

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this rule development workshop is to provide an opportunity for the public to provide input on the amendment of Data Base Manuals to reflect the collection and calculation of class size data, and address the need, if any, to promulgate a new rule to address class size.

SUBJECT AREA TO BE ADDRESSED: Class size data.

SPECIFIC AUTHORITY: 1001.02(1), 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(16), 1003.03, 1008.385 FS.

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

DATE AND TIME: June 30, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Department of Education, 325 West Gaines Street, 1706 Turlington Building, Tallahassee, FL 32399

For participation by telephone contact: Arlene Roberts at (850)245-9072.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lavan Dukes, Educational Policy Development Director, 325 West Gaines Street, Room 852, Tallahassee, FL 32399, (850)245-9917

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094221
 RULE TITLE: Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

PURPOSE AND EFFECT: The purpose of this rule revision is to provide guidance relating to the statewide public school student progression law eliminating social promotion by removing the FCAT Norm Referenced Test (NRT) as an alternative assessment good cause exemption for students scoring at Level 1 on the grade three Florida Comprehensive Assessment Test (FCAT) in Reading. Since the original rule adoption, the FCAT Norm Referenced Test (NRT) has been eliminated from the FCAT assessment program. The effect of this rule revision will be that students who score at Level 1 on the grade three FCAT Reading may be promoted to grade four

if an acceptable level of performance is demonstrated on the alternative assessment (SAT-9 or SAT-10) or using a student portfolio.

SUBJECT AREA TO BE ADDRESSED: Reading.

SPECIFIC AUTHORITY: 1008.25(8)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. 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: Lynn Abbott, Agency Clerk, Department of Education at (850)245-9661

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

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.: 33-208.002
 RULE TITLE: Rules of Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require employees to make a full written report of the following: if a relative of the employee is placed in the custody or under the supervision of the Department or any status change in an arrest, Notice to Appear, or criminal charge filed against the employee.

SUBJECT AREA TO BE ADDRESSED: Rules of conduct.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions," however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) No change.

(2)(a) Each employee shall make a full written report of any of the following within 24 hours or upon reporting to work for his next assigned shift, whichever is sooner:

1. through 2. No change.

3. Any 'status change' in the case described in subparagraphs 1. and 2. above, to include any pleadings filed, appearances made, dates set, sanctions ordered, and decisions rendered.

~~4.3.~~ No change.

5. Placement of a relative in the custody or under the supervision of the Department.

(b) No change.

(3) through (26) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 6-18-83, Formerly 33-4.02, Amended 8-15-89, 10-20-90, 3-20-91, 1-30-96, 3-24-97, 4-19-98, Formerly 33-4.002, Amended 7-17-02, 4-5-04, 4-17-06,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.301
 RULE TITLE: Law Libraries

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: revise the institutional law library collections to includes the same publications at each facility where a law library is maintained; add a definition to clarify the meaning for interlibrary loan; and require the law library supervisor to immediately assign an inmate law clerk to provide legal assistance upon receipt of an interlibrary loan request.

SUBJECT AREA TO BE ADDRESSED: Law libraries.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) through (h) No change.

(i) Law library collection: refers to print and digital/non-print publications that include the following information: the Florida Constitution and Florida Statutes; the U.S. Constitution and U.S. Code; Florida court decisions; U.S. Supreme Court, federal circuit court, and federal district court decisions; case citation-checking that permits users to trace the status of a court decision over time or to identify related court decisions; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Law library collection shall also include current copies of departmental rules and regulations as provided in paragraph (5)(b).

(i) through (k) renumbered (j) through (l) No change.

~~(l) Major collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; a case citation checking Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post sentence remedies, and prisoner's rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (5)(b).~~

~~(m) Minor collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post sentence remedies, and prisoner's rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (5)(b).~~

~~(m)~~ No change.

~~(n)(6)~~ Open population inmates: refers to inmates housed in general population at a institution or unit with a ~~major or minor collection~~ law library and any inmates housed at satellite correctional facilities if ~~major or minor collection~~ law libraries are not located there.

~~(o)(p)~~ No change.

~~(p)~~ Primary source material: refers to ~~refers to legal research materials that constitute the law or have the force of law. These include constitutions, statutes, treaties, administrative rules, court rules, and court decisions.~~

(q) through (t) No change.

(3) Law Library Access – General.

(a) Hours of Operation. ~~Major and minor collection~~ Law libraries shall be open for inmate use a minimum of 25 hours per week, except weeks which include official state holidays. Only times that inmates have access to the law library collection and inmate law clerks, or when inmate law clerks are providing research assistance to close management, death row, other special status populations, shall be counted. The law library's operating schedule shall be designed to permit inmates access to legal materials consistent with:

1. through 4. No change.

(b) through (h) No change.

(4) No change.

~~(5) Major and Minor Collection~~ Law Libraries Collections.

(a) ~~Major or minor collection~~ Law libraries shall be established at all institutions and satellite correctional facilities housing more than 500 inmates. ~~In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:~~

1. Population level;

2. Age of the inmate population;

3. ~~The transitory nature of the institution's inmate population;~~

4. ~~The institution's proximity to other facilities with major collections;~~

5. ~~Whether the institution has one or more of the following housing categories:~~

a. ~~Protective management;~~

b. ~~Close management; or~~

c. ~~Death row.~~

(b) ~~Major and minor collection~~ Law libraries shall maintain current copies of the following departmental rules and regulations:

1. through 2. No change.

(c) Law libraries ~~Major and minor collections~~ shall be maintained in a current condition by annual subscription service. The library services administrator shall be responsible for ensuring that all legal collections are current and complete.

(d) Law collections shall not be established at work release centers or other community-based facilities. Inmates at those facilities shall secure legal assistance by means of

correspondence with a law library ~~major or minor law collection~~, by visits with attorneys, or by transportation or temporary transfer to an institution with a law library ~~major or minor law collection~~.

(e) The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the chief of the bureau of institutional programs. If the recommendation is approved, the material shall be ordered and placed in ~~the appropriate~~ law library collections.

(f) Requests for the addition or deletion of titles in ~~major and minor~~ law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief of the bureau of institutional programs. Requests shall be reviewed according to the material's primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation is approved, the materials shall be ordered and placed in ~~the appropriate~~ law library collections.

(g) Each ~~minor and major collection~~ law library shall maintain a list of all titles in the collection at the law library's circulation counter and shall make it available to inmates upon request.

(6) Interlibrary Loan Services for Law Libraries.

(a) ~~Major collection law libraries shall provide research assistance to minor collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-152, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk to provide legal assistance. Form DC5-152 is incorporated by reference in subsection (11) of this rule. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate.~~

(b) ~~Inmates at facilities with minor collection law libraries who need access to legal research materials only available in major collection law libraries, shall submit Form DC5-152, Law Library Interlibrary Loan Request, for the material or assistance to the law library supervisor. Within two working days of receipt of Form DC5-152, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.~~

(a)(e) Inmates at satellite correctional facilities without law libraries, who need access to legal materials in law library collections ~~major or minor collection law libraries~~, shall submit Form DC5-152, Law Library Interlibrary Loan Request, or Form DC6-236, Inmate Request, to the law library supervisor at the main unit of the institution. Form DC5-152 is incorporated by reference in subsection (11) of this rule.

1. On receipt of Form DC5-152, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk to provide legal assistance.

2.~~1.~~ No change.

3.~~2.~~ If the law library does not have the information that the inmate has requested, then within 2 working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to an institutional law library that has the requested information ~~the law library supervisor at a major collection law library for completion. If no institutional law library has the requested information, the law library supervisor shall process the request as provided in paragraph (6)(b).~~

(b)(d) Inmate requests to secure law materials not in the department's ~~law major collection~~ libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, ~~such as statutes, rules, and court decisions~~ shall be approved.

1. through 2. No change.

(c)(e) No change.

(d)(f) No change.

(e)(g) No change.

(7) Use of Inmates as Clerks in Law Libraries.

(a) Inmate library clerks: ~~major and minor collection~~ law libraries shall be assigned inmates as library clerks to perform work of a clerical nature. Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, preparing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the law clerk training program. Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail, and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

(b) Inmate law clerk trainees: inmates who have no formal training in legal research and who wish to work as inmate law clerks in ~~major and minor collection~~ law libraries shall be assigned as law clerk trainees, and shall be required to attend and successfully complete the law clerk training program. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

(c) Inmate law clerks: ~~major and minor collection~~ law libraries shall be assigned inmates as inmate law clerks to assist inmates in the research and use of the law library collection, and in the drafting of legal documents, legal mail, administrative actions filed with the Florida Parole Commission, the Florida Bar, and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of 2 inmate law clerks shall be assigned to ~~major and minor collection~~ law libraries in adult institutions, and a minimum of 1 inmate law clerk shall be assigned to ~~minor collection~~ law libraries in youthful offender institutions. Institutions shall assign additional inmate law clerks to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance.

(d) through (m) No change.

(n) The law library supervisor at the institution from which an inmate is transferred may authorize an inmate law clerk at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a ~~major or minor collection~~ law library and the inmate requests continued assistance in writing.

(o) through (q) No change.

(8) No change.

(9) Grievance and Court Forms.

(a) ~~Major and minor collection~~ Law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates shall not be required to submit a Form DC6-236, Inmate Request, in order to secure grievance forms. Inmates who request more than 5 grievance forms at a time may be required to explain how the forms will be used.

(b) ~~Major and minor collection~~ Law libraries shall provide inmates access to court-approved forms needed to file Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions with the Florida courts. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only be supplied if copies of the forms are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only 1 copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Rule 33-501.302, F.A.C.

(10) All institutions having ~~major and minor~~ law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of inmate law clerks on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each calendar month for the previous month's activities. The library services administrator shall be responsible for developing the report and disseminating it to law libraries.

(11) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-503.001
 RULE TITLE: Chaplaincy Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define religious publications. Religious publications are defined to include sacred texts, prayer books and devotional literature.

SUBJECT AREA TO BE ADDRESSED: Religious publications.

SPECIFIC AUTHORITY: 944.09, 944.11, 944.803 FS.

LAW IMPLEMENTED: 20.315, 90.505, 944.09, 944.11 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-503.001 Chaplaincy Services.

(1) through (12) No change.

(13) Religious Publications.

(a) Inmates shall have access to religious publications through the chapel or institutional library or as provided through the Chaplain.

(b) The Chaplain shall assist inmates in obtaining personal copies of religious books and periodicals, subject to rules of the Department of Corrections and the local institution.

(c) Religious publications shall include the following:

1. Sacred texts – defined as the primary religious documents from which the standards of the faith are derived.

2. Prayer books – defined as the instructional material, prayers and liturgies for the observation of holy rituals, services and personal devotion;

3. Devotional literature – defined as religious commentary, personal instruction in the faith, and sermon type material.

Specific Authority 944.09, 944.11, 944.803 FS. Law Implemented 20.315, 90.505, 944.09, 944.11 FS. History—New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

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

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

IF REQUESTED 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: Martha A. Moore, Senior Attorney, 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-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which

an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

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

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

40D-1.659 Forms and Instructions.

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

GROUND WATER

- (1) through(25) No change.
- (26) IRRIGATION WATER USE FORM – ANNUAL CROPS, SOUTHERN WATER USE CAUTION AREA – FORM NO. LEG-R.017.00 (____).
- (27) IRRIGATION WATER USE FORM – ANNUAL RECREATIONAL / AESTHETIC / GOLF, SOUTHERN WATER USE CAUTION AREA – FORM NO. LEG-R.018.00 (____).
- (28) IRRIGATION WATER USE FORM – SUMMER/FALL SEASONAL, SOUTHERN WATER USE CAUTION AREA – FORM NO. LEG-R.019.00 (____).
- (29) IRRIGATION WATER USE FORM – WINTER/SPRING SEASONAL, SOUTHERN WATER USE CAUTION AREA – FORM NO. LEG-R.020.00 (____).

SURFACE WATER

- (1) through (15) No change.

OTHER

- (1) No change.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The District needs accurate water use data from permittees to fulfill its statutory responsibilities and to protect the state's water resource. This information is crucial in determining permit compliance, calculating conservation credits, estimating water use and for use in water supply planning. District rules require that flow meters required by Water Use Permits be tested for accuracy every 5 years. Currently permittees have their flow meters tested and submit the information in many different formats. To ensure that the testing is properly performed so that the flow meters are accurately tested, staff has developed standardized accuracy requirements and a standardized test form. The proposed rule amendments incorporate the new flow meter accuracy test form.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will adopt a flow meter accuracy test form to be used to demonstrate meter accuracy as required by Chapter 40D-2, F.A.C., Water Use Permits.

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

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

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

DATE AND TIME: June 30, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Tampa Service Office, Governing Board Room, 7601 Highway 301 North, Tampa, FL 33637-6759

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 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878. 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: Jeanette Houser, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211 or 1(800)423-1476, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

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

GROUND WATER

(1) through (25) No change.

SURFACE WATER

(1) through (15) No change.

OTHER

(1) No change.

(2) METER ACCURACY VERIFICATION FORM, FORM NO. LEG-R.013.00 ().

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The Southwest Florida Water Management District’s Water Use Permit (WUP) Rules are being revised in association with the District’s ongoing development, implementation and refinement of its comprehensive electronic permitting and information system know as the Water Management Information Systems or WMIS. As part of this overall effort, the District is seeking to streamline WUP application processes where appropriate. Amendments are being proposed to several rules in Chapter 40D-2, F.A.C., and to the District’s Water Use Permit Information Manual Part B, Basis of Review (BOR), to refine

the permit category now informally known as “Small General” WUPs and to incorporate the term “Small General,” into existing rules. Additional related amendments are also proposed for Chapter 40D-1, F.A.C. The overall purpose of this rulemaking is to re-define the Small General WUP category based upon minimal risk to the water resource for most water demands of less than 100,000 gallons per day, and to reduce where appropriate the level of information required to be submitted in support of applications for and compliance monitoring of Small General WUPs. The effect of this rulemaking package will be to limit the types of permits appropriate for the Small General permit category to those water uses that do not require significant evaluation or monitoring due to little-to-no risk of adverse impacts. Specifically, Rule 40D-2.041, F.A.C., is amended to re-define the Individual, General and Small General WUP categories, as the General WUP category will now include some water uses that previously would have been considered as Small General WUPs. Rule 40D-2.621, F.A.C., is amended to limit water-conserving credits to General and Individual WUPs. Rule 40D-2.091, F.A.C., is amended to adopt an updated version of the District’s BOR, which is revised to reduce the permit application submittal and compliance monitoring requirements for Small General WUPs. The BOR and Rule 40D-2.321, F.A.C., are also amended to delete provisions relating to the District’s one-time permit renewal redistribution process for Small General and General WUPs, as this process has been completed and is no longer needed.

Some additional amendments not necessarily limited to Small General WUPs are also proposed at this time for clarification purposes. Rule 40D-2.021, F.A.C., is revised to identify more correctly those definitions that apply only in the Southern Water Use Caution Area. Rule 40D-2.091, F.A.C., is amended to move the list of irrigation water use forms used for monitoring purposes to Rule 40D-1.659, F.A.C. Rule 40D-2.501, F.A.C., is amended to use the term “permit use types” instead of “permit classification” when referring to the types of water uses authorized in WUPs. The effect of these clarifying amendments will be to make existing WUP rules, practices and forms more consistent.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

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

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

IF REQUESTED 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: Martha A. Moore, Senior Attorney, 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-2.021 Definitions.

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

(1) through (2) No change.

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

(4) through (5) No change.

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

(7) "New Quantities" within the SWUCA means water that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase quantities, and/or change the Permit Use Type (affecting only the modified portion) and applications for an initial permit. A modification to change crops or plants grown under an Agricultural Permit Use Type Classification or to change withdrawal location or Use Type that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type provided that the quantities do not increase. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the Water Use Permit that existed prior to mining, such activity does not constitute a change in Use Type or New Quantity.

(8) through (10) No change.

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

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

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

40D-2.041 Permits Required.

(1) No change.

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

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

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

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

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

a. The Drought Annual Average is 100,000 gpd or more in the Southern Water Use Caution Area;

b. Withdrawal is for mining or dewatering;

c. Withdrawal is from a surface water source;

d. The maximum daily withdrawal quantity equals or exceeds 1,000,000 gpd for crop protection or other use; or

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

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

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

(3)(4) The District shall require an Individual, General or Small General Water Use Permit when evidence indicates the withdrawal is likely to cause significant adverse impacts to existing water or land uses or the water resource or the withdrawal is within an area that is experiencing or is projected to experience withdrawal-related adverse water resource or environmental impacts.

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

40D-2.091 Publications Incorporated by Reference.

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

- (1) Water Use Permit Information Manual Part B, “Basis of Review” (____) ~~(5/08)~~; and
- (2) Water Use Permit Information Manual Part D, “Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area” (1/07);~~;~~
- ~~(2) “Irrigation Water Use Form — Annual Crops” Form 46.20-010 WUP-10 (10/01);~~
- ~~(3) “Irrigation Water Use — Annual Recreational/Aesthetic/Golf” Form 46.20-009 WUP-11 (10/01);~~
- ~~(4) “Irrigation Water Use — Summer/Fall Seasonal”, 46.20-011 WUP-13 (10/01); and~~
- ~~(5) “Irrigation Water Use — Winter/Spring Seasonal”, 46.20-012 WUP-12 (10/01).~~

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

40D-2.321 Duration of Permits.

- (1) through (5) No change.
- ~~(6) Permits with annual average daily withdrawals of less than 500,000 gpd shall be eligible for extension of the expiration date in accordance with procedures set forth in Section 1.9 of the District’s “Basis of Review for Water Use Permit Applications” as described in Rule 40D-2.091, F.A.C.~~
- ~~(6)(7) No change.~~

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

40D-2.501 Permit Use Types Classification.

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

- (1) through (3) No change.
- (4) Industrial or Commercial, and
- (5) Mining or Dewatering,; and
- ~~(6) Standby Alternative Source.~~

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

40D-2.621 Water-Conserving Credits.

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

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

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

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

WATER USE PERMIT INFORMATION MANUAL PART B,
BASIS OF REVIEW

1.0 PERMITTING PROCEDURES

1.4 APPLICATION FORMS

Permit applicants shall submit the Individual, General or Small General Water Use Permit Application Form appropriate to the combined annual average demand for the proposed use annual average quantities requested, as incorporated by reference provided in subsections 40D-1.659(8), (9), and (10), F.A.C. Applicants for Individual and General Water Use Permits 100,000 gpd or more annual average quantities shall also submit all of the Water Use Permit Application Supplemental Form(s) applicable to their water uses type, as incorporated by reference provided in subsections 40D-1.659(11) through (15), F.A.C. Applicants for a Letter Modification to their water use permit shall submit the Modification Short Form, incorporated by reference in subsection 40D-1.659(16), F.A.C.

These forms may be obtained from any District Service Office, or from the District website at www.watermatters.org.

New 1-1-03, Amended 11-25-07,_____.

1.6 APPLICATION REVIEW PROCESS

First 4 paragraphs – No change.

General water use permits may be issued by District staff for applications which meet the following criteria:

- 1. The average annual daily withdrawal is less than 500,000 gpd;
- 2. The application meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C.

Amended 1-1-07, 12-24-07,_____.

1.9 PERMIT DURATION

The District typically issues permits in accordance with the following guidelines:

- 1. through 6. No change.
- 7. ~~One-time Permit Renewal Redistribution Process for Small General and General Permits:~~
 - a. ~~General Provisions:~~
 - (1) ~~The following definitions shall apply to this subsection 6.~~

~~(a) General Permit — A permit with an annual average daily withdrawal of greater than or equal to 100,000 gpd and less than 500,000 gpd.~~

~~(b) Small General Permit — A permit with an annual average daily withdrawal of less than 100,000 gpd.~~

~~b. Specific Provisions:~~

~~(1) Random Selection of Permits for Extension:~~

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

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

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

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

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

~~(a) Permits selected for extension shall be subject to a second random selection process in which the duration of extension will be assigned. Expiration dates of randomly~~

~~selected permits will be extended to the first future year, beginning with the year starting October 1, 2008, in which available capacity exists below the targeted average annual number of renewal applications. Permit durations will be extended to that year until the targeted average annual number of renewal applications is reached. Any remaining permits representing additional excess over the targeted average annual number of renewal applications will be assigned to the next successive year in which available capacity exists below the targeted average annual number of renewal applications.~~

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

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

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

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

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

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

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

1.11 RENEWAL OF PERMITS

1. No change.

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

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

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

3.0 REASONABLE WATER NEEDS

3.1 DETERMINING REASONABLE QUANTITIES

ALTERNATIVE WATER SUPPLIES WITHIN THE SWUCA
 Reuse Feasibility Investigation Within The SWUCA – Investigation of the feasibility of the use of reclaimed water (reuse) shall be required within the SWUCA for all Individual and General Water Use Permit applicants and permittees ~~uses~~, and reuse shall be required where economically, environmentally and technically feasible. For those water use permittees also required to investigate reuse pursuant to Section 403.064, F.S., the investigation shall be in accordance with Section 403.064, F.S., and any rules promulgated thereunder. Reclaimed water suppliers whose reclaimed water is 100% reused, reclaimed water users whose water use is 100% reclaimed water, and permittees with a reuse plan already accepted by the District, shall not be required to conduct a reuse feasibility study. Reuse of reclaimed water as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate Individual and General Water Use Permit applicants or permittees. Applicants for Individual and General Water Use Permits ~~these water uses~~ shall provide an analysis of reclaimed sources for the area, including the relative location of these sources to the applicant’s or pPermittee’s property, the quantity and timing of reclaimed water availability, costs associated with obtaining the reclaimed water, the suitability of reclaimed water for the intended use, and an implementation schedule for reuse. Infeasibility shall be supported with a detailed explanation.
Small General Water Use Permit applicants who have not incorporated Alternative Water Supplies will be required to confirm that there are no Alternative Water Supply sources that are technically, economically and environmentally feasible to use as a water source for the applicant’s intended use. Small General Water Use Permits will be conditioned to require that the permittee notify the District of any future connection to an Alternative Water Supply source, and the permit will be modified to require the permittee to use the Alternative Water Supply to the greatest extent practicable.

1-1-03, Amended _____.

REPORTING ALTERNATIVE WATER SUPPLY QUANTITIES WITHIN THE SWUCA

Alternative Water Supply Receivers Within The SWUCA – All Individual and General Water Use permittees ~~permitted uses~~ within the SWUCA that which receive reclaimed water, or stormwater or other Alternative Water Supply for all or a part of their combined annual average daily water demands (e.g. golf courses, industrial/commercial uses, agricultural uses, etc.) shall be required to meter, record and report Alternative Water Supply quantities and sources on a monthly basis. Permittees shall list the Alternative Water Supply supplier's

name, location, and quantities obtained in gallons per day, for each source. This requirement shall be implemented by attaching a permit condition to all applicable permits.

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

CONSERVATION

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

New 1-1-07, Amended _____.

3.3 AGRICULTURE

REPORTING REQUIREMENTS FOR IRRIGATION WATER USE WITHIN THE SWUCA

Crop Reports – All Individual and General Water Use pPermittees ~~whose annual average daily permitted use is equal to or exceeds 100,000 gpd~~ shall record for each metered permitted withdrawal point the following information on the applicable Irrigation Water Use Form incorporated by reference in subsections 40D-1.659(26), (28) and (29), F.A.C., GROUNDWATER according to crop type. ~~for all Those that irrigate seasonal crops (examples: vegetables or other row crops) shall provide items 1. through 8. and nurseries; Those that irrigate a~~ Annual crops and plants (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture, golf courses, lawn & landscape) may omit items 5., and 6., and 7.:

- 1. through 4. No change.
- 5. Use or non-use of plastic mulch;
- 5. through 7. renumbered 6. through 8. No change.
- 8. ~~Number of acres of tees and greens.~~

1-1-03, Amended _____.

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

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

3.4 INDUSTRIAL OR COMMERCIAL

CONSERVATION PLANS FOR INDUSTRIAL AND COMMERCIAL USES WITHIN THE SWUCA

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

1-1-03, Amended _____.

3.6 PUBLIC SUPPLY

SWUCA REQUIREMENTS

The following water conservation requirements designated to apply within the SWUCA shall apply to all public supply utilities and suppliers with Individual and General Water Use Permits ~~that are granted for an annual average daily quantity of 100,000 gallons per day or greater~~, as well as wholesale customers supplied by another entity which obtain an annual average daily quantity of 100,000 gallons per day or greater, either indirectly or directly under water use permits within the SWUCA, regardless of the name(s) on the water use permit. Failure of a wholesale customer to comply may result in modification of the wholesale permit to add a permit condition limiting or reducing the wholesale customer's quantities, or other actions by the District.

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

CONSERVATION REQUIREMENTS WITHIN THE SWUCA

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

1-1-03, Amended _____.

3.7 RECREATION OR AESTHETIC

CONSERVATION PLANS FOR RECREATION OR AESTHETIC USES WITHIN THE SWUCA

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

~~withdrawals not previously within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003.~~

1-1-03, Amended _____.

GOLF COURSE CONSERVATION WITHIN THE SWUCA

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

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

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

Submittal of Plans — Applicants for new permits shall submit this plan to the District at the time of application. Existing permittees with ~~ground water withdrawals not previously located within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003.~~ The District publishes a document titled Golf Course Conservation Guidelines which may be consulted in order to prepare the conservation plan required by this provision. The Guidelines are available from the District upon request.

1-1-03, Amended _____.

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

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

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

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

New _____.

5.0 MONITORING REQUIREMENTS

5.1 WITHDRAWAL QUANTITY

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

Permittees shall monitor withdrawal quantities from each withdrawal point when:

1. Issued an Individual Water Use Permit ~~The annual average withdrawal is greater than or equal to 500,000 gpd;~~
2. Issued a General Water Use Permit ~~The annual average withdrawal is greater than or equal to 100,000 gpd for public supply use;~~
3. Issued a General Water Use Permit ~~The annual average withdrawal is greater than or equal to 100,000 gpd and one or more of the withdrawal points is located within the SWUCA or NTBWUCA; or-~~
4. No change.

7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

2. Agriculture

2.2 Monitoring Requirements for Agricultural Water Use

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

1. All Individual and General Water Use ~~p~~Permittees whose average daily permitted use is equal to or exceeds ~~400,000 gpd~~ shall record the following information for all seasonal crops irrigated (examples: vegetables or other row crops) and nurseries; ~~Permittees that irrigate a~~Annual crops (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture) may omit items e. and f.: Requested information is to be reported on the Agricultural Water Use Form – Seasonal Report, Form WUP-14.1 (1/93) and Agricultural Water Use Form – Annual Report, Form WUP-15 (1/93), appropriate Irrigation Water Use Form incorporated by reference in subsections 40D-1.659(17) and (18), F.A.C., GROUNDWATER.

- a. through d. No change.

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

Amended _____.

3. Recreational, Industrial, and Mining

3.1 Conservation Plan

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

~~The permittee shall submit to the District a conservation plan by July 31, 1992.~~ This plan shall include documentation and assessment of current and potential internal reuse, as well as external reuse sources. This plan shall also address reducing irrigation withdrawals through evaluation of the use of drought tolerant landscaping for landscaped areas, where present.

3.2 Golf Courses Conservation Plan

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

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

1. through 5. No change.

Amended _____.

6. Alternative Sources

6.2 Reuse

Investigation of the feasibility of reuse may be required for all appropriate uses, and reuse shall be required where feasible. Reuse of treated wastewater as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all Individual and General Water Use Permit ~~appropriate~~

applicants or permittees. This item shall be implemented through inclusion of the following condition on all applicable permits with agricultural irrigation, recreational or aesthetic irrigation, industrial or commercial, or mining or dewatering uses:

No change.

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

No change.

Amended _____.

6.3 Reporting Reuse Quantities.

2. Reclaimed Water Receivers.

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

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

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

Amended _____.

The Permittee shall report any connection(s) to reclaimed water to the District within 30 days of connection to the reclaimed water ~~reuse~~ source. The Permittee shall list the reclaimed water ~~reuse~~ supplier's name, location, and reclaimed

quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

6.4 Investigate Desalination

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

No change.

Amended _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The District needs accurate water use data from permittees to fulfill its statutory responsibilities and to protect the state's water resource. This information is crucial in determining permit compliance, calculating conservation credits, estimating water use and for use in water supply planning. District rules require that flow meters required by Water Use Permits be tested for accuracy every 5 years. Currently permittees have their flow meters tested and submit the information in many different formats. To ensure that the testing is properly performed so that the flow meters are accurately tested, staff has developed standardized accuracy requirements and a standardized test form. The proposed rule amendments incorporate the new flow meter accuracy test requirements. In addition, staff has moved some rule language from one section of the rules to another to consolidate related requirements and to clarify the process.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments specify how to satisfy the flow meter accuracy verification reporting requirements currently contained in Chapter 40D-2, F.A.C., Water Use Permits.

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.

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

DATE AND TIME: June 30, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Highway 301 North, Tampa, FL 33637-6759

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 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878. 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: Jeanette Houser, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211 or 1(800)423-1476, 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) Water Use Permit Information Manual Part B, "Basis of Review" (_____) (~~5/08~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area" Populations in the Southern Water Use Caution Area (1/07);

(2) through (5) 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, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, _____.

WATER USE PERMIT INFORMATION MANUAL

PART B, BASIS OF REVIEW

5.0 MONITORING REQUIREMENTS

The following provisions are added to the end of section 5.1. The paragraphs under the heading "Flow Meters" are transferred from Chapter 6, the section titled "PUMPAGE REPORTING, 5. Flow Meters". All other paragraphs are new:

Flow Meters

All required flow meters shall adhere to the following requirements and shall be installed and maintained as follows:

1. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring devices or other accounting methods are proposed, prior to installation, the Permittee shall submit documentation that the other measuring devices or accounting methods meet the

stipulations listed in this condition. Approval for other measuring devices or accounting methods must be obtained in writing from the Regulation Department Director.

- a. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
- b. Accuracy testing requirements:
 - i. For newly metered AWS inflow lines and re-pump withdrawal point, the flow meter installation shall be designed for inline field access for meter-accuracy testing.
 - ii. The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy-test requirement for existing meters.
 - iii. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
 - iv. The test will be accepted by the District only if performed by a person knowledgeable in the test equipment used.
 - v. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

2. If the alternative accounting method involves a meter belonging to another entity or to the alternative water supply provider, the Permittee shall submit documentation from the owner/supplier that the meter readings continue to be accurate to 5% of the actual flow as installed. Such documentation is subject to approval by the District.

3. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.

4. If a metered AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

5. Broken or malfunctioning meter:

- a. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
- b. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
- c. If the meter is removed from the alternative water supply line or re-pump withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.

6. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

7. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

Flow Meter Verification

The following requirements pertain to the required flow meter testing:

- 1. Operators of meter testing equipment shall hold a valid certificate of competency to operate the type of equipment used. Certification from the test equipment manufacturer, or other recognized training entities will suffice. A copy of this certification shall be provided to the District with the Meter Accuracy Verification Form.
- 2. The test equipment shall have been calibrated within the previous twelve months of the submitted test and comply with current National Institute of Standards and Technology (N.I.S.T.) standards. A valid Certificate of Calibration, showing the date of calibration and N.I.S.T. traceability shall be provided to the District with the Meter Accuracy Verification Form.
- 3. The Flow Meter Accuracy Verification Form shall be completed and provided to the District for each flow meter tested. This form can be obtained from the District's website (www.watmatters.org). If the test equipment provides a

printout of inputted data this shall be submitted with the worksheet. The equipment's no probtemperature should be set at 72 degrees.

4. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the worksheet. This diagram shall include the pump, piping configuration with all valves, tees, elbows, and any other possible flow disturbing devices from the pump to the test location clearly noted with measurements. The installed meter shall also be included in the diagram.

5. A picture(s) of the test location, including the pump and installed flow meter, with the measuring devices is suggested but not required.

6. A minimum of two separate timed tests is shall be performed for each meter. Each timed test shall be for a minimum of four minutes. If two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four or eight minute tests, the duration of the test shall be lengthened as necessary to obtain consistent results. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) indicating the deviation (if any), of the meter being tested from the test meter.

7. Flow meters that fail to meet the District's accuracy requirements must be repaired or replaced within 30 days. These meters shall be retested after the repair and the results submitted to the District within 30 days of the test.

6.0 PERMIT CONDITIONS

The following change is made to the section titled "Pumpage Reporting":

PUMPAGE REPORTING

5. Flow Meters

Condition: The Permittee shall meter withdrawals and meter readings from each withdrawal shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Permit Data Section, Records and Data Department (using District scanning forms, unless the District has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following withdrawals shall be metered as applicable:

- a. Permittees with permitted withdrawal facilities that are on standby status (a standby withdrawal point to be used when another withdrawal point cannot be used), or where all permitted quantities are on standby for alternative water

supplies, shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] before using the standby quantities.

b. Permittees with permitted withdrawal facilities that are not yet constructed shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] within 90 days of completion of construction of the withdrawal.

c. Permittees with existing permitted withdrawal facilities shall continue to maintain and operate existing, non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Regulation Department Director on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).].

d. Permittees with previously un-metered existing withdrawal facilities shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] upon permit issuance.

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

Transfer to Chapter 5, section 5.1, Basis of Review:

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

~~(1) The meter(s) shall be non resettable, totalizing flow meter(s) which have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. Approval shall be obtained in writing from the Regulation Department Director. If other measuring device(s) are proposed, the Permittee shall submit documentation that the other measuring devices or accounting methods meet the stipulations listed in this condition, prior to installation. Approval for other measuring devices or accounting methods shall be obtained in writing from the Regulation Department Director.~~

~~(2) The flow meter(s) or other approved device(s) shall have and maintain an accuracy within 5% of the actual flow as installed.~~

~~(3) The flow meter water piping system shall be designed for inline field access for meter accuracy testing. The meter shall be tested for accuracy on site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters unless the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted. The test shall be performed by a person certified in the test equipment used. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.~~

~~(4) The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the line.~~

~~(5) If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage and replace it with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery. If the meter is removed from the withdrawal for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.~~

~~(6) While the meter is off the withdrawal, the Permittee shall estimate their use by multiplying the number of hours the withdrawal point was used during that month times the flow capacity of the pump or mainline, whichever is appropriate, or the Permittee may request instructions on how to estimate use from the Permit Data Section. The estimate of the number of gallons used each month during that period shall be noted as an estimate when it is submitted to the District.~~

~~(7) In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.~~

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

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority

RULE NO.: 49C-1.013
 RULE TITLE: Budget and Finance

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish by codification a more economical method for a delinquent member government to reinstate its voting privileges on the Board of Directors.

SUBJECT AREA TO BE ADDRESSED: The amendment of Rule 49C-1.013, F.A.C., revises the requirement of payment of delinquent dues by a member government not in good standing to allow non-paying large city or county to be reinstated as a voting member by paying costs of bringing its portion of Authority's Master Plan up to date.

SPECIFIC AUTHORITY: 163.01, 373.1962 FS.

LAW IMPLEMENTED: 163.01, 373.1962 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: Jack E. Sullivan, Executive Director, Withlacoochee Regional Water Supply Authority, 1107 Shalimar Dr., Tallahassee, FL 32312, (850)385-0200

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49C-1.013 Budget and Finance.

(1) through (6) No change.

(7) Should the delinquent member government(s) desire to reinstate voting privileges on the Board of Directors, all delinquent dues and all dues levied by the Authority and duly approved by the member governments during the period of non-participation by the large city or county, shall be paid in full before the delinquent member government is allowed to be reinstated as a voting member of the Board of Directors and all other privileges are reinstated. In lieu of paying the delinquent dues as set forth above, the Board of Directors may waive the payment of delinquent dues, but require instead that the delinquent member government pay the costs of bringing its portion of the Authority's Master Plan up to date as it relates to the delinquent member's geographic area and such other expenses necessary for said member to be a functional member of the Authority; provided, however, such expenses shall not exceed what the delinquent member would have otherwise paid in dues should the member have never become delinquent.

Specific Authority 163.01, 373.1962 FS. Law Implemented 163.01, 373.1962 FS. History--New 6-11-78, Amended 8-21-85, Formerly 160-1.13, Amended 7-21-92, 6-7-93, Formerly 160-1.013, Amended _____.

DEPARTMENT OF THE LOTTERY

RULE NO.: 53-26.001 RULE TITLE: Forms

PURPOSE AND EFFECT: To prepare a chapter for permanent miscellaneous rules.

SUBJECT AREA TO BE ADDRESSED: Miscellaneous Lottery rules.

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(9)(j), 120.55(1)(a)4. 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: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-9.070 RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons

PURPOSE AND EFFECT: The purpose of this amendment is to address issues regarding Rule 59G-9.070, F.A.C., the sanction rule, as raised by the Joint Administrative Procedures Committee (JAPC) in its review and oversight of Florida's rules and rulemaking process. The proposed changes clarify the rule and incorporate JAPC's recommendations.

SUBJECT AREA TO BE ADDRESSED: Administrative Sanctions on Providers, Entities, and Persons.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907, 409.913, 409.9131, 409.920, 812.035 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: July 9, 2008, 1:30 p.m.

PLACE: Agency for Healthcare Administration, 2727 Mahan Dr., Bldg 3, Conference Rm. B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jo Landa Givens, Office of the Inspector General/Bureau of Medicaid Program Integrity, 2727 Mahan Drive, Mail Stop 6, Tallahassee, Florida 32308; (850)921-1802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE UPON REQUEST.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-9.116 RULE TITLE: Early Learning Coalition Annual Report

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish content and format specifications for annual reports submitted by early learning coalitions to the Agency for Workforce Innovation.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address content and format specifications for annual reports submitted by early learning coalitions to the Agency for Workforce Innovation.

SPECIFIC AUTHORITY: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(5)(g) FS.

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

DATE AND TIME: July 10, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Room B-29, Tallahassee, Florida 32399-4128

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 days before the workshop/meeting by contacting: Audrey Gaten at (850)245-7160. 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: C. J. Weinman, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-9.120	Early Learning Coalition Quality Funds

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish criteria by which the Agency for Workforce Innovation may approve the expenditure of federal quality funds by early learning coalitions and establish criteria for the implementation of activities promoting quality child care by early learning coalitions in school readiness programs.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address: criteria by which the Agency for Workforce Innovation may approve the expenditure of federal quality funds on specific activities proposed by early learning coalitions in school readiness programs; categories of activities promoting quality child care on which early learning coalitions may expend federal quality funds; and criteria by which early learning coalitions may implement activities promoting quality child care in school readiness programs.

SPECIFIC AUTHORITY: 411.01(4)(b), 411.01(4)(c), 411.01(4)(d), 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(b), 411.01(4)(c), 411.01(4)(d) FS.

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

DATE AND TIME: Tuesday, June 30, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Room B-29, Tallahassee, Florida 32399-4128

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: Audrey Gaten at (850)245-7160. 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: C. J. Weinman, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-9.201	Early Learning Coalition Composition
60BB-9.202	Early Learning Coalition Private Sector Business Members

PURPOSE AND EFFECT: The purpose of the proposed rule development is to promulgate Early Learning Coalition composition, membership standards, and criteria for appointing private sector business members in accordance with Section 411.01(5)(a)4. and 7., Florida Statutes. The effect of the rules, when adopted, will be to establish the membership composition of early learning coalitions including the minimum and maximum number of members, the criteria for appointing private sector business members, and standards for determining whether a member or their relative has a prohibited substantial financial interest in the design or delivery of the VPK Program.

SUBJECT AREA TO BE ADDRESSED: The procedure for establishing and maintaining early learning coalition membership, including the minimum and maximum number of member seats and variations for multicounty early learning coalitions; the criteria for appointing private sector business members; prohibited substantial financial interest.

SPECIFIC AUTHORITY: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(5)(a)4., 7. FS.

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

DATE AND TIME: Thursday, July 10, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Room B-29, Tallahassee, Florida 32399-4128

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: Audrey Gaten at (850)245-7160. 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: C. J. Weinman, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128. Rule text is available at <http://www.floridajobs.org/earlylearning/index.html>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-3.008
RULE TITLE: Location, Vendor Licenses

PURPOSE AND EFFECT: This rule explains that a vendor can operate with a beverage license.

SUBJECT AREA TO BE ADDRESSED: The rule amendments will address typographical errors in the rule and better explain how a beverage licensee can use a pleasure, excursion, sightseeing, or charter boat as a place of business.

SPECIFIC AUTHORITY: 561.11(1) FS.

LAW IMPLEMENTED: 565.02(2), (3)(a), 561.17 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Stabley, (850)921-8963. 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: Brian Stabley, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.010
RULE TITLE: Supervised Practice Exception

PURPOSE AND EFFECT: The proposed rule amendment sets forth the time limit in which an applicant must discontinue practicing once he/she has taken the examination.

SUBJECT AREA TO BE ADDRESSED: Supervised Practice Exception.

SPECIFIC AUTHORITY: 455.217, 476.064(4), 476.124, 476.144(7), 475.184(2), (10) FS.

LAW IMPLEMENTED: 455.217, 476.144(7), 475.184(2), (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, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.011
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to address the definition of services as related to sanitary sewer collections systems, main water distribution systems, storm collection systems, and utility lines.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to address the type of CE credit earned by attending a Board meeting.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for certificate holders and registrants.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399
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:
62-305.100	Scope of the Rule
62-305.200	Definitions
62-305.300	General Program Information
62-305.400	Project Selection Criteria

PURPOSE AND EFFECT: Section 403.890, F.S., establishes the Water Protection and Sustainability Program, requiring the Department to develop rules for the distribution of cost-share grants to implement projects to reduce urban nonpoint sources of pollution discharging to impaired waters. This chapter establishes the TMDL Water Quality Restoration Grant Program, setting forth the procedures for applying for

cost-share grants, as well as the criteria that will be used to rank and select urban stormwater retrofitting projects for funding.

SUBJECT AREA TO BE ADDRESSED: Chapter 62-305, F.A.C., is created to implement the TMDL Water Quality Restoration Grant Program in accordance with Section 403.890(1)(b), F.S.

SPECIFIC AUTHORITY: 201.15(8), 403.890(1)(b) FS.

LAW IMPLEMENTED: 201.15(8), 403.890(1)(b) FS.

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

DATE AND TIME: Tuesday, July 2, 2008, 10:00 a.m. (EDT)

PLACE: Department of Environmental Protection, Central District Office, Conference Rooms A and B, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767

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: Wanda Harpley at (850)245-8433. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD) or (800)955-8770 (Voice). 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: Wanda Harpley, Florida Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road, MS 3510, Tallahassee, Florida 32399-2400; telephone (850)245-8433; e-mail: Wanda.Harpley@dep.state.fl.us; or facsimile (850)245-8434. (OGC Tracking No. 08-0815)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM: Wanda Harpley @dep.state.fl.us; (850)245-8433 or via the Department's website at: <http://www.dep.state.fl.us/mainpage/default.html>

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.:	RULE TITLE:
64E-2.001	Definitions

PURPOSE AND EFFECT: To collaborate with subject matter experts to do the following:

- develop and establish rules for the educational and training criteria for the certification and recertification of 911 emergency dispatchers (ED)
- develop and establish certification & recertification applications
- develop and establish by rule a procedure for biennial renewal certification

– develop and establish by rule a procedure for the initial certification of 911 ED who have documentation of at least 5 years of supervised full-time employment as a 911 ED since 1/1/2002

– develop and establish rules for renewing a certificate that has been inactive for 1 year or less

– develop and establish rules for renewing a certificate that has been on inactive status for more than 1 year

SUBJECT AREA TO BE ADDRESSED: 911 Emergency Dispatchers.

SPECIFIC AUTHORITY: 401.35, 401.465, 401.5 FS.

LAW IMPLEMENTED: 401.465, 401.5 FS.

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

DATE AND TIME: Monday, June 30, 2008, 1:00 p.m. – 4:00 p.m. EST (time may be extended if deemed necessary)

PLACE: Florida Department of Health, Division of Emergency Medical Operations, 4025 Esplanade Way, Room 301A/B, Tallahassee, FL 32311

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 2 days before the workshop/meeting by contacting: Alexander Macy at (850)245-4440, ext. 2735 or Alexander_Macy@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: April A. Thornton, Paralegal Specialist, Florida Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, Phone: (850)245-4444, x3919, Fax: (850)245-4692, April_Thornton@doh.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.001	Definitions
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground
64E-2.004	Medical Direction
64E-2.005	Air Ambulances
64E-2.006	Neonatal Interfacility Transfers
64E-2.008	Emergency Medical Technician
64E-2.009	Paramedic

64E-2.0094	Voluntary Inactive Certification
64E-2.0095	Involuntary Inactive Certification
64E-2.010	Examinations
64E-2.036	Training Programs

PURPOSE AND EFFECT: The purpose is to work with the EMS community and other stakeholders to develop language for staffing requirements during neonatal interfacility transfers, define standards for EMS instructors teaching courses within a Florida certified primary EMS training center, and remove the National Registry Emergency Medical Technician (NREMT) testing vendor information.

The effect will be the development of new definitions and remove or add language in the appropriate rule sections listed above.

SUBJECT AREA TO BE ADDRESSED: Definitions, EMS instructor qualifications, EMS training programs, neonatal interfacility transfers and staffing requirements, and examinations.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 395.401, 395.4025(13), 395.405, 401.121, 401.23, 401.25, 401.251, 401.265, 401.27, 401.2715, 401.272, 401.35, 499.05 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.025, 395.401, 395.4001, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.2915, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421, 499.005 FS.

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

DATE AND TIME: Tuesday, July 8, 2008, 1:30 p.m. – 5:00 p.m. EST. In lieu of the Education and Legislative Committee Meetings.

PLACE: Rosen Centre Hotel, Salon 12 (Please see the EMS information table for any changes), 9840 International Drive, Orlando, Florida 32819, (407)996-9840, Toll Free (800)204-7234

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 2 hours before the workshop/meeting by contacting: Alexander Macy at (850)245-4440, ext. 2735. 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: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical

Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; email lisa_walker2@doh.state.fl.us; Fax (850)488-9408.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-164.040
 RULE TITLE: Determining Reserve Liabilities for Preneed Life Insurance

PURPOSE AND EFFECT: The purpose of this rule is to recognize the inadequacy of the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value, and to require the continued use of the 1980 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value.

SUBJECT AREA TO BE ADDRESSED: This rule applies to preneed life insurance policies and certificates as defined in Section Four (4) of this rule, and similar policies and certificates.

SPECIFIC AUTHORITY: 625.121(5)(a), (3), 627.476(9)(h), (5) FS.

LAW IMPLEMENTED: 625.121(5)(a), (3), 627.476(5), (9)(h) FS.

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

DATE AND TIME: July 9, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, 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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-164.040 Determining Reserve Liabilities for Preneed Life Insurance.

(1) Authority. This rule is adopted by the commission pursuant to Sections 625.121(5)(a), (3) and 627.476(9), Florida Statutes.

(2) Scope. This rule applies to preneed life insurance policies and certificates as defined in Section Four (4) of this rule, and similar policies and certificates.

(3) Purpose. The purpose of this rule is to recognize the inadequacy of the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value, and to require the continued use of the 1980 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value.

(4) Definitions.

(a) The term “2001 CSO Mortality Table” means the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002). Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

(b) The term “Ultimate 1980 CSO” means the Commissioners’ 1980 Standard Ordinary Life Valuation Mortality Tables (1980 CSO) without ten-year (10-year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.

(c) For the purposes of this rule, preneed insurance is any life insurance policy or certificate that is issued in combination with, in support of, with an assignment to, or as a guarantee for a prearrangement agreement for goods and services to be provided at the time of and immediately following the death of the insured. Goods and services may include, but are not limited to embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased. The status of the policy or contract as preneed insurance is determined at the time of issue in accordance with the policy form filing.

(5) Minimum Valuation Mortality Standards. For preneed insurance contracts, as defined in paragraph (4)(b), and similar policies and contracts, the minimum mortality standard for determining reserve liabilities and non-forfeiture values for both male and female insureds shall be the Ultimate 1980 CSO.

(6) Minimum Valuation Interest Rate Standards.

Section II Proposed Rules

(a) The interest rates used in determining the minimum standard for valuation of preneed life insurance shall be the calendar year statutory valuation interest rates as defined in Section 625.121(6), F.S.

(b) The interest rates used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the calendar year statutory nonforfeiture interest rates as defined in Section 627.476(9)(i), F.S.

(7) Minimum Valuation Method Standards.

(a) The method used in determining the minimum standard for valuation of preneed life insurance shall be the method as defined in Section 625.121(5), F.S.

(b) The method used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the method as defined in Section 627.476(9), F.S.

(8) Transition Rules.

(a) For preneed insurance policies issued on or after the effective date of this rule and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for non-forfeiture benefits for both male and female insureds.

(b) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of this rule and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

1. A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

2. A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

3. Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this rule and using the 2001 CSO as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

(9) Effective Date. This rule is applicable to preneed life policies and certificates as defined in subsection (2) issued on or after January 1, 2009.

Specific Authority 625.121(5)(a)(3), 627.476(9) FS. Law Implemented 625.121(5)(a), (3), 627.476(9)(h), (5) FS. History—New _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1S-2.027

RULE TITLE:
Standards for Determining Voter's
Choice on a Ballot

PURPOSE AND EFFECT: The purpose of the amendments to the rule is to clarify the standards for how to determine if a voter has clearly indicated his or her choice in a contest on a ballot for purposes of a manual recount or other event requiring such determination. The amendments to the rule add samples of the votes that will or will not count to facilitate the determination by the county or local canvassing board. The amendments also re-organize the rule and clarify some standards.

SUMMARY: The proposed revisions set forth standards for determining whether a voter has clearly indicated a definite choice by the way he or she marks a contest on a ballot.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 101.5614(5), 102.166(4) FS.

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

DATE AND TIME: Monday, July 7, 2008, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

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 7 days before the workshop/meeting by contacting: Nolah Shotwell, Office of the General Counsel, (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews or Sarah Jane Bradshaw, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32301, phone: (850)245-6536 or (850)245-6200, respectively

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.027 Standards for Determining Clear Indication of Voter's Choice on a Ballot.

(1) Application. The standards in this rule apply The following are standards to determine whether the voter has clearly indicated a definite choice for purposes of counting a vote cast on a ballot in a manual recount as provided