an existing permit. In the event of competition for allocation of available base condition water use, those projects that seek an allocation of water in volumes equal to or less than that which was previously permitted to that project and/or used by that project shall be a positive consideration when determining which project best serves the public interest. Prior to February 28, 2010, the Governing Board reserves the right to restrict the re-allocation of terminated base condition water use if it determines that such water is demonstrated to improve the performance of a MFL minimum flow and level waterbody under recovery in terms of shortening the frequency or duration of projected MFL minimum flow and level violations or improve the performance of meeting a restoration target as defined in an approved District restoration plan or project while also considering if alternative water supplies are available, whether the proposed use is ancillary to an agricultural use and other relevant public interest considerations. On or after February 28, 2010, the Governing Board reserves the right to restrict the re-allocation of unassigned, terminated, or reduced base condition water use, if it determines that such water is demonstrated to improve the performance of a MFL minimum flow and level waterbody under recovery in terms of shortening the frequency or duration of projected MFL minimum flow and level violations or improve the performance of meeting a restoration target as defined in an approved District restoration plan or project while also considering if alternative water supplies are available, whether the proposed use is ancillary to an agricultural use and other relevant public interest considerations.

- (4) Incompatible Use Type: Requested allocations for new public water supply uses that exceed the thresholds in subsection 40E-20.302(1)(a), F.A.C., or increases in existing uses above the project's base condition water use calculated pursuant to subsection (2)(a) above, shall not be permitted from the Lake Okeechobee Waterbody.
- (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)

3.9.1 Evaluations for Minimum Flow and Level (MFL) Water Bodies Subject to a Recovery Strategy

Evaluations for direct or indirect withdrawals from MFL water bodies that are subject to a recovery strategy:

- A. Permit Renewals: A request for renewal of an existing permitted allocation, which directly or indirectly withdraws water from a MFL water body, shall meet the requirements of this section if:
 - (1) the impact of the withdrawal of water will be corrected through implementation of a recovery strategy; and
 - (2) the level of impacts from the allocation approved in the expiring permit are no greater under the requested renewal.

If the level of certainty under the expiring permit is changed to a 1 in 10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1 in 10 year level of drought) the levels of impact from the withdrawal of water under the expiring permit shall be normalized to a 1 in 10 drought level of certainty in order to evaluate the impact of the withdrawal of water.

3.9.2 Evaluations for Minimum Flow and Level (MFL) Water Bodies Subject to a Prevention Strategy

Evaluations for direct or indirect withdrawals from MFL water bodies that are subject to a prevention strategy:

- A. Permit Renewals – A request for renewal of an existing permitted allocation that directly or indirectly withdraws water from a MFL water body shall meet the requirements of this section if the level of impacts from the allocation approved in the expiring permit are no greater under the requested renewal. If the level of certainty under the expiring permit is changed to a 1 in 10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1 in 10 year level of drought) the levels of impact from the withdrawal of water under the expiring permit shall be normalized to a 1 in 10 drought level of certainty in order to evaluate the impact of the withdrawal of water.
- B. No change.

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.

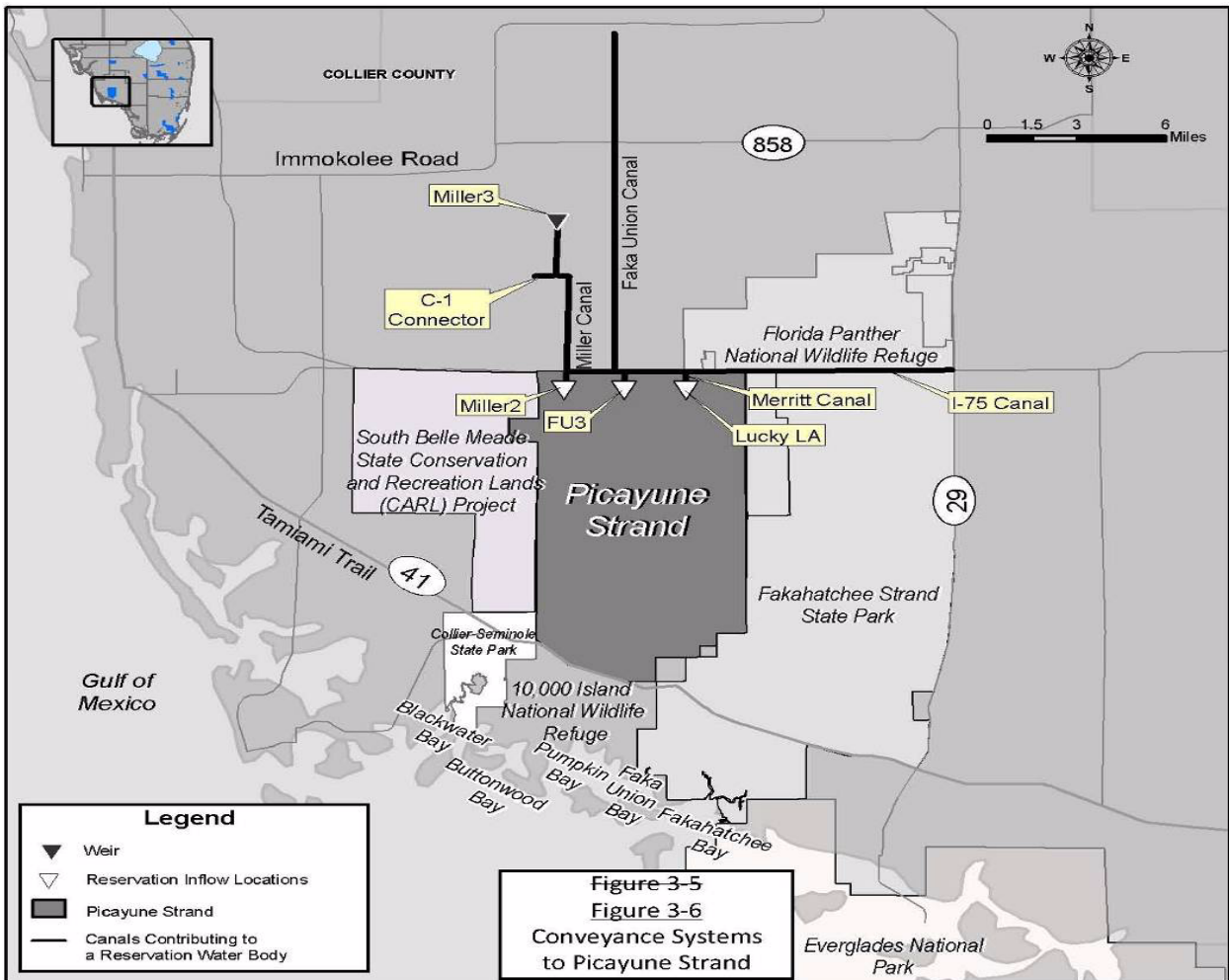
Indirect Withdrawal from Surface Water: Withdrawal of surface water from any canal identified in Figure ~~3-6~~ ~~3-5~~.

- 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 subsection (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-QMQ, Quarterly Report of Withdrawals, (date), (hyperlink);

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

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

0188-QBWR, 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, (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-QMON, 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 wuecomp@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. through 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-QCROP, 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-QMMQF) ~~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~~:

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

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

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

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

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

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

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

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

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

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

~~(a) 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) through (d) 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, (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-21.644 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,_____.

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. Specifically, the amendments update delegation pursuant to Sections 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.

SUBJECT AREA TO BE ADDRESSED: Artificial recharge.
 RULEMAKING AUTHORITY: 373.044, 373.113, 373.229 FS.

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

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

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, 3301 Gun Club Road, West Palm Beach, FL 33406, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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.

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 _____.

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. Specifically, the 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 Sections 373.079(4) and Section 373.083(5), F.S.; correct typographical errors; and add acronym to title.

SUBJECT AREA TO BE ADDRESSED: Minimum Flows and Levels.

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.

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

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, 3301 Gun Club Road, West Palm Beach, FL 33406, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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, (800)432-2045, ext. 6299, or (561)682-6299

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 C-18 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, _____.

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. Specifically, the amendments: 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.

SUBJECT AREA TO BE ADDRESSED: General water use permits

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.

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

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, 3301 Gun Club Road, West Palm Beach, FL 33406, 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, (800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paulette Glebocki, Lead, Hydrogeologist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, pglebock@sfwmd.gov, (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, (800)432-2045, ext. 6299, or (561)682-6299

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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:

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

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

(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.

~~file the following parts of Form 0645 — Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.~~

~~(a) Part RC-1A Administrative Information for Water Use Permit Applications, and~~

~~(b) 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).~~

(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,_____.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: RULE TITLE:

60FF1-5.003 E911 State Grant Programs

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to modify W Form 3A, “Application for the E911 State Grant Program” and to update the procedures for applying for the state grant program.

SUBJECT AREA TO BE ADDRESSED: E911state grant programs.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-11.002 RULE TITLE: Examination and Licensure

PURPOSE AND EFFECT: To calibrate the examination application period and the validity period of the score of the Laws and Rules Examination referenced in subsection (5) of this rule.

SUBJECT AREA TO BE ADDRESSED: Examination and Licensure.

RULEMAKING AUTHORITY: 455.217, 474.206, 474.2065, 474.207 FS.

LAW IMPLEMENTED: 455.217, 474.2065, 474.207 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NOS.:	RULE TITLES:
61G18-15.0022	Minimum Standards for Permanent Locations Where Agricultural Veterinary Medicine Is Practiced
61G18-15.0025	Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals

PURPOSE AND EFFECT: Rule 61G18-15.0022, F.A.C.: To ensure that expired drugs are not comingled with current drugs in order to avoid the unintentional administration of said expired product. Rule 61G18-15.0025, F.A.C.: To ensure that practitioners are able to euthanize an animal without unnecessary delay in order to humanely reduce suffering in accordance with minimally accepted practices in the industry and to ensure that expired drugs are not comingled with current drugs in order to avoid the unintentional administration of said expired product.

SUBJECT AREA TO BE ADDRESSED: Veterinary Medicine is Practiced.

RULEMAKING AUTHORITY: 474.206, 474.215(6) FS.

LAW IMPLEMENTED: 474.215(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-18.002 RULE TITLE: Maintenance of Medical Records

PURPOSE AND EFFECT: To more clearly establish the appropriate amount of time within which medical records shall be created and to make more specific the content of said records.

SUBJECT AREA TO BE ADDRESSED: Medical Records.

RULEMAKING AUTHORITY: 474.206, 474.216 FS.

LAW IMPLEMENTED: 474.216 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-1.016 Review of Fees

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to review of fees.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.219, 475.125 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, June 19, 2012, 8:30 a.m. or as soonest thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801.

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: Division of Real Estate, (407)481-5662. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-2.027 Applications by Individuals

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to applications by individuals.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, June 19, 2012, 8:30 a.m. or as soonest thereafter as possible

PLACE: Division of Real Estate; Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate, (407)481-5662. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-14.008 Definitions

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to definitions.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, June 19, 2012, 8:30 a.m. or as soonest thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate – (407)481-5662. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-28.108	All Permits – Labels and Labeling of Medicinal Drugs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update label requirements.

SUBJECT AREA TO BE ADDRESSED: All Permits – Labels and Labeling of Medicinal Drugs.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Whitten, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-2.001	Fees for Application, Re-Application and Initial Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Fees for Application, Re-Application and Initial Licensure.

RULEMAKING AUTHORITY: 486.025, 486.041(1), 486.081(2) FS.

LAW IMPLEMENTED: 456.013, 456.065, 486.041, 486.061, 486.081, 486.103, 486.106, 486.107 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-3.001	Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Licensure as a Physical Therapist by Examination.

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

RULEMAKING AUTHORITY: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.031, 486.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Licensure as a Physical Therapist Assistant by Examination.

RULEMAKING AUTHORITY: 486.025, 486.012 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.002 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination.

RULEMAKING AUTHORITY: 456.017(1)(b), 486.025, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.104 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.003 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

RULEMAKING AUTHORITY: 486.025, 486.107(1) FS.

LAW IMPLEMENTED: 486.107(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-6.001 RULE TITLE: Minimum Standards of Physical Therapy Practice

PURPOSE AND EFFECT: The Board proposes the rule amendment to update General Supervision of Physical Therapist Assistants.

SUBJECT AREA TO BE ADDRESSED: Updating language for General Supervision of Physical Therapist Assistants.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 483.021(6), (9), (10), (11), 486.123, 486.125(1)(b), (d), (e), (f), (i), (j), 486.135, 486.151(1)(d), 486.161(3), 486.171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-6.002 RULE TITLE: General Supervision of Physical Therapist Assistants; Eligibility; Requirements

PURPOSE AND EFFECT: The Board proposed to update General Supervision of Physical Therapist Assistants

SUBJECT AREA TO BE ADDRESSED: Updating language for General Supervision of Physical Therapist Assistants.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 486.021(6), (9), 486.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.0027 RULE TITLE: Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application and to remove the \$25 Laws and Rules application fee.

SUBJECT AREA TO BE ADDRESSED: Updating application.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide continuing education credit for clinical instructors and to update the hours for the Laws and Rules Exam.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen

Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-21.003 RULE TITLE: Filing an Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to clarify that appeals may only be filed by person’s adversely impacted by the decision of the appeals referee; that decisions may be made available by mail, by delivery through a Department-approved electronic system or by other delivery to a party and the date of delivery starts the appeal period. The rule is amended to address how an appeal may be filed with the Commission and to clarify how the date of receipt of an appeal will be determined by the Commission for each method of filing.

SUBJECT AREA TO BE ADDRESSED: Filing an Appeal.

RULEMAKING AUTHORITY: 443.012(11), 443.151(4)(d) FS.

LAW IMPLEMENTED: 443.151(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-21.003 Filing an Appeal.

(1) Any person who is entitled by law to notice of an appeals referee’s decision and is adversely impacted by that decision may file an appeal of that decision within 20 calendar days after the ~~mailing~~ of notice of the appeals referee’s decision is mailed to the parties at their last known addresses or made available electronically through a Department-approved electronic account, or, in the absence of mailing or electronic delivery, the date of other delivery to the appellant, if not mailed, within 20 calendar days after the date of delivery of such notice.

~~(2) The appeal shall be filed by mail to any appeal location designated in subsection 73B-21.002(1), F.A.C.; by facsimile transmission of the appeal document to any appeal location designated in paragraphs 73B-21.002(1)(a), (b), and (c);~~

~~F.A.C.; or by hand delivery of the appeal document to any appeal location designated in paragraphs 73B-21.002(1)(a), (b), and (d), F.A.C.~~

~~(2)(3) Appeals filed by mail are shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed by hand delivery, courier service, or facsimile are shall be considered to have been filed when date stamped received at the authorized location. Appeals filed through the Department web site as provided in Rule 73B-21.002, F.A.C., shall be considered to have been filed on the date the confirmation number is issued.~~

~~(3)(4) Upon receipt of An appeal delivered in person or by facsimile transmission will be date stamped by a; the Commission or; Department of Economic Opportunity, or Office of Appeals employee on the date hand delivered or the date placed on the document by the Department or Commission fax system shall record the date of receipt on the appeal document. The Internet filing system shall post on the appeal the date the confirmation number is issued and the appeal was successfully received by the system.~~

~~Rulemaking Specific Authority 443.012(11), 443.151(4)(b), (d) FS. Law Implemented 443.151(4)(b), (d) FS. History–New 5-22-80, Formerly 38E-2.03, Amended 8-20-86, 1-5-93, 8-7-01, Formerly 38E-2.003, 60BB-6.003, Amended _____.~~

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003 RULE TITLE: Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: These amendments propose to reclassify the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas. Results of sanitary surveys, which evaluated current information on pollution sources and bacteriological water quality, recommended reclassification of the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas. This amendment further proposes to make a minor change to the boundary of three shellfish areas. The effect would be to increase the acres available to shell fishing and to decrease the number of days the areas would be closed statewide.

SUMMARY: The proposed reclassification of the West Bay shellfish harvesting areas will: increase the size of Conditionally Approved area #0822 by 5,758 acres, from 11,987 acres to 17,745 acres; eliminate the Conditionally Approved area #0812, decreasing the size by 13,835 acres, from 13,835 acres to 0 acres; eliminate the Conditionally