

PURPOSE AND EFFECT: The proposed rule amends the look back period for Deficit Reduction Act provisions, state beneficiary and other clarifications to policy.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends language for the look back period, state beneficiary and clarifications to policy.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: October 7, 2008, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE
6A-1.0014	Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of this amendment is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information system components.

SUMMARY: DOE information Data Base Requirements, are amended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2) FS.

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

DATE AND TIME: October 21, 2008, 8:30 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) Each school district and the Department shall develop and implement an automated information system component which shall be part of, and compatible with, the statewide comprehensive management information system. Each information system component shall contain automated student, staff and finance information systems and shall include procedures for the security, privacy and retention of automated records. The procedures for the security, privacy and retention of automated student records shall be in accordance with the requirements of 20 U.S.C. 1232g(b)(3), 34 C.F.R. Part 99 and Section 1002.22, F.S.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, 20087," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 20087," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) If any portion of this rule and reference materials is adversely affected by the courts, the affected portion should be considered, repealed and the rule shall be repromulgated.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07, 3-24-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jay Pfeiffer, Deputy Commissioner, Accountability, Research and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.607	Permit Processing Fee
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The District proposed to amend its Water Use Permit (WUP) rules to refine the permit category now informally known as "Small General" WUPs and to incorporate the term, "Small General," into existing rules. Amendments are proposed primarily to Chapter 40D-2, F.A.C., and the District's Water Use Permit Information Manual Part B, Basis of Review. However, as part of this effort, amendments are also proposed for Rule 40D-1.607, F.A.C., to incorporate the term, "Small General WUP." The effect will be to specify the application fees for what will now be known formally as a "Small General WUP." Amendments are also proposed to Rule 40D-1.659, F.A.C., to move the list or irrigation water use forms currently incorporated by reference in Rule 40D-2.091, F.A.C., which rule is intended to list documents incorporated by reference, to Rule 40D-1.659, F.A.C., which lists all District forms incorporated by reference. The effect of this amendment is to incorporate the forms used for reporting irrigation water use into the correct rule and establish a new form number for each form.

SUMMARY: Rule 40D-1.607, F.A.C., is amended to use the term, "Small General WUP" instead of "general permit (withdrawal less than 100,000 gpd)." Rule 40D-1.659, F.A.C., is amended to incorporate by reference the District's irrigation

water use forms used for reporting annual and seasonal plant irrigation and recreation/aesthetic/golf course irrigation in the Southern Water Use Caution Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.109, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.421(2), 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

- (1) through (6) No change.
- (7) Water use permit application fees shall be as follows:
 - (a) through (h) No change.
 - (i) Chapter 40D-2, F.A.C., Small General Permit new (~~withdrawal less than 100,000 average gpd~~) \$50.00.
 - (j) Chapter 40D-2, F.A.C., Small General Permit renewal (~~withdrawal less than 100,000 average gpd~~) \$35.00.
 - (k) Chapter 40D-2, F.A.C., Small General Permit modification (~~withdrawal less than 100,000 average gpd~~) \$15.00.
- (l) No change.
- (8) through (11) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08,_____.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (26) No change.

(27) IRRIGATION WATER USE FORM – ANNUAL CROPS, SOUTHERN WATER USE CAUTION AREA FORM NO. LEG-R.017.00 ()

(28) IRRIGATION WATER USE FORM – ANNUAL RECREATIONAL / AESTHETIC / GOLF, SOUTHERN WATER USE CAUTION AREA FORM NO. LEG-R.018.00 ()

(29) IRRIGATION WATER USE FORM – SUMMER/FALL SEASONAL, SOUTHERN WATER USE CAUTION AREA FORM NO. LEG-R.019.00 ()

(30) IRRIGATION WATER USE FORM – WINTER/SPRING SEASONAL, SOUTHERN WATER USE CAUTION AREA FORM NO. LEG-R.020.00 ()

SURFACE WATER

(1) through (15) No change.

OTHER

(1) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00,10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference a form used by the District in the review of applications for funding assistance for the District’s Facilitating Agriculture Resource Management Systems (FARMS) Program.

SUMMARY: This rule amendment incorporates the FARMS Program Funding Application Form into Rule 40D-1.659, F.A.C. The FARMS Program was developed to provide funding assistance to agricultural water users for the implementation of alternative water supply development and water resource development projects and is being adopted as Chapter 40D-26, F.A.C. concurrently with this rule. Subsection 40D-26.201(2), F.A.C., requires applicants for funding to submit to the District the information contained on District Form No. LEG-R.22.00 (8/08). This form requires information necessary for the District to determine eligibility, project ranking and cost-share rates of a proposed project under the FARMS Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.083(1), 373.0831(3), 373.196(1), 373.1961(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth McNeil, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (26) No change.

SURFACE WATER

(1) through (15) No change.

OTHER

(1) No change.

(2) FACILITATING AGRICULTURAL RESOURCE MANAGEMENT SYSTEMS PROGRAM FUNDING APPLICATION FORM, FORM LEG-R.22.00 (8/08)

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History--New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric DeHaven, P.G., Resource Data and Restoration Director, 7601 Highway 301 N, Tampa, Florida 33637 (813)985-7481, extension 2118

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.321	Duration of Permits
40D-2.501	Permit Use Types
40D-2.621	Water-Conserving Credits

PURPOSE AND EFFECT: The Southwest Florida Water Management District's Water Use Permit (WUP) rules are being revised in association with the District's ongoing development, implementation and refinement of its comprehensive electronic permitting and information system known as the Water Management Information System or WMIS. As part of this overall effort, proposed amendments to Chapter 40D-2, F.A.C., and the District's Water Use Permit Information Manual Part B, Basis of Review, are intended to refine the permit category now informally known as "Small

General" WUPs and to incorporate the term, "Small General," into existing rules. Additional amendments are also proposed for Chapter 40D-1, F.A.C., as part of this effort. The overall purpose of this rulemaking is to re-define the Small General WUP category based upon minimal risk to the water resource for most water demands of less than 100,000 gallons per day, and to reduce where appropriate the level of information required to be submitted in support of applications for and compliance monitoring of Small General WUPs. The effect of this rulemaking package will be to limit the types of permits appropriate for the Small General permit category to those water uses that do not require significant evaluation or monitoring due to little-to-no risk of adverse impacts.

Some additional amendments not specifically limited to Small General WUPs are also proposed at this time for clarification purposes. The effect of these clarifying amendments will be to make existing WUP rules, practices and forms more consistent. SUMMARY: As to those rule amendments related to the Small General WUP category, Rule 40D-2.041, F.A.C., is amended to define the Individual, General and Small General WUP categories, as the General WUP category will now include some water uses that previously would have been considered as Small General WUPs. Rule 40D-2.621, F.A.C., is amended to limit water-conserving credits to General and Individual WUPs. Rule 40D-2.091, F.A.C., is amended to adopt an updated version of the District's BOR, which is being revised to reduce the permit application submittal and compliance monitoring requirements for Small General WUPs. BOR sections 1.9, 1.11 and Rule 40D-2.321, F.A.C., are also amended to delete provisions relating to the District's one-time permit renewal redistribution process for Small General and General WUPs, as this process has been completed and is no longer needed. Rule 40D-2.621, F.A.C., is amended to clarify that water-conserving credits are applicable to Individual and General WUPs issued in the Southern Water Use Caution Area of the District and may be used for the water source for which they were earned. Several additional BOR sections are amended to clarify those reporting and other information requirements that apply only to Individual and General WUPS and do not apply to Small General WUPs.

As to those amendments not specifically limited to Small General WUPs, Rule 40D-2.021, F.A.C., is revised to identify more correctly those definitions that apply only in the Southern Water Use Caution Area. Rule 40D-2.091, F.A.C., is amended to move the list of irrigation water use forms used for monitoring purposes to Rule 40D-1.659, F.A.C. Rule 40D-2.501, F.A.C., is amended to use the term "permit use types" instead of "permit classification" when referring to the types of water uses authorized in WUPs. BOR sections 1.4, 1.6, 3.6, 3.7 are amended to clarify the use of forms for permit applications and for reporting irrigation water use.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.236, 373.239, 373.243, 373.246 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.021 Definitions.

The following definitions shall apply when used in this chapter and in the District's Water Use Permit Information Manual Part B, "Basis of Review" incorporated by reference in Rule 40D-2.091, F.A.C. ~~within the Southern Water Use Caution Area:~~

(1) through (2) No change.

(3) "Change in Ownership or Control" with respect to Self-Relocation within the Southern Water Use Caution Area (SWUCA) means a person other than the permittee that has been granted a real property interest or lease interest in the property subject to the permit; but does not include a person with a familial relationship to the permittee.

(4) through (5) No change.

(6) "Net Benefit" means activities or measures that will result in an improvement to a Minimum Flow or Level water body within the SWUCA that more than offsets the impact of a proposed withdrawal.

(7) "New Quantities" within the SWUCA means water that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase quantities, and/or change the Permit Use Type (affecting only the modified portion) and applications for an initial permit. A modification to change crops or plants grown under an Agricultural Permit Use Type Classification or to change withdrawal location or Use Type that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type

provided that the quantities do not increase. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the Water Use Permit that existed prior to mining, such activity does not constitute a change in Use Type or New Quantity.

(8) through (10) No change.

(11) "SWUCA" means the Southern Water Use Caution Area as described in paragraph 40D-2.801(3)(b), F.A.C.

~~(12)(14)~~ No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 1-1-07, Amended 7-20-08, _____.

40D-2.041 Permits Required.

(1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. Water Use Permits for a combined annual average daily water demand of 500,000 gpd or greater are issued as Individual Water Use Permits. Individual Water Use Permits must receive approval from of the Governing Board if the annual average daily withdrawal equals or exceeds 500,000 gpd.

(b) General. Water Use Permits for the following are issued by District staff as General Water Use Permits, except as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the Basis of Review:

1. A combined annual average daily water demand less than 500,000 gpd but greater than or equal to 100,000 gpd; or

2. A combined annual average daily water demand less than 100,000 gpd when:

a. The drought annual average is 100,000 gpd or more in the Southern Water Use Caution Area;

b. Withdrawal is for mining or dewatering;

c. Withdrawal is from a surface water source; or

d. The withdrawals are required by the permit to be metered and withdrawal quantities reported to the District.

(c) Small General. Water Use Permits for a combined annual average daily water demand less than 100,000 gpd are issued as Small General Water Use Permits unless any criteria listed above for General Water Use Permits apply. Small General Water Use Permits are issued by staff.

~~(3) Water Use Permits with an annual average daily withdrawal less than 500,000 gpd may be issued by District staff as general permits.~~

~~(3)~~(4) The District shall require a water use permit when evidence indicates the withdrawal is likely to cause significant adverse impacts to existing water or land uses or the water resource or the withdrawal is within an area that is experiencing or is projected to experience withdrawal-related adverse water resource or environmental impacts.

(4) Upon the effective date of amendments defining water use permits as provided in section (2) above, any permit issued which, as a result of such amendments, is thereafter defined as a different permit for which a higher fee is required shall be converted by the District to the applicable permit without any fee payment. If a submitted application for a permit is pending as of the effective date of amendments defining water use permits and, as result of such amendments, will be issued as a permit requiring a higher application fee payment, no additional fee payment shall be required in order for the application to be considered complete.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07,_____.

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review" (~~()~~) (~~7/08~~); and

(2) Water Use Permit Information Manual Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area" (1/07);

~~(2) "Irrigation Water Use Form - Annual Crops" Form 46.20-010 WUP-10 (10/01);~~

~~(3) "Irrigation Water Use - Annual Recreational/Aesthetic/Golf" Form 46.20-009 WUP-11 (10/01);~~

~~(4) "Irrigation Water Use - Summer/Fall Seasonal", 46.20-011 WUP-13 (10/01); and~~

~~(5) "Irrigation Water Use - Winter/Spring Seasonal", 46.20-012 WUP-12 (10/01).~~

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History-New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08,_____.

40D-2.321 Duration of Permits.

(1) through (5) No change.

~~(6) Permits with annual average daily withdrawals of less than 500,000 gpd shall be eligible for extension of the expiration date in accordance with procedures set forth in Section 1.9 of the District's "Basis of Review for Water Use Permit Applications" as described in Rule 40D-2.091, F.A.C.~~

~~(6)~~(7) No change.

Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, 2-13-08,_____.

40D-2.501 Permit Use Types Classification.

Each Water Use Permit shall authorize water withdrawals for as many of the following use types as are applicable, and shall be classified according to the source, use type for which the greatest withdrawal quantities are authorized. Permit use types are as follows, and method of withdrawal in one or more of the following categories:

(1) through (3) No change.

(4) Industrial or Commercial, and

(5) Mining or Dewatering, ~~and~~

~~(6) Standby Alternative Source.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219, 373.246 FS. History-Readopted 10-5-74, Amended 12-31-74, Formerly 16J-2.16, Amended 11-4-84, 10-1-89, 1-1-03,_____.

40D-2.621 Water-Conserving Credits.

(1) On January 1, 2003, permits authorizing a water withdrawal within the SWUCA Southern Water Use Caution Area as described in paragraph 40D-2.801(3)(b), F.A.C., for irrigation shall be assigned an initial Water-Conserving Credit by the District for a quantity of water as set forth in Chapter 3 of the Basis of Review incorporated by reference in Rule 40D-2.091, F.A.C.

~~(2) Beginning on January 1, 2003, all Ppermittees with an Individual or General Water Use Ppermit authorizing a water withdrawal within the SWUCA as described in paragraph 40D-2.801(3)(b), F.A.C., for irrigation may earn Water-Conserving Credits to withdraw additional quantities of ground water for use at the site at which they were earned and for the source for which they were earned. Water-Conserving Credits are earned if less than the allowable amount of groundwater is applied to actual, planted acreage as set forth in Chapter 3 of the Basis of Review incorporated by reference described in Rule 40D-2.091, F.A.C.~~

(3) Withdrawals under the Water-Conserving Credits shall meet the Conditions for Issuance set forth in subsection 40D-2.301(1), F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 FS. History—New 1-1-03, Amended 1-1-07, _____.

**WATER USE PERMIT INFORMATION MANUAL PART B,
BASIS OF REVIEW**

1.0 PERMITTING PROCEDURES

1.4 APPLICATION FORMS

Permit applicants shall submit the Individual, General or Small General Water Use Permit Application Form, incorporated by reference in Rules 40D-1.659(8), (9) and (10), F.A.C., that is appropriate to the combined annual average demand for the proposed use annual average quantities requested, as provided in Rule 40D-1.659(8), (9), and (10), F.A.C. Applicants for Individual and General Water Use Permits 400,000 gpd or more annual average quantities shall also submit all of the Water Use Permit Application Supplemental Form(s) incorporated by reference in subsections 40D-1.659(11) through (15), F.A.C., that are applicable to their water uses type, as provided in subsections 40D-1.659(11) through (15), F.A.C. Applicants for a Letter Modification to their water use permit shall submit the Modification Short Form, incorporated by referenced in subsection 40D-1.659(16), F.A.C. These forms may be obtained from any District Service Office, or from the District website at www.watermatters.org.
New 1-1-03, Amended 11-25-07, _____.

1.6 APPLICATION REVIEW PROCESS

First 4 paragraphs – No change.
General water use permits may be issued by District staff for applications which meet the following criteria:
1. ~~The average annual daily withdrawal is less than 500,000 gpd;~~
2. ~~The application meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C.~~
Amended 1-1-07, 12-24-07, _____.

1.9 PERMIT DURATION

The District typically issues permits in accordance with the following guidelines:
1. through 6. No change.
7. ~~One-time Permit Renewal Redistribution Process for Small General and General Permits:~~
a. ~~General Provisions:~~
(1) ~~The following definitions shall apply to this subsection 6:~~
(a) ~~General Permit — A permit with an annual average daily withdrawal of greater than or equal to 100,000 gpd and less than 500,000 gpd.~~
(b) ~~Small General Permit — A permit with an annual average daily withdrawal of less than 100,000 gpd.~~
b. ~~Specific Provisions:~~
(1) ~~Random Selection of Permits for Extension:~~

A one-time random selection process that will be performed as follows:

(a) For each year of the 10-year period, which years begin on October 1 and end at 11:59 p.m. September 30, beginning October 1, 1998 and ending September 30, 2008, the District will randomly select permits expiring in that year for extension of the expiration date in order to reduce the variability of the projected number of permit renewal applications to be received by the District. The number of permits extended for any given year will depend on the number of permits expiring that year which are determined to be in excess of the targeted average annual number of renewal applications.

(b) The random selection of permits for extension will be performed individually for each year in succession, beginning with October 1, 1998 and ending with September 30, 2008. Permits will be selected for extension until the number of permits in excess of the targeted average annual number of renewal applications is reached.

(c) Permits not selected for extension shall retain the expiration date shown on the face of the permit.

~~(2) Assignment of Extension Duration:~~

(a) Permits selected for extension shall be subject to a second random selection process in which the duration of extension will be assigned. Expiration dates of randomly selected permits will be extended to the first future year, beginning with the year starting October 1, 2008, in which available capacity exists below the targeted average annual number of renewal applications. Permit durations will be extended to that year until the targeted average annual number of renewal applications is reached. Any remaining permits representing additional excess over the targeted average annual number of renewal applications will be assigned to the next successive year in which available capacity exists below the targeted average annual number of renewal applications.

(b) In assigning the extension, the District shall not extend the expiration date of any permit beyond September 30, 2018.

~~(3) Permit Renewal Allocation/Expiration Date Assignment:~~

(a) Permits extended shall be subject to a third random selection process in which the actual day and month of the selected year between October 1, 2008 and September 30, 2018 is assigned to each specific permit. This process shall be performed individually for each year in succession and will facilitate an even distribution of permit expiration dates within each year.

(b) Permittees whose permits are extended and whose permits which, prior to extension, would have expired on or between October 1, 1998 and September 30, 2007, shall be notified by the District of the revised expiration date by August 1, 1998.

~~(e) Permittees whose permits are extended and whose permits which, prior to extension, would have expired on or between October 1, 2007 and September 30, 2008, shall be notified by the District of the revised expiration date by January 1, 1999.~~

~~e. Permits for which the expiration date is extended pursuant to this subsection 6. shall continue to meet all conditions for issuance set forth in Rule 40D 2.301, F.A.C., including compliance with minimum flows and levels and associated prevention and recovery strategies, and are subject to modification and revocation pursuant to Rules 40D 2.331 and 40D 2.341, F.A.C.~~

Revised 8-23-07, 2-13-08, _____.

1.11 RENEWAL OF PERMITS

1. No change.

~~2. Subsection 1. above shall be applicable to those permits which are not extended pursuant to Rule 40D 2.321(6), F.A.C., and Section 1.9 above, based on the expiration date on the face of the permit.~~

~~3. Subsection 1. above shall be applicable to those permits which are extended pursuant to Rule 40D 2.321(6), F.A.C., and Section 1.9 above, based on the revised expiration date assigned to the permit.~~

1-1-07, Revised 8-23-07, 4-7-08, _____.

3.0 REASONABLE WATER NEEDS

3.1 DETERMINING REASONABLE QUANTITIES

ALTERNATIVE WATER SUPPLIES WITHIN THE SWUCA
 Reuse Feasibility Investigation Within The SWUCA – Investigation of the feasibility of the use of reclaimed water (reuse) shall be required within the SWUCA for all Individual and General Water Use Permit applicants and permittees ~~uses~~, and reuse shall be required where economically, environmentally and technically feasible. For those water use permittees also required to investigate reuse pursuant to Section 403.064, F.S., the investigation shall be in accordance with Section 403.064, F.S., and any rules promulgated thereunder. Reclaimed water suppliers whose reclaimed water is 100% reused, reclaimed water users whose water use is 100% reclaimed water, and permittees with a reuse plan already accepted by the District, shall not be required to conduct a reuse feasibility study. Reuse of reclaimed water as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate Individual and General Water Use Permit applicants or permittees. Applicants for Individual and General Water Use Permits ~~these water uses~~ shall provide an analysis of reclaimed sources for the area, including the relative location of these sources to the applicant's or pPermittee's property, the quantity and timing of reclaimed water availability, costs associated with obtaining

the reclaimed water, the suitability of reclaimed water for the intended use, and an implementation schedule for reuse. Infeasibility shall be supported with a detailed explanation.

Small General Water Use Permit applicants who have not incorporated Alternative Water Supplies will be required to confirm that there are no Alternative Water Supply sources that are technically, economically and environmentally feasible to use as a water source for the applicant's intended use. Small General Water Use Permits will be conditioned to require that the permittee notify the District of any future connection to an Alternative Water Supply source, and the permit will be modified to require the permittee to use the Alternative Water Supply to the greatest extent practicable.

1-1-03, Amended _____.

REPORTING ALTERNATIVE WATER SUPPLY QUANTITIES WITHIN THE SWUCA

Alternative Water Supply Receivers Within The SWUCA – All Individual and General Water Use permitted uses permittees within the SWUCA ~~that which~~ receive reclaimed water, ~~or~~ stormwater or other Alternative Water Supply for all or a part of their combined annual average daily water demands (e.g. golf courses, industrial/commercial uses, agricultural uses, etc.) shall be required to meter, record and report Alternative Water Supply quantities and sources on a monthly basis. Permittees shall list the Alternative Water Supply supplier's name, location, and quantities obtained in gallons per day, for each source. This requirement shall be implemented by attaching a permit condition to all applicable permits.

1-1-03, Amended 1-1-07, _____.

CONSERVATION

Alternative Water Supplies Within the SWUCA – Individual and General Water Use Permit a Applicants will be required to evaluate the use of potentially appropriate Alternative Water Supplies for technical, economic and environmental feasibility. This evaluation must determine whether alternatives are available to offset all or part of quantities obtained from any non-alternative water supply, as well as whether an offset is only available seasonally or on a time-limited basis.

New 1-1-07, Amended _____.

3.3 AGRICULTURE

REPORTING REQUIREMENTS FOR IRRIGATION WATER USE WITHIN THE SWUCA

Crop Reports – All Individual and General Water Use pPermittees ~~whose annual average daily permitted use is equal to or exceeds 100,000 gpd~~ shall record for each metered ~~permitted~~ withdrawal point the following information on the applicable Irrigation Water Use Form incorporated by reference in subsections 40D-1.659(26), (28) and (29), F.A.C., GROUNDWATER according to crop type. ~~for all~~ Those that

irrigate seasonal crops (examples: vegetables or other row crops) shall provide items 1. through 8. ~~and nurseries; Those that irrigate a~~ Annual crops and plants (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture, ~~golf courses, lawn & landscape~~) may omit items 5., and 6. and 7.:

- 1. through 4. No change.
- 5. Use or non-use of plastic mulch;
- ~~6.5.~~ Planting dates;
- ~~7.6.~~ Season length; and
- ~~8.7.~~ Crop protection quantities.
- ~~8. Number of acres of tees and greens.~~

1-1-03, Amended _____.

Irrigation Pumpage Compliance Within The SWUCA – Permittees who exceed the allocated quantities, which include standard and drought quantities as applicable, shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Allocated quantities are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop. Reports for pPermittees not achieving the allotted quantities are subject to District approval.

Transferred from Chapters 7.1 and 7.2, 1-1-07, Amended _____.

3.4 INDUSTRIAL OR COMMERCIAL

CONSERVATION PLANS FOR INDUSTRIAL AND COMMERCIAL USES WITHIN THE SWUCA

All permit applicants for Individual or General Water Use Permits for ground water withdrawals within the SWUCA for industrial or commercial uses are required to submit to the District at time of application, a water conservation plan describing where and when water savings can be reasonably achieved and specifically addressing all components of use and loss in the water balance, including but not limited to recycling, reuse and, landscaping and an implementation schedule ~~to the District at time of application~~. ~~Existing permittees with ground water withdrawals not previously within a Water Use Caution Area shall submit a conservation plan by January 1, 2003.~~

1-1-03, Amended _____.

3.6 PUBLIC SUPPLY

SWUCA REQUIREMENTS

The following water conservation requirements designated to apply within the SWUCA shall apply to all public supply utilities and suppliers with Individual and General Water Use Permits that are granted for an annual average daily quantity of 100,000 gallons per day or greater, as well as wholesale customers supplied by another entity which obtain an annual

average daily quantity of 100,000 gallons per day or greater, either indirectly or directly under water use permits within the SWUCA, regardless of the name(s) on the water use permit. Failure of a wholesale customer to comply may result in modification of the wholesale permit to add a permit condition limiting or reducing the wholesale customer’s quantities, or other actions by the District.

Transferred from Chapters 7.1 and 7.2, 1-1-07, Amended _____.

CONSERVATION REQUIREMENTS WITHIN THE SWUCA

Exemptions from Water Conservation Requirements – Small General Water Use pPermittees within the SWUCA ~~whose permitted annual average quantity is less than 100,000 gallons per day~~ are exempted from the residential water use report, water conserving rate structure, customer billing and meter reading criteria, and water audit requirements.

1-1-03, Amended _____.

3.7 RECREATION OR AESTHETIC

CONSERVATION PLANS FOR RECREATION OR AESTHETIC USES WITHIN THE SWUCA

All Individual and General Water Use Ppermit applicants for ground water withdrawals within the SWUCA for recreation or aesthetic uses are required to submit a water conservation plan to the District at the time of application describing where and when water savings can be reasonably achieved and specifically addressing all components of use and loss in the water balance, including but not limited to recycling, reuse and, landscaping, and an implementation schedule ~~to the District at time of application~~. ~~Existing permittees with ground water withdrawals not previously within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003.~~

1-1-03, Amended _____.

GOLF COURSE CONSERVATION WITHIN THE SWUCA

Conservation Plans – All Individual and General Water Use Permit new and renewal permit applicants for new permits, renewal permits and modifications to increase quantities for ground water withdrawals within the SWUCA for golf course irrigation are required to submit a water conservation plan to the District at the time of application specifically addressing:

- 1. Conversion to low volume irrigation methods for areas other than fairways;
- 2. through 6. No change.

1-1-03, Amended 1-1-07, _____.

Submittal of Plans – Applicants for new permits shall submit this plan to the District at the time of application. ~~Existing permittees with ground water withdrawals not previously located within the Eastern Tampa Bay Water Use Caution Area~~

or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003. The District publishes a document titled Golf Course Conservation Guidelines which may be consulted in order to prepare the conservation plan required by this provision. The Guidelines are available from the District upon request and from the District's website at www.watermatters.org.

1-1-03, Amended _____.

REPORTING REQUIREMENTS FOR RECREATION OR AESTHETIC IRRIGATION WATER USE WITHIN THE SWUCA

To ensure compliance with the total allocated acre-inches per acre per season per crop or plant and the assigned efficiency standards, the District requires the following data to be submitted by all Individual or General Water Use permittees.

Irrigation Water Use Report – The following information shall be reported on the Irrigation Water Use Form – Annual Recreation/Aesthetic/ Golf, Form No. LEG-R.018.00 (8/08) incorporated by reference in subsection 40D-1.659(27), F.A.C., GROUNDWATER, for all recreational and aesthetic irrigation (examples: golf course turf, sports field turf, lawn and landscape in parks, playgrounds, theme parks, etc.):

1. Irrigated plant type (golf course turf, lawn and landscape, sports field);
2. Total acres per plant type;
3. Acres shrubs and/or trees;
4. Number of acres of tees and greens; and
5. The dominant soil type or acres by dominant soil type.

New _____.

5.0 MONITORING REQUIREMENTS

5.1 WITHDRAWAL QUANTITY

Individual and General Water Use Generally, pPermittees will be required to monitor the quantity of water withdrawn from any source in accordance with the guidelines described in this section. Monitoring of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, assess impacts to the resource and existing water and land uses, and ensure that quantities withdrawn do not exceed permitted pumpage. Monitoring methods must maintain plus or minus 5% accuracy, and must be approved by the District. Permittees shall use direct flow measuring devices unless the District determines direct methods are inappropriate for the particular water use system.

Permittees shall monitor withdrawal quantities from each withdrawal point when:

1. Issued an Individual Water Use Permit ~~The annual average withdrawal is greater than or equal to 500,000 gpd;~~
2. Issued a General Water Use Permit ~~The annual average withdrawal is greater than or equal to 100,000 gpd for public supply use;~~

3. Issued a General Water Use Permit ~~The annual average withdrawal is greater than or equal to 100,000 gpd and one or more of the withdrawal points is located within the SWUCA or NTBWUCA; or-~~

4. No change.

7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

2. Agriculture

2.2 Monitoring Requirements for Agricultural Water Use

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the following data to be submitted. ~~Although the permittee is not required to be in compliance with allocation requirements until January 1, 1993, the permittee is required to submit these data beginning with the first appropriate date in 1991, as specified in the permit conditions below.~~

1. All Individual and General Water Use pPermittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information listed below for all seasonal crops irrigated (examples: vegetables or other row crops) and nurseries; Permittees that irrigate aAnnual crops (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture) may omit items e. and f.; Requested information is to be reported on the Agricultural Water Use Form – Seasonal Report, Form WUP-14.1 (1/93) and Agricultural Water Use Form – Annual Report, Form WUP-15 (1/93), appropriate Irrigation Water Use Form incorporated by reference in subsections 40D-1.659(17) and (18), F.A.C., GROUNDWATER.

- a. through d. No change.
- e. Planting dates; and;
- f. No change.
2. through 3. No change.

Amended _____.

3. Recreational, Industrial, and Mining

3.1 Conservation Plan

All Individual and General Water Use Ppermit applicants for recreational/aesthetic, industrial/commercial, and mining/dewatering uses; are required to submit to the District at time of application a water conservation plan specifically addressing recycling, reuse and landscaping to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. The following condition shall be placed on all appropriate permits, and the elements listed in the condition below shall be addressed in all new applications:

~~The permittee shall submit to the District a conservation plan by July 31, 1992. This plan shall include documentation and assessment of current and potential internal reuse, as well as~~

external reuse sources. This plan shall also address reducing irrigation withdrawals through evaluation of the use of drought tolerant landscaping for landscaped areas, where present.

3.2 Golf Courses Conservation Plan

All Individual and General Water Use Permit applicants for golf course irrigation are required to submit a water conservation plan to the District at time of application specifically addressing conversion to low volume irrigation methods, increased system management, limiting frequent irrigation to water-critical areas, and limiting irrigation of other areas, ~~to the District at time of application~~. Existing permittees shall submit a conservation plan by July 31, 1992. In addition to the conservation plan requirements ~~permit condition~~ listed in 3.1, above, the following permit condition shall be applied to all existing golf course permits, and the elements listed in the condition below shall be addressed in all new golf course permit applications:

The permittee shall submit a report to the District by July 31, 1992, detailing how and when the following items shall be implemented, and the expected reduction in withdrawals to be achieved through implementation:

- 1. through 5. No change.

Amended _____.

6. Alternative Sources

6.2 Reuse

Investigation of the feasibility of reuse may be required for all appropriate uses, and reuse shall be required where feasible. Reuse of treated wastewater as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all Individual and General Water Use Permit ~~appropriate~~ applicants or permittees. This item shall be implemented through inclusion of the following condition on all applicable permits with agricultural irrigation, recreational or aesthetic irrigation, industrial or commercial, or mining or dewatering uses:

No change.

All Individual and General Water Use Permit applicants for water uses where reclaimed water is appropriate shall provide documentation from the local wastewater entity indicating whether reclaimed water is available or is planned to be available within the next six years. Permittees generating reclaimed water shall respond to such requests by permit applicants in a timely manner. If reclaimed water is available, or is planned to be available within the next 6 years, the local wastewater entity shall provide a cost estimate for connection to the permit applicant. If reclaimed water is planned to be available within the next 6 years, the local wastewater entity shall provide an estimate of when the reclaimed water will become available. If the wastewater generator does not hold a

valid water use permit and does not supply the requested information, the applicant shall be required to prepare a cost-estimate for connection.

No change.

Amended _____.

6.3 Reporting Reuse Quantities

2. Reclaimed Water Receivers

All Individual and General Water Use permittees that ~~permitted uses which~~ receive reclaimed water (e.g., golf courses, industrial/commercial uses, etc.) shall be required to record and report reuse quantities and sources on a monthly basis. This requirement shall be implemented by applying the Alternative Water Supplies metering condition cited in Chapter 6 of this Basis of Review ~~the following permit condition~~ to all applicable permits.:

~~The Permittee shall report to the District existing connections to reclaimed water by July 1, 1991. New connections to reclaimed water shall be reported to the District within 30 days of connection to the reuse source. The Permittee shall list the reuse supplier's name, location, and quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.~~

The following condition shall be applied to Individual and General Water Use Permits that currently do not receive reclaimed water ~~applicable permits for new use~~:

The Permittee shall report any connection(s) to reclaimed water to the District within 30 days of connection to the reclaimed water ~~reuse~~ source. The Permittee shall list the reclaimed water ~~reuse~~ supplier's name, location, and reclaimed quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

Amended _____.

6.4 Investigate Desalination

All Individual and General Water Use Permit applicants for new industrial and public supply ~~applicants for new~~ quantities shall be required to investigate the feasibility of desalination to provide all or a portion of requested quantities. This requirement shall be implemented by applying the following permit condition to all applicable permits:

No change.

Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore, Senior Attorney, Office of General Counsel,
2379 Broad Street, Brooksville, FL 34604-6899,
(352)796-7211, extension 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Beth McNeil, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-26.011	Policy and Purpose
40D-26.021	Definitions
40D-26.091	Publications Incorporated by Reference
40D-26.101	Conditions of Eligibility
40D-26.201	Program Application
40D-26.301	Eligibility Determination
40D-26.401	Cost-Share Rates

PURPOSE AND EFFECT: Chapter 40D-26, F.A.C., is created to implement the Facilitating Agricultural Resource Management Systems (FARMS) Program, a cost-share reimbursement program with the purpose of implementing agricultural best management practices that will result in reductions in water use and improvements in water quality and to natural systems within the District.

SUMMARY: Section 373.196(1), F.S., encourages cooperation in the development of water supplies and to provide for alternative water supply development. Sections 373.196(1)(f) and 373.196(3)(a), F.S., authorize the District to provide funding assistance to private water users for the development of alternative water supplies. Section 373.0831(3), F.S. authorizes the District to fund water resource development. Pursuant to these statutes, the FARMS Program was developed to provide funding assistance to agricultural water users for the implementation of alternative water supply development and water resource development projects. Chapter 40D-26, F.A.C., establishes definitions, conditions of eligibility, application procedures, eligibility determination, ranking criteria, and cost-share rates for the FARMS Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
 LAW IMPLEMENTED: 373.083(1), 373.0831(3), 373.196(1), 373.1961(3) FS.

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

40D-26.011 Policy and Purpose.

(1) The purpose of the Facilitating Agricultural Resource Management Systems (FARMS) Program is to expedite the implementation of water resource development and alternative water supply development projects by providing funding assistance for the development of production-scale Best Management Practices (BMPs) for agriculture that will result in reductions in water use and improvements in water quality and to natural systems within the District.

(2) This Chapter sets forth the procedures for the FARMS Program and the requirements for obtaining funding assistance. Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History—New _____.

40D-26.021 Definitions.

When used in this Chapter:

(1) “Agriculture” means the science and art of production of plants and animals and includes aquaculture, horticulture, floriculture, viticulture, forestry, nurseries, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(2) “Best Management Practice” means a practice or combination of practices based on research, field-testing, and expert review, to be the most practicable on-location means, including economic and technological considerations, for improving water conservation and quality in agricultural discharges. BMPs for agricultural discharges shall reflect a balance between water resource improvements and agricultural productivity.

(3) “District” means the Southwest Florida Water Management District.

(4) “Equipment” means the tangible items and components of a project including software and internet services for the first year of a project’s operation.

(5) “Model Farms Costs” means those estimated costs developed to identify reasonable costs associated with implementing various water conservation methods by a variety of agricultural operations as set forth in the District’s 2001 Model Farms Costs incorporated herein by reference in Rule 40D-26.091, F.A.C.

(6) “Program” means the Facilitating Agricultural Resource Management Systems Program described in this Chapter.

(7) “Project Area” means the land upon which the components of the BMPs are located and includes the land to be served by a project.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History–New _____.

40D-26.091 Publications Incorporated by Reference.

The following document is hereby incorporated by reference into this Chapter and is available from the District upon request:

Southwest Florida Water Management District's 2001 Model Farms Costs (effective date August 1, 2001).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History–New _____.

40D-26.101 Conditions of Eligibility.

(1) Agricultural operations located within the District that are in compliance with all applicable federal, state and local laws, rules and regulations, District issued permits and District funding agreements and that have been operational for the preceding 3 years are eligible for the Program. Agricultural operations less than 3 years old are eligible if the project will result in a reduction in the use of ground water. A project shall not be eligible if the applicant previously received Program funds and construction of the funded project has not commenced.

(2) The following projects are eligible for the Program:

(a) Implementation of BMPs that reduce withdrawals from the Upper Floridan aquifer or from any combination of ground, surface or reclaimed water sources and have a cost-benefit that is equal to or less than the Model Farms Costs;

(b) Implementation of BMPs that improve ground or surface water quality impacted by ground water withdrawals; and

(c) Implementation of BMPs that improve natural system functions within the Upper Myakka River Watershed.

(3) Projects that retrofit or upgrade an irrigation system shall be eligible only if the applicant previously applied for funding assistance under the United States Department of Agriculture, Natural Resources Conservation Service's Environmental Quality Incentives Program within the preceding 3 years and that otherwise meet the requirements of this rule.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History–New _____.

40D-26.201 Program Application.

(1) Applicants shall consult with District FARMS Program staff at a pre-application meeting to discuss proposed projects before submitting their applications.

(2) Applicants for funding shall submit to the District the information required on District Form LEG-R.22.00 (8/08) adopted by reference in Rule 40D-1.659, F.A.C.

(3) Applications for leased property shall be a joint application signed by the lessee and property owner. If there are multiple owners, all owners shall sign the application form or sign an attachment to the application form indicating they join in the application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History–New _____.

40D-26.301 Eligibility Determination.

(1) The District shall fund projects that meet all conditions of eligibility set forth in Rule 40D-26.101, F.A.C., subject to available funding. If the District receives completed applications for projects that exceed available funding, the District shall first fund those projects that qualify for a 75% cost-share rate as set forth in paragraph 40D-26.401(1)(b), F.A.C., and then those projects that have the greatest reduction in withdrawals from the Upper Floridan aquifer, provided there are sufficient funds to fully fund each project as set forth in Rule 40D-26.401, F.A.C. A complete application means that all information in Rule 40D-26.201, F.A.C., has been submitted with sufficient detail for the District to determine eligibility.

(2) The District shall notify an applicant in writing as to whether a project is eligible. The notice shall constitute agency action subject to the provisions of Chapter 120, F.S. If the District denies eligibility, the notice of denial shall specify the reasons for the denial.

(3) If an application is funded, all property owners and lessees shall enter into a legally binding agreement with the District.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(1), 373.0831(3), 373.196(1), 373.1961(3) FS. History–New _____.

40D-26.401 Cost-Share Rates.

(1) The District's cost-share rate for a funded project shall be based upon a project's resource benefit as follows:

(a) Equipment costs shall be reimbursed up to a maximum of 50% of the total project cost when a project:

1. Reduces withdrawals from the Upper Floridan aquifer by less than 50%;

2. Reduces withdrawals from any combination of ground, surface or reclaimed water sources;

3. Improves ground or surface water quality impacted by ground water withdrawals; or

4. Improves natural system functions within the Upper Myakka River Watershed.

(b) Equipment costs shall be reimbursed up to a maximum of 75% of the total project cost when a project:

1. Reduces withdrawals from the Upper Floridan aquifer by 50% or more; or

2. Reduces withdrawals by 15% or more from any combination of ground, surface or reclaimed water sources of which a minimum of 5% of the total withdrawal reduction is from the Upper Floridan aquifer and the project improves water quality in surface or ground water impacted by ground water withdrawals or improves natural system functions within the Upper Myakka River Watershed.

(2) Only costs for Equipment procured in accordance with the terms of the agreement between the applicant and the District shall be eligible for reimbursement.

(3) Applicants shall fund a minimum of 25% of the total project cost exclusive of any funding provided by other sources.

(4) For purposes of this rule, costs associated with a project's excavation activities shall not be included in the total cost of the project; however, these costs shall count towards applicant's minimum 25% funding requirement if as-built construction drawings certified by a licensed professional engineer or surveyor are provided to the District and then to the following extent:

(a) 100% of the costs if excavated material will not be removed from owner's property.

(b) 50% of the costs if excavated material will be removed from owner's property.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric DeHaven, P.G., Resource Data and Restoration Director,
7601 Highway 301 N, Tampa, Florida 33637, (813)985-7481
extension 2118

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 26, 2008

DATE NOTICES OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 29, 2008; August 22, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.001
RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference in rule the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008. The revised handbook includes paper claim billing instructions for home and community-based waiver services and targeted case management services. The revised handbook also includes information on the new Medicaid fiscal agent, Electronic Data Systems (EDS), and the new Medicaid computer system. In addition, the handbook

contains updated billing instructions for entering National Drug Codes on claims for HCPCS codes for drugs and for entering prior authorization numbers for Medical Foster Care and Prescribed Pediatric Extended Care Center Services. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008.

In the Notice of Rule Development, published in Vol. 33, No. 48, Florida Administrative Weekly, dated November 30, 2008, we stated that the handbook effective date was March 2008. We changed this date to July 2008.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in rule the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, October 6, 2008, 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711, girardk@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008 ~~February 2006, updated January 2007 and November 2007~~, which is incorporated by reference. The

handbook is available from the Medicaid fiscal agent's Web Portal website at http://mymedicaid-florida.com floridamedicaid.aes-inc.com. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Contact Center Inquiry at (800)289-7799 377-8216 and selecting Option 7.

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0999 Form CMS-1500 (08-05), one page double-sided; and in Chapter 32, the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 2/01 9/97, one page. ~~The following forms that are included in Chapter 2 of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference in Rule 59G-4.160, F.A.C.:~~ State of Florida, Florida Medicaid Authorization Request, PA01 07/08 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; ~~State of Florida, Sterilization Form, HHS-687 (11/2006) SCF 7/94, doublesided one page; Consentimiento Para La Esterilización, HHS-687-1 (11/2006), doublesided;~~ State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2008+, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling the Provider Contact Center Inquiry at (800)289-7799 377-8216 and selecting Option 7 or from its Web Portal website at http://mymedicaid-florida.com floridamedicaid.aes-inc.com. Click on Public Information for Providers, then on Provider Support, and then on Medicaid Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07, 4-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Girard
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130
RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate by reference in rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008. The handbook was revised to allow independent providers to enroll to provide personal care services and to allow the provision of private duty nursing services to an eligible child by a parent or legal guardian who has a valid license as a RN or LPN in the State of Florida and who is employed by a Medicaid enrolled home health agency. The effect will be to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008.

SUMMARY: The purpose of this rule amendment is to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008. The effect will be to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, October 6, 2008, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Kinser, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)410-1677, kinserk@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C.

Both handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com>, <http://floridamedicaid.aes-inc.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at ~~1~~(800)289-7799 377-8216 and selecting Option 7.

(3) No change.

(4) The following forms that are ~~is~~ included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook are ~~is~~ incorporated by reference: Home Health Certification and Plan of Care, Form CMS-485(C-3)(02-94) (Formerly HCFA-485), in Appendix B, one page; and in Appendix C, the Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian, AHCA-Med Serv Form 046, July 2008, one page. Both forms are available by photocopying them from the handbook.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Kinser

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-4.220	Amount and Duration of Cash Payment

PURPOSE AND EFFECT: This proposed rule amendment explains agency error policy for purposes of cash assistance benefits, resulting in a clarification of when agency policy will not result in a redetermination of cash assistance benefit amount. The proposed rule also removes the shelter obligation verification requirement.

SUMMARY: The proposed rule amendment clarifies agency policy pertaining to agency error and the effect of agency error on the calculation of the cash assistance benefit amount.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 414.045 FS.

LAW IMPLEMENTED: 414.095 FS.

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

DATE AND TIME: October 8, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.220 Amount and Duration of Cash Payment.

(1) The Department determines t~~The amount of cash assistance payment that a person receives is determined~~ by using the applicable payment standard minus the total net available income. A resulting deficit must be rounded down to the nearest \$1.00 in determining the benefit amount. The minimum grant is \$10. Persons eligible for entitled to ~~entitled to~~ benefits of under \$10 do not receive Temporary Ceash A~~temporary cash~~ assistance (TCA) but are considered TCA temporary cash assistance recipients for other purposes, including Medicaid and ~~F~~Food ~~s~~Stamp coverage.

(2) The TCA temporary cash assistance P~~program uses~~ utilizes consolidated standards of basic needs, which include food, clothing, household incidentals and shelter. The eligibility specialist selects the applicable standards for the assistance group ~~are selected~~ based on the size of the assistance group and the assistance group's ~~verified~~ shelter obligation.

(a) The three shelter payment standards ~~shown in a chart~~ in Section 414.095(10~~1~~), F.S., are referred to ~~in this rule~~ as Tiers I, II and III. They may also be referred to as payment standards. The tier that chart applies~~ing~~ to an assistance group individual with a shelter obligation greater of more ~~greater~~ than \$50, or that is the shelter standard for the homeless and a teen parent ~~incurring a shelter obligation in alternate living arrangements~~ is Tier I. The tier that chart applies~~ing~~ to an assistance group individual with a shelter obligation greater than \$0 and less than or equal to \$50 is Tier II. The tier that chart applies~~ing~~ to an assistance group individual with a zero shelter obligation and a teen parent living in the home of a parent, other adult relative, or legal guardian regardless of any shelter obligation is Tier III.

~~(b) The Department uses Tier I and II standards are used for assistance groups who have a purchased shelter obligation such as a mortgage payment, rent, or room and board payment; purchase contract, etc. In order for Tier I or Tier II to be budgeted, the recipient must verify a shelter obligation. A shelter obligation exists when the assistance group recipient has the responsibility to pay for the cost of their housing. When the parent or relative payee's needs are included in the benefit amount, their shelter obligation is used must be verified. When the parent or stepparent payee's needs are not included, they must indicate that the child(ren) is required to share their shelter cost and verify their shelter obligation. When a relative payee's needs are not included, the Department accepts their statement that the child(ren) is required to share their shelter cost is accepted. Assistance group members added at one-half the benefit increase for an additional member are added at \$31 for Tier I, \$26 for Tier II and \$24 for Tier III.~~

~~(c)(b) The Department uses Tier Chart III standards are used for assistance groups who do not have a verified shelter obligation. These assistance groups may be responsible for shelter related costs such as water, sewage, garbage, taxes, insurance and upkeep, or have no shelter or shelter related costs.~~

(3) In order for an assistance group to be eligible on the factor of need, the Department must make an initial determination ~~must be made~~ that the assistance group's adjusted gross income does not exceed the applicable Department eligibility standard in subsection (4) of this rule. The eligibility standard is equal to 185 percent of the Consolidated Need Standard (CNS) and is ~~selected~~ based on the size of the assistance group ~~and whether or not the assistance group has a verified shelter obligation.~~

~~(4)(a) The Consolidated Need Standard is equal to based on 100 per cent of the current federal poverty level standard. The Eligibility Standard is based on 185 percent of the current federal poverty standard.~~

~~(4)(b) For the purpose of the three tier shelter standard, the definition of a homeless family is defined as one which lacks a fixed, regular, and adequate nighttime residence, victims of domestic violence, or one which has a primary nighttime residence that is:~~

~~(a)1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including homeless shelters and shelters for victims of domestic violence;~~

~~(b)2. An institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for people human beings.~~

(5) Payments are made in monthly increments throughout the period of eligibility (i.e. – until determined ineligible).

~~(6) The Department may continue a Assistance can be continued for only one month following the month of departure when the recipient moves out of the state and requests the extension.~~

~~(7) The amount of cash assistance payment is determined based on existing eligibility policies. When eligibility policy changes become effective, the amount of cash assistance previously determined to be the correct benefit amount will not automatically be reviewed or redetermined under the new policy. However, if the assistance group can establish that an error in calculating the benefit amount was made by the Department, the case will be reviewed and appropriate corrective action will be taken.~~

~~(8) For purposes of subsection (7) of this rule, a change in eligibility policy does not automatically establish agency error or mistake. The case review referred to in subsection (7) will not be made if the sole basis of the assistance group's claim of error or mistake is the new policy, unless a case review on that basis is expressly and clearly required by law. A change in policy does not constitute an agency error. Therefore a benefit modification may only be provided back to the month of the policy change.~~

Specific Authority 414.045 FS. Law Implemented 414.095 FS. History—New 1-31-94, Amended 10-9-96, Formerly 10C-1.504, Amended 11-30-98, Formerly 65A-1.504, Amended 2-10-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.009 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To revise the following forms to comply with Section 119.071(5), F.S. (2007), that precludes an agency from requesting an individual's social security number unless such collection conforms to the specified provisions of that statute. The following forms are revised: Form DWC 250 (Notice of Election to be Exempt), is amended to include a purpose and use statement regarding the collection of the social security number; Form DWC 250-R (Notice of Revocation of Election to be Exempt), DWC 251 (Notice of Election of Coverage), and DWC 251-R (Revocation of Election of Coverage), are amended so that the collection of the social

security number is discontinued. This amendment also makes a clerical revision to the existing rule relating to a field office address.

SUMMARY: Revision of forms to eliminate the collection of social security numbers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

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

DATE AND TIME: Wednesday, October 8, 2008, 10:00 a.m.

PLACE: 104J, Hartman Building, 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter (850)413-1878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1878

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby adopted for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, (eff. ~~4/08~~); and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. ~~4/08~~).

(b) DWC 250-R Revocation of Election to be Exempt, eff. revised 2/00.

(c) DWC 251 Notice of Election of Coverage, eff. revised 2/00.

(d) DWC 251-R Revocation of Election of Coverage, eff. revised 2/00.

(e) DWC 252, Certificate of Election to be Exempt, (eff. 1/08).

(2) The forms may be obtained from the Bureau of Compliance, Division of Workers' Compensation website at: www.fldfs.com/WC/ or from any field office, unless otherwise limited to direct issuance by the Division.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B Suite 250 Jacksonville, FL 32209 Telephone (904)798-5806	1111 N. E. 25th Avenue, Suite 403 Ocala, FL 34470 Telephone (352)401-5350
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2012 Capital Circle, S. E. Suite 106402 , Hartman Bldg. Tallahassee, FL 32399-2161 Telephone (850)413-1609	3111 South Dixie Highway Suite 123 West Palm Beach, FL 33405 Telephone (561)837-5716
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610 East Burgess Road Pensacola, FL 32504-6320 Telephone (850)453-7804	4415 Metro Parkway Suite #300 Ft. Myers, FL 33916 Telephone (239)938-1840
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499 N.W. 70th Avenue Suite 116 Plantation, FL 33317 Telephone (954)321-2906	Live Oak Business Center 5969 Cattlemen Lane Sarasota, FL 34232 Telephone (941)329-1120
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1313 North Tampa Street Suite 503 Tampa, FL 33602 Telephone (813)221-6506	401 N.W. 2nd Avenue South Tower, Suite 321 Miami, FL 33128 Telephone (305)536-0306
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400 West Robinson Street
Suite N 512, North Tower
Orlando, FL 32801
Telephone (407)835-4406 or
(407)245-0896

Specific Authority 440.05(9), 440.591, FS. Law Implemented 440.05, FS. History-New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07, 1-7-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Division Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008