

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

|   |   |
|---|---|
| <p>RULE NOS.:</p> <p>5F-8.0011</p> <p>5F-8.0012</p> <p>5F-8.003</p> | <p>RULE TITLES:</p> <p>Standards Adopted</p> <p>Bureau of Fair Rides Inspection Forms</p> <p>Qualified Inspectors</p> |
|---|---|

**PURPOSE AND EFFECT:** The rule revision for Standards Adopted are proposed for the purposes of adopting the 7th edition (2004) of the American Society for Testing and Materials F-24 Standards on Amusement Rides and Devices, the 10th edition (2005) of Article 525, Carnivals, Circuses, Fairs and Similar Events of the National Electric Code (NEC) Handbook, the 2006 edition of the National Fire Protection Association 101, the 2006 edition of the American Society for Testing and Materials Standards E 543-06, Standard Practice for Agencies Performing Nondestructive Testing, 2001 edition of the American Society for Nondestructive Testing, Document SNT-TC-1A, Personnel Qualification and Certification in Nondestructive Testing; to revise references within the existing rules to reflect the most current version of each standard and to specify the use of each as guidelines for inspection of amusement rides.

The rule revision for Bureau of Fair Rides Inspection Forms is proposed for the purpose of correcting revision dates & form sequencing for DACS Forms 03419, 03420, 03421, 03422, 03423, 03424, 03425, 03426, 03427, 03429, 03430, 03432, 03433, 03434 from November 2004 (11/04) to October 2004 (10/04) that were incorrectly stated in the current rule and to change the revision date on DACS Forms 03428 and 03431 to January 2007 (01/07) to reflect updated and revised versions.

The rule revision for Qualified Inspectors is proposed for the purpose of removing reference to Glenn Barclay and Associates as providers of continuing education since this company is no longer in business for this purpose.

**SUBJECT AREA TO BE ADDRESSED:** This rule amends specific sections of Chapter 5F-8, F.A.C., to adopt and be consistent with current versions of adopted standards, correct and current Bureau of Fair Rides Inspection forms and to accurately reflect known companies that provide continuing education for qualified inspectors.

**SPECIFIC AUTHORITY:** 616.242 FS.

**LAW IMPLEMENTED:** 616.242 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 IS: Robert H. Jacobs, Bureau Chief of the Bureau of Fair Rides Inspections, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, Phone: (850)488-9790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.0011 Standards Adopted.

The following standards are adopted for ~~the inspection of~~ amusement rides in this state.

(1) American Society for Testing and Materials F-24 (ASTM F-24) Standards on Amusement Rides and Devices, Seventh ~~Fifth~~ Edition, 2004 ~~1995~~. A copy of the adopted ASTM standards can be obtained by writing the American Society for Testing and Materials at 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428; Phone (610)832-9500.

(2) Article 525, Carnivals, Circuses, Fairs and Similar Events, of the National Electrical Code (NEC) Handbook, 2005 ~~1996~~ Edition. Notwithstanding the provisions of Article 525-13(a), all flexible cords or cables used shall meet the requirements for extra hard usage, damp location, as listed in Table 400-4 of the NEC. A copy of the adopted NEC standards can be obtained by writing the National Fire Protection Association at 1 Batterymarch Park, Quincy, Mass. 02269-0901; Phone 1 (800)344-3555.

(3) National Fire Protection Code 101 (NFPA 101), Chapter 3.3.28.10, 12.4.7 and 13.4.7 ~~8-4.6 and 9-4.6~~, Special Provisions for Amusement Buildings, 2006 ~~1994~~ Edition. A copy of the adopted NFPA standards can be obtained by writing the National Fire Protection Association at 1 Batterymarch Park, Quincy, Mass. 02269-0901; Phone 1(800)344-3555.

(4) American Society for Testing and Materials (ASTM) Standards E 543-06, Standard Practice for Agencies Performing Nondestructive Testing, 2006 ~~1996~~ Edition. A copy of the adopted ASTM standards can be obtained by writing the American Society for Testing and Materials at 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428; Phone (610)832-9500.

(5) American Society For Nondestructive Testing (ASNT) Document SNT-TC-1A, Personnel Qualification and Certification in Nondestructive Testing, 2001 ~~1996~~ Edition. A copy of the adopted ASNT standard can be obtained by writing the American Society For Nondestructive Testing, 1711 Arlingate Lane, Post Office Box 28518, Columbus, Ohio 43228-0518; Phone 1(800)222-2768.

Specific Authority 616.165, 616.242(4) FS. Law Implemented 616.001, 616.242 FS. History--New 2-14-99, Amended.

5F-8.0012 Bureau of Fair Rides Inspection Forms.

(1) The following forms are adopted by this reference for use by the Bureau of Fair Rides Inspection in the amusement ride inspection program.

| <u>Form Number</u> | <u>Revised</u> | <u>Title</u>   |
|--------------------|----------------|--|
| <u>DACS 03419</u>  | <u>10/04</u>   | <u>Amusement Ride Inspection Report</u>                            |
| <u>DACS 03420</u>  | <u>10/04</u>   | <u>Water Park Amusement Ride Inspection Report</u>                 |
| <u>DACS 03421</u>  | <u>10/04</u>   | <u>Go Kart Amusement Ride Inspection Report (Track)</u>            |
| <u>DACS 03422</u>  | <u>10/04</u>   | <u>Go Kart Amusement Ride Inspection Report (Vehicle)</u>          |
| <u>DACS 03423</u>  | <u>10/04</u>   | <u>Bungy Jump Inspection Report</u>                                |
| <u>DACS 03424</u>  | <u>10/04</u>   | <u>Owner's Daily Inspection Report (Carnival Type)</u>             |
| <u>DACS 03425</u>  | <u>10/04</u>   | <u>Owner's Daily Inspection Report (Water Park)</u>                |
| <u>DACS 03426</u>  | <u>10/04</u>   | <u>Owner's Daily Inspection Report (Go Kart Track and Vehicle)</u> |
| <u>DACS 03427</u>  | <u>10/04</u>   | <u>Owner's Daily Inspection Report (Bungy)</u>                     |
| <u>DACS 03428</u>  | <u>01/07</u>   | <u>Written Accident Report</u>                                     |
| <u>DACS 03429</u>  | <u>10/04</u>   | <u>Request for Inspection or Reinspection</u>                      |
| <u>DACS 03430</u>  | <u>10/04</u>   | <u>Mechanical, Structural or Electrical Defect Report</u>          |
| <u>DACS 03431</u>  | <u>01/07</u>   | <u>Employee Training Record</u>                                    |
| <u>DACS 03432</u>  | <u>10/04</u>   | <u>Amusement Ride Annual Permit Application</u>                    |
| <u>DACS 03433</u>  | <u>10/04</u>   | <u>Affidavit of Compliance and Nondestructive Testing</u>          |
| <u>DACS 03434</u>  | <u>10/04</u>   | <u>Affidavit of Annual Inspection for Exempt Facilities</u>        |

| <u>Form Number</u> | <u>Revised</u> | <u>Title</u>   |
|--------------------|----------------|--|
| <u>DACS 03419</u>  | <u>11/04</u>   | <u>Amusement Ride Inspection Report</u>                            |
| <u>DACS 03428</u>  | <u>11/04</u>   | <u>Written Accident Report</u>                                     |
| <u>DACS 03420</u>  | <u>11/04</u>   | <u>Water Park Amusement Ride Inspection Report</u>                 |
| <u>DACS 03421</u>  | <u>11/04</u>   | <u>Go Kart Amusement Ride Inspection Report (Track)</u>            |
| <u>DACS 03422</u>  | <u>11/05</u>   | <u>Go Kart Amusement Ride Inspection Report (Vehicle)</u>          |
| <u>DACS 03423</u>  | <u>11/04</u>   | <u>Bungy Jump Inspection Report</u>                                |
| <u>DACS 03424</u>  | <u>11/04</u>   | <u>Owner's Daily Inspection Report (Carnival Type)</u>             |
| <u>DACS 03425</u>  | <u>11/04</u>   | <u>Owner's Daily Inspection Report (Water Park)</u>                |
| <u>DACS 03426</u>  | <u>11/04</u>   | <u>Owner's Daily Inspection Report (Go Kart Track and Vehicle)</u> |
| <u>DACS 03427</u>  | <u>11/04</u>   | <u>Owner's Daily Inspection Report (Bungy)</u>                     |
| <u>DACS 03430</u>  | <u>11/04</u>   | <u>Mechanical, Structural or Electrical Defect Report</u>          |
| <u>DACS 03429</u>  | <u>11/04</u>   | <u>Request for Inspection or Reinspection</u>                      |
| <u>DACS 03432</u>  | <u>11/04</u>   | <u>Amusement Ride Annual Permit Application</u>                    |
| <u>DACS 03431</u>  | <u>11/04</u>   | <u>Employee Training Record</u>                                    |
| <u>DACS 03433</u>  | <u>11/04</u>   | <u>Affidavit of Compliance and Nondestructive Testing</u>          |
| <u>DACS 03434</u>  | <u>11/04</u>   | <u>Affidavit of Annual Inspection for Exempt Facilities</u>        |

(2) Copies of all Bureau forms may be obtained by contacting the Department of Agriculture and Consumer Services, Bureau of Fair Rides Inspection at 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650; or by Phone at (850)488-9790, or by Fax at (850)488-9023.

Specific Authority 616.165, 616.242(4), (5), (6), (7), (10), (11), (14), (15), (16) FS. Law Implemented 616.242 FS. History--New 2-14-99, Amended 5-30-05, \_\_\_\_\_.

5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a Qualified Inspector (QI) for an insurance underwriter and execute the Affidavit of Compliance and Nondestructive Testing required for the annual permit shall provide the department the following documents and information:

(a) Written certification from an insurance company, which certification must be renewed by the insurance company every 3 years, verifying that the applicant is an employee or

agent of the company and is authorized to act as a qualified inspector for that insurance company, which is insuring the amusement ride; and

(b) Information which will verify employment dates together with names and addresses of employers for such period of time as will demonstrate the required experience in the amusement ride field; at least two years of which were involved in actual ride inspection with an amusement ride manufacturer, government agency, park, carnival or insurance company; and

(c) A written statement or certificate from a school or seminar which demonstrates at least eighty hours of formal education from a school or seminar for amusement ride inspection or ride safety, which is approved by rule of the department, during the past five years. Nondestructive testing training that meets the requirements of American Society of Nondestructive Testing (ASNT) may be substituted for up to half of the required hours of formal education; and

(d) A written statement or certificate from a school or sponsor of a seminar showing thirty-two hours per year of continuing education annually at a school or schools, or a seminar, approved by the department. These continuing education hours may include in-service industry or manufacturer updates and seminars. Curriculum subjects considered for credits are those subjects included in schools or seminars conducted or sponsored by: National Association of Amusement Ride Safety Officials (NAARSO), Amusement Industry Manufacturers and Suppliers International (AIMS), Council for Amusement and Recreational Equipment Safety (CARES), ~~Glenn Barelay and Associates~~ or any nationally recognized amusement ride organization, ride inspector or ride safety training programs conducted or sanctioned by state or local government amusement ride regulatory agencies in any jurisdiction, exempt permanent facilities in the state of Florida, and vocational training programs that reasonably relate to amusement ride safety or inspection, or other nationally recognized programs relating to amusement ride inspection or ride safety. Nondestructive testing training that meets the requirements of ASNT may be substituted for up to half of the required hours of continuing education.

(e) When a Qualified Inspector possesses the requisite qualifications the department will provide the applicant a qualified inspector number designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and Nondestructive Testing required for the annual permit. The qualified inspector number shall be used when executing the required affidavits. The qualified inspector number issued by the department to a qualified inspector shall be valid for one year, so long as the applicant possesses the qualifications required by Section 616.242(1), F.S.

(f) The department acknowledges the amusement ride education programs of NAARSO, AIMS, CNA Insurance, ~~and Glenn Barelay and Associates~~, and the Pennsylvania Amusement Ride Safety Seminar, as educational programs meeting the department's requirements to certify a qualified inspector.

(g) A sponsor or an attendee of any school or seminar that concerns, or is reasonably related to, amusement ride inspection or ride safety may request consideration as an educational program which meets the requirements of this rule by contacting the Bureau Chief, Bureau of Fair Ride Inspections, Suite N, Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; Phone: (850)488-9790; FAX: (850)488-9023.

(2) through (3) No change.

Specific Authority 616.165, 616.242(3)(q), (5) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, 10-10-01, 5-30-05, \_\_\_\_\_.

**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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.210  
 RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the requirements and procedures for video recording the administration of chemical agents on inmates creating disturbances in their cells and to amend form DC4-711A, Refusal of Health Care Services, to insert a signed statement by an interpreter or translator.

SUBJECT AREA TO BE ADDRESSED: Use of force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 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 M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (3) No change.

(4) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used.

~~(a) All authorized use of force incidents will be video recorded in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell.~~

(b) The administration of chemical agents on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell will also be video recorded. The video recording will include: a specific introductory statement; the attempts to resolve the situation without the use of chemical

agents; the final order by the supervisor; an advisement to the inmate that chemical agents will be administered if he or she continues the disruptive behavior; an additional advisement to the inmate that this warning will not be repeated prior to the application of chemical agents should he or she become disruptive again after the supervisor, camera and camera operator have left the area; and any response made by the inmate. The video recording will also include the actual application of chemical agents. Videotaping will be initiated after the final exposure to chemical agents and will continue from this point until the offer of a decontaminating shower and is provided, the medical examination is completed, and the inmate's is returned to a secure, decontaminated cell. Should the inmate refuse the shower for decontamination purposes or refuse the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded. If the inmate should cease the conduct creating the disturbance while the supervisor, camera and camera operator are present, but resume such conduct after the supervisor, camera and camera operator have left the area, the actual application of the chemical agents will not be videotaped. The original video recording will resume following the final exposure to chemical agents, include a statement referring to the originating incident, and continue from this point until the decontaminating shower and medical examination are offered and the inmate is returned to secure, decontaminated housing.

(c) All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing.

(d) Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(5) through (21) No change.

(22) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (e) No change.

(f) DC4-711A, Refusal of Health Care Services, effective \_\_\_\_\_ September 18, 2006.

(g) through (n) No change.

Specific Authority 944.09 FS. Law Implemented ~~20-315~~, 776.07, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.: 40B-400.443  
 RULE TITLES: General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation

40B-400.447  
 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: The purpose of the rule development is to clarify the language of two noticed general permits in Chapter 40B-400, F.A.C., for Florida Department of Transportation (FDOT) projects. The effect of the proposed rule amendments will provide for better use of District rules that regularly apply to FDOT projects.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments will address specific noticed general permits in Chapter 40B-400, F.A.C., for FDOT projects for adding paved shoulders to meet safety standards, extending existing culverts, in-kind bridge replacements, addition of pedestrian or bicycle facilities, and other existing design criteria that are not necessarily appropriate for roadway projects.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.: 40C-2.101  
 RULE TITLES: Publications Incorporated by Reference

40C-2.301  
 Conditions for Issuance of Permits

**PURPOSE AND EFFECT:** This second Notice of Proposed Rule Development will address the development and amendment of consumptive use permit criteria and conditions for public water supply applicants and other similar applicants withdrawing groundwater in Central Florida, including Orange, Osceola, and Seminole Counties and southern Lake County. The first Notice of Proposed Rule Development published in the Florida Administrative Weekly on November 3, 2006, Vol. 32, No. 44, page 5129, addressed only public water supply applicants. However, in response to comments received in the ongoing rule development process, the proposed rule development has been expanded to include "other similar applicants." This St. Johns River Water Management District rule development will be coordinated with similar rule development by the South Florida Water Management District in Orange, Osceola, and Polk Counties and by the Southwest Florida Water Management District in Polk County. This rule development will propose rule amendments to Chapter 40C-2, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water to address the three Districts' joint conclusion that: (1) sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply applicants' and other similar applicants' demands; and (2) that there is an immediate need to develop and implement alternative water supply projects in Central Florida to supplement groundwater supplies.

The legal description of the affected Central Florida area, called the Central Florida Coordination Area, (CFCA), will be included in the Applicant's Handbook: Consumptive Uses of Water. Under the proposed rules, water supply utilities and other similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for the 2013 allocation if the applicant will develop at least one alternative water supply (AWS) project to supply its water demands above 2013 demand levels. Alternatively, the applicant may demonstrate that AWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of AWS for as much of the increase as is feasible and must use AWS for the remainder of the increase when provided by others, to the extent feasible. A public supply utility or other similar applicant will be restricted to a permit duration of no more than December 31, 2013, if the applicant does not develop AWS or use AWS to meet as much of the increase above its 2013 demand as is feasible. The relationship between the Applicant's Handbook and Rule 40C-2.301, F.A.C., will be clarified.

**SUBJECT AREA TO BE ADDRESSED:** Consumptive use permit criteria and conditions applicable to public water supply applicants and other similar applicants withdrawing groundwater in the CFCA. The proposed rule amendments will contain definitions of key terms such as CFCA AWS, other similar applicant, and public supply utility. Also, a description

of special CFCA permit conditions will be proposed. Many of the proposed amendments will be made in the Applicant's Handbook. A clarification regarding the relationship between the Applicant's Handbook and Rule 40C-2.301, F.A.C., will be provided.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.216, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

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

**DATE AND TIME:** May 4, 2007, 10:00 a.m. – 12:00 Noon

**PLACE:** Orange County Commission Chambers, First Floor, 201 South Rosalind Avenue, Orlando, 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: Norma Messer, (386)329-4459 or (386)329-4450 (TDD). 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:** Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail address nmesser@sjrwm.com

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference parts I, II, and III, ~~and~~ the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water," (*effective date*) ~~2-15-06~~.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.219, 373.223, 373.229, 373.236, 373.239, 373.250 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, \_\_\_\_\_.

40C-2.301 Conditions for Issuance of Permits.

(1) through (6) No change.

(7) The applicant shall have the burden of proof to establish and present sufficient data to support a finding by the Board that the proposed use meets the conditions specified in subsection (1) or (2). The standards, criteria, and conditions in the Applicant's Handbook: Consumptive Uses of Water, adopted by reference in Rule 40C-2.101, F.A.C., shall be used in determining whether the requirements of subsection (1) or (2) are met.

APPLICANT'S HANDBOOK SECTIONS

2.0 Definitions

(a) through (c) No change.

(d) CFCA Alternative Water Supply – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area, CFCA alternative water supply means surface water, stormwater, and salt water. Brackish groundwater may be considered a CFCA alternative water supply if it can be developed in a manner that will not cause or contribute to harmful impacts from cumulative groundwater withdrawals in the Central Florida Coordination Area.

(e) through (g) renumbered (f) through (h) No change.

(i) Due Diligence – Giving the care and attention and taking all reasonable actions to meet all schedule requirements in the permit for developing and using alternative water supply. Particular circumstances beyond the permittee's control will be considered in determining whether due diligence has been exercised.

(h) through (s) renumbered (j) through (u) No change.

(v) Other Similar Applicant – For purposes of the additional permitting requirements applicable within the Central Florida Coordination Area, other similar applicant, means an applicant, other than a public supply utility, that proposes to withdraw groundwater in the CFCA and proposes an increase in groundwater withdrawal above the level needed to meet its demonstrated 2013 demand.

(t) through (u) renumbered (w) through (x) No change.

(y) Public Supply Utility – Any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multijurisdictional water supply authority, that provides water for use by the general public.

(v) through (mm) renumbered (z) through (qq) No change.

3.0 Activities Requiring a Permit

3.1 Implementation Date of the Consumptive Use Permitting Program

3.1.1 through 3.1.6 No change.

3.1.7 The effective date of implementation of additional permitting criteria for the District's Central Florida Coordination Area (CFCA) is (effective date). The CFCA is delineated in Figure 3.1-2. The legal description of the CFCA is in Appendix L.

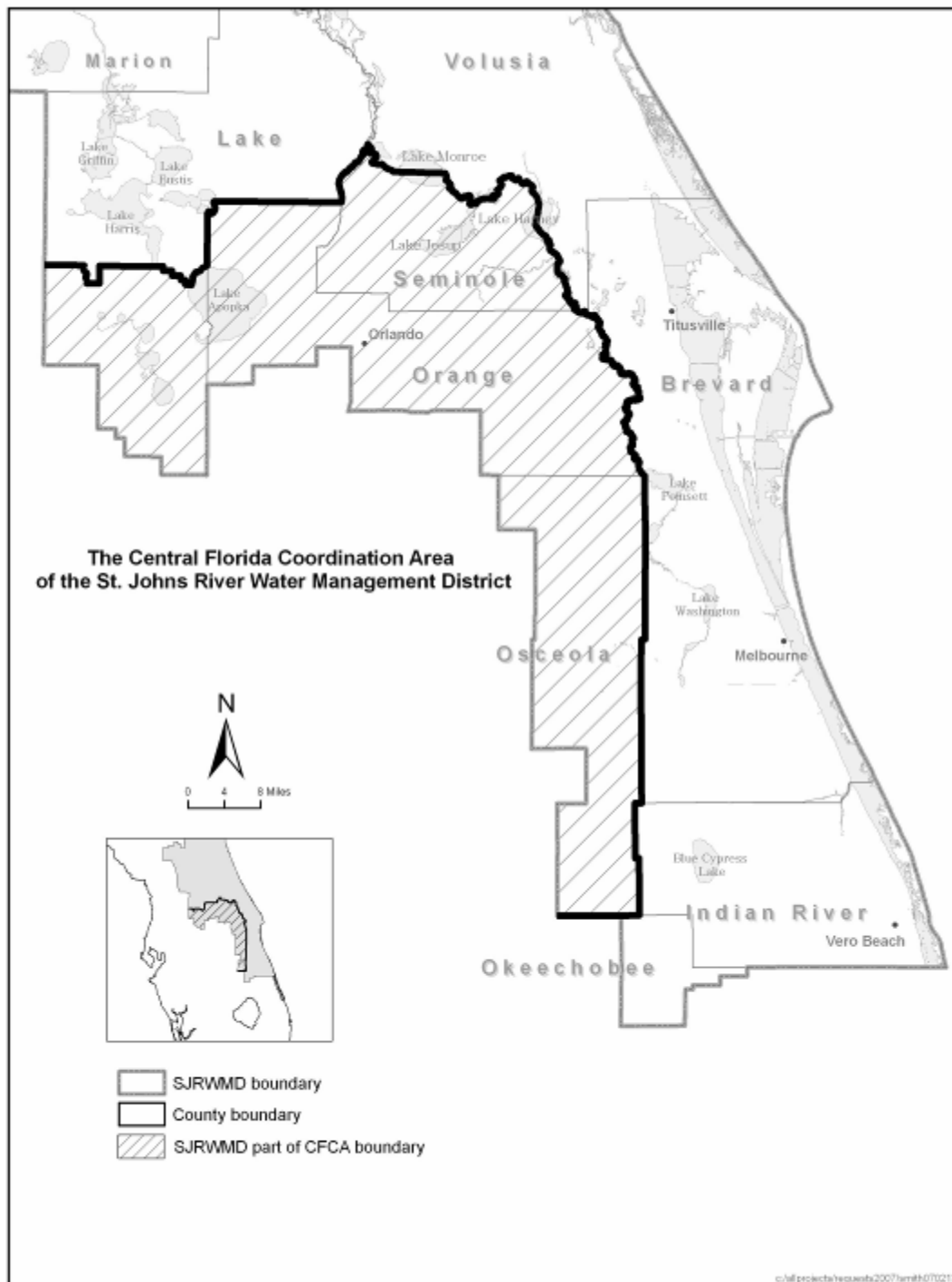


Figure 3.1-2 The Central Florida Coordination Area of the St. Johns River Water Management District.

- 6.5 Permit Duration
  - 6.5.1 20 Year Permits
 

When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40C-2.301, F.A.C., and the criteria in Part II, Applicant’s Handbook: Consumptive Uses of Water, for the requested 20 year permit duration.
  - 6.5.2 Durations other than 20 Years:
    - (a) When an applicant fails to provide reasonable assurance to support a 20 year duration or when the applicant does not request a duration of 20 years, a consumptive use permit shall have a duration of 10 years unless the Governing Board determines that a different permit duration is warranted based on a consideration and balancing of the factors listed in section 6.5.3. However, in no case shall the duration of an individual permit exceed the life of the activity for which the water is used.
    - (b) When an applicant requests a permit duration greater than 20 years pursuant to subsection 373.236(2), F.S., the Governing Board shall issue a consumptive use permit with the requested duration up to a maximum of 50 years, provided the applicant is a municipality or other governmental body or a public works or public service corporation, the applicant demonstrates that the requested duration is required to provide for the retirement of bonds for construction of waterworks and waste disposal facilities, and the applicant provides reasonable assurances that the proposed use meets the conditions for issuance in Rule 40C-2.301, F.A.C., and the criteria in Part II, Applicant’s Handbook: Consumptive Use of Water, for the requested duration.
    - (c) For a public supply utility applicant or an other similar applicant proposing to withdraw groundwater in the Central Florida Coordination Area (CFCA), the permit duration will be determined pursuant to section 6.5.4.
  - 6.5.3 Special Durations Factors:
 

The following factors shall be considered and balanced in determining whether the permit shall be given a duration other than as specified in section 6.5.2(a):

    - (a) Whether the permit is for a secondary use as defined in section 3.2.3. The District shall seek to:
      1. Assign the initial consumptive use permit required under 3.2.1 (secondary use) the same expiration date as specified in the consumptive use permit issued for the water supplier.
      2. Simultaneously review subsequent renewal applications for the water supplier and all related permitted secondary uses, and upon renewal, set the new expiration date for secondary use consumptive use permits the same as is assigned to the permit for the water supplier. When one or more applicants within the water supplier/secondary users group fails to timely complete its consumptive use permit renewal application, final action will be taken on the applications which have been completed.
      3. Assign an applicant within a water supplier/secondary use group who completes a renewal application for a consumptive use permit at a later time, the same expiration date as was assigned to the previously issued consumptive use permit renewals within the same water supplier/secondary use(s) group.
    - (b) Whether a longer duration is necessary for a municipality or other governmental body or for a public works or public service corporation to retire bonds for the construction of water works and water disposal facilities. If an applicant feels that an extended duration is required for such purposes, then the applicant must furnish letters from the bonding authority, stating that the extended duration is required and the reason that it is required.
    - (c) Whether a lower quality water source can reasonably be expected to become available for the permitted consumptive use during the time period of the applicable permit duration of section 6.5.2(a), and the permittee is not proposing to use this water source when it becomes available. Consideration of this factor will result in a shorter duration than the applicable duration specified in section 6.5.2(a) to enable the District and the permittee to reevaluate the ability of the permittee to use the lower quality source at the time that it becomes available. However, the



- applicant can eliminate this factor from consideration by electing to reduce the requested allocation by the amount which would reasonably be delivered from the lower quality source.
- (d) Whether the consumptive use permit will require the permittee to perform mitigative or remedial action for an impact caused or projected to be caused by the consumptive use, and, for a renewal, whether the permittee must implement action to correct non-compliance with the previous consumptive use permit. Consideration of this factor will lead toward a duration shorter than the applicable duration of section 6.5.2(a) in order to evaluate, at an earlier date, the effectiveness of the mitigative or remedial actions or corrections.
  - (e) Whether greater than 50% of the total allocation is derived from reclaimed water or stormwater sources. Consideration of this factor will lead toward a duration longer than the applicable durations of section 6.5.2(a). Where 95% or greater of the allocation is derived from reclaimed water or stormwater sources, consideration of this factor will lead toward a duration of 20 years.
  - (f) Whether 50% or greater of the annual wastewater volume generated from the allocated use is distributed to other water users (not including secondary users for which the permittee is the water supplier) for reasonable-beneficial reuse. Consideration of this factor will lead to a duration longer than the applicable duration of section 6.5.2(a) to encourage the investment in reuse of reclaimed water.
  - (g) Whether a shorter duration is necessary to insure that the source is capable of producing the requested amount of water without causing unmitigated adverse impacts. The applicant can eliminate this factor from consideration by electing to reduce the requested amount to that which can be produced by the source without causing unmitigated adverse impacts.
  - (h) Whether, and the extent to which, the permit duration will significantly harm the economic feasibility of the proposed use.
  - (i) Whether the permittee is able to implement all available water conservation measures which are generally feasible for that size and type of use. Where the permittee is unable to implement all available water conservation measures which are generally feasible for that size and type of use, consideration of this factor will lead to a shorter duration than the applicable duration of section 6.5.2(a) to enable the District and the permittee to reevaluate, at an earlier date, the ability of the permittee to implement these water conservation measures.  
Whether the permittee is implementing innovative and extraordinary water conserving measures which are beyond those generally feasible for that type of use. Where the permittee proposes to implement innovative and extraordinary water conservation measures, consideration of this factor will lead to a longer duration than the applicable duration of section 6.5.2(a) as an incentive for the investment in innovative and extraordinary water conservation.
  - (k) The cost of developing proposed alternative water supplies (for example: new lower quality sources, surface water sources, interconnecting wellfields, artificial recharge, aquifer storage and recovery, reclaimed water). Where the permittee is proposing to develop and use alternative water supplies, consideration of this factor will lead to a duration longer than the applicable duration of section 6.5.2(a) to encourage investment in, and development of, alternative water supplies.
- 6.5.4 Permit Duration for Public Supply Applicants and Other Similar Applicants in the Central Florida Coordination Area (CFCA)
- (a) The maximum permit duration for a public supply utility applicant or an other similar applicant will be limited to December 31, 2013, unless the applicant will meet all the increase in its need for water after 2013 by using at least one CFCA alternative water supply project as set forth in subsection 12.10(b) or otherwise comply with that subsection. If the applicant complies with subsection 12.10(b), the permit duration shall be up to 20 years, consistent with sections 6.5.1 through 6.5.3.

- (b) When a public supply utility applicant or an other similar applicant cannot establish that it will use at least one CFCA alternative water supply project to meet all the increase in its need for water after 2013 as set forth in subsection 12.10(b) or otherwise comply with that subsection, the permit duration will be determined in accordance with sections 6.5.1 through 6.5.3, but in no event shall the duration extend beyond 2013.
- 6.5.5 6.5.4 No change.
- 12.0 Evaluation of Proposed Use of Water
  - 12.1.1 Annual Allocation – No change.
  - 12.1.2 Special Area – Central Florida Coordination Area.
    - (a) The Central Florida Coordination Area (CFCA) is located within portions of three water management district and includes Polk, Orange, Osceola, and Seminole counties, and southern Lake County. Within the St. Johns River Water Management District, the CFCA is the area delineated in Figure 3.1-2. The intent of the CFCA rules is to provide an interim regulatory framework for public supply utilities and other similar applicants in the area to expeditiously implement CFCA alternative water supply projects, and, pending the implementation of alternative water supply projects, to provide for allocation of available groundwater while employing avoidance and mitigation measures to prevent harm. This regulatory framework is one component of a comprehensive joint water management district strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding, and water resource investigations and analysis.
    - (b) Special requirements apply to public supply utility applicants and other similar applicants (see definitions in section 2.0) proposing to withdraw groundwater in the CFCA. These requirements are found in sections 6.5.4, 12.10, and 19.0.
- 12.2 through 12.9 No change.
- 12.10 Central Florida Coordination Area (CFCA)
  - The following requirements shall apply to any public supply utility applicant or other similar applicant proposing to withdraw groundwater in the CFCA.
    - (a) An applicant will be restricted to a maximum allocation of groundwater in an amount no greater than that needed to satisfy its demonstrated 2013 demand; however, an applicant may seek a duration that extends beyond 2013 for that level of allocation.
    - (b) Any applicant seeking a permit duration extending beyond 2013 and proposing an increase in water withdrawal above the level needed to meet its demonstrated 2013 demand must:
      1. Identify at least one specific CFCA alternative water supply project that the applicant will develop (either singly or in concert with others) and use, to meet the increase in quantity above its demonstrated 2013 demand, for the duration of the permit; and provide a project development schedule for each such identified project, with project development milestones that when followed, will result in alternative water supply being used by the applicant by the end of 2013; or
      2. Demonstrate that the development (either singly or in concert with others) of sufficient CFCA alternative water supply to meet all the increase in quantity above its demonstrated 2013 demand is not economically, environmentally, or technologically feasible; and must establish that it will maximize the use of CFCA alternative water supply to meet as much of the increase as is economically, environmentally, and technologically feasible and will obtain any remaining portion of the increase by using water from one or more CFCA alternative water supply projects when provided by others at a cost that is economically feasible. The impact to customers from water use rates is a consideration in evaluating economic feasibility; however, an increase in water users rates to utility customers shall not, in itself, constitute economic infeasibility.
    - (c) A permittee lacking sufficient CFCA alternative water supplies by the end of 2013 from which to obtain the increase in quantity above its demonstrated 2013 demand can be allocated a temporary amount of groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using alternative water supply and providing

that other conditions for issuance in Rule 40C-2.301, F.A.C., and this Handbook are met. Any such temporary allocation shall cease when water from the alternative water supply project becomes available.

13.0 Available Water/Competing Applications

13.1 and 13.2 No change.

13.3 Competition in the Central Florida Coordination Area (CFCA)

The CFCA regulatory framework provides a comprehensive strategy for interim allocation of available groundwater and expeditious development of alternative water supply projects to minimize competition and thereby provide greater certainty of outcome than competition which remains available pursuant to Section 373.233, F.S. If an applicant wishes to request this statutory process, it must do so in writing as part of the application.

19.0 Central Florida Coordination Area (CFCA) Conditions

In addition to the general and special conditions described in this part, permits for public supply utility applicants and other similar applicants withdrawing groundwater in the CFCA shall include special conditions that address the following:

- (a) Implementation of a District-approved plan to monitor hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.
- (b) Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.
- (c) Implementation of District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permit allocation.
- (d) Expeditious development and use of alternative water supply to meet water demands.
- (e) Submittal of five-year compliance reports for 20-year duration permits as described in section 6.5.5.
- (f) The reduction in allocation or other modification to the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful

impacts as a result of the permitted use, unless the harmful impacts can be mitigated by the permittee.

20.0 ~~19.0~~ Other Conditions

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

APPENDIX L  
LEGAL DESCRIPTION

CENTRAL FLORIDA COORDINATION AREA OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Begin at the northwest corner of Section 6, Township 23 South, Range 24 East, being on the Sumter County – Lake County line, also being the range line between Ranges 23 and 24 East; thence north along said range line to the northwest corner of Section 7, Township 21 South, Range 24 East; thence east along the north line of Sections 7, 8, 9 and 10, Township 21 South, Range 24 East to the northeast corner of Section 10, Township 21 South, Range 24 East, also being the northwest corner of Section 11, Township 21 South, Range 24 East, thence continue east along the north line of said Section 11 to the north quarter corner of said Section 11, thence south along the quarter-section line of said Section 11 to the south quarter corner of said Section 11, also being the north quarter corner of Section 14, Township 21 South, Range 24 East, thence continue south along the quarter-section line of said Section 14 to the south quarter corner of said Section 14, said corner also being on the north line of Section 23, Township 21 South, Range 24 East; thence east along the North line of Sections 23 and 24, Township 21 South, Range 24 East; thence north along the West line of Sections 18 and 7, Township 21 South, Range 25 East; thence east along the North line of Sections 7, 8, 9, 10, 11 and 12, Township 21 South, Range 25 East to the northwest corner of Section 7, Township 21 South, Range 26 East; thence continue east along the north line of Section 7 to the northwest corner of Section 8, Township 21 South, Range 26 East; thence south along the west line of Section 8 to the north line of the south 1/2 of Section 8; thence east along said north line of south 1/2 to the east line of Section 8; thence south along the east line of Section 8 to the northwest corner of Section 16, Township 21 South, Range 26 East; thence east along the north line of Section 16 to the northwest corner of Section 15, Township 21 South, Range 26 East; thence south along the west line of Section 15 to the northwest corner of the southwest 1/4 of Section 15; thence east along the mid-section line to the northeast corner of the southwest 1/4 of Section 15; thence south along the east line of said southwest 1/4 to the south line of Section 15; thence east along said south line to the northeast corner of fractional Section 22, Township 21 South, Range 26 East; thence continue east along the north line of fractional

Section 23, Township 21 South, Range 26 East to the west shore line of Lake Apopka; thence northeasterly along said shore line to an intersection with the range line dividing Ranges 26 and 27 East; thence north on said range line to the township line dividing Townships 19 and 20 South; thence east on said township line to the thread of the Wekiva River; thence north along said thread of the Wekiva River to an intersection with the thread of the St. Johns River, said intersection being the corner common to Lake, Volusia and Seminole Counties; thence southeasterly and following the thread of the St. Johns River along the north and east boundary of Seminole County, to an intersection with the line dividing Townships 21 and 22 South, said intersection being the corner common to Volusia, Seminole, Orange and Brevard Counties; thence continue southeasterly and southerly along the thread of the St. Johns River and the Orange – Brevard county line to the northeast corner of Township 25 South, Range 34 East and the St. John’s River; thence south along the east line of Range 34 East to the south line of Township 32 South, also being on the Okeechobee County – Osceola County line; thence west along said Okeechobee County – Osceola County line to the southwest corner of Section 34, Township 32 South, Range 33 East; thence north along the section line to the northwest corner of Section 3, Township 31 South, Range 33 East; thence east along the township line between Townships 30 and 31 South to the southeast corner of Section 36, Township 30 South, Range 33 East; thence north along the range line between Ranges 33 and 34 East to the northeast corner of Section 1, Township 30 South, Range 33 East; thence west along the township line between Townships 29 and 30 south to the southwest corner of Section 31, Township 29 South, Range 33 East; thence north along the range line between Ranges 32 and 33 East to the northwest corner of Section 6, Township 28 South, Range 33 East; thence east along the township line between Townships 27 and 28 south to the southeast corner of Section 36, Township 27 South, Range 32 East; thence north along the range line between Ranges 32 and 33 East to the northeast corner of Section 1, Township 26 South, Range 32 East; thence west along the township line between Townships 25 and 26 South to the southwest corner of Section 33, Township 25 South, Range 32 East; thence north along the section line to the Orange County – Osceola County line; thence westerly along the Orange County – Osceola County line to the Southwest corner of Section 31, Township 24 South, Range 32 East; thence north along the range line to the intersection with the northerly right-of-way line of State Road 528; thence westerly along the northerly right-of-way line of State Road 528 to the intersection with the northerly right-of-way line of State Road 528A; thence westerly along the northerly right-of-way line of State Road 528A to the westerly right-of-way line of U.S. Highway 441; thence northerly along the right-of-way line to the section line between Sections 22 and 27 of Township 22 South, Range 29 East; thence west along the section lines to the northeast corner

of Section 25, Township 22 South, Range 28 East; thence south along the range line between Ranges 28 and 29 East to the southeast corner of Section 36, Township 22 South, Range 28 East; thence west along the township line between Townships 22 and 23 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence south to the southeast corner of Section 11, Township 23 South, Range 27 East; thence west along the section lines to the Southwest corner of Section 7, Township 23 South, Range 27 East, also being on the Lake County – Orange County line; thence south along the range line between Ranges 26 and 27 East to the Lake county – Polk County line; thence west along said county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East, and the Point of Beginning.

## **WATER MANAGEMENT DISTRICTS**

### **Southwest Florida Water Management District**

|                   |  |
|-------------------|--|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                    |
| 40D-2.091         | Publications Incorporated by Reference |
| 40D-2.321         | Duration of Permits                    |
| 40D-2.801         | Water-Use Caution Areas                |

**PURPOSE AND EFFECT:** This second Notice of Proposed Rule Development will address the development and amendment of consumptive use permit criteria and conditions for public water supply and other similar applicants withdrawing ground water in Central Florida, including Polk County. The first Notice of Proposed Rule Development published in the Florida Administrative Weekly on November 3, 2006, Vol. 32, No. 44, page 5130, addressed only public water supply applicants. However, in response to comments received in the ongoing rule development process, the proposed rule development has been expanded to include “other similar applicants.” This rule development will be coordinated with similar rule development by the South Florida Water Management District in Orange, Osceola, and Polk Counties; and by the St. Johns River Water Management District in Orange, Osceola and Seminole counties, and southern Lake County. This rule development will propose rule

amendments to Chapter 40D-2, F.A.C., and the Basis of Review For Water Use Permit Applications to address the three District's joint conclusion that sustainable quantities of ground water in Central Florida are insufficient to meet future public water supply applicants' and other similar applicants' demands, and that there is an immediate need to develop and implement alternative water supply projects in Central Florida to supplement ground water supplies. The legal description of the affected Central Florida area, called the Central Florida Coordination Area (CFCA) is included in proposed Rule 40D-2.801, F.A.C. Information regarding the CFCA is available from the Southwest Florida Water Management District's website at <http://www.swfwmd.state.fl.us/projects/cfca/>.

Under the proposed rules, water supply utilities and other similar applicants proposing to withdraw ground water in the CFCA will generally be restricted to demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for the 2013 allocation if the applicant will develop at least one alternative water supply (AWS) project to supply its water demands above 2013 demand levels. Alternatively, the applicant may demonstrate that AWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of AWS for as much of the increase as is feasible and must use AWS for the remainder of the increase when provided by others, to the extent feasible. A public supply utility or other similar applicant will be restricted to a permit duration of no more than December 31, 2013, if the applicant does not develop AWS or use AWS to meet as much of the increase above its 2013 demand as is feasible.

**SUBJECT AREA TO BE ADDRESSED:** Water use permit criteria and conditions applicable to public water supply applicants and other similar applicants withdrawing ground water in the CFCA. The proposed rule amendments will contain definitions of key terms such as CFCA AWS, other similar applicant, and public supply utility. Also, a description of special CFCA permit conditions will be proposed. Many of the proposed amendments will be made in the Basis of Review.

**SPECIFIC AUTHORITY:** 373.044, 373.103, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.0361, 373.0395, 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, 373.229, 373.236, 373.239, 373.243 FS.

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

**DATE AND TIME:** May 4, 2007, 10:00 a.m. – 12:00 Noon

**PLACE:** Orange County Commission Chambers, First Floor, 201 South Rosalind Avenue, Orlando, 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: Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103. 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:** Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**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) "Part B, Basis of Review and Part D, Requirements For the Estimation of Permanent and Temporal Service Area Population Within The Southern Water Use Caution Area, of the Water Use Permit Information Manual". ~~"Basis of Review for Water Use Permit Applications"~~ (\_\_\_\_) (1/07);

(2) through (6) 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 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,\_\_\_\_\_.

**40D-2.321 Duration of Permits.**

(1) through (4) No change.

(5) Subject to the limitations on ground water allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUND WATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review, within the Central Florida Coordination Area the duration of a water use permit for ground water withdrawals shall be 20 years when:

(a) The applicant will satisfy water use demands above its demonstrated 2013 demand with CFCA Alternative Water Supply as defined in Section 3.6 of the Basis of Review; or

(b) The applicant demonstrates that it is not feasible to satisfy its water use demands above its demonstrated 2013 demand with CFCA Alternative Water Supply Sources, as defined in Section 3.6 of the Basis of Review.

(5) through (6) renumbered (6) through (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,\_\_\_\_\_.

40D-2.801 Water-Use Caution Areas.

(1) through (3)(b) No change.

(c) Central Florida Coordination Area (“CFCA”) – The CFCA is located within portions of three water management districts and includes Polk, Orange, Osceola and Seminole counties, and southern Lake County. The portion of the CFCA located within this District is delineated below. The intent of the CFCA rules is to provide an interim regulatory framework for public water supply utilities and other similar users in the area to expeditiously implement CFCA Alternative Water Supply (“CFCA AWS”) projects (as defined in Section 3.6 of the Basis of Review) and, pending the implementation of CFCA AWS, provide for the allocation of available ground water while employing avoidance and mitigation measures to prevent harm. This regulatory framework is one component of a comprehensive, joint water management district strategy for regional water resource management that also includes regional water supply planning, AWS project funding and water resource investigations and analysis.

1. As shown in Figure 2-2, the boundary for the portion of the Central Florida Coordination Area located within this District is as follows:

Begin at the northwest corner of Section 6, Township 23 South, Range 24 East same being on the Sumter-Lake County line and run thence south along the range line dividing Ranges 23 and 24 East, to the thread of the Withlacoochee River; thence westerly along the thread of said river, to its intersection with the range line dividing Ranges 22 and 23 East; thence south along said range line, to the township line dividing Townships 25 and 26 South; thence west along said township line, to the section line dividing Sections 3 and 4 in Township 26 South, Range 22 East; thence south along the section lines, to the township line dividing Townships 26 and 27 South; thence east along said township line, to the range line dividing Ranges 22 and 23 East; thence south along said range line, to an intersection with the range line between Ranges 22 and 23 East with the township line between Townships 32 and 33 South; thence east along said township line, to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2-section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west

along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21 and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4-section line to the intersection of said 1/4-section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2-section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2-section line to the northwest corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 27 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the

northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the Point of Beginning.

2. For proposed public water supply utility ground water withdrawals and other proposed ground water withdrawals specified in subparagraph 40D-2.801(3)(c)4., F.A.C., located within the areas encompassed both by the SWUCA, as described in paragraph 40D-2.801(3)(b), F.A.C., above, and the District's portion of the CFCA as described in paragraph 40D-2.801(3)(c), F.A.C., the provisions of Chapter 40D-2, F.A.C., and the Basis of Review described in Rule 40D-2.091, F.A.C., applicable to ground water withdrawals within the SWUCA and within the CFCA shall apply. In the event of a conflict between a specific provision of the regulations applicable to the SWUCA and a specific provision of the regulations applicable to the CFCA, the provision that is more restrictive shall apply to the proposed ground water withdrawals.

3. Regulations applicable to the CFCA are specified in paragraph 40D-2.801(3)(c), F.A.C., and in Section 3.6 of the Basis of Review described in Rule 40D-2.091, F.A.C., and are incorporated into this rule, and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Part B and D of the Water Use Permit Information Manual. The CFCA regulations shall not be construed to affect any water use permit application that does not have a ground water withdrawal point within the CFCA.

4. Special requirements for public water supply utility applicants for ground water withdrawals are explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUND WATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review. In addition, an applicant, other than a public supply water utility, that proposes to withdraw ground water in the CFCA, seeks a permit duration extending beyond 2013, and proposes an increase in ground water withdrawals above its demonstrated 2013 demand, is subject to those requirements.

5. The CFCA regulatory framework provides a comprehensive strategy for interim allocation of available ground water and expeditious development of CFCA Alternative Water Supply projects to minimize competition and, thereby, provide greater certainty of outcome than

competition which remains available pursuant to Section 373.233, F.S. If the applicant wishes to request this statutory process, it must do so in writing as part of an application.

6. Any public water supply utility applicant, or other applicant described in subparagraph 40D-2.801(3)(c)4., F.A.C., above, with a ground water withdrawal point proposed within the boundaries of the CFCA is deemed to be within the CFCA.

7. The CFCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History--Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, \_\_\_\_\_.

#### Basis of Review for Water Use Permit Applications:

##### 1.9 PERMIT DURATION

1. through 4. No change.

5. Subject to the limitations on ground water allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUND WATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review, within the Central Florida Coordination Area the duration of a water use permit for ground water withdrawals shall be 20 years when:

a. The applicant will satisfy water use demands above its demonstrated 2013 demand with CFCA Alternative Water Supply as defined in Section 3.6 of the Basis of Review; or

b. The applicant demonstrates that it is not feasible to satisfy its water use demands above its demonstrated 2013 demand with CFCA Alternative Water Supply Sources, as defined in Section 3.6 of the Basis of Review.

5. through 6. renumbered 6. through 7. No change.  
Amended \_\_\_\_\_.

##### 3.6 PUBLIC SUPPLY

Requirements for APPLICANTS for GROUND WATER WITHDRAWALS WITHIN THE Central Florida Coordination Area (CFCA)

The following requirements shall apply to any public water supply utility applicant proposing to withdraw ground water in the CFCA and to those applicants specified in subparagraph 40D-2.801(3)(c)4., F.A.C. "Public water supply utility" means any municipality, county, regional water supply authority, special districts, publicly or privately owned water utilities, or multi-jurisdictional water supply authority, that provides water for use by the general public.

"CFCA Alternative Water Supply" or "CFCA AWS" for purposes of additional permitting criteria within the CFCA are surface water, stormwater, and salt water. Brackish ground water sources may be considered an alternative water supply

source if the source can be developed in a manner that will not cause or contribute to harmful impacts from cumulative ground water withdrawals in the CFCA.

1. An applicant will be restricted to a maximum allocation of ground water in an amount no greater than that needed to satisfy its demonstrated 2013 demand; however, an applicant may seek a duration that extends beyond 2013 for that level of allocation.

2. Any applicant seeking a permit duration extending beyond the year 2013 and proposing an increase in quantities above its demonstrated 2013 demand:

a. Identify at least one specific CFCA Alternative Water Supply project that the applicant will develop (either singly or in concert with others) and use, to meet the increase in quantity above its demonstrated 2013 demand, for the duration of the permit; and provide a project development schedule for each such identified project, with project development milestones that when followed, will result in CFCA Alternative Water Supply being used by the applicant by the end of 2013; or

b. Demonstrate that the development (either singly or in concert with others) of sufficient CFCA Alternative Water Supply to meet all the increase in quantities above its 2013 demand is not economically, environmentally, or technically feasible; and must establish that it will maximize the use of CFCA AWS to meet as much of the increase as is economically, environmentally, or technologically feasible and will obtain any remaining portion of the increase by using one or more CFCA Alternative Water Supply when provided by others at a cost that is economically feasible. Impact to customers from water user rates is a consideration in evaluating economic feasibility; however, the fact that there may be an increase in water users rates to utility customers shall not, in itself, constitute economic infeasibility.

A permittee lacking sufficient CFCA Alternative Water Supply by the end of 2013 from which to obtain the increase in quantities above its demonstrated 2013 demand can be allocated a temporary amount of ground water to meet that increase only if it has exercised Due Diligence to meet all schedule requirements in the permit for developing and using CFCA Alternative Water Supply and providing other conditions of issuance in Rule 40D-2.301, F.A.C., and Parts B and D of the Water Use Permit Information Manual are met. Any such temporary allocation shall be eliminated or modified when water from the Alternative Water Supply project becomes available. "Due Diligence" means giving the care and attention and taking all reasonable actions to meet all schedule requirements in the permit for developing and using alternative water supply sources. Particular circumstances beyond the applicant's control will be considered in determining whether Due Diligence has been exercised.

New \_\_\_\_\_.

**4.11 UTILIZATION OF ALTERNATIVE WATER SUPPLIES**  
 Applicants shall demonstrate whether alternative water supplies are available and appropriate for use and shall incorporate use of alternative water supplies to the greatest extent practicable. Use of alternative water supplies is not environmentally feasible if it interferes with recovery of a water body to its established Minimum Flow or Level or if the water body is either currently or projected to be adversely impacted. In determining whether an Applicant has demonstrated that alternative water supplies are available and appropriate for use, the District shall consider whether the alternative water supplies are economically, environmentally and technically feasible. Additionally, applicants specified in subparagraph 40D-2.801(3)(c)4., F.A.C., with ground water withdrawals in the Central Florida Coordination Area are subject to the provisions in the Basis of Review in Section 3.6, under the heading "Requirements For Applicants For Ground Water Withdrawals Within The Central Florida Coordination Area".

Amended 1-1-07, \_\_\_\_\_.

**6.2 SPECIAL PERMIT CONDITIONS**

In addition to the general, standard and other conditions, permits for applicants specified in subparagraph 40D-2.801(3)(c)4., F.A.C., authorizing ground water withdrawals in the CFCA shall include special conditions that address the following:

1. Implementation of a District-approved plan to monitor hydrology, ecology and water quality in the areas subject to impacts from the permitted withdrawals, with at least annual data reporting and analysis.

2. Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

3. Implementation of District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permitted allocation.

4. Development and use of CFCA Alternative Water Supply to supply water demands greater than the allocation for the year 2013.

5. Submittal of five-year compliance reports as described in subsection 373.236(4), F.S., for 20-year duration permits.

6. The Modification of the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts as a result of the permitted use, unless the harmful impacts can be mitigated by the permittee.

New \_\_\_\_\_.



**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

| RULE NOS.: | RULE TITLES:                           |
|------------|--|
| 40E-2.091  | Publications Incorporated by Reference |
| 40E-2.301  | Conditions for Issuance of Permits     |
| 40E-2.321  | Duration of Permit                     |
| 40E-2.331  | Modification of Permits                |
| 40E-2.381  | Limiting Conditions                    |

**PURPOSE AND EFFECT:** This second Notice of Proposed Rule Development will address the development and amendment of consumptive use permit criteria and conditions for public water supply applicants and other similar applicants withdrawing groundwater in Central Florida, including, Orange, Osceola and Polk Counties. The first Notice of Proposed Rule Development was published in the Florida Administrative Weekly on November 3, 2006, Vol. 32, No. 44, page 5131, addressed only public water supply applicants. However, in response to comments received in the ongoing rule development process, the proposed rule development has been expanded to include “other similar applicants”. This rule development will be coordinated with similar rule development by the St. Johns River Water Management District in Orange, Osceola, and Seminole Counties and southern Lake County, and the Southwest Florida Water Management District in Polk County. This rule development will propose rule amendments to Chapters 40E-2 and 40E-20, F.A.C., and the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District” to address the three Districts' joint conclusion that: (1) sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply applicants' and other similar applicants' demands; and (2) that there is an immediate need to develop and implement alternative water supply projects in Central Florida to supplement groundwater supplies.

The legal description of the affected Central Florida area, called the Central Florida Coordination Area (CFCA), will be included in the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District”. Under the proposed rules, water supply utilities and other similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for the 2013 allocation if the applicant will develop at least one alternative water supply (AWS) project to supply its water demands above 2013 demand levels. Alternatively, the applicant may demonstrate that AWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of AWS for as much of the increase as is feasible and must use AWS for the remainder of the increase when provided by others, to the extent feasible. A public supply utility or other

similar applicant will be restricted to a permit duration of no more than December 31, 2013, if the applicant does not develop AWS or use AWS to meet as much of the increase above its 2013 demand as is feasible. The relationship between the Basis of Review and Rule 40E-2.301, F.A.C., will be clarified.

**SUBJECT AREA TO BE ADDRESSED:** Consumptive use permit criteria and conditions applicable to water supply applicants and other similar applicants withdrawing groundwater in the Central Florida Coordination Area. The proposed rule amendments will contain definitions of key terms such as CFCA AWS, other similar applicant, and public supply utility. A description of special CFCA permit conditions will also be proposed. Many of the proposed amendments will be made in the Basis of Review. A clarification regarding the relationship between the Basis of Review and Rule 40E-2.301, F.A.C., will also be provided.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.224, 373.226, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

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

**DATE AND TIME:** May 4, 2007, 10:00 a.m. – 12:00 Noon

**PLACE:** Orange County Commission Chambers, First Floor, 201 Rosalind Avenue, Orlando, FL

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: Clerk of the South Florida Water Management District, 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:** Beth Ross, Senior Specialist Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6753 or (561)682-6753, e-mail: [bross@sfwmd.gov](mailto:bross@sfwmd.gov). For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – (effective date), 2007 ~~August 31, 2003,~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 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,\_\_\_\_\_.

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District, August 31, 2003”)

1.3.2.1 Competition within the Central Florida Coordination Area

The Central Florida Coordination Area regulatory framework provides a comprehensive strategy for interim allocation of available groundwater and expeditious development of CFCA alternative water supply projects to minimize competition and, thereby, provide greater certainty of outcome than competition which remains available pursuant to Section 373.233, F.S., and criteria 1.3.2. If an applicant wishes to request this statutory process, it must do so in writing as part of the application.

1.7.2.2 Special Duration Factors

- A. No change.
- B. Sources of Limited Availability. For purposes of the Section, the following are Sources of Limited Availability:
  - 1. through 3. No change.
  - 4. Kissimmee Regional Water Supply Planning Area within the Central Florida Coordination Area: Groundwater.
- C. The following uses shall receive a 20 year permit, if:
  - 1. For uses from sources other than those listed in subparagraphs B. 1., 2., and 3., above, the allocation necessary to meet the 20 year demands is consistent with Chapters 40E-2 and 40E-20, F.A.C., as applicable, provided that the demands are realized according to the schedule set forth in the permit, for the duration of the permit; or

2. through 3. No change.

4. The applicant proposes groundwater withdrawals within the Central Florida Coordination Area to satisfy demands from that source up to its demonstrated 2013 demand and proposes to develop specific alternative water supply projects to meet demands greater than the 2013 demand, or demonstrates alternative water supply projects are currently infeasible, and otherwise satisfies the requirements of Chapter 40E-2 or 40E-20, F.A.C., as applicable, for the duration of the permit.

D. Requests for Allocations in Excess of Subsection 1.7.2.2.C.3., Permit Modifications, or Initial Permits, from Sources of Limited Availability other than applicants governed by subsection 1.7.2.2.C.4.:

The baseline duration under this Section shall be five years or as otherwise provided below. The following factors shall be considered and balanced in determining the duration of a permit:

- 1. through 3. No change.
- 4. Whether the requested allocation is supplied by a brackish water source, consistent with the use of saline water in Section 3.4; or
- 5. Whether the modification of the permit results in no more than a de minimis increase in impact to water resources and existing legal uses, as compared to the existing permit. Consideration of this factor will lead to a duration consistent with the permit being modified; or
- 6. A public supply utility applicant or other similar applicant proposing groundwater withdrawals within the Central Florida Coordination Area and does not propose to satisfy demands greater than demonstrated 2013 demands with specific alternative water supply projects. Consideration of this factor will lead to a maximum permit duration of up to 2013.

E. No change.

1.8 Definitions

Allocation Coefficient – No change.

Alternative Water Supply for purposes of the additional permitting provisions within the Central Florida Coordination Area (“CFCA”) are surface water, stormwater, and salt water. Brackish groundwater sources may be considered an alternative water supply source if it can be developed in a manner that will not cause or contribute to harmful impacts from cumulative groundwater withdrawals in the CFCA.

Aquifer through Drawdown – No change.

Due Diligence means giving the care and attention and taking all reasonable actions to meet all schedule requirements in the permit for developing and using alternative water supply. Particular circumstances beyond the applicant’s control will be considered in determining whether due diligence has been exercised.

Effluent through National Geodetic Vertical Datum (NGVD) – No change.

Other Similar Applicant for purposes of the additional permitting provisions applicable within the CFCA, ‘Other Similar Applicant’ means an applicant other than a public supply utility that proposes to withdraw groundwater in the CFCA and proposes an increase in ground water withdrawal above the level needed to meet its demonstrated demands in the year 2013.

Other Surface Waters through Potentiometric Surface – No change.

Public Supply Utility means any municipality, county, regional water supply authority, special districts, publicly or privately owned water utility, or multi-jurisdictional water supply authority, that provides water for use by the general public.

Public Water Supply through Xeriscape – No change.

3.0 WATER RESOURCE EVALUATIONS

3.2.1 Restricted Allocation Areas

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

A. through D. No change.

E. Groundwater Allocation in the Central Florida Coordination Area (CFCA) –

1. Overall Intent:

The Central Florida Coordination Area (“CFCA”) is located within portions of three water management districts and includes Polk, Orange, Osceola and Seminole counties, and southern Lake County. Within the South Florida Water

Management District, the CFCA is the area delineated in Figure >>>. The intent of the CFCA rules is to provide an interim regulatory framework for public supply utilities and other similar applicants in the area to expeditiously implement alternative water supply projects, and, pending the implementation of alternative water supply, to provide for the allocation of available groundwater while employing avoidance and mitigation measures to prevent harm. This regulatory framework is one component of a comprehensive, joint water management district strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding, and water resource investigations and analysis.

2. Maximum Allocation:

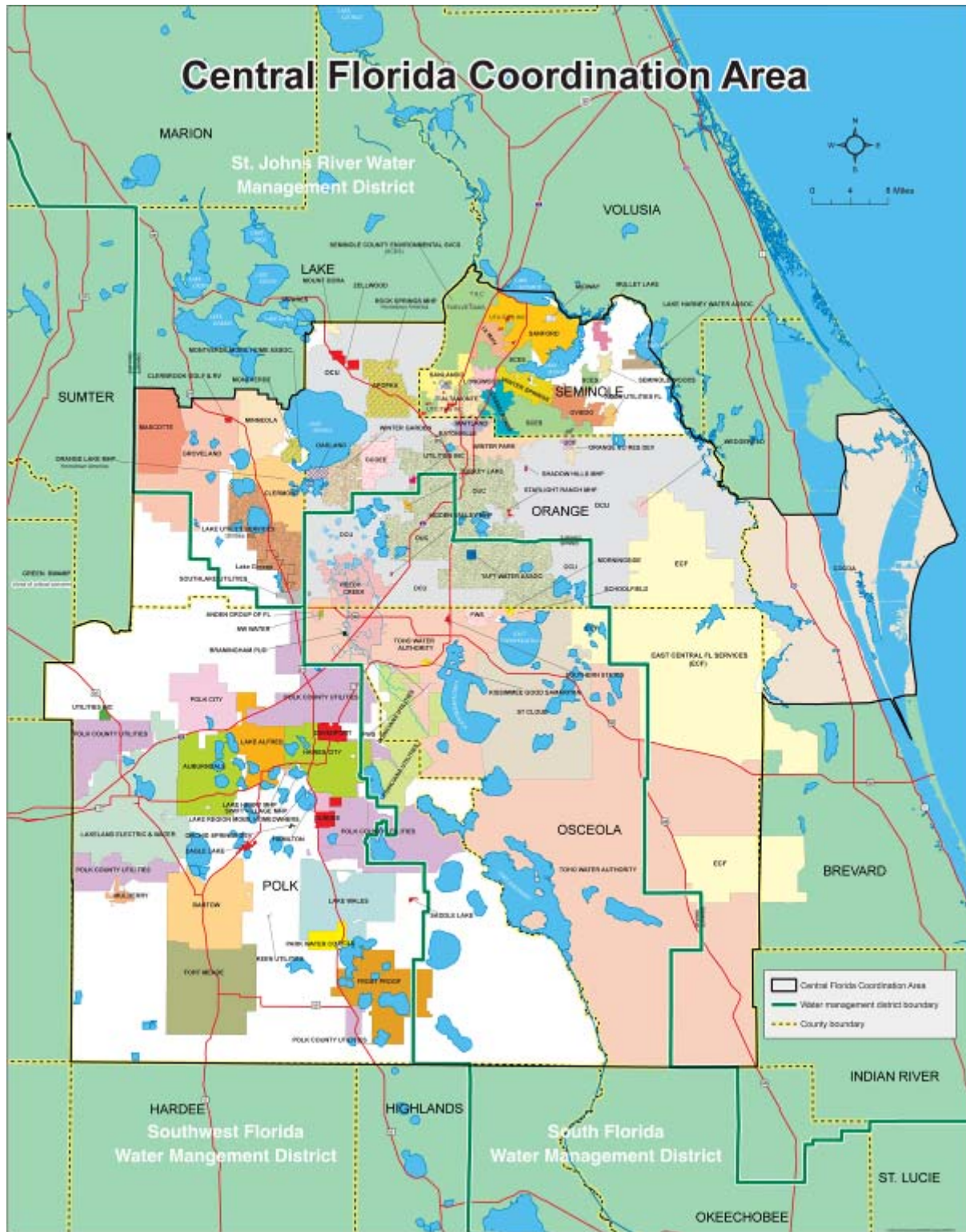
Public supply utility applicants and other similar applicants proposing increased withdrawals of groundwater within the CFCA, Figure >>>>, are restricted to a maximum allocation of ground water in an amount no greater than that needed to satisfy its demonstrated 2013 demand, provided the proposed use otherwise satisfies the requirements of Chapter 40E-2 or 40E-20, F.A.C., as applicable.

3. Alternative Water Supply Project Development:

Any applicant seeking a permit duration extending beyond 2013 and proposing an increase in water withdrawal above the level needed to meet its demonstrated 2013 demand must:

- a. Identify at least one specific CFCA alternative water supply project that the applicant will develop (either singly or in concert with others) and use, to meet the increase in quantity above its demonstrated 2013 demand, for the duration of the permit; and provide a project development schedule for each such identified project, with project

- development milestones that when followed, will result in alternative water supply being used by the applicant by the end of 2013; or
- b. Demonstrate that the development (either singly or in concert with others) of sufficient CFCA alternative water supply to meet all the increase in quantity above its demonstrated 2013 demand is not economically, environmentally, or technologically feasible; and must establish that it will maximize the use of CFCA alternative water supply to meet as much of the increase as is economically, environmentally, or technologically feasible and will obtain any remaining portion of the increase by using water from one or more CFCA alternative water supply projects when provided by others at a cost that is economically feasible. The impact to customers from water use rates is a consideration in evaluating economic feasibility;
4. however, an increase in water uses rates to utility customers shall not, in itself, constitute economic infeasibility.
- Due Diligence:
- A permittee lacking sufficient CFCA alternative water supplies by the end of 2013 from which to obtain the increase in quantity above its demonstrated 2013 demand can be allocated a temporary amount of groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using CFCA alternative water supply and providing that other conditions for issuance in Rule 40E-2.301, F.A.C., and this Basis of Review are met. Any such temporary allocation shall cease when water from the CFCA alternative water supply project becomes available.



5.0 PERMIT CONDITIONS

5.3 Specific Region Special Conditions

A. through E. No change.

F. In addition to the general, standard and other conditions described in this part, permits for public supply utilities and other similar applicants withdrawing groundwater in the CFCA shall include special conditions that address the following:

a. Implementation of a District-approved plan to monitor hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.

b. Implementation of specific District – approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.

c. Implementation of a District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred as a result of the permitted allocation.

d. Expedient development and use of CFCA alternative water supply to meet water demands.

e. Submittal of five-year compliance reports for 20 year duration permits as described in Section 373.236(4), F.S.

f. The reduction in allocation or other modification to the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts, unless the harmful impacts can be mitigated by the permittee.

40E-2.301 Conditions for Issuance of Permits.

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

(h) Makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C.

(i) through (j) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 8-31-03, \_\_\_\_\_.

40E-2.321 Duration of Permit.

General Duration Provision. When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance for the requested 20 year permit duration; or otherwise, permits may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided. This determination will be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History–New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, \_\_\_\_\_.

40E-2.331 Modification of Permits.

(1) through (3) No change.

(4)(a) through (4)(a)2. No change.

3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C.; and

4. through 5. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 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, \_\_\_\_\_.

40E-2.381 Limiting Conditions.

The 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 – \_\_\_\_\_, 2007”, 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 – \_\_\_\_\_, 2007”, shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 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, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

|                   |  |
|-------------------|--|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                                  |
| 40E-20.011        | Policy and Purpose                                   |
| 40E-20.091        | Publications Incorporated by Reference               |
| 40E-20.301        | Conditions for Issuance of General Water Use Permits |
| 40E-20.302        | Types of General Water Use Permits                   |
| 40E-20.321        | Duration of General Water Use Permits                |
| 40E-20.331        | Modification of General Water Use Permits            |
| 40E-20.381        | Limiting Conditions                                  |

**PURPOSE AND EFFECT:** This second Notice of Proposed Rule Development will address the development and amendment of consumptive use permit criteria and conditions for public water supply applicants and other similar applicants withdrawing groundwater in Central Florida, including, Orange, Osceola and Polk Counties. The first Notice of Proposed Rule Development was published in the Florida Administrative Weekly on November 3, 2006, Vol. 32, No. 44, page 5132, addressed only public water supply applicants. However, in response to comments received in the ongoing rule development process, the proposed rule development has been expanded to include “other similar applicants”. This rule development will be coordinated with similar rule development by the St. Johns River Water Management District in Orange, Osceola, and Seminole Counties and southern Lake County, and the Southwest Florida Water Management District in Polk County. This rule development will propose rule amendments to Chapters 40E-2 and 40E-20, F.A.C., and the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District” to address the three Districts’ joint conclusion that: (1) sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply applicants’ and other similar applicants’ demands; and (2) that there is an immediate need to develop and implement alternative water supply projects in Central Florida to supplement groundwater supplies.

The legal description of the affected Central Florida area, called the Central Florida Coordination Area (CFCA), will be included in the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management

District”. Under the proposed rules, water supply utilities and other similar applicants proposing to withdraw groundwater in the CFCA will generally be restricted to demonstrated 2013 demands. Such an applicant may be issued a permit with a duration of up to 20 years for the 2013 allocation if the applicant will develop at least one alternative water supply (AWS) project to supply its water demands above 2013 demand levels. Alternatively, the applicant may demonstrate that AWS development is infeasible for all the increase above its 2013 demand. In this case, the applicant must maximize use of AWS for as much of the increase as is feasible and must use AWS for the remainder of the increase when provided by others, to the extent feasible. A public supply utility or other similar applicant will be restricted to a permit duration of no more than December 31, 2013, if the applicant does not develop AWS or use AWS to meet as much of the increase above its 2013 demand as is feasible. The relationship between the Basis of Review and Rule 40E-20.301, F.A.C., will be clarified.

**SUBJECT AREA TO BE ADDRESSED:** Consumptive use permit criteria and conditions applicable to water supply applicants and other similar applicants withdrawing groundwater in the Central Florida Coordination Area. The proposed rule amendments will contain definitions of key terms such as CFCA AWS, other similar applicant, and public supply utility. A description of special CFCA permit conditions will also be proposed. Many of the proposed amendments will be made in the Basis of Review. A clarification regarding the relationship between the Basis of Review and Rule 40E-20.301, F.A.C., will also be provided.

**SPECIFIC AUTHORITY:** 373.044, 373.083, 373.113, 373.118 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

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

**DATE AND TIME:** May 4, 2007, 10:00 a.m. – 12:00 p.m.

**PLACE:** Orange County Commission Chambers, First Floor, 201 Rosalind Avenue, Orlando, FL

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: Clerk of the South Florida Water Management District, (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 (800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Beth Ross, Senior Specialist Attorney, South Florida Water Management District,

3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6753 or (561)682-6753, e-mail: [bross@sfwmd.gov](mailto:bross@sfwmd.gov). For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-20.011 Policy and Purpose.

(1) No change.

(2) District staff shall take ~~final~~ agency action on applications submitted under this rule pursuant to Section 373.118, F.S., and this chapter. If an application for any proposed water use does not meet the provisions of this chapter, the District will provide the permit applicant with the option to either withdraw the general permit application, or supply the additional information and fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. Where applicable, criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-20.301, F.A.C., are satisfied.

Specific Authority 373.044, 373.083, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District = \_\_\_\_\_, 2007 ~~August 31, 2003~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03,\_\_\_\_\_.

(Note: The proposed amendments to the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District, August 31, 2003” are provided in the Notice of Proposed Rule for Chapter 40E-2, F.A.C., published within this edition of the Florida Administrative Weekly.)

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

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

(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month, makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C.

(i) through (j) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District = \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03,\_\_\_\_\_.

40E-20.302 Types of General Water Use Permits.

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

(b) Major Standard General Water Use Permit, authorizes allocations greater than three (3) million and up to fifteen (15) million gallons per month, and includes a requirement under paragraph 40E-20.301(1)(h), F.A.C., and the applicable requirements in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C., that the permit applicant meet the requirements for use of reclaimed water. In addition the monitoring and reporting permit limiting conditions in Sections 4.0 and 5.0 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C., are applicable.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.321 Duration of General Water Use Permits.

(1) through (2)(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 – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C.

(3) through (6) No change.

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,\_\_\_\_\_.

40E-20.331 Modification of General Water Use Permits.

(1) through (3)(a)2. No change.

3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether harm to the water resources would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C.;

4. through 5. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History–New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.381 Limiting Conditions.

Staff shall impose on any permit granted under this chapter such reasonable standard and special 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 – \_\_\_\_\_, 2007”, incorporated by reference in subsection 40E-20.091(1), F.A.C., shall be 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 – \_\_\_\_\_, 2007” shall be in the permit.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.0035  
 RULE TITLE: Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The proposed rule amendment clarifies the applicability of rule provisions concerning certain inspector classifications.

SUBJECT AREA TO BE ADDRESSED: Application of Provisional and/or Standard Certification.

SPECIFIC AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

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

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) through (3) No change.

Specific Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History–New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.016  
 RULE TITLE: Voluntary Certification Categories  
 PURPOSE AND EFFECT: The proposed rule amendment updates and provides modifications to the voluntary certification category of Roofing Inspector and One and Two Family Dwelling Plans Examiner.

SUBJECT AREA TO BE ADDRESSED: Voluntary Certification Categories.

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

(1) through (2) No change.

(3) Roofing Inspector. Roofing Inspector means a person who is qualified to inspect residential and commercial roofs. In order to obtain this voluntary certification the Board will require either: four (4) years of roofing experience with passage of the standardized roofing inspectors' examination as approved by the board; state certification as a roofing contractor ~~in order to qualify~~ or a state certified general contractor who was certified prior to 1974 ~~1973~~.

(4) through (5) No change.

(6) One and Two Family Dwelling Plans Examiner. One and Two Family Dwelling Plans Examiner means a person who is qualified to determine that the plans submitted for the purpose of obtaining building and other permits, for one and two family dwellings and accessory structures, comply with the building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable building codes. In order to obtain this voluntary certification, the applicant must hold standard certification as one and two family dwelling inspector; must have passed the State principles and practices examination; hold a standard certificate as a plans examiner (any category); and hold a Southern Building Code Congress International, Inc. (SBCCI) or International Code Council (ICC) certification as a Coastal Construction Inspector.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History--New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03, 3-7-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 61J1-4.001 | Education Requirements                                    |
| 61J1-4.003 | Continuing Education                                      |
| 61J1-4.010 | Supervision and Training of Registered Trainee Appraisers |

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending these rules to update the existing language in the rules.

SUBJECT AREA TO BE ADDRESSED: Education Requirements; Continuing Education; Supervision and Training of Registered Trainee Appraisers.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.613, 475.615, 475.617, 475.618, 475.6221, 475.6222, 475.628 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: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**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 ENVIRONMENTAL PROTECTION**

|            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 62-4.050   | Procedures to Obtain Permits and Other Authorizations; Applications Regulatory Program and |
| 62-4.052   | Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters    |

PURPOSE AND EFFECT: In October 2000, the Environmental Protection Agency authorized the Florida Department of Environmental Protection (Department) to implement the National Pollutant Discharge Elimination System (NPDES) Stormwater permitting program in the State of Florida. Costs to implement the Program have increased. Section 403.0885, Florida Statutes (F.S.) requires that fees collected by the Department are adequate to cover the entire cost to the Department for program management, for reviewing and acting upon any permit application, and to cover the cost of surveillance and other field services of any permits issued. To comply with this statute, it is necessary to increase NPDES Stormwater permitting and annual surveillance fees at this time. The rule, as amended, increases the following fees:

- Generic Permit for Stormwater Discharge from Large and Small Construction Activities
- No Exposure Certification for Exclusion from NPDES Stormwater Permitting
- Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4)
- Phase I Municipal Separate Storm Sewer System (MS4) annual surveillance fees

OGC #: 07-0440

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendment will increase certain NPDES Stormwater permitting fees in paragraph 62-4.050(4)(d) and Phase I MS4 annual surveillance fees in subsection 62-4.052(10), F.A.C.

**SPECIFIC AUTHORITY:** 403.061, 403.087(6) FS.

**LAW IMPLEMENTED:** 403.087(6), 403.0885 FS.

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

**DATE AND TIME:** May 9, 2007, 1:30 p.m. EST

**PLACE:** Barnett Park Recreation Complex, 4801 West Colonial Drive, Orlando, Florida 32808

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: Steven Kelly at (850)245-7518. 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:** Online at: <http://www.dep.state.fl.us/water/stormwater/npdes/index.htm> or by contacting Steven Kelly, Florida Department of Environmental Protection, NPDES Stormwater Program, 2600 Blair Stone Road, MS 2500, Tallahassee FL 32399-2400; telephone (850)245-7518; email [Steven.Kelly@dep.state.fl.us](mailto:Steven.Kelly@dep.state.fl.us); or facsimile (850)245-7524

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|                  |                    |
|------------------|--------------------|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b> |
| 62-4.090         | Renewals           |

**PURPOSE AND EFFECT:** The proposed rule development involves amendments to Chapter 62-4, F.A.C., related to the Department’s Title V air permitting program. The amendments extend the lead time for applying for renewal of a Title V permit. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following website by May 2, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments address air operation permitting requirements for “major sources of air pollution,” also referred to as “Title V sources.”

**SPECIFIC AUTHORITY:** 120.60, 403.061, 403.087, 403.0872 FS.

**LAW IMPLEMENTED:** 120.60, 403.031, 403.061, 403.087, 403.0872 FS.

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

**DATE AND TIME:** Wednesday, May 16, 2007, 10:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. 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:** Ms. Cindy Phillips at (850)921-9534 or [cindy.phillips@dep.state.fl.us](mailto:cindy.phillips@dep.state.fl.us).

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|                   |                                   |
|-------------------|-----------------------------------|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>               |
| 62-210.200        | Definitions                       |
| 62-210.360        | Administrative Permit Corrections |
| 62-210.900        | Forms and Instructions            |

**PURPOSE AND EFFECT:** The proposed rule development involves amendments to Chapter 62-210, F.A.C., related to implementation of the U.S. Environmental Protection Agency’s permitting requirements for Title V sources that are subject to the Clean Air Interstate Rule, Clean Air Mercury Rule, and Federal Acid Rain Program. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by May 2, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments address Title V air operation permitting requirements for electrical generating units.

**SPECIFIC AUTHORITY:** 403.061, 403.087, 403.0872 FS.

**LAW IMPLEMENTED:** 403.031, 403.061, 403.087, 403.0872 FS.

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

**DATE AND TIME:** Wednesday, May 16, 2007, 10:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, 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 48 hours before the workshop/meeting by

contacting: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

| RULE NOS.: | RULE TITLES:                            |
|------------|---|
| 62-213.205 | Annual Emissions Fee                    |
| 62-213.400 | Permits and Permit Revisions Required   |
| 62-213.410 | Changes Without Permit Revision         |
| 62-213.413 | Fast-Track Revisions of Acid Rain Parts |
| 62-213.420 | Permit Applications                     |
| 62-213.430 | Permit Issuance, Renewal, and Revision  |
| 62-213.440 | Permit Content                          |
| 62-213.460 | Permit Shield                           |

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-213, F.A.C., related to implementation of the U.S. Environmental Protection Agency’s permitting requirements for Title V sources that are subject to the Clean Air Interstate Rule, Clean Air Mercury Rule, and Federal Acid Rain Program. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by May 2, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address Title V air operation permitting requirements for electrical generating units.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872 FS.

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

DATE AND TIME: Wednesday, May 16, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

| RULE NOS.: | RULE TITLES:   |
|------------|--|
| 62-214.100 | Purpose and Scope                                    |
| 62-214.300 | Applicability  |
| 62-214.320 | Applications   |
| 62-214.330 | Acid Rain Compliance Plan and Compliance Options     |
| 62-214.340 | Exemptions   |
| 62-214.360 | Department Action on Applications                    |
| 62-214.370 | Revisions and Administrative Corrections             |
| 62-214.420 | Acid Rain Part Content                               |
| 62-214.430 | Implementation and Termination of Compliance Options |

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-214, F.A.C., related to implementation of the U.S. Environmental Protection Agency’s permitting requirements for Title V sources that are subject to the Federal Acid Rain Program or elect to “opt in” to the Federal Acid Rain Program. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by May 2, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address requirements for the Acid Rain Part of a Title V air operation permit for a source which is subject to the Federal Acid Rain Program or which elects to opt in to such program.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872, 403.087 FS.

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

DATE AND TIME: Wednesday, May 16, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|            |   |
|------------|---|
| RULE NO.:  | RULE TITLE:   |
| 62-341.494 | Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County |

**PURPOSE AND EFFECT:** Development of a new proposed environmental resource Noticed General Permit (NGP) for the West Coast Inland Navigation District (WCIND) to dredge public navigation channels and canals within the traffic sheds and secondary channel systems in Lee County. The concept for this new NGP in Lee County is based on detailed studies of the WCIND of existing traffic patterns, boat drafts and numbers, and a determination of the dredging needed to maintain existing boating use in a manner that minimizes adverse environmental impacts by following existing channels and previously dredged areas to the maximum extent practicable.

**SUBJECT AREA TO BE ADDRESSED:** Adopt a new Noticed General Permit for the WCIND.

OGC No. 07-0200 (formerly Docket No. 05-01R).

**SPECIFIC AUTHORITY:** 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1), 403.814(1) FS.

**LAW IMPLEMENTED:** 253.002, 253.77(4), 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.426, 403.813(2)(f), 403.813(3), 403.814(1) FS.

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

**DATE AND TIME:** Monday, May 7, 2007, 4:00 p.m., EDT  
**PLACE:** Joseph P. D'Alessandro Office Complex (formerly State Regional Service Center), Rm. 165C & D, 2295 Victoria Avenue, Fort Myers, 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: Alice Heathcock at (850)245-8483. 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 Heathcock, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL. 32399-2400, telephone (850)245-8483, or e-mail: Alice.Heathcock@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's website at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>.

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 63D-7.001  | Purpose and Scope   |
| 63D-7.002  | Definitions   |
| 63D-7.003  | Transition Planning While the Youth is in a Residential Commitment Facility |
| 63D-7.004  | Pre-Release Notification  |
| 63D-7.005  | Post-Residential Supervision  |
| 63D-7.006  | Admission to Post-Residential Supervision                                   |
| 63D-7.007  | Supervision Plans   |
| 63D-7.008  | Violations  |
| 63D-7.009  | Termination of Services   |

**PURPOSE AND EFFECT:** To implement provisions in Sections 985.46 and 985.435, F.S., governing post-residential supervision of youth upon release from a residential commitment facility.

**SUBJECT AREA TO BE ADDRESSED:** The rule establishes standards and procedures for the provision of services, sanctions and case management for youth leaving residential facilities and returning to the community. This includes the planning phase while the youth is in the commitment facility, the phase immediately prior to release, and the period of active supervision after the youth returns to the community.

**SPECIFIC AUTHORITY:** 985.46, 985.435, 985.64 FS.

**LAW IMPLEMENTED:** 985.46, 985.435 FS.

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

**DATE AND TIME:** Friday, May 4, 2007, 10:00 a.m.  
**PLACE:** DJJ Headquarters, Knight Building, Room 312, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NO.: 69L-7.020  
 RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual

**PURPOSE AND EFFECT:** To amend the rule to adopt the 2007 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, to implement the 2007 conversion factors issued by the Centers for Medicare and Medicaid Services approved by the Three Member Panel pursuant to Section 440.13(12), F.S. In addition, the proposed amendments to the rule will adopt the CPT® 2007 Current Procedural Terminology Professional Edition, Copyright 2006, American Medical Association; the Current Dental Terminology, CDT-2007/2008, Copyright 2006, American Dental Association; and the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2007", American Medical Association, Nineteenth Edition, Copyright 2006, Ingenix Publishing Group.

**SUBJECT AREA TO BE ADDRESSED:** Reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers to workers' compensation claimants.

**SPECIFIC AUTHORITY:** 440.13(14)(b), 440.591 FS.

**LAW IMPLEMENTED:** 440.13(7), (12), (14) 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:** Tuesday, May 8, 2007; 10:00 a.m.

**PLACE:** Room 104J, Hartman Bldg., 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: Don Davis, (850)413-1711. 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:** Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT® ~~2007~~ 2007 Current Procedural Terminology Professional Edition, Copyright ~~2006~~ 2006, American Medical Association; the Current Dental Terminology, CDT-~~2007/2008~~ 2007/2008, Copyright ~~2006~~ 2006, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS ~~2007~~ 2007", American Medical Association, ~~Nineteenth~~ Nineteenth ~~Eighth~~ Edition, Copyright ~~2006~~ 2006, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition incorporated above, the provider must use a code contained in the CPT® ~~2007~~ 2007, CDT-~~2007/2008~~ 2007/2008 ~~2005~~ or HCPCS-~~2007~~ 2007 as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, \_\_\_\_\_.