

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NO.: 5I-4.002
RULE TITLE: Purpose and Definitions
PURPOSE AND EFFECT: Adoption of revised list of user fees for Division of Forestry managed lands.
SUBJECT AREA TO BE ADDRESSED: Division of Forestry Managed Lands User Fees.
RULEMAKING AUTHORITY: 570.07(23), 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 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: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

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

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 is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2010-2011.

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

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2), 1010.305(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, 2010 ~~2009~~," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 2010 ~~2009~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) No change.

Rulemaking Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History–New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07, 3-24-08, 11-26-08, 12-15-09,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0251
RULE TITLE: Use of Epinephrine Auto-Injectors

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address self-administration of medication by students enrolled in the public school system.

SUBJECT AREA TO BE ADDRESSED: The self-administration of pancreatic enzyme medication by students with cystic fibrosis, as well as self-management and care of students with diabetes, and the use of inhalers by students with asthma.

RULEMAKING AUTHORITY: 1002.20(3) FS.

LAW IMPLEMENTED: 1002.20(3) 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: September 28, 2010, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1721/25, Turlington Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; (850)245-0475. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.:	RULE TITLES:
9J-5.003	Definitions
9J-5.005	General Requirements
9J-5.006	Future Land Use Element

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to provide greater detail and explanation relating to the statutory requirements that the future land use element be based upon the amount of land required to accommodate anticipated growth and the projected population of the area.

SUBJECT AREA TO BE ADDRESSED: The statutory requirements that the future land use element be based upon, inter alia, the amount of land required to accommodate anticipated growth and the projected population of the area.

RULEMAKING AUTHORITY: 163.3177(9), (10) FS.

LAW IMPLEMENTED: 163.3177(6)(a), (h)2. FS.

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

DATE AND TIME: September 14, 2010, 1:30 p.m.

PLACE: Tampa Convention Center, 333 South Franklin Street, Room 5, Ground Level. Tampa, Florida 33602

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: Sheri Coven, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1681. 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: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735, robert.pennock@dca.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT: <http://www.dca.state.fl.us/> (click on “public notices” on the horizontal bar on the home page)

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

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-10.0052	Zoning

PURPOSE AND EFFECT: The amendments will implement changes to Section 479.01, F.S., relating to the permitting of outdoor advertising signs, as enacted by the 2010 Legislature.

SUBJECT AREA TO BE ADDRESSED: The amendments address the zoning requirements for the permitting of outdoor advertising signs.

RULEMAKING AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 479.07(10) FS.

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

DATE AND TIME: September 9, 2010, 1:30 p.m.

PLACE: Florida Department of Transportation, Haydon Burns Building, Room 479, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.0052 Zoning ~~Enacted Primarily to Permit Outdoor Advertising Signs.~~

(1) Definitions:

(a) “Comprehensively Enacted Zoning” means ordinances or other laws adopted by the county or municipal government pertaining to and designating the currently allowable uses of property within its jurisdiction, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, F.S.

(b) “Parcel” means all contiguous lands under a single ownership and having a single zoning category assigned.

(c) The terms “allowable uses,” “commercial use,” “industrial use,” and “zoning category” shall be as defined in Section 479.01, F.S.

(2) Where the sign site is in an area of the Future Land Use Map in which the allowable uses include commercial or industrial land uses, the Land Development Regulations will determine whether the parcel on which the sign is located or proposed to be located is designated for commercial or industrial uses, as follows:

(a) A parcel will be determined to be designated for commercial or industrial uses if the Land Development Regulations indicate the nature of the zoning category to be essentially commercial or industrial. In making this determination the Department will consider:

1. Any statement in the Land Development Regulations indicating the intended nature of the zoning category;

2. The ratio of commercial and industrial uses to non-commercial and non-industrial uses within the allowable uses for the zoning category;

3. Any documentation within the Land Development Regulations indicating the intended extent of commercial and industrial uses to be allowed within the zoning category.

4. Any actual use which may exist on the parcel.

(b) If the Land Development Regulations do not designate the parcel for commercial or industrial uses but the allowable uses within the assigned zoning category include commercial or industrial uses in addition to other uses, the parcel shall be evaluated in accordance with the criteria set forth in Section

479.01(26), F.S., to determine whether the parcel can be considered an unzoned commercial or industrial area. For the purposes of this determination, an existing activity will be considered conforming when it is conforming as to land use. In addition to the activities listed in Section 479.01(26), F.S., the following uses shall not be considered commercial or industrial for the purposes of this rule:

1. Infrastructure, to mean the man-made structures which serve the common needs of the population, such as: sewage collection systems; potable water distribution systems; potable water wells serving a system; retention areas; stormwater systems; utility distribution systems; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; navigation channels; bridges; and roadways.

2. Governmental uses to mean a governmental activity that is expressly or impliedly mandated or authorized by constitution, statute, or other law and that is carried out for the benefit of the general public, excluding governmental activities which are commercial or industrial in nature and would be so classified if privately owned and/or operated.

3. Uses which are not included in the allowable uses for the zoning category.

(3) Where a parcel is subject to zoning which is time-limited or the zoning is granted subject to the completion of a specified condition and the time limit or condition has not been satisfied, the zoning category assigned immediately prior to the time-limited or conditional zoning action shall determine whether the parcel is a commercial or industrial zone. The time limit or specified condition referenced herein does not include those conditions which a zoning authority may impose on the permitting of an allowable use within the zoning category, such as conditional uses or uses allowed by special exception.

(4) Even if comprehensively enacted, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) Whether the size of the property and the public access to the property would be sufficient, given set back requirements, vehicular access requirements, and parking needs, to conduct any of the allowable commercial or industrial uses, other than signs, under the zoning category; The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses.

(b) Whether the property shares a common boundary with other properties designated for commercial or industrial uses; The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

(c) The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional commercial or industrial uses and the area surrounding the affected parcel is not predominantly commercial or industrial.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History—New 3-16-04, Amended 5-5-05,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.001
RULE TITLE: Application

PURPOSE AND EFFECT: To update the form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application, to adopt by reference the form for the Florida Prepaid College Plan Add-a-Plan Application, and to clarify that the contract prices associated with application submitted to the Board during the annual application period are the contract prices for that application period.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan new account application form and Florida Prepaid College Plan Add-a-Plan application form.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1)(a) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program."

(b) The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period.

(c) The contract prices associated with applications submitted to the Board during the annual application period shall be the contract prices applicable to advance payment contracts for that annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser.

(d) The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2011-01~~ ~~2009-10a~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Master Covenant, Form No. FPCB ~~2011-02~~ ~~2010-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Add-a-Plan Application, Form No. FPCB 2011-03, is hereby incorporated by referenced and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09,_____.

STATE BOARD OF ADMINISTRATION**Florida Prepaid College Board**

RULE NO.: RULE TITLE:

19B-4.002 Contract Prices

PURPOSE AND EFFECT: The rule is amended to establish the actuarial assumptions which will be used to establish prices for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan and to update the actuarial assumptions which will be used to establish prices for Tuition Differential Fee Plans, Local Fee Plans and the Dormitory Plan, in the Stanley G. Tate Florida Prepaid College Program.

SUBJECT AREA TO BE ADDRESSED: The actuarial assumptions used to establish plan prices for the various plans available in the Stanley G. Tate Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

(1) The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. ~~tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum.~~

(2) The advance payment contract prices for:

(a) The 4-Year Florida University Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, and the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.

(b) The 2 + 2 Florida Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S., the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(c) The 4-Year Florida College Plan are based on the actuarial assumptions that the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(d) The 2-Year Florida College Plan are based on the actuarial assumptions that Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(e) The Dormitory Plan are based on the actuarial assumption that dormitory fees at State Universities will rise at an average of 6 percent per annum.

(f) Local Fee Plans ~~fee plan prices~~ are based on the actuarial ~~assumption~~ assumption that the Local Fees at State Universities ~~university local fees~~ will rise at an average of 6.5 percent per annum and Local Fees at Florida Colleges ~~community college local fees~~ will rise at an average of 6 percent per annum.

(g) Tuition Differential Fee Plans ~~The tuition differential fee plan prices~~ are based on the actuarial ~~assumption~~ assumption that the Tuition Differential Fee ~~tuition differential fee~~ will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S. ~~an average of 8.5 percent per annum until such time as the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., as determined by the Education Estimating Conference pursuant to Section 216.134(4)(a), F.S. Once the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., equals the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., the actuarial assumption is that the tuition differential fee will rise an average of 6.5 percent per annum thereafter.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-4.005 Maximum Account Balance Limit

PURPOSE AND EFFECT: The rule is being amended to specify how the maximum account balance for the Florida Prepaid College Plan and the Florida College Investment Plan will apply with respect to the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, and 2-Year Florida College Plan and to revise how the maximum account balance will apply with respect to Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans.

SUBJECT AREA TO BE ADDRESSED: The maximum account balance limit for the Florida Prepaid College Plan and the Florida College Investment Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98, 1009.981 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.005 Maximum Account Balance Limit.

(1) No change.

(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:

(a) The 4-Year Florida University Plan shall be the most expensive lump-sum contract price for the 4-Year Florida University Plan, as determined annually by the Board's actuary.

(b) A 2 + 2 Florida Plan shall be the most expensive lump-sum contract price for the 2 + 2 Florida Plan, as determined annually by the Board's actuary.

(c) A 4-Year Florida College Plan shall be the most expensive lump-sum contract price for the 4-Year Florida College Plan, as determined annually by the Board's actuary.

(d) A 2-Year Florida College Plan shall be the most expensive lump-sum contract price for the 2-Year Florida College Plan, as determined annually by the Board's actuary.

(e) A Tuition Plan shall be the most expensive lump-sum price for a 4-Year University Tuition Plan, as determined by the Board's actuary in the actuarial report prepared by the Board's actuary dated August 19, 2009.

(f) A Local Fee Plan shall be the most expensive lump-sum contract price for a 4-Year University Local Fee Plan, as determined annually by the Board's actuary.

(g) A Tuition Differential Fee Plan shall be the most expensive lump-sum contract price for a 4-Year University Tuition Differential Fee Plan, as determined annually by the Board's actuary.

~~Tuition, local fee, and tuition differential fee plans shall be the most expensive lump-sum contract price for the university tuition, university local fee and university tuition differential fee plans, as determined annually by the Board's actuary.~~

(h)(b) A Dormitory Plan shall be the most expensive lump-sum four (4) year dormitory contract price (8 semesters), as determined annually by the Board's actuary.

(3) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History—New 11-27-02, Amended 12-28-03, 7-13-06, 12-17-07, 7-9-08,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-5.001 Plan Types

PURPOSE AND EFFECT: This rule is amended to: a) reflect the addition of the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan to the prepaid plans offered through the Florida Prepaid College Plan; b) provide definitions used with respect to the description of the prepaid plans offered through the Florida Prepaid College Plan; c) provide that all plans offered for sale through the Florida Prepaid College Plan are available for beneficiaries that are in the eleventh grade or below; d) reflect that Tuition Plans are no longer available for purchase; and e) revise the names and descriptions of the Tuition Plans Local Fee Plans, Tuition Differential Fee Plans and the Dormitory Plans.

SUBJECT AREA TO BE ADDRESSED: The four new prepaid plans which will be offered through the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Plan Contract Types.

(1) Definitions.

(a) “Florida College” means any public postsecondary educational institution in the Florida College System as defined in Section 1000.21(3), Florida Statutes.

(b) “Local Fee” means: (a) the activity and service, health, and athletic fees authorized in Section 1009.24(9)-(12), F.S., charged by a State University; or (b) the student activity fee authorized in Section 1009.23, F.S., and charged by a Florida College. The technology fee authorized in Section 1009.23(10), F.S., charged by a Florida College is also covered by Local Fee Plans purchased after July 1, 1999.

(c) “Registration Fee” means: (a) the tuition fee authorized in Section 1009.24(4), F.S., financial aid fee authorized in Section 1009.24(7), F.S., building fee authorized in Section 1009.24(8), F.S., and Capital Improvement Trust Fund fee authorized in Section 1009.24(8), F.S., charged by a State University; or (b) the tuition fee, authorized in Section 1009.23(3), F.S., the fee for capital improvements authorized in Section 1009.23(11), F.S., and the financial aid fee authorized in Section 1009.23(8), F.S., charged by a Florida College.

(d) “State University” means any university in the State University System as defined in Section 1000.21(6), Florida Statutes.

(e) “Tuition Differential Fee” means the fee charged by a State University pursuant to Section 1009.24(16), F.S.

~~The Florida Prepaid College Board’s advance payment contracts offer purchasers four (4) different plans: tuition, local fees, tuition differential fees and dormitory. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B-5, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in~~

~~conjunction with or as addendums to advance payment contracts. The tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by the same universities pursuant to Section 1009.24(16), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air conditioned room. The amount payable under each plan will be determined pursuant to Section 1009.98(10), F.S.~~

(2) The 4-Year Florida University Plan. The 4-Year Florida University Plan prepays the Registration Fees, Tuition Differential Fee and Local Fees, for 120 semester credit hours at a State University. The 4-Year Florida University Plan initially is available for purchase during 2010-2011 open enrollment period which begins on October 18, 2010. The 4-Year Florida University Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 4-Year Florida University Plan is accepted by the Board.

(3) The 2 + 2 Florida Plan. The 2 + 2 Florida Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College and the Registration Fees, Tuition Differential Fee and Local Fees for 60 semester credit hours at a State University. The 2 + 2 Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 2 + Florida Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 2 + 2 Florida Plan is accepted by the Board.

(4) The 4-Year Florida College Plan. The 4-Year Florida College Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College and for 60 upper division semester credit hours at a Florida College. The 4-Year Florida College Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 4-Year Florida College Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 4-Year Florida College Plan is accepted by the Board.

(5) The 2-Year Florida College Plan. The 2-Year Florida College Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College. The 2-Year Florida College Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 2-Year Florida College Plan may be purchased only for a qualified beneficiary who is in the

eleventh grade or below at the time the application for the purchase of the 2-Year Florida College Plan is accepted by the Board.

~~(6)(4)~~ Tuition Plans ~~plans~~ consist of three (3) separate plans:

(a) 4-Yr University Tuition Plan – The purchase of a 4-Yr University Tuition Plan prepays the Registration Fees for ~~university plan specifies that~~ 120 credit hours at a State University state university are ~~purchased~~ for the benefit of the qualified beneficiary.

(b) 2-Yr FL College Tuition (formerly the Community College Plan) – The purchase of a 2-Yr FL College Tuition Plan prepays the Registration Fees for ~~community college plan specifies that~~ 60 lower division credit hours at a Florida College state community college are ~~purchased~~ for the benefit of the qualified beneficiary. For 2 Yr- FL College Plans community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the 2-Yr FL College Tuition Plan community college plan shall be the number specified in the advance payment contract.

(c) 2 + 2 Tuition Plan (formerly the Community College Plus University Plan) – The purchase of a 2 + 2 Tuition Plan prepays the Registration Fees for ~~community college plus university plan specifies that~~ 60 lower division credit hours at a Florida College state community college and the Registration Fees for 60 upper division level credit hours at a State University state university are ~~purchased~~ for the benefit of the qualified beneficiary. For 2 + 2 Tuition Plans community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the 2 + 2 Plan community college plus university plan shall be the number specified in the advance payment contract. Tuition Plans ~~plans~~ do not cover Local Fees, the Tuition Differential Fee or other institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees. Tuition Plans are not available for purchase after January 31, 2010.

~~(7)(2)~~ Local Fee Plans ~~fee plans~~ consist of three (3) separate plans:

(a) 4-Yr University Local Fee Plan – The purchase of a 4-Yr University Local Fee Plan prepays the Local Fees ~~university local fee plan specifies that~~ local fees for 120 credit hours at a State University state university are ~~purchased~~ for the benefit of the qualified beneficiary. The 4-Yr University Local Fee Plan may only be purchased as an addition to a 4-Yr University Tuition Plan.

(b) 2-Yr FL College Local Fee Plan (formerly the Community College Local Fee Plan) – The purchase of a 2-Yr FL College Local Fee Plan prepays the Local Fees ~~community college plan specifies that~~ local fees for 60 lower division credit hours at a Florida College state community college are

~~purchased~~ for the benefit of the qualified beneficiary. The 2-Yr FL College Local Fee Plan may only be purchased as an addition to a 2-Yr FL College Tuition Plan.

(c) 2 + 2 Local Fee Plan (formerly the Community College Plus University Local Fee Plan) – The purchase of a 2 + 2 Local Fee Plan prepays the Local Fees ~~community college plus university plan specifies that~~ local fees for 60 lower division credit hours at a Florida College state community college and 60 upper division level credit hours at a State University state university are ~~purchased~~ for the benefit of the qualified beneficiary. The 2 + 2 Local Fee Plan may only be purchased as an addition to the 2 + 2 Tuition Plan.

Local Fee Plans fee plans may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the Local Fee Plan is accepted by the Board ~~for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the application is filed.~~ The Local Fee Plans do local fee plan does not include payment of the Tuition Differential Fee or other institutionally-imposed fees cover the tuition differential fee.

~~(8)(3)~~ Tuition Differential Fee Plans consist of two (2) separate plans: ~~Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.~~

(a) 4-Yr University TDF Tuition Differential Fee Plan – The purchase of a 4-Yr University TDF Plan prepays the Tuition Differential Fee for ~~university tuition differential fee plan specifies that~~ 120 credit hours at a State University state university are ~~purchased~~ for the benefit of the qualified beneficiary. The 4-Yr University TDF Plan 120 credit hour university tuition differential fee plan may be purchased only as an addition to a 4-Yr University Tuition Plan in conjunction with a university tuition plan.

(b) 2 + 2 TDF Plan (formerly the Community College Plus University Tuition Differential Fee Plan) – The 2 + 2 TDF Plan prepays the Tuition Differential Fee for ~~community college plus university tuition differential fee plan specifies that~~ only 60 credit hours at a State University state university are ~~purchased~~ for the benefit of the qualified beneficiary. The 2 + 2 TDF Plan 60 credit hour tuition differential fee plan may be purchased only as an addition to a 2 + 2 Tuition Plan in conjunction with a community college plus university tuition plan.

Tuition Differential Fee Plans differential fee plans may be purchased only for a qualified beneficiary who is in the eleventh grade or below ~~for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application for the Tuition Differential Fee Plan is accepted received by the Board.~~ Beneficiaries for whom advance payment contracts were in

effect prior to July 1, 2007 and include the 4-Yr University Tuition Plan or the 2 + 2 Tuition Plan, are exempt from the tuition differential fee. Tuition Differential Fee Plans do not include payment of Local Fees or other institutionally-imposed fees.

(9)(4) Dormitory Plan.

(a) The Dormitory Plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the State University and approved by the Board in which the qualified beneficiary is enrolled. Where a State University does not offer a double-occupancy, air-conditioned dormitory room, the Dormitory Plan will pay the State University, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.

(b)(a) The Dormitory Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the Dormitory Plan is accepted by the Board ~~dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed.~~

(c)(b) A Dormitory Plan which is dormitory plan purchased in conjunction with or as an addendum to the 2 + 2 Florida Plan or which is purchased as an addendum to a 2 + 2 Tuition Plan community college plus university plan may only be used is intended for use after the beneficiary is admitted to a State University state university. A Dormitory Plan dormitory plan may only be transferred for use at a Florida College community college pursuant to Rule 19B-9.004, F.A.C.

(d)(e) A purchaser may purchase a Dormitory Plan dormitory plan for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a 4-Year Florida University Plan or 2 + 2 Florida Plan or without having purchased Tuition Plan tuition plan contract for that beneficiary.

(10)(5) The advance payment contract does contracts do not cover fees and costs related to books, meals, transportation, and institutionally-imposed fees, including, but not limited to such as laboratory fees.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, 11-30-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.002
RULE TITLE: Contract Benefits

PURPOSE AND EFFECT: This rule is amended to update the names of the prepaid plans offered through the Florida Prepaid College Plan and to delete the description of the type of dormitory rooms available through the Dormitory Plan as that provision is being transferred to Rule 19B-5.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Provisions concerning usage of contract benefits under advance payment contracts in the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

(1) No change.

(2)(a) To be eligible to receive Dormitory Plan dormitory plan benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. The Dormitory Plan dormitory residence plan is not available for use during the summer term.

(b) ~~The dormitory plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the state university. Where a state university does not offer a double-occupancy, air-conditioned dormitory room, the dormitory plan will pay the university, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.~~

(3) Local Fee Plans Local fee and Tuition Differential Fee Plans tuition differential fee plans are tied to the corresponding type of Tuition Plan purchased for the qualified beneficiary ~~tuition contracts~~ for matriculation purposes. Payment for the

~~Local Fees local and the Tuition Differential Fee tuition differential fees~~ will be remitted with the ~~tuition~~ payment for Registration Fees, upon the receipt of an ~~tuition~~ invoice for a qualified beneficiary whose advance payment contract includes those ~~is composed of these fee plans~~.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, 11-30-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.003
RULE TITLE: Contract Requirements

PURPOSE AND EFFECT: This rule is amended to update the names of certain of the prepaid plans in the Florida Prepaid College Plan and clarify the requirements for usage of the contract benefits under those plans.

SUBJECT AREA TO BE ADDRESSED: Provisions concerning usage of benefits of advance payment contracts in the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(4) 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: September 7, 2010, 2:00 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

(1) through (5) No change.

(6) Contract benefits associated with advance Advance payment contracts that are composed of a Tuition Plan, a Local Fee Plan and a Tuition Differential Fee Plan ~~tuition, local fee and tuition differential fee plans~~ will only be paid if the Tuition

Plan, Local Fee Plan and Tuition Differential Fee Plan ~~tuition plan, local fee plans and tuition differential fee plan~~ are in good standing. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plan ~~Local fee payments and tuition differential fee payments~~ shall not be remitted to pay the Registration Fees ~~tuition~~ for any beneficiary attending a State University Florida public university or Florida College community college. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plans ~~Local fee payments and tuition differential fee payments~~ may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07, 1-28-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.004
RULE TITLE: Contract Purchasers

PURPOSE AND EFFECT: This rule is amended to specify the rights of purchasers and co-purchasers for 4-Year Florida University Plans, 2 + 2 Florida Plans, 4-Year Florida College Plans and 2-Year Florida College Plans. The amendment provides that the purchaser's and co-purchaser's approval is required for changes of the purchaser, co-purchaser or beneficiary for advance payment contracts which include one of those plans, the purchaser and co-purchaser of those plans each enjoy a survivorship right for each other, the purchaser and co-purchaser must authorize termination of an advance payment contract which includes one of those plans and the purchaser and co-purchaser must approve any refund request associated with a terminated advance payment contract which included one of those plans.

SUBJECT AREA TO BE ADDRESSED: The rights of purchasers and co-purchasers for 4-Year Florida University Plans, 2 + 2 Florida Plans, 4-Year Florida College Plans and 2-Year Florida College Plans

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801

TIME AND DATE: September 7, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.006 Limitations on Plan Option Changes.

(1) No change.

(2)(a) Advance payment contract purchasers may make a lump sum prepayment to fully prepay the installments payments then remaining due for any plan included in an advance payment contract ~~an installment contract~~ with no prepayment penalty.

(b) Advance payment contract purchasers may make one (1) or more partial prepayments for any plan included in the advance payment ~~on an installment~~ contract. For purposes of this Rule, a partial prepayment is a payment made on a plan on which payments are due and an installment contract which is received by the Board prior to the regularly scheduled time for a payment and ~~which~~ is less than the lump sum amount required to fully prepay the installment payments due on a plan included in the advance payment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due for all of the installment payments due for any plan included in an advance payment ~~on an installment~~ contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

(3) No plan option, including a Dormitory Plan, Local Fee Plan or Tuition Differential Fee Plan ~~dormitory, local fee or tuition differential fee plan~~, may be added or deleted except during this change period, during an open enrollment period, or by approval of the Board in cases of hardship and pursuant to the special petition procedure outlined in Rule 19B-12.001, F.A.C.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-6.001 Fee Schedule

PURPOSE AND EFFECT: This rule is amended to specify the fee to add a Dormitory Plan to a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan, to specify that the Termination Fee and Reinstatement Fee that will apply with respect to such plans and to revise the names of other plans in the Florida Prepaid College Plan.

SUBJECT AREA TO BE ADDRESSED: Fees applicable to the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971(4), 1009.98 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:

TIME AND DATE: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee –

(a) through (c) No change.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~tuition plan~~ who subsequently adds a Dormitory Plan ~~dormitory plan~~ to the previously purchased 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~tuition plan~~.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan ~~tuition plan~~ who subsequently adds the corresponding Local Fee Plan ~~local fee plan~~ to the previously purchased Tuition Plan ~~tuition plan~~.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan ~~tuition plan~~ who subsequently adds the corresponding Tuition Differential Fee Plan ~~tuition differential fee plan~~ to the previously purchased Tuition Plan ~~tuition plan~~.

(2) Termination Fee – Fifty percent (50%) of the amount paid into a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~the tuition plan~~ up to a cap of fifty dollars (\$50.00) will be assessed upon termination of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~any tuition plan purchased, respectively~~, unless:

(a) The purchaser or beneficiary dies or is disabled; or
 (b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two (2) years immediately preceding the request for termination and refund.

(3) No change.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this Rule. If Tuition Plan ~~the tuition~~, Local Fee Plan ~~local fee~~ and Tuition Differential Fee Plan ~~tuition differential fee~~ payments are received twenty (20) or more days past the due date, only the Tuition Plan ~~tuition plan~~ will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days' grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When an advance payment contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the advance payment contract.

(c) When an advance payment contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) through (6) No change.

(7) Reinstatement Fee – A fifty dollar \$50.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled plan. This fee shall be due ~~for on~~ each 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition

Plan, Local Fee Plan, Tuition Differential Fee Plan and Dormitory Plan ~~tuition, local fee, tuition differential fee and dormitory plan~~. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring a plan current.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-9.001 Flexibility

PURPOSE AND EFFECT: This rule is amended to: a) update references to the fees included in the contract benefits for the types of prepaid plans offered in the Florida Prepaid College Plan; b) update the example used to explain how plan benefits are converted for use at a different type of Florida state postsecondary education institution; c) specify that a Dormitory Plan may not be used at a Florida College and may not be an addendum to a 4-Year Florida College Plan, 2-Year Florida College Plan or 2-Yr FL College Tuition Plan; d) specify that a Tuition Differential Fee Plan may not be used at a Florida College and may not be an addendum to a 2-Yr FL College Tuition Plan; and e) revise references to the community college plan to the 2-Yr College FL Tuition Plan.

SUBJECT AREA TO BE ADDRESSED: The flexibility of use for the prepaid plans available through the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(3), (5) 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: September 7, 2010, 2:00 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.001 Flexibility.

The benefits of advance payment contracts are designed to be flexible in order to allow beneficiaries to attend the postsecondary institutions of their choice regardless of the type of plans included in the advance payment ~~contract~~ ~~contracts~~ purchased.

(1) Plan benefits will be automatically converted upon receipt of a valid postsecondary institution invoice based upon the respective ~~rates of tuition and/or fees included among the contract benefits for the plan or plans included in the qualified beneficiary's advance payment contract~~ ~~tuition rate~~ at the time of the qualified beneficiaries' actual matriculation dates. For example, ~~if the qualified beneficiary has a 2-YR FL College Tuition Plan and if the Florida College Registration Fees (the benefits provided by a 2-YR FL College Tuition Plan) are~~ ~~community college tuition rate~~ is two-thirds (2/3) of the ~~State University Registration Fees~~ ~~university rate~~ at the time of matriculation, three ~~Florida College~~ ~~community college~~ credit hours will be used to pay for two (2) ~~State University~~ ~~university~~ credit hours.

(2) A ~~Dormitory Plan~~ may not be used at a ~~Florida College~~ except as provided in Rule 19B-9.004, F.A.C. and ~~dormitory plan~~ may not be ~~an addendum~~ ~~transferred~~ to a ~~4-Year Florida College Plan, 2-Year Florida College Plan or 2-Yr FL College Tuition Plan~~ ~~community college plan~~.

(3) A ~~Tuition Differential Fee Plan~~ may not be used at a ~~Florida College~~ and ~~tuition differential fee plan~~ may not be ~~an addendum~~ ~~transferred~~ to a ~~2-Yr FL College Tuition Plan~~ ~~community college plan~~.

(4) For the purchaser to convert plan benefits and receive a refund, pursuant to Rule 19B-11.002, F.A.C., a written conversion/refund request must be received from the purchaser no earlier than one (1) year and before April 1 of the year of matriculation of the qualified beneficiary.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History—New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97, 12-17-07,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.002
RULE TITLE: Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools

PURPOSE AND EFFECT: This rule is amended to specify the redemption rates for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan and to clarify the redemption rate for Tuition Plans, Local Fee Plans Tuition Differential Fee Plans and Dormitory Plan, which will apply when the benefits of one of those plans is used at an eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

SUBJECT AREA TO BE ADDRESSED: The redemption rates payable under the prepaid plans offered through the Florida Prepaid College Plans, when the contract benefits of a prepaid plan are used at an eligible educational institution as defined in s. 529 of the Internal Revenue Code.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.002 Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools.

(1) In the event the beneficiary matriculates to any eligible education institution, as defined in s. 529 of the Internal Revenue Code, (other than a State University in Florida or a Florida College), the redemption value will be forwarded to the institution.

(2) For purposes of the transfer of 4-Year Florida University Plans, the redemption value shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees under the beneficiary's plan, at the time of matriculation.

(3) For purposes of the transfer of 2 + 2 Florida Plans, the redemption value shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees under the beneficiary's plan, at the time of matriculation, and the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(4) For purposes of the transfer of 4-Year Florida College Plans, the redemption value shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(5) For purposes of the transfer of 2-Year Florida College Plans, the redemption value shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(6) For purposes of ~~such~~ transfers of Tuition Plans, Local Fee Plans and Tuition Differential Fee Plans ~~the tuition, local fee and tuition differential fee plans~~, the redemption value shall be the average amount payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees ~~of tuition, local fees and tuition differential fees~~, respectively, under the beneficiary's plan or plans ~~to a state university~~ or the average amount payable to Florida Colleges for Registration Fees and Local Fees, respectively, under the beneficiary's plan or plans ~~community college~~, at the time of matriculation.

(7) For purposes of ~~such~~ transfers of the Dormitory Plan ~~dormitory plan~~, the redemption value shall be the average of the State University ~~state university~~ dormitory fees payable under the beneficiary's plan to a State University ~~state university~~ or Florida College ~~community college~~, at the time of matriculation for the number of semesters reflected in each beneficiary's Dormitory Plan ~~dormitory plan~~.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.004
 RULE TITLE: Dormitory Transfer to Florida Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: To update references to the Dormitory Plan and to change references from “community college” to “Florida College”.

SUBJECT AREA TO BE ADDRESSED: Transfer of Dormitory Plans to Florida Colleges and State University-Held Residences other than dormitories.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(3), (10) 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.004 Dormitory Transfer to Florida ~~Community~~ Colleges and State University-Held Residences Other than Dormitories.

(1) A Dormitory Plan ~~dormitory plan~~ may be transferred to a Florida College ~~community college~~ or Florida College ~~community college~~ direct-support organization that operates a residence facility for students attending the Florida College ~~community college~~. Funds transferred to the Florida College ~~community college~~ or Florida College ~~community college~~ direct-support organization shall not exceed the lesser of the actual fees charged by the Florida College ~~community college~~ or the Florida College ~~community college~~ direct-support organization for dormitories or residency opportunities or the

average dormitory fees payable under the beneficiary's Dormitory Plan ~~dormitory plan~~ for State University ~~state university~~ dormitories designated for inclusion in the Program.

(2) A Dormitory Plan ~~dormitory plan~~ may be transferred to other State University ~~university~~-held residences designated by a State University ~~state university~~ for inclusion in the Program. Funds transferred to other State University ~~university~~-held residences shall not exceed the average of fees payable under the beneficiary's Dormitory Plan ~~dormitory plan~~ for dormitories at the State University ~~state university~~ that are designated for inclusion in the Program. The terms of the State University ~~university housing~~ contract shall take precedence over the terms of the advance payment contract for the purpose of transferring Dormitory Plans ~~dormitory plans~~.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History--New 10-20-96, Amended 1-28-09, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-11.001 General

PURPOSE AND EFFECT: This rule is amended to specify the redemption value for death and disability refunds and scholarship refunds associated with the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan, clarify the redemption value for death and disability refunds and scholarship refunds associated with Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans, and to delete obsolete text.

SUBJECT AREA TO BE ADDRESSED: Death and disability refunds and scholarship refunds associated with the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971 1009.98(5) 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser ~~of the terminated account~~.

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as a financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the beneficiary's advance payment ~~contract~~ ~~contracts~~, moneys paid for the purchase of the advance payment ~~contract~~ ~~contracts~~ shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract at the time the scholarship benefits are used. Proof of scholarship shall be given to the Board as required by the Master Covenant.

(b) In the event of death or total disability of the beneficiary, the advance payment contract may be terminated pursuant to Rule 19B-10.002, F.A.C., and the moneys paid for the purchase of an advance payment contract shall be refunded in lump sum in an amount not to exceed the redemption value of the advance payment contract at the time of the refund request. Proof of death or disability shall be in such form as required by the Board.

(3) For the purposes of refunds pursuant to paragraph 19B-11.001(2), F.A.C., the redemption value for the:

(a) 4-Year Florida University Plan shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees, under the beneficiary's plan.

(b) 2 + 2 Florida Plan shall be the sum of the average amounts payable to the State Universities for Registration Fees, Local Fees and Tuition Differential Fees, under the beneficiary's plan, and the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(c) 4-Year Florida College Plan shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(d) 2-Year Florida College Plan shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(e) Tuition Plans, Local Fee Plans and Tuition Differential Fee Plans For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount payable to State Universities for Registration Fees of tuition, Local Fees local fees and Tuition Differential Fees tuition differential fees, respectively, payable under the beneficiary's plan or plans to the state universities or the average amount payable to Florida Colleges for Registration Fees and Local Fees, respectively, under the beneficiary's plan or plans community colleges at the time of the refund request.

(f) Dormitory Plans For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the State University state university dormitory fees payable under the beneficiary's Dormitory Plan dormitory plan at the time of the refund request, for the number of semesters reflected in the beneficiary's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees payable under the beneficiary's tuition differential plan to state universities in Florida at the time of the refund.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.004
 RULE TITLE: Dormitory Refund

PURPOSE AND EFFECT: This rule is amended to correct capitalization for references to the Dormitory Plan and the term "State University."

SUBJECT AREA TO BE ADDRESSED: References to the Dormitory Plan and references to "State University" in the rule dealing with Dormitory Plan refunds.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(5) 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.004 Dormitory Refund.

If there is insufficient housing to accommodate a qualified beneficiary under the Dormitory Plan dormitory plan, the actual value of dormitory rates at the specified institution at the time of the application for dormitory space at the university will be refunded to the purchaser. Insufficient housing means that sufficient numbers of double-occupancy, air-conditioned dormitory rooms are not available for the qualified beneficiaries who attend that State University state university. If the qualified beneficiary is placed upon an university admission wait list and is therefore prohibited by university regulations from submitting a timely housing application and, as a consequence, does not receive a housing assignment, this shall constitute insufficient housing pursuant to this section. The Board shall require documentation from the university housing authority and/or admission office prior to processing a dormitory refund due to insufficient housing. If the qualified beneficiary elects not to apply for the dormitory residence, the refund will be the amount paid for the dormitory plan after assessment of the termination fee pursuant to subsection 19B-6.001(2), F.A.C. Where a State University state university does not offer a double-occupancy, air-conditioned dormitory room, the Program will refund the purchaser the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History--New 3-29-89, Amended 2-6-90, Formerly 4G-11.004, Amended 5-31-95, 2-18-99,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.005
 RULE TITLE: Other Refunds

PURPOSE AND EFFECT: This rule is amended to specify that when the beneficiary does not complete use of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan that a pro rata refund will be available.

SUBJECT AREA TO BE ADDRESSED: Pro rate refunds available for Florida Prepaid College Plans that are not completely used.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(5) 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: September 7, 2010, 2:00 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.005 Other Refunds.

If a beneficiary does not complete a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan ~~Community College Plan, University Plan, or a Community College/University Plan~~ for reasons other than those specified in Rules 19B-11.001 through 19B-11.004, F.A.C., the plan account may be terminated pursuant to Rule 19B-10.002, F.A.C., and a pro-rata refund of the amount paid for the plan or plans into the fund is available. A refund under this rule will not include funds for any school year partially attended but not completed. A school year partially attended but not completed shall mean

any one semester of a two semester school year whereby the student is enrolled at the conclusion of the official drop/add period, but withdraws before the end of such semester.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.005, Amended 1-28-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.007
 RULE TITLE: Unclaimed Refunds

PURPOSE AND EFFECT: This rule is amended to update the Board’s web address where information will be available pertaining to refunds for terminated advance payment contracts when the refund for the terminated advance payment contract has been available for six years.

SUBJECT AREA TO BE ADDRESSED: The website address where information will be made available pertaining to refunds for terminated advance payment contracts when the refund for the terminated advance payment contract has been available for six years.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.972(5), 1009.98(5) 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.007 Unclaimed Refunds.

(1) The Board will mail written notice to the purchaser of a terminated advance payment contract when a refund for the account has been available for six (6) years. Such refund will

consist of any monies paid into the program minus any applicable fees due against the account. The notice will indicate the procedure which must be followed to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board's website on the Internet (www.myfloridaprepaid.com ~~www.florida529plans.com~~). Any refund which remains unclaimed seven (7) years after an account is terminated will escheat to the Florida Prepaid College Trust Fund.

(2) through (4) No change.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History--New 6-20-96, Amended 12-29-98, 4-15-04, 1-28-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-14.001 Scope

PURPOSE AND EFFECT: This rule is amended to update and capitalize the names of various prepaid plans associated with advance payment contracts under the Florida Prepaid College Plan and to update the name of the Florida Prepaid College Board.

SUBJECT AREA TO BE ADDRESSED: Contract dispute resolution.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-14.001 Scope.

These rules shall apply to the resolution of all claims, disputes or controversies related to or arising from contracts, including any extensions of contracts, entered by the Florida Prepaid ~~College Postsecondary Education Expenses~~ Board on or after the effective date of these rules. These rules shall constitute the sole procedure for the resolution of all claims under all such contracts. These rules do not apply to advance payment contracts for the prepayment of Registration Fees, Local Fees, the Tuition Differential Fee ~~postsecondary registration fees~~ and dormitory ~~registration~~ fees.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971 FS. History--New 6-20-96, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-16.002 Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan new account application form.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2011-01 2009-10a, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07 11-18-08, 01-28-09, 4.5.09, 10-26-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.201
RULE TITLE: Sanitary Practices Relating to Correctional Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for the processing of and response to complaints related to sanitary conditions in correctional facilities.

SUBJECT AREA TO BE ADDRESSED: Sanitary conditions in correctional facilities.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.31 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.201 Sanitary Practices Relating to Correctional Facilities.

(1) Pursuant to Section 944.31, F.S., the Office of the Inspector General is charged with inspection of each correctional facility with reference to its physical conditions, cleanliness, sanitation, safety and comfort; the quality and supply of all bedding; the quality, quantity and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution.

(2) Each facility will be inspected monthly by the facility environmental health and safety officer and annually by the regional safety consultant and records of such inspections shall be maintained for three years in order to facilitate review in assuring maintenance of safety standards.

(3) Complaints regarding the matters outlined in subsection (1) above shall be forwarded to the Office of the Inspector General. Upon receipt of a complaint, the Office of the Inspector General shall review the complaint to determine whether further inspection of the facility is necessary in order to ensure compliance with state law and administrative regulations.

(4) If a determination is made that a violation exists, the Department will take the necessary steps to bring the facility into compliance with the applicable regulation.

Rulemaking Authority 944.09 FS. Law Implemented 20.15, 944.09, 944.31 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.901
RULE TITLE: Confidential Records

PURPOSE AND EFFECT: The proposed rule amendment deletes those provisions related to medical and substance abuse files as those sections are being moved to a new Rule 33-401.701, F.A.C., Medical and Substance Abuse Clinical Files.

SUBJECT AREA TO BE ADDRESSED: Confidential Records.

RULEMAKING AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C records.

~~1. Definitions.~~

~~a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.~~

~~b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.~~

c. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

e. "Substance abuse progress notes" as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.

3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

4.a. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department's records.

b. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

5. The request for access shall be denied in whole or in part due to any of the following reasons:

a. The request is for records or information identified in subparagraph 4. above.

b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

c. The request is for information not maintained or no longer maintained by the department in its files.

d. There has been a determination by a licensed or certified health care professional that:

I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

II. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

7. Denials must provide:

a. The basis for the denial;

b. Information on where the requested information is maintained if sub-subparagraph 5.c. applies, and the department knows where the information is maintained;

c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and

d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.

~~9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.~~

~~(e) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.~~

~~(2) No change.~~

~~(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:~~

~~(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.~~

~~(b) through (8) No change.~~

~~(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the~~

~~performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:~~

~~(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:~~

~~1. The specific name or general designation of the program or person permitted to make the disclosure;~~

~~2. The name or title of the individual or the name of the organization to which disclosure is to be made;~~

~~3. The name of the inmate or offender;~~

~~4. The purpose of the disclosure;~~

~~5. How much and what kind of information is to be disclosed;~~

~~6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;~~

~~7. The date on which the consent is signed;~~

~~8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.~~

~~9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.~~

~~If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.~~

~~(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:~~

~~1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and~~

~~2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:~~

~~a. The anticipated length of the treatment;~~

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(e) A disclosure may not be made on the basis of a consent which:

1. Has expired;
2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;
3. Is known to have been revoked; or
4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;
2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.
3. To communicate within a program or between a program and an entity having direct administrative control over that program;
4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;
5. Reports of suspected child abuse and neglect; and
6. If authorized by a court order.

(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.

(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.

Rulemaking Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., 42 USCS 290 ee 3, 45 CFR Parts 160 and 164. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-1.603 Permit Fees

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt and charge a fee when a request for modification of a consumptive use permit (CUP) is submitted by letter. Currently, if a letter modification request qualifies under Rule 40C-2.331, F.A.C., then the District does not charge a fee for the modification. As part of related proposed rule amendments to Chapter 40C-2, F.A.C., the scope of allowed letter modifications will be expanded to include modifications that currently cost more than the proposed fees for letter modifications.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would: (1) create a \$100 fee for letter modifications of Chapter 40C-2, F.A.C., (individual) CUPs; and (2) create a \$50 fee for letter modifications of Chapter 40C-20, F.A.C., (standard general) CUPs.

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113 FS.

LAW IMPLEMENTED: 373.109 FS.

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

DATE AND TIME: September 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees

established except as provided in subsection (17). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

(1) Chapter 40C-2, F.A.C., consumptive use permits:

(a) through (b) No change.

(c) ~~The No fee will be charged for requests for modification by letter of an existing permit applied for by letter pursuant to Rule 40C-2.331, F.A.C., shall be regardless of withdrawal amount.~~ \$100.

(2) Chapter 40C-20, F.A.C., standard general consumptive water use permits:

(a) through (f) No change.

(g) ~~The No fee will be charged for requests for modification by letter of an existing permit applied for by letter pursuant to Rule 40C-2.331, F.A.C., shall be regardless of withdrawal amount.~~ \$50.

(3) through (17) No change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05, 2-16-10,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.101	Publications Incorporated by Reference
40C-2.331	Modification of Permits
40C-2.381	Limiting Conditions
40C-2.501	Permit Classification
40C-2.900	Forms and Applications

PURPOSE AND EFFECT: The purposes and effects of this rulemaking are to: (1) expand the types of modifications to consumptive use permits (CUPs) that can be requested by letter (rather by filling out and submitting a complete CUP application form); (2) clarify the procedures and criteria for all CUP modifications, including letter modifications; (3) revise and update the permit limiting conditions, and allow a permit limiting condition to be waived or modified when the condition is inapplicable to the activity authorized by the CUP; (4) repeal outdated general permit conditions (by type of use) and outdated special conditions; (5) reduce the number of water use types from 23 down to seven, define the water use types, and make changes to parts of the CUP Handbook incorporated by reference in Rule 40C-2.900, F.A.C., and the CUP application form and other forms incorporated by reference in Rule 40C-2.900, F.A.C., to conform to the new water use type categories; (6) revise and update the CUP application form and update rule references to this form; (7) adopt Water Use Record (EN-50) and Water Use Reporting Verification (EN-51) forms incorporated by reference in Rule 40C-2.900, F.A.C.; (8)

adopt Annual Statement of Continuing Use form incorporated by reference in Rule 40C-2.900, F.A.C., as part of rulemaking to reduce water use reporting requirements for small water users (described below); (9) define “domestic use,” consistent with the statutory definition in subsection 373.019(6), F.S.; (10) revise the drought frequency used in determining the supplemental irrigation needed for agriculture from a two in ten year drought to a one in ten year drought, for consistency with the statutory requirement in Section 373.0361, F.S.; (11) define “one in ten year drought” and repeal definition of “two in ten year drought” and make conforming changes; (12) clarify the requirements for supplemental irrigation models and expand the types of supplemental irrigations models allowed; (13) clarify rules that apply to permit transfers; (14) clarify monitoring requirements regarding water withdrawal quantities for CUPs initially issued prior to July 23, 1991 and clarify such monitoring for CUPs initially issued on or after July 23, 1991; (15) reduce water use reporting requirements for small users (with permitted CUP allocations not exceeding 100,000 gallons per day on an annual average), who will be allowed to annually submit an “Annual Statement of Continuing Use” rather than semi-annually submitting EN-50 forms; and (16) clarify that individual and standard general CUP applicants must submit a water conservation plan in their permit application.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would: (1) expand modifications of CUPs by letter; (2) clarify the procedures and criteria for all CUP modifications (including letter modifications); (3) revise and update permit limiting conditions and repeal outdated permit conditions; (4) condense the water use type categories; (5) revise and update the CUP application form; (6) adopt Water Use Record (EN-50) and Water Use Reporting (EN-51) forms; (7) define “domestic use”; (8) change the drought frequency used in determining the supplemental irrigation needed for agriculture from a two in ten year drought to a one in ten year drought; (9) define “one in ten year drought” and repeal the definition of “two in ten year drought”; (10) clarify the requirements for supplemental irrigation models and expand the types of such models allowed; (11) clarify permit transfer criteria; (12) clarify monitoring requirements for water withdrawal quantities; (13) reduce water use reporting requirements for certain small users if they annually submit an “Annual Statement of Continuing Use”; (14) clarify who must submit a water conservation plan as part of a CUP application; and (15) miscellaneous conforming changes.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.0361, 373.183(5), 373.118, 373.216, 373.219, 373.223, 373.229, 373.239 FS.

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

DATE AND TIME: September 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water”, (effective date) ~~3-8-09~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.0361, 373.073, 373.079, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

(Substantial rewording of Rule 40C-2.331 follows. See Florida Administrative Code for present text.)

40C-2.331 Modification of Permits.

(1) A request for modification of a valid permit issued pursuant to Chapters 40C-2 or 40C-20, F.A.C., shall be made as set forth in this section:

(a) By application on District Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable; or

(b) By letter that describes the proposed modification, provided that the modification is not excluded under paragraph (1)(c) below. The letter must include the full permit number for the requested permit modification.

(c) The following requests for modification are specifically excluded from the letter modification process and must be requested by application under paragraph (1)(a) above:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit, unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee's ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system;

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit; or

8. Requests to change any permit condition concerning:

(i) Decreasing the use of alternative or supplemental water supplies, or

(ii) Development of alternative or supplemental water supplies.

(2) When a request for modification by letter is excluded from the letter modification process under paragraph (1)(c) above, then the request shall be processed under paragraph (1)(a) above.

(3) A request for modification must meet the conditions for issuance in Rule 40C-2.301, F.A.C. A permit which has expired or which has been revoked shall not be subject to modification.

(4) Modification by letter in accordance with paragraph (1)(b) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083(5), 373.219, 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.33, 40C-2.331, 40C-2.0331. Amended 4-25-96, 10-2-96,_____.

40C-2.381 Limiting Conditions.

(1) The ~~District Board~~ will impose upon any permit granted pursuant to this Chapter such reasonable conditions as necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in provisions of Rule 40C-2.301011, F.A.C., and will not be harmful to the water resources of the District.

(2)(a) The Board hereby determines and finds that the inclusion of the following limiting conditions on standard general permits issued under Chapter 40C-20, F.A.C., and permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit:

1. through 4. No change.

5. The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application ~~may not be significantly adversely impacted by the consumptive use.~~ If interference ~~unanticipated significant adverse impacts~~ occurs, the District shall revoke the permit, in whole or in part to curtail or abate the ~~interference adverse impacts~~, unless the ~~interference is impacts can be~~ mitigated by the permittee pursuant to a District-approved plan.

6. The permittee's consumptive use of water as authorized by this permit shall not have adverse hydrologic impacts to ~~off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use.~~ If ~~unanticipated significant~~ adverse hydrologic impacts occur, the District shall revoke the permit in whole or in part, to curtail or abate the adverse impacts, unless the impacts ~~are can be~~ mitigated by the permittee pursuant to a District-approved plan.

7. through 8. No change.

9. The permittee's consumptive use of water as authorized by this permit shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District shall revoke the permit, in whole or in part to curtail or abate the adverse impacts, unless the impacts are mitigated by the permittee pursuant to a District-approved plan.

10. The permittee's consumptive use of water as authorized by this permit shall not cause or contribute to a violation of any minimum flow or level adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a violation, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the use in a District-approved recovery strategy.

11. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water

intrusion occurs, the District shall revoke the permit, in whole or in part to curtail or abate the saline water intrusion, unless the saline water intrusion is mitigated by the permittee pursuant to a District-approved plan.

12. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part to curtail or abate the flood damage, unless the flood damage is mitigated by the permittee pursuant to a District-approved plan.

13. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to a violation of state water quality standards in receiving waters of the state, as set forth in Chapters 62-3, 62-4, 62-302, 62-520, and 62-550, F.A.C., including any anti-degradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. If violations occur, the District shall revoke the permit, in whole or in part to curtail or abate the violations, unless the violations are mitigated by the permittee pursuant to a District-approved plan.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219(1) FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381, Amended 8-1-89, 7-23-91, 2-15-06, _____.

40C-2.501 Permit Classification.

- (1) No change.
- (2) Use Types ~~Type of Use Classes~~: Each permit shall be identified with one or more of the following use classifications:
 - (a) Agricultural Aesthetic use
 - (b) Commercial/Industrial/Institutional Agricultural use
 - (c) Environmental Aquaculture use
 - (d) Landscape/Recreation/Aesthetic Commercial and industrial process use
 - (e) Mining/Dewatering Cooling and air conditioning use
 - (f) Public Supply Dewatering use
 - (g) Other Diversion and impoundment into non-District facilities
 - (h) Essential use
 - (i) Freeze protection
 - (j) Golf course use
 - (k) Household type use
 - (l) Livestock use
 - (m) Navigation use
 - (n) Nursery use
 - (o) Outside Uses
 - (p) Power production
 - (q) Recreation area use

- (r) Soil flooding
- (s) Urban landscape irrigation
- (t) Water-based recreation use
- (u) Water utility use
- (v) Wetland Enhancement/creation—the use of water to saturate the soils to promote or restore wetland functions.

(3) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.219, 373.246 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.501, 40C-2.0501, Amended 1-20-93, 2-15-95, _____.

40C-2.900 Forms and Applications.

(1) Individual and Standard General Consumptive Use Permit Application, Form Number 40C-2-1082-1, effective (effective date) ~~1-7-99~~, is hereby incorporated by reference.

(2) Standard General Consumptive Use Permit for Landscape Irrigation, Form Number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference.

(3)(2) No change.

(4) Water Use Record (EN-50), Form Number 40C-2.900(4), effective (effective date), is hereby incorporated by reference.

(5) Water Use Reporting Verification (EN-51), Form Number 40C-2.900(5), effective (effective date), is hereby incorporated by reference.

(6) Annual Statement of Continuing Use, Form Number 40C-2.900(6), effective (effective date), is hereby incorporated by reference.

(7)(3) Copies of these forms ~~this form~~ are available without charge from the following District offices:

District Headquarters
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, Florida 32177-2529
 (386)329-4500

St. Johns River Water Management District
 7775 Baymeadows Way, Suite 102
 Jacksonville, Florida 32256
 (904)730-6270

St. Johns River Water Management District
 975 Keller Road
 Altamonte Springs, Florida 32714-1618
 (407)659-4800

St. Johns River Water Management District
 525 Community College Pkwy., S.E.
 Palm Bay, Florida 32909
 (321)984-4940

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, _____.

APPLICANT’S HANDBOOK SECTION:

2.0 Definitions

(a) through (i) No change.

(j) Domestic use – the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic (subsection 373.019(6), F.S.).

(j) through (v) reletter (k) through (w) No change.

(x) One in Ten Year Drought – A drought, the severity of which statistically may be expected on the average of one year in a ten-year period.

(w) through (ii) reletter (y) through (kk) No change.

(jj) Two in Ten Year Drought – A drought, the severity of which statistically may be expected on the average of two years in a ten year period.

(kk) through (tt) reletter (ll) through (uu) No change.

3.2 Thresholds

3.2.1 through 3.2.8 No change.

3.2.9 If the permittee seeks to change the requirements and circumstances under which the existing permit was issued, the permittee must submit an application to modify the permit, except as provided in subsection 3.3.3 3.3.2(b) below.

3.3 Permits Required

3.3.1 No change.

3.3.2 Transfers and Modifications

~~(a)~~ The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40C-1.612, F.A.C chapter 40C-1.

~~(b) A permit holder must apply to the District for a modification if he intends to increase the amount of withdrawal beyond that specified on the permit, put the water to a use other than that specified on the permit, or otherwise modify the conditions of the permit. However, a modification involving one or more of the following changes may be applied for by submitting a letter to the District provided that the water use is not increased:~~

~~1. Moving the location of a proposed well within 200 feet of the permitted location.~~

~~2. The addition of a domestic use with irrigation of landscape less than one acre of and.~~

~~3. Change in crop type.~~

~~4. Adding a surface water pump to the same source.~~

~~5. Reduction in allocation a reduction in the number of wells, or a reduction in the project acreage.~~

~~6. Changing to a reclaimed or stormwater source~~

~~7. Changing the method of monitoring water use.~~

~~8. Replacement of an existing well with a well producing from the same aquifer horizon so long as the replacement well is within 200 feet of the existing well it is intended to replace.~~

See Section 11.2 for information regarding evaluation criteria which will be applied to transfer of a permit. See Section 4.2 for information regarding application procedure and sections 11.1 and 11.2 for information regarding evaluation criteria which will be applied to an application to modify or transfer a permit.

3.3.3 Modification of Permits

(a) A request for modification of a valid permit may be made by submitting a letter or an application form, as set forth in subsection 3.3.3. Many permit modifications may be requested by submittal of a letter; however, the following permit modifications are specifically excluded from the letter modification process:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit (e.g., change from potato irrigation to cabbage irrigation), unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee’s ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system;

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of

the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit; or

8. Requests to change any permit condition concerning:

(i) Decreasing the use of alternative or supplemental water supplies, or

(ii) Development of alternative or supplemental water supplies.

(b) When a request for modification submitted by letter is excluded from the letter modification process under paragraph 3.3.3(a) above, then the request shall be processed by the applicant submitting an application using Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable. Such a request for modification shall be processed as an individual permit application if the permit requested to be modified was processed as an individual permit application. If the permit requested to be modified was processed as a standard general permit application, then the request for modification shall be processed as a standard general permit application, unless section 5.5.2 is applicable. In such a case, the request shall be reviewed as an individual permit application. See sections 5.4 and 5.5 for information on individual and standard general permits.

(c) A permit which has expired or which has been revoked shall not be subject to modification.

See Sections 4.2 and 5 for information regarding application procedure and section 11.1 for information regarding evaluation criteria that will be applied to an application to modify a permit.

3.3.3.1 Letter Modification

(a) A request for modification submitted by letter must be accompanied by the appropriate fee required by Rule 40C-1.603, F.A.C., must reference the full permit number, and must describe the proposed modification.

(b) Within 30 days after a request for modification submitted by letter is complete, the District staff shall issue the new modification if District staff find that the request meets the criteria in Section 9.0 (see also subsection 40C-4.301(2), F.A.C). If District staff find that these criteria are not met, the permit holder shall be notified within 30 days after completeness that the request shall be processed as an individual permit application; however, no additional fee shall be required.

(c) Modification by letter in accordance with subsection 3.3.3(a) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

Renumber 3.3.3 to 3.3.4 No change.

4.0 Application Preparation

4.1 No change.

4.2 Forms and Instructions

The application forms for application for an individual and standard general consumptive use permit have been adopted as a rule in Rule Section 40C-2.900, F.A.C., as Form Numbers 40C-2-1082-1 and 40C-2-1082-2. Copies ~~A copy~~ of these forms are ~~is~~ included in Appendix C of this Handbook. The appropriate form must be used for the application for a permit as well as an application for a modification, renewal, or temporary use, or modification unless the modification request qualifies for a letter modification under Section 3.3.2(b). An application which includes a request for a temporary use permit must be accompanied by a letter stating why such a permit is needed.

4.3 through 4.6 No change.

5.0 Procedures for Processing

5.1 through 5.4 No change.

5.5 Standard General Permits

5.5.1 Standard general permits differ from individual permits in that they are granted by rule to all non-exempt consumptive uses which meet the following requirements:

(a) through (b) No change.

(c) The person who seeks a standard general permit must submit a complete permit application Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable, to the District at least 30 days prior to undertaking the consumptive use and must receive the permit prior to commencing the withdrawal.

5.5.2 through 5.5.5 No change.

6.0 Permits

6.1 Permit Conditions

Each consumptive use permit which is issued by the District will include certain conditions with which the permittee must comply. General conditions are those to which all users are subject, ~~other standardized conditions may be included for agricultural, industrial, mining and public supply types uses.~~ Additionally, other special conditions specific to the project may also be included. A more detailed discussion of general conditions, ~~conditions by type of use,~~ and other special conditions is presented in Part III of this Handbook.

6.2 Use/Source Classifications

Each permit issued by the District shall identify ~~will be classified according to~~ the source of withdrawal, the use type of use, and the location of the withdrawal, ~~as a sub-class of such class or category of source.~~

6.2.1 and 6.2.2 No change.

6.2.3 Use Types of Use Classes: Each permit shall be identified with one or more of the following use types ~~classifications:~~

(a) Agricultural – The use of water associated with the production and freeze protection of crops, nursery products, sod, and pasture, as well as the cultivation of animals and plants associated with farming and aquacultural activities.

(b) Commercial/Industrial/Institutional – The use of water associated with the production of goods or provision of services by a commercial, industrial, or institutional establishment.

(c) Environmental – The use of water to avoid or mitigate environmental harm. Examples include enhancing, restoring, or creating wetlands or other surface waters, or the use of water for groundwater remediation.

(d) Landscape/Recreation/Aesthetic – The use of water for landscape irrigation; the use of water associated with the creation, maintenance, and operation of recreational facilities such as golf courses, water-based recreational areas, and athletic fields; or the use of water for ornamental or decorative purposes, such as fountains and waterfalls.

(e) Mining/Dewatering – The use of water associated with the extraction of subsurface materials or to control surface or ground water when performing activities such as construction or excavation.

(f) Public Supply – The use of water provided by any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multijurisdictional water supply authority for human consumption and other purposes.

(g) Other – The use of water for a purpose other than as described in subsections 6.2.3(a)-(f).

~~(a) Aquacultural use – The use or withdrawal of water for the commercial cultivation of animal and plant life in a water environment, including but not limited to food fish, aquatic bait, game fish, aquatic plants (i.e. watercress), alligators, tropical fish, shellfish, and turtles.~~

~~(b) Aesthetic use – the use of water for fountains, waterfalls, and landscape lakes and ponds where such uses are entirely ornamental and decorative.~~

~~(c) Agricultural use – the use of water for the commercial production of crops, commercial nursery production, or the growing of farm products including, but not limited to, vegetables, citrus and other fruits, pasture, rice and other commodities for human consumption or domestic animal feed.~~

~~(d) Commercial and industrial process use – the use of water essential to the production of the goods or services provided by a business establishment.~~

~~(e) Cooling and air conditioning use – the use of water for heating or cooling, or for air conditioning.~~

~~(f) Dewatering use – the removal of water from a specific area to facilitate mining or construction.~~

~~(g) Diversion and impoundment into non-District facilities – the diversion or extraction of water into non-District impoundments and delivery systems designed for purposes including, but not limited to, maintaining structural integrity, providing agricultural water and other non-recreational, non-aesthetic uses.~~

~~(h) Domestic use – the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation.~~

~~(i) Essential use – the use of water strictly for fire fighting purposes, health and medical purposes and the use of water to satisfy federal, state or local public health and safety requirements.~~

~~(j) Freeze protection – the use of water to protect agricultural and nursery crops from damage due to low temperatures.~~

~~(k) Golf course use – water used to irrigate an establishment designed and used for playing golf.~~

~~(l) Household type use – the use of water for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a business or industrial establishment.~~

~~(m) Landscape irrigation – the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way.~~

~~(n) Livestock use – the use of water for watering or washing of livestock.~~

~~(o) Navigation use – water discharged from ground or surface sources either to tidewater or to downstream lakes or reaches of rivers or canals for the purpose of permitting or promoting boating activity.~~

~~(p) Nursery use – the use of water on premises on or in which nursery stock is grown, propagated or held for sale or distribution or sold or reshipped, including but not limited to sod, ferns, ornamental foliage and greenhouses.~~

~~(q) Outside uses – the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment including automobiles and the washing of streets, driveways, and sidewalks.~~

~~(r) Power production – the use of water for power generation and the use of water for cooling and for replenishment of cooling reservoirs.~~

~~(s) Recreation area use – the use of water for the maintenance and support of intensive recreational areas such as, but not limited to, playgrounds, football, baseball, and soccer fields.~~

~~(t) Soil flooding – use of water for raising of water levels on agricultural lands for purposes not directly related to crop growth including but not limited to soil preservation and pest control.~~

~~(u) Water based recreation use – water used for public or private swimming and wading pools, including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.~~

~~(v) Water utility use — water used for withdrawal, treatment, transmission and distribution by potable water systems.~~

~~(w) Wetland enhancement/creation — the use of water to saturate the soils to promote or restore wetland functions.~~

6.2.4 through 6.6 No change.

6.7 Monitoring Requirements

Issuance of a Consumptive Use Permit requires that the withdrawals will not result in significant unmitigated adverse impacts on the water resources and existing legal users, and that the use continues to be in the public interest. To ensure that these criteria continue to be met after a permit is issued, monitoring and reporting activities are required as conditions of any ~~individual~~ permit. Where appropriate, the District's monitoring requirements may be satisfied by providing reports required by other agencies.

6.7.1 Withdrawal Quantity

6.7.1.1 All ~~individual~~ consumptive use permittees issued permits under subsection 40C-2.041(1), F.A.C., must measure the quantity of water used, diverted or withdrawn from any source in accordance with the requirements of this section. Measuring of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, to assess impacts to the resource and existing water and land uses, to enable the District to assess the effectiveness of conservation measures, and to ensure that quantities withdrawn do not exceed permitted allocations. Each source must be measured, but monitoring plans should be developed that do not require duplicative monitoring of water that is withdrawn from a source for storage and then withdrawn from storage for use.

Whenever flow meters are used, they must maintain a 95% accuracy, be verifiable and be installed according to manufacturer's specifications. Whenever an alternative method to flow meters is used to measure withdrawals, it must be verifiable and 90% accurate.

6.7.1.2 Uses Initially Permitted On or After July 23, 1991

Applicants for proposed uses of water that will be issued their initial consumptive use permit under subsection 40C-2.041(1), F.A.C., on or after July 23, 1991, with total combined allocations exceeding 100,000 gallons per day on an average annual basis must install in-line totalizing flow meters on all withdrawal points prior to beginning the permitted use. If an applicant demonstrates that it is not economically or technologically feasible to use a flow meter to measure water withdrawals, the District ~~shall~~ may approve the use of an alternative method for measuring flow upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals. ~~In addition, if the District determines that flow meters are inappropriate for measuring the flow, an alternative method for measuring the flow may be approved.~~

Applicants for proposed uses of water with total allocations less than or equal to 100,000 gallons per day on an average annual basis must install either in-line totalizing flow meters or alternatives to flow meters on all withdrawal points prior to beginning the permitted use. If an alternative to flow meters is used to calculate the withdrawal quantity, such method must be fully described and any calculations necessary included with the initial submittal of data, for District staff approval. The District shall accept such alternative methods upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals.

6.7.1.3 Uses Initially Permitted Prior to July 23, 1991

All consumptive use permittees issued initial permits under subsection 40C-2.041(1), F.A.C., ~~Beginning March 1, 1993, permitted users with individual permits issued~~ prior to July 23, 1991, must measure the quantity of water used by either installing in-line totalizing flow meters or implementing an alternative for measuring flow. Examples of alternative methods for measuring water use are provided in Appendix J.

If an alternative to flow meters is used to calculate the withdrawal quantity, such method must be fully described and any calculations necessary included with the initial submittal of data, for District staff approval. The District shall accept such alternative methods upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals. ~~Acceptance of an alternative will be made on a case-by-case basis.~~ If after a period of one year, the selected alternative fails to accurately measure the withdrawal quantities, in-line flow meters or another alternative must be used.

In addition, in specific cases where the District determines that flow meters are necessary to ensure that the consumptive use complies with the reasonable-beneficial use criteria in subsection 40C-2.301(4), F.A.C., flow meters shall be required by permit condition.

6.7.1.4 Changes to Uses Initially Permitted Prior to July 23, 1991

If any permit issued under subsection 40C-2.041(1), F.A.C., prior to July 23, 1991 with total combined allocations exceeding 100,000 gallons per day on an average annual basis ~~an individual permit is modified or renewed~~ after July 23, 1991, to add new withdrawal points, ~~change withdrawal points or increase allocation,~~ then in-line totalizing flow meters must be installed to measure any water used from the new withdrawal points ~~proposed uses~~ prior to beginning the use. In the case of permitted users seeking only an increase in allocation from an existing ~~permitted~~ withdrawal point permitted initially prior to July 23, 1991, the District ~~shall~~ may authorize the continued use of an alternative method to measure flow provided the applicant demonstrates that the alternative being used is verifiable and 90% accurate. ~~If in addition,~~ if an applicant demonstrates that it is not economically or technologically feasible to use a flow meter to measure water from the new ~~or modified~~ withdrawal points,

the District ~~shall~~ may approve the use of an alternative method for measuring flow upon a demonstration that the alternative method is verifiable and 90% accurate at measuring the withdrawals. ~~If the District determines that flow meters are inappropriate for measuring the flow, an alternative method for measuring flow may be approved.~~

6.7.1.5 In areas delineated in section 6.7.1.6~~5~~:

(a) All applicants for proposed uses that will be issued their initial CUP under subsection 40C-2.041(1), F.A.C., on or after July 23, 1991 for allocations exceeding 100,000 gallons per day on an average annual basis must install totalizing flow meters prior to beginning the permitted use, and

(b) All consumptive use permittees issued initial permitted users with individual permits under subsection 40C-2.041(1), F.A.C., issued prior to July 23, 1991, with total combined allocations exceeding 100,000 gallons per day on an average annual basis must install in-line, totalizing flow meters on all withdrawal points within 90 days of the District providing the meter(s) with a manufacturer's warranty. ~~To ensure that the District provides the correct meter for each withdrawal point, within 60 days of receiving a written request from the District, all permittees must supply the following information:~~

1. ~~a plan view and longitudinal cross section of the well head area showing the location of all pumps, pressure gauges, valves, backflow preventers, junctions, bends, and slopes, with all elevations referenced to land surface,~~

2. ~~inside and outside pipe diameters,~~

3. ~~a description of the pipe material, and~~

4. ~~an estimate of the average flow rate.~~

~~The District shall provide one meter for each withdrawal point within a permittee's project. Where the District determines that additional meters are required to provide more accurate information, to avoid excessive retrofit costs associated with meter installation, or to prevent excessive pressure losses, the District may provide more than one meter per withdrawal point.~~

Meter replacement, when necessary, shall be at the permittee's expense. ~~If within 5 years of installation the meter is destroyed by an act of God, the manufacturer or the District shall replace the meter.~~

If a permittee demonstrates that it is not economically or technologically feasible to use a flow meter to measure water withdrawals, the District ~~shall~~ may approve the use of an alternative method for measuring flow upon a demonstration that the. ~~Any proposed alternative method is verifiable and must be 90% accurate at measuring the withdrawals, verifiable and approved by the District prior to implementation.~~

6.7.1.6 and 6.7.1.7 No change.

6.7.1.8.1 Recording and Reporting Water Use

Total monthly withdrawal quantities shall be recorded continuously by the permittee, and totaled monthly, ~~and.~~ For any permittee with total combined allocations exceeding 100,000 gallons per day on an average annual basis, the

monthly totals of water withdrawal must be reported to the District at least every six months (semi-annually) on District Form Number 40C-2.900(4) ~~No.~~ (Water Use Record) (EN-50) or District Form No. EN-52. For any permittee whose total combined allocation is equal to or less than 100,000 gallons per day on an average annual basis and whose permit was issued after [effective date], the permittee must annually submit, by January 31st, a completed District Form Number 40C-2.900(6) (Annual Statement of Continuing Use). Such a permittee shall maintain records of water quantity used on a monthly basis for the life of the permit and shall provide those records to the District when requested by District staff. For any permittee with a permit issued before [effective date] whose total combined allocation is equal to or less than 100,000 gallons per day on an average annual basis, the permittee may submit a completed District Form Number 40C-2.900(6), as an alternative to submitting EN-50 forms as required by their permit. In such case, the permittee shall maintain records of water quantity used on a monthly basis for the life of the permit and shall provide those records to the District when requested by District staff. However, a permittee may be required by permit condition to record pumpage on a daily basis from each withdrawal point and report the daily withdrawal totals on a monthly basis to the District when the District determines that special circumstances warrant.

Any ~~The~~ required flow meter(s) must be tested for accuracy once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form Number 40C-2.900(5) (Water Use Reporting Verification (EN-51)) ~~No. EN-51~~ must be submitted to the District within 10 days of each ~~the~~ inspection/calibration.

6.7.1.9 No change.

12.0 Evaluation of Proposed Use of Water

12.1 Annual Allocation

(a) Annual Allocation

The particular quantity of water permitted on an annual basis is that amount of water which the Governing Board has permitted for use on a yearly basis. The District staff will calculate a recommended annual allocation using methodologies based upon use type of use (see Sections 12.2, 12.3, 12.4, 12.5, 12.6, and 12.7 of this Handbook).

(b) and (c) No change.

12.1.2 No change.

12.2 Public Supply – Use Type Uses

An amount of water required for reasonable-beneficial uses must be demonstrated by the applicant. For Public water ~~Supply~~ systems, this amount is calculated based upon the projected requirements of the population as to its industrial, commercial and other users supplied by the permittee. Population requirements are calculated by multiplying the 10-year projected population for an authorized service area by

the calculated or estimated per capita daily water use. Projected population shall be determined using the methods and data sources specified in Subsection 12.2.1; use shall be calculated or estimated as prescribed in Subsection 12.2.2. Other methods of determining water requirement may be used as approved by staff.

If the applicant's requested quantity exceeds the amount of water required for reasonable-beneficial uses as calculated pursuant to this Section, the staff will recommend a projected requirement based on its analysis of population projections for the service area and historical or design per capita use of water.

Reasonable-beneficial requirement for the Public Supply Use Type use is the highest allocation which staff can recommend. If all other criteria are satisfied, staff will recommend this amount as the ~~annual~~ allocation.

12.2.1 through 12.2.4 No change.

12.2.5 Water Conservation Plan

12.2.5.1 All permit applicants for a Public Supply Use Type water use who satisfy the following water conservation requirements at the time of permit application are deemed to meet the criterion in 10.3(e):

(a) through (h) No change.

2.2.5.2 No change.

12.3 Commercial/Industrial/Institutional – Use Type ~~Uses~~

12.3.1 Allocation

The reasonable need for a requested allocation must be based upon the amount of water needed to perform an commercial/industrial/institutional process in an efficient, non-wasteful and economic manner. If the criteria listed in section 8.0 or 9.0 are satisfied, the allocation will be equal to the reasonable need for water. A reasonable need for water is the greatest allocation which staff will recommend.

12.3.2 Water Conservation Plan

12.3.2.1 All ~~individual permit~~ applicants for commercial/industrial/institutional-type water uses must submit a water conservation plan for their facility to the District at the time of permit application. The plan must contain specific activities designed to conserve water.

(a) through (e) No change.

Applicants may be able to fulfill some or all of the water conservation plan elements (b) and (d) by demonstrating present water conserving activities which meet the intent of each element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

12.3.2.2 No change.

12.4 Mining/Dewatering Use-Type Uses

The reasonable need for a requested allocation must be based on the amount of water needed to ~~be discharged from a mining pit in order to~~ economically and effectively extract subsurface materials or control surface or ground water when performing activities such as excavation or construction ~~mine the pit~~. In some cases, dewatering may involve lowering the water table several feet in order to lower the level below "Caprock" which is used as an operating floor and drying surface. In other cases, it may involve completely dewatering a pit in order to remove minable rock and sand using pans and scrapers. The reasonable allocation may vary for a particular dewatering operation depending upon the excavation method. Staff may recommend the greater reasonable allocation if all other criteria are satisfied. However, if the greater reasonable allocation will generate adverse impacts, staff will recommend the excavation method with a lower reasonable allocation which satisfies all criteria. For example, a rockpit may be excavated using either draglines or scrapers. Drag-lining may require dewatering only several feet in order to expose "Caprock" as an operating surface. The use of scrapers requires totally dewatering the pit in order to use the floor of the pit as an operating surface. If staff cannot recommend total dewatering of a mining pit because of adverse impacts then staff may recommend the second alternative, drag-lining, with its smaller discharge if it satisfies all criteria.

If all criteria listed in Section 8.0 or 9.0 are satisfied, the allocation is equal to the reasonable need for water. The reasonable need for water is the greatest volume which staff can recommend.

12.5 Agricultural Use Type, ~~Nursery, and Aquacultural~~ ~~Uses~~

12.5.1 Supplemental Irrigation Requirement

The reasonable need for an agricultural use is based on the amount of water needed to supply the supplemental irrigation requirements of the type of crop grown. ~~The Supplemental irrigation requirements are determined through use of supplemental irrigation models the modified Blaney Criddle formula for evapotranspiration. The formula is explained in detail in Appendix H. Supplemental irrigation models must accurately determine supplemental irrigation water use needs and be~~ ~~The~~ is based on the type of crop grown, the irrigation method employed, the season in which the water is used to grow the crop ~~is grown~~, general crop location, including soil type, and associated atmospheric conditions. In determining reasonable need, the supplemental irrigation requirements used are those which would be needed requested in a one two in ten year drought. ~~Where supplemental irrigation data are not available from the modified Blaney Criddle method, an average annual industry water figure is used.~~

12.5.2 through 12.5.5 No change.

12.5.6 The maximum monthly withdrawal as recommended by District staff is generally specified on agricultural-type ~~or other irrigation~~ permits. This amount is

determined by the dry month needs of the CUP (calculated for a 1 2 in 10 year drought) or that amount needed for freeze protection.

12.5.7 Water Conservation Plan

12.5.7.1 All ~~individual~~ permit applicants for agricultural ~~use-types, nursery, and aquacultural~~ uses must submit a water conservation plan for their operation to the District at the time of permit application. The plan must contain specific activities designed to conserve water. The water conservation plan must include provision for the following:

- (a) through (c) No change.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

- 12.5.7.2 and 12.5.7.3 No change.

12.6 ~~Landscape/Golf Course and Recreational/Aesthetic Use – Type Use~~

12.6.1 Water Conservation Plan

12.6.1.1 Each applicant for ~~an individual~~ consumptive use permit for a ~~golf course or landscape/recreational/aesthetic use-types~~ water use must submit a water conservation plan for their facility to the District at the time of permit application. The plan must contain specific activities designed to conserve water. At a minimum, the water conservation plan must include:

- (a) through (d) No change.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

- 12.6.1.2 No change.

12.7 Other Use Types.

All ~~individual~~ permit applicants for use types not specified above must submit a water conservation plan for their proposed use. The plan must contain specific measures designed to conserve water to demonstrate that the proposed use will meet the criterion in section 10.3(e). At a minimum the water conservation plan must include the applicable elements described above in sections 12.2.5, 12.3.2, 12.5.7, and 12.6.1

- 12.8 through 12.10 No change.

~~15.0 Introduction to Permit Conditions~~

~~15.1 Purpose~~

~~In order to properly manage the water resource, the District must place certain stipulations on each permit which is granted. Part III provides a listing of those typical limiting conditions which may be added to a consumptive use permit.~~

~~15.2 Organization~~

~~The District will apply three types of limiting conditions:~~

- ~~(a) those that will be applied to all permits (General Conditions);~~
- ~~(b) those that will be applied to all permits of a particular type of use; and~~
- ~~(c) those which are applied on a project specific basis.~~

~~15.0 16.0 Permit General Conditions~~

In order to properly manage the water resource, the District will impose upon any permit issued or granted pursuant to Chapter 40C-2 or 40C-20, F.A.C., such reasonable conditions as are necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in Rule 40C-2.301, F.A.C. The following gGeneral conditions are those limiting conditions which will be applied to all permits unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit. These are applied pursuant to Rule 40C 2.381, F.A.C., and are necessary to assure that the permitted use of water will be consistent with the provisions of Rule 40C 2.011 and will not be harmful to the water resources of the District.

- (a) through (d) No change.

(e) The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application ~~may not be significantly adversely impacted as a result of the consumptive use.~~ If interference ~~unanticipated significant adverse impacts~~ occurs, the District shall revoke the permit in whole or in part, to curtail or abate the interference ~~adverse impacts~~, unless the interference is impacts can be mitigated by the permittee pursuant to a District-approved plan.

NOTE: Adverse impacts are exemplified by but not limited to:

- (1) reduction of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;
- (2) reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body.
- (3) saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; and
- (4) change in water quality resulting in either impairment or loss of use of a well or water body.

(f) The permittee's consumptive use of water as authorized by this permit shall not have adverse hydrologic impacts to ~~o~~Off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If ~~unanticipated significant adverse~~

hydrologic impacts occur, the District shall revoke the permit in whole or in part, to curtail or abate the adverse impacts, unless the impacts are ~~can~~ be mitigated by the permittee pursuant to a District-approved plan.

NOTE: Adverse impacts are ~~exemplified by~~ but not limited to:

(1) ~~significant reduction in water levels in an adjacent surface water body;~~

(2) ~~and collapse or subsidence caused by a reduction in water levels; and~~

(3) ~~damage to crops and other types of vegetation.~~

(g) The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of Rule section 40C-1.612, F.A.C.

(h) A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule section 40C-2.401, F.A.C. Permittee shall notify the District in the event that a replacement tag is needed.

(i) The permittee's consumptive use of water as authorized by this permit shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District shall revoke the permit, in whole or in part to curtail or abate the adverse impacts, unless the impacts are mitigated by the permittee pursuant to a District-approved plan.

(j) The permittee's consumptive use of water as authorized by this permit shall not cause or contribute to a violation of any minimum flow or level adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a violation, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the use in a District-approved recovery strategy.

(k) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part to curtail or abate the saline water intrusion, unless the saline water intrusion is mitigated by the permittee pursuant to a District-approved plan.

(l) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part to curtail or abate the flood damage, unless the flood damage is mitigated by the permittee pursuant to a District-approved plan.

(m) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to a violation of state water quality standards in receiving waters of the state, as set forth in Chapters 62-3, 62-4, 62-302, 62-520,

and 62-550, F.A.C.), including any anti-degradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. If violations occur, the District shall revoke the permit, in whole or in part to curtail or abate the violations, unless the violations are mitigated by the permittee pursuant to a District-approved plan.

17.0 General Conditions by Type of Use

17.1 Public Supply Type Uses

~~The following general conditions are generally applied to permits for public supply type uses:~~

~~(a) If the permittee does not serve a new projected demand located within the service area upon which the annual allocation was calculated, the annual allocation will be subject to modification.~~

~~(b) If water source is from wells, permittee must develop, implement, and submit to the District a wellfield operating program within six (6) months of permit issuance. This program must explain which wells are primary, secondary, standby (reserve), the order of preference in turning on wells, criteria for shutting down and restarting wells, and any other aspects of wellfield management and operation.~~

~~(c) On the tenth day following the month of record, permittee must submit to the District copies of the DER monthly water treatment plant reports on a monthly basis following the month of record. The permit number must be attached to all reports.~~

~~(d) The permittee must ensure that all service connections are metered.~~

~~(e) Landscape irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. (Revised 3-8-09)~~

~~(f) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.2 Commercial/Industrial Type Uses

~~The following general conditions are generally applied to permits for commercial/industrial type uses:~~

~~(a) The permittee must maintain records of total daily withdrawals from each source on a monthly basis for each year ending December 31st. These records must be submitted to the District on Form EN-3 by January 31st of each year.~~

~~(b) If water source is from wells, permittee must develop and implement a Wellfield Operating Program within six (6) months of permit issuance. This program must explain which wells are primary, secondary, standby (reserve), the order of preference in turning on wells, criteria for shutting down and restarting wells, and any other aspects of wellfield management and operation. This program must be submitted to the District within six (6) months of permit issuance.~~

17.3 Mining Type Uses

The following general conditions are generally applied to permits for mining type uses:

(a) Dewatering operations which cause shoaling in adjacent water bodies are an interference. Should the permittee's dewatering operation create shoaling in adjacent water bodies, the permittee is responsible for clearing such shoaling.

(b) Permittee must establish an elevation reference point which has been determined from a USGS datum bench mark in order to record and monitor existing water level elevations.

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural type uses:

(a) The allocations stated above may be exceeded when the permittee must use water for freeze protection. Freeze protection is defined as the periodic and infrequent use of water to protect agricultural and nursery crops from permanent damage due to low temperatures. This action would be taken in response to forecasts of freezing temperatures by weather forecasting services. The permittee must maintain records of when water withdrawals for freeze protection are taking place, including the date of such withdrawal, duration of each withdrawal, and the rate at which withdrawals are taking place. These records must be submitted along with any required withdrawal records.

(b) Irrigation of agricultural crops shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. (Revised 3-8-09)

(c) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.5 Nursery Use

The following conditions are generally applied to individual permits for nursery type uses:

(a) Irrigation of nursery plants shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. (Revised 3-8-09)

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.6 Aquaculture Use

The following limiting conditions are generally applied to aquaculture type uses:

(a) The permittee must install an aerator(s) to add oxygen to the facilities when necessary.

(b) Facilities using reclaimed water may do so anytime provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use. Such signs must be in accordance with local restrictions.

(c) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.7 Golf Course/Recreation Use

The following conditions are generally applied to individual permits for golf course type uses and recreational area type uses:

(a) Irrigation of golf courses and recreational areas shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. (Revised 3-8-09)

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

16.0 18.0 Special Conditions

In addition to the General Conditions (section 15.0 16.0) and the General Conditions by Type of Use (section 17.0) listed above, the District may find that special conditions should be applied on a site-specific basis. The following are special conditions which the District may apply:

Renumber 18.0.1 to 16.0.1

(a) through (f) No change.

(g) Maximum daily pumpage must not exceed _____ million gallons unless otherwise specified by District staff as a consequence of drought conditions. If the need to exceed the above withdrawal arises, the permittee must notify District staff of the reason for the need.

(h) The permittee must measure and record the maximum withdrawal rate in gallons per minute of well number(s) _____ in May and October of each year. These records must be submitted to the District on Form EN-2 by July 31st of each year.

(i) Permittee must record water levels in the pit, rates, and volumes of water pumped on a daily basis. These records shall be tabulated on a monthly basis, and submitted to the District on Form EN-6 and EN-3 (on a monthly basis) by March 31st of each year.

(j) Permittee shall not lower the surface water level, water table level or potentiometric level below NGVD.

(k) A water sample must be taken from well number(s) in May and October of the following years: _____. The sample(s) must be collected immediately following an irrigation cycle, whenever possible. If this is not possible, the well must be allowed to discharge at design capacity for at least 20 minutes before the sample is collected. The samples must be analyzed for chlorides (C-), sodium (Na), potassium (K), calcium (Ca), magnesium (Mg), sulfate (SO4), total alkalinity (HCO3 + CO3) and pH. In addition to the analyses, the report submitted to the District must include the date of sampling, well number, the length of time the well discharged before the sample was taken, the name of the person collecting the sample and the name of the company or person doing the actual analysis. These reports must be submitted to the District within 30 days of sampling.

(l) A water sample must be taken from well number(s) in May of the following years _____. The sample(s) must be collected immediately following an irrigation cycle,

whenever possible. If this is not possible, the well must be allowed to discharge at design capacity for at least 20 minutes before the sample is collected. The samples must be analyzed for calcium (Ca), magnesium (Mg), sulfate (SO₄), total iron (Fe), and specific conductance. In addition to the analyses, the report submitted to the District must include the date of sampling, well number, the length of time the well discharged before the sample was taken, the name of the person collecting the sample, and the name of the company or person doing the actual analyses. These reports must be submitted to the District within 30 days of sampling.

~~(m) The permittee must maintain records of total monthly withdrawals from each source. These reports must consist of either a monthly log of when withdrawals are taking place from each source and the average rate at which these withdrawals are taking place, or figures for total withdrawals for each month from each source. The monthly logs must be recorded on District form EN 2. The figures for total withdrawals for each month from each source must be recorded on District form EN 2. These records must be tabulated for one year period ending June 30th of each year, and submitted to the District by July 31st of each year.~~

~~(n) Prior to initiation of use, the following withdrawal points must be equipped with in-line totalizing flow meters: (District Identification Nos.). Such meters must have and maintain an accuracy to within 95 percent of the actual flow.~~

~~(o) The Permittee must maintain the required flow meter(s) or other District approved flow measuring device(s). In case of failure or breakdown of any meter or other device, the District must be notified in writing within 5 days of its discovery. A defective meter or other device must be repaired or replaced within 30 days of its discovery.~~

~~(p) Total withdrawal from each monitored source must be recorded continuously, totaled monthly, and reported to the District at least every six months using District Form No. EN-50.~~

~~(q) The permittee must have the required flow meter(s) tested once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form No. EN-51 must be submitted to the District within 10 days of the inspection/calibration.~~

The next section is section 19.0.

20.0 Other Conditions

In addition to the special conditions listed in subsection 16.0 18.0.1 and 19.0, the District Governing Board may apply such other reasonable special conditions to meet localized problems as it deems necessary to ensure that the use meets the criteria established in Rule 40C-2.301, F.A.C.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.100	Content and Processing of Applications
40C-2.101	Publications Incorporated by Reference
40C-2.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) require that when a CUP application is requesting authorization to use water to irrigate landscape, golf course, or recreational areas for a project that will require a 40C-4 or 40C-40 environmental resource permit (ERP) that such applicant must also apply concurrently for the ERP; (2) require that such concurrent CUP and ERP applications will be reviewed by the District in a consolidated manner, with the CUP application not being considered complete until the ERP application is also complete, and if either application fails to meet the conditions for issuance then both the CUP and ERP applications will be denied; (3) clarify that at a preapplication conference, the District will also be available to discuss consolidated review of any related ERP application; (4) establish that a CUP application must either be submitted electronically via the District's website or delivered to the address indicated on the application form and clarify the content and processing of CUP applications; (5) require that when a CUP application requires a concurrent ERP application submittal that the applicant must submit the required ERP application and all appropriate permit processing fees; (6) amend the conditions for issuance in Rule 40C-2.301, F.A.C., to reflect the new requirements regarding consolidated review of CUP and ERP applications (no text is available yet for the proposed change to Rule 40C-2.301); (7) revise the CUP application form to update the contents and include the concurrent application requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would: (1) require, for a CUP application to irrigate landscape, golf course, or recreational areas for a project that will require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application and concurrent review and processing of both applications; (2) clarify application processing requirements; and (3) clarify preapplication conferencing.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.1131, 373.219, 373.223, 373.226, 373.229 FS.

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

DATE AND TIME: September 16, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.100 Content and Processing of Applications.

(1) Consumptive use permit applications shall be filed and processed in accordance with Chapters 120 and 373, F.S., Chapters 40C-1, 40C-2, 40C-20, and 40C-22, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water adopted by reference in Rule 40C-2.101, F.A.C.

(2) Each application for an individual or standard general consumptive use permit shall be filed upon District form no. 40C-2-1082-1. The application must either be submitted electronically via the District website at www.sjrwmd.com or delivered to the address indicated on the form.

(3) When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct a surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system.

Rulemaking Authority 369.318, 373.044, 373.118, 373.171 FS. Law Implemented 369.318, 373.1131, 373.219, 373.223, 373.226, 373.229 FS. History—New _____.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water", (effective date) ~~3-8-09~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 369.318, 373.073, 373.079, 373.103, 373.109, 373.1131, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

40C-2.900 Forms and Instructions.

(1) Individual and Standard General Consumptive Use Permit Application, form number 40C-2-1082-1, effective (effective date) ~~4-7-99~~, is hereby incorporated by reference.

(2) through (3) No change.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118 FS. Law Implemented 369.318, 373.109, 373.116, 373.118, 373.1131, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, _____.

APPLICANT'S HANDBOOK SECTION:

4.1 Preapplication Conference

4.1.1 At the applicant's request, District staff will arrange for and participate in a preapplication conference. At a preapplication conference the staff will be prepared to discuss with the applicant such information as:

(a) application completion, processing and evaluation procedures;

(b) hydrologic information which will be required for evaluation of the application (see Section 14.0 of this Handbook);

(c) hydrologic information which is available at that time;

(d) the criteria which will be utilized in evaluation of the application; ~~and~~

(e) consolidated review of environmental resource permit application (if applicable); and

~~(f)(e)~~ other hydrologic, environmental or water quality concerns known to the staff, based on published reports and available information.

4.2 Forms and Instructions

4.2.1 The form for application for an individual and standard general consumptive use permit has been adopted as a rule in Rule 40C-2.900, F.A.C. A copy of the form is included in Appendix C of this Handbook. The form must be used for the application for a permit as well as application for a modification, renewal or temporary use. An application which includes a request for a temporary use permit must be accompanied by a letter stating why such a permit is needed.

4.2.2 When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct a surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system.

4.6 Checklist for Application Completeness

The following items must be submitted at the time of an application:

(a) an application form with all spaces filled in;

(b) the application fee;

(c) a listing of adjacent property owners as prescribed in subsection 4.4.1 of this Handbook; ~~and~~

(d) a water conservation plan, if applicable under section 12.0, Applicant's Handbook: Consumptive Uses of Water; and

(e) an environmental resource permit if concurrent review requirements are applicable (see subsection 4.2.1 of this Handbook).

5.0 Procedures for Processing

5.2 Initial Receipt

5.2.1 When the application form is completed and signed, it must either be submitted electronically via the District website at www.sjrwmd.com or delivered to the address indicated on the form. The application should include any supporting documentation, and the appropriate permit processing fee (see Section 4.6 for completion checklist).

5.2.2 When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct a surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system.

Renumber 5.2.2 to 5.2.3 No change.

5.3 Request for Additional Information

5.3.1 The first step of this review process is to determine if all the technical data needed for a complete review of the application has been provided. In most cases the information requested on the application form is sufficient to evaluate the use against the criteria listed in Part II of this Handbook. In those cases where the information is not sufficient, the District staff will request that the additional information be supplied and will inform the applicant as to the reason that such information is required. The type and amount of information varies, depending upon the impact of the proposed use. Examples of data that may be required include:

- historical records (withdrawals and water quality),
- well construction data,
- well logs,
- aquifer pumping tests,
- well surveys,
- projections of future use,
- information supporting need for quantities requested, and
- information regarding any permits required under the provisions of Chapter 40C-4, F.A.C., which may impact upon, or be impacted by the use.

5.3.2 When a consumptive use permit applicant must submit a concurrent environmental resource permit application, the review of these two applications will be consolidated and the consumptive use permit application will not be considered complete until the District has also received all of the information necessary to complete the required environmental resource permit application.

Renumber 5.3.2 through 5.3.4 to 5.3.3 through 5.3.5 No change.

5.4 Individual Permits

5.4.1.1 When the individual permit application is complete, the staff will commence with the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

When a consumptive use permit applicant is required to submit a concurrent environmental resource permit, the review of these applications is consolidated and the District will not issue the consumptive use permit unless the permitting criteria applicable to the environmental resource permit application are also satisfied. If the applicant fails to meet the criteria for either the consumptive use permit or the environmental resource permit, then both permit applications will be denied.

5.5 Standard General Permits

5.5.1 The requirements for a standard general permit are: Standard general permits differ from individual permits in that they are granted by rule to all non-exempt consumptive uses which meet the following requirements:

(a) The proposed consumptive use must not exceed 500,000 gallons per day on an average annual basis.

(b) The criteria in Rule 40C-2.301, F.A.C., must be met.

(c) The person who seeks a standard general permit must submit a complete permit application form 40C-2-1082-1 to the District at least 30 days prior to undertaking the consumptive use and must receive the permit prior to commencing the withdrawal.

(d) When a person who seeks a standard general consumptive use permit must also submit a concurrent environmental resource permit, the environmental resource permit must meet the permitting criteria in Chapter 40C-4, F.A.C. (see subsections 4.2.2 and 5.2.2 of this Handbook).

5.5.2 and 5.5.3 No change.

5.5.4 Staff Evaluation

5.5.4.1 Upon completion of the standard general permit application, the staff will technically review the application using the criteria defined and discussed in Part II of this Handbook.

When a consumptive use permit applicant is required to submit a concurrent environmental resource permit, the review of these applications is consolidated and the District will not issue the consumptive use permit unless the permitting criteria applicable to the environmental resource permit application are also satisfied. If the applicant fails to meet the criteria for either the consumptive use permit or the environmental resource permit, then both permit applications will be denied.

9.4 Reasons for Recommendation of Denial

9.4.1 A permit will also be denied if, at the time of permit consideration, a proposed use is not a reasonable-beneficial use, will interfere with presently existing use, or is not in the public interest as described in Sections 9.1, 9.2 or 9.3 above or

if the applicant fails to meet the criteria for issuance of the environmental resource permit when the concurrent submittal of an environmental resource permit is required. As a complement to the criteria described in 9.1, 9.2 and 9.3 above, the Governing Board has established that certain conditions, by their very nature, will not meet the three tests for issuance of a permit. These are described in subsections 9.4.2 – 9.4.7 below. These six conditions are of such significance that they are listed as reasons for denials. The six conditions are:

(a) through (f) No change.

11.0 Evaluation Criteria for Other Types of Applications

11.1 through 11.3.2 No change.

11.4 Concurrent Review of Environmental Resource Permit Application

When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system. The review of these applications is consolidated and the District will not issue the consumptive use permit unless the permitting criteria applicable to the environmental resource permit application are also satisfied. If the applicant fails to meet the criteria for either the consumptive use permit or the environmental resource permit, then both permits will be denied.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.041	Permits Required
40C-4.091	Publications Incorporated by Reference
40C-4.101	Content and Processing of the Application
40C-4.201	Permit Processing Fee
40C-4.301	Conditions for Issuance of Permits
40C-4.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) require ERP applicants under Chapter 40C-4 or 40C-40, F.A.C., to concurrently submit CUP applications where their proposed projects will contain irrigated landscape, golf course, or recreation areas that require a CUP; (2) require that such concurrent ERP and CUP applications will be reviewed by the District in a consolidated manner, with the ERP application not being considered complete until the CUP application is also complete and if either application fails to meet the applicable conditions for issuance then both the ERP and CUP applications will be denied; (3) create a new ERP criterion that a proposed system that will contain irrigated landscape, golf course, or

recreational areas “not adversely impact the availability of water for reasonable-beneficial uses;” (4) create water conservation requirements, which satisfy the new criterion to not adversely impact the availability of water for reasonable-beneficial uses, including: (i) require an irrigation plan that meets criteria to conserve water, including requirements that no more than 60% of the pervious portion of a lot can be irrigated with high-volume sprinklers, sprinkler spacing and precipitation rate limits, prohibiting irrigation of non-vegetated areas, limiting irrigation of landscaped road medians to certain highly efficient irrigation methods unless the water source is stormwater or reclaimed water, and requiring that all in-ground irrigation systems are separately metered; (ii) require use of lower quality water sources unless the applicant demonstrates that it is not economically, environmentally, or technologically feasible; and (iii) require that the use of Florida-Friendly landscaping not be prohibited; (5) create requirements to ensure that the long-term operation and maintenance entity will enforce the water conservation plan requirements; (6) clarify that at preapplication conferences, the District will also be available to discuss consolidated review of other permits and authorizations; (7) require that when an ERP application requires a concurrent application to be submitted that the applicant must submit all required applications and all appropriate permit processing fees; (8) clarify the 40C-40 standard ERP process; (9) clarify that an ERP application may be submitted electronically via the District’s website; (10) update the nomenclature in 40C-4 that 40C-40 permits are called “standard” ERPs; (11) clarify that an applicant can request that the District begin processing an incomplete ERP application; (12) revise the ERP application form to update the contents and include the concurrent application requirements; and (13) update statutory authority.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would: (1) create a new ERP permitting criteria; (2) require, for a system that will contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes three components: (i) irrigation plans; (ii) use of lower quality water sources; and (iii) no prohibitions on Florida-Friendly landscaping; (3) require, for a system that will contain irrigated landscape, golf course, or recreational areas that will require a CUP, that the applicant concurrently apply for and obtain a CUP; (4) clarify application processing requirements; (5) clarify preapplication conferencing; and (6) update statutory authority.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.1131, 373.185, 373.413, 373.4141, 373.416, 373.427 FS.

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

DATE AND TIME: September 16, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.041 Permits Required.

(1) Unless expressly exempt, an individual, standard, or general environmental resource permit must be obtained from the District under Chapter 40C-4, 40C-40, 40C-42, 40C-44 or 40C-400, F.A.C., prior to the construction, alteration, operation, maintenance, abandonment or removal of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, including dredging or filling, and for the maintenance and operation of existing agricultural surface water management systems or the construction of new agricultural surface water management systems.

(2) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.415, 373.418, 380.06(9) FS. Law Implemented 373.083, 373.118, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.426, 380.06(9) FS. History–New 1-31-77, Formerly 16I-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, 10-11-01, _____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for

Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective (effective date) ~~February 16, 2010~~.

(b) through (d) No change.

(2) No change.

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, 373.171, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 375.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.1131, 373.146(1), 373.185, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.427, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10, _____.

40C-4.101 Content and Processing of the Application.

(1) No change.

(2)(a) Each application for an individual, standard, general, or conceptual approval environmental resource permit shall be filed upon District form 40C-4.900(1). The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District’s E-Permitting website at floridaswater.com ~~www.sjrwmd.com~~. For any application to construct a surface water management system under Chapter 40C-4 or 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit.

(b) Each application for an individual, standard, or general environmental resource permit or a conceptual approval environmental resource permit which seeks authorization to alter, abandon, or remove a system, or a portion of a system, which is exempt from permitting under the provisions of subsection 40C-4.051(2), F.A.C., shall contain the plans and information required by paragraph 40C-4.101(2)(a), F.A.C., for the system as it was originally constructed, as it exists on the date of the permit application, and as it is proposed to be modified.

(3) A complete application for an individual, standard, or general environmental resource permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with water

quality standards, unless the permit is issued pursuant to the net improvement provision in paragraph 373.414(1)(b), F.S., or the permit specifically states otherwise.

(4) through (6) No change.

Rulemaking Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.318, 373.1131, 373.146, 373.413, 373.416, 373.417, 373.427 FS. History–New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.101, 40C-4.0101, Amended 8-1-89, 2-27-94, 10-3-95, 1-4-96, 2-1-05,_____.

40C-4.201 Permit Processing Fee.

There shall be a non-refundable permit processing fee as specified by Rule 40C-1.603. F.A.C., payable to the District at the time that an application for a general, standard, or individual permit or for a conceptual approval permit is submitted.

Rulemaking Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History–New 1-31-77, Formerly 16I-4.10, 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89,_____.

40C-4.301 Conditions for Issuance of Permits.

(1) In order to obtain a standard, individual, or conceptual approval permit under this chapter or Chapter 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

(a) through (i) No change.

(j) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; ~~and~~

(k) Will comply with any applicable special basin or geographic area criteria established in Chapter 40C-41, F.A.C.; and

(l) Will not adversely impact the availability of water for reasonable-beneficial uses.

(2) through (3) No change.

Rulemaking Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.1131, 373.185, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030, Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01, 12-3-06,_____.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), adopted (effective date) ~~12-3-06~~.

(2) through (10) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.1131, 373.116, 373.117, 373.118, 373.185, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421 373.426, 373.461, 403.0877 FS. History–New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05, 12-3-06,_____.

APPLICANT’S HANDBOOK SECTION:

4.0 Application Preparation

4.1 Preapplication Conference

4.1.1 At the applicant’s request, District staff will arrange for and participate in a preapplication conference. At a preapplication conference the staff will be prepared to discuss with the applicant such information as:

(a) application completion, processing and evaluation procedures;

(b) information which will be required for evaluation of the application;

(c) information regarding surface water data which is known to be available at that time;

(d) the criteria which will be utilized in evaluation of the application; ~~and~~

(e) consolidated review of any related consumptive use permit application or proprietary authorization to use submerged lands (if applicable); and

~~(f)(e)~~ other hydrologic, environmental or water quality data.

The District staff may advise the applicant regarding information requested on the application form referenced in paragraph 40C-4.101(2)(a), F.A.C., which is not applicable to the applicant’s proposed project.

4.2 Forms and Instructions

4.2.1 The application form including the required site and system design information for an individual and standard environmental resource permit under chapters 40C-4 and 40C-40, F.A.C., respectively, has been adopted as a rule in subsections 40C-4.900(1), and 40C-4.900, F.A.C. A copy of this application form is included in Appendix B of this Handbook. This form must be used to apply for a permit to construct, maintain, alter, remove, or abandon a system pursuant to these respective chapters. An application to operate a system is made automatically with an application for construction, maintenance, removal, or alteration. Information regarding operation of the system must be included in the permit application submittal.

4.2.2 For any application to construct a surface water management system that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a

consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit, with the required permit processing fees and all supporting documentation needed to demonstrate that the consumptive use of water meets the permitting criteria in Chapter 40C-2, F.A.C.

Renumber 4.2.2 and 4.2.3 to 4.2.3 and 4.2.4 No change.

5.0 Procedures for Processing Individual Environmental Resource Permits

5.2 Initial Receipt

5.2.1 When the permit application form is completed and signed, it must either be submitted electronically via the District's website at floridaswater.com or delivered to the District headquarters or to the nearest address indicated on the form. (See section 1.3 of this Handbook for the addresses and phone numbers of these offices). In order to be processed in a timely manner, the application must include any other permit application required to be submitted concurrently, supporting documentation, and all the appropriate permit processing fees.

5.2.2 An applicant must submit a concurrent application when any part of the proposed surface water management system:

(a) will require concurrent review under Section 373.427, F.S., for proprietary authorization under Chapter 253 or 258, F.S., to use submerged lands; or

(b) will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C.

Renumber 5.2.2 as 5.2.3 No change.

5.3 Request for Additional Information

5.3.1 The first step of this review process is to determine if all the technical data required on the application form have been provided. In those cases where the information provided is not complete, the District staff will request that the additional information be supplied, and will inform the applicant as to the reason that such information is required.

When an environmental resource permit applicant must submit a concurrent consumptive use permit, the review of these two applications will be consolidated and the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application.

5.3.2 If the application is determined to be incomplete, the District will request the necessary additional information within 30 days after the receipt of the application. The District will take action on the application within 90 days after the requested information has been received or upon a written request by the applicant to process the application pursuant to Section 373.4141, F.S. Such requests for additional information will be accompanied by citation to a specific rule pursuant to section 373.417, F.S.

5.3.3 and 5.3.4 No change.

5.4 Staff Evaluation

5.4.1 When the application is complete, the staff will commence the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

5.4.2 All review will be completed and the application will be presented to the Board for action within 90 days after the complete application is received.

5.4.3 The goal of the permit evaluation procedure is to assure that the proposed design is consistent with the standards and criteria for evaluation. If the reviewer determines that the design as submitted in the application is inconsistent with the standards and criteria, the District staff will endeavor to assist the applicant in submission of changes in design that will correct the deficiencies in the original application where possible. The responsibility for changing the permit application and designing corrections remains that of the applicant.

5.4.4 When an environmental resource permit applicant is required to submit a concurrent consumptive use permit, the review of these applications is consolidated and the District will not issue the environmental resource permit unless the permitting criteria applicable to the consumptive use permit application are also satisfied. If the applicant fails to meet the criteria for either the environmental resource permit or the consumptive use permit, then both permit applications will be denied.

Renumber 5.4.4 as 5.4.5 No change.

6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits

6.2 Standard Permits

~~6.2.1 District standard permits differ from individual permits in that they are granted by rule to all systems which meet certain requirements.~~

6.2.1~~2~~ These requirements for a standard permit are:

(a) The systems must meet certain threshold requirements (see Rule 40C-40.302, F.A.C., and section 3.3 of this Handbook); and

(b) The systems must be designed, constructed, and operated in accordance with District design criteria (see Rules 40C-4.301, 40C-4.302, 40C-40.302, and 40C-41.063, F.A.C., and Part II of this Handbook); ~~and~~

(c) The person who seeks a standard permit must submit a complete permit application at least 30 days prior to undertaking the activity which would otherwise require an individual permit and must receive District authorization prior to proceeding; and

(d) When the person who seeks a standard environmental resource permit must also submit a concurrent consumptive use permit application, the consumptive use must meet the permitting criteria in Chapter 40C-2, F.A.C. (See sections 4.2.1 and 6.3.2(b) of this Handbook).

Renumber 6.2.3 and 6.2.4 to 6.2.2 and 6.2.3 No change.

6.3 Initial Receipt of a Standard Permit Application

6.3.1 When the application for a standard permit is completed and signed, it must be delivered to the District headquarters or to one of the District offices indicated on the form. In order to be processed in a timely manner, the application must include any other permit application required to be concurrently submitted, all supporting documentation, and ~~all the~~ appropriate permit processing fees.

6.3.2 An applicant must submit a concurrent application when any part of the proposed surface water management system

(a) will require concurrent review under Section 373.427, F.S., for proprietary authorization under Chapters 253 and 258, F.S., to use submerged lands; or

(b) will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C.

Renumber 6.3.2 as 6.3.3 No change.

6.4 Request for Additional Information Regarding a Standard Permit

6.4.1 The first step of this review process is to determine whether all the technical data needed for a complete review of the application has been provided. In those cases where the information contained in the submitted application for a standard permit is not complete, the District staff will request that the additional information be supplied and will inform the permittee as to the reason that such information is required. Such requests for additional information will be accompanied by citation to a specific rule pursuant to Section 373.417, F.S.

When an application is submitted for a surface water management system that will contain irrigated landscape, golf course, or recreational areas, and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the District will conduct a consolidated review of both applications and the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application.

6.4.2 If the standard permit application is determined to be incomplete, the District will request the necessary additional technical information within 30 days after the receipt of the application. The District will take action on the application within 30 days after the requested information has been received or upon a written request by the applicant to process the application pursuant to Section 373.4141, F.S.

6.4.3 and 6.4.4 No change.

7.0 Permits

7.1 Operation Permits

7.1.1 No change.

7.1.2 Profit or non-profit corporations such as homeowners associations, property owners associations, condominium owners associations or master associations are acceptable operation and maintenance entities only if the corporation has the financial, legal, and administrative capability to provide for

the long term operation and routine custodial maintenance of the surface water management system and enforcement of the water conservation plan approved by the District including the regulation of the design, installation, and operation of in-ground irrigation systems within the development.

(a) If a homeowner, property owner, condominium or master association is proposed, the applicant must submit draft Articles of Incorporation, Declaration, Restrictive Covenants, Deed Restrictions or other organizational or operation documents, or draft amendments thereto, that:

1. affirmatively assign responsibility for the operation or routine custodial maintenance of the surface water management system and enforcement of the water conservation plan approved by the District; and

2. affirmatively state that there is no prohibition of the use of Florida Friendly landscaping.

These documents must be submitted to the District as part of the permit application.

(b) The association must have sufficient powers reflected in its organizational or operational documents to:

1. operate and perform routine custodial maintenance of the surface water management system as exempted or permitted by the District,

2. enforce the water conservation plan approved by the District including the regulation of the design, installation, and operation of in-ground irrigation systems within the development.

~~3.2. establish rules and regulations,~~

~~4.3. assess members for the cost of operating and maintaining the system, and enforce the collection of such assessments,~~

~~5.4. contract for services to provide for operation and routine custodial maintenance (if the association contemplates employing a maintenance company), and~~

~~6.5. exist in perpetuity; the articles of incorporation must provide that if the association is dissolved, the system shall be transferred to and maintained by an entity described in paragraphs 7.1.1(a) through (e) prior to the association's dissolution.~~

7.4 Related Permits

7.4.1 through 7.4.3 No change.

7.4.4 Application to construct a surface water management system that will contain irrigated landscape, golf course, or recreational areas where such irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., must also include the required consumptive use permit application. Please refer to Chapter 40C-2, F.A.C.

7.4.5 Application to construct a surface water management system that will require proprietary authorization under Chapter 253 or 258, F.S., to use submerged lands must include a request for such authorization pursuant to Section 373.427, F.S.

9.0 Conditions for Issuance of Permits

9.1 Section 40C-4.301, F.A.C., Conditions

9.1.1 In order to obtain an individual, standard, or conceptual environmental resource permit under Chapter 40C-4 or 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of a surface water management system:

(a) through (i) No change.

(j) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; ~~and~~

(k) Will comply with any applicable special basin or geographic area criteria established in Chapter 40C-41, F.A.C.; and

(l) Will not adversely impact the availability of water for reasonable-beneficial uses.

10.2 Harm to the Water Resources and Objectives of the District Criteria

10.2.1 No change.

10.2.2 Compliance with the following criteria shall constitute reasonable assurance that a proposed system meets the requirements of paragraphs 9.1.1 (d), (e), (f), (j), ~~and~~ (k), and (l) and 10.1.1 (a) through (d):

(a) No change.

(b) The applicant must establish financial responsibility and provide for an operation and maintenance entity, as set forth in subsections 10.98 through 10.98.3.

(c) through (d) No change.

(e) The water conservation requirements set forth in subsections 10.8 through 10.8.2 must be met.

10.2.3 and 10.2.4 No change.

10.8 Water Conservation

10.8.1 Water Conservation Plans

An applicant proposing to construct a surface water management system pursuant to Chapter 40C-4 or 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas, must submit and implement a water conservation plan that includes the following:

(a) Irrigation Plan

The environmental resource permit application must include an irrigation plan that meets the following criteria:

1. The plan must identify all landscape, golf course, and recreational areas to be irrigated.

2. The plan must delineate all irrigation zones and be designed such that turf and non-turf areas are irrigated on separate zones.

3. The plan must identify the location of all zones that will utilize high-volume irrigation. A high volume irrigation zone is defined as a zone of an irrigation system that utilizes sprinklers with a capacity of greater than 30 gallons per hour. The plan must indicate the location and type of all sprinklers within

zones that will utilize high-volume irrigation. Sprinkler spacing must not exceed 50 percent of each sprinkler's diameter of coverage within these zones. The precipitation rates for sprinklers in the same zone must be matched.

4. For each residential or commercial lot, the irrigation system must be designed such that high-volume irrigation zones are not used to irrigate more than 60% of the pervious portion of the lot.

5. The irrigation system must be designed to prevent the direct irrigation of non-vegetated areas.

6. Irrigation systems serving landscaped road medians must be designed to utilize only micro-spray, micro-jet, drip, or bubbler irrigation unless the source of water is stormwater or reclaimed water.

7. The system must be designed such that all in-ground irrigation systems are separately metered to allow for irrigation water use monitoring.

(b) Use of Lower Quality Water Sources

The environmental resource permit application must identify all irrigated landscape, golf course, and recreational areas and for each area indicate the source of water that will be used for irrigation purposes. The irrigation system must be designed to use lower quality water sources, including reclaimed water and stormwater, and must be operated using such sources, unless the applicant demonstrates that it is not economically, environmentally, or technologically feasible.

The following shall also apply where wet detention is proposed as part of the system:

1. When wet detention is utilized for stormwater treatment, use of water from wet detention ponds is technologically feasible.

2. To establish how much water from a wet detention pond is environmentally feasible as a lower quality water source for irrigation, the applicant shall submit an analysis demonstrating that withdrawals from wet detention ponds will not adversely impact wetlands or other surface water levels or water quality.

3. To the extent feasible, applicants must locate wet detention ponds within the project plan to minimize drawdown impacts to wetlands or other surface waters due to reuse of stormwater from ponds.

(c) Florida Friendly Landscaping

The use of Florida-Friendly landscaping shall not be prohibited by any association covenants and restrictions or deed restrictions.

10.8.2 Concurrent Applications for Consumptive Use of Water

When an application is submitted for a surface water management system that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application. If the applicant fails to

meet the criteria for either the environmental resources permit or the consumptive use permit, then both permit applications will be denied.

10.8 through 10.8.3 Renumber as 10.9 through 10.9.3 No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.: RULE TITLES:
 40C-20.042 General Permit for Water Use
 40C-20.900 Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) require that when a CUP application is requesting authorization to use water to irrigate landscape, golf course, or recreational areas for a project that will require a Chapter 40C-4 or 40C-40, F.A.C., environmental resource permit (ERP) that such applicant must also apply concurrently for the ERP; (2) require that such concurrent CUP and ERP applications will be reviewed by the District in a consolidated manner, with the CUP application not being considered complete until the ERP application is also complete, and if either application fails to meet the conditions for issuance then both the CUP and ERP applications will be denied; (3) clarify that at a preapplication conference, the District will also be available to discuss consolidated review of any related ERP application; (4) establish that a CUP application must either be submitted electronically via the District’s website or delivered to the address indicated on the application form and clarify the content and processing of CUP applications; (5) require that when a CUP application requires a concurrent ERP application submittal that the applicant must submit the required ERP application and all appropriate permit processing fees; (6) amend the conditions for issuance in Rule 40C-2.301, F.A.C., to reflect the new requirements regarding consolidated review of CUP and ERP applications (no text is available yet for the proposed change to Rule 40C-2.301); (7) revise the CUP application form to update the contents and include the concurrent application requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would: (1) require, for a CUP application to irrigate landscape, golf course, or recreational areas for a project that will require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application and concurrent review and processing of both applications; (2) clarify application processing requirements; and (3) clarify preapplication conferencing.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.116, 373.1131, 373.219, 373.223, 373.229 FS.

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

DATE AND TIME: September 16, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-20.042 General Permit for Water Use.

(1) No change.

(2) When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that requires an individual or standard environmental resource permit to construct surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an environmental resource permit for the system.

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

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 369.318, 373.1131, 373.219, 373.223 FS. History–New 7-23-91, Amended 4-25-96, _____.

40C-20.900 Forms and Instructions.

District form no. 40C-2-1082-1, Individual and Standard General Consumptive Use Permit Application, and the accompanying instructions are incorporated by reference and are available from:

District Headquarters
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, Florida 32177-2529
 (386)329-4500

St. Johns River Water Management District
 7775 Baymeadows Way, Suite 102
 Jacksonville, Florida 32256
 (904)730-6270

St. Johns River Water Management District
 975 Keller Road
 Altamonte Springs, Florida 32714-1618
 (407)659-4800

St. Johns River Water Management District
 525 Community College Pkwy., S.E.
 Palm Bay, Florida 32909
 (321)984-4940

Rulemaking Authority 120.53(1), 369.318, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 120.52(16), 369.318, 373.116, 373.1131, 373.219, 373.223, 373.229 FS. History—New 7-23-91, Amended 4-25-96, 10-2-96.

DEPARTMENT OF ELDER AFFAIRS

RULE NOS.:	RULE TITLES:
58-2.001	Definitions
58-2.003	Background Screening Requirements
58-2.005	Implementation and Retention
58-2.007	Exceptions
58-2.009	Electronic Submission of Fingerprints
58-2.011	Background Screeners
58-2.013	Sharing of Screening Results

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish criteria and procedures in order to comply with the requirements of Section 430.0402, F.S., regarding a Level 2 background screening for direct service providers.

SUBJECT AREA TO BE ADDRESSED: This rule chapter establishes criteria and procedures for complying with the new requirement of a Level 2 background screening for all employees or volunteers, who have direct contact with recipients receiving services under jurisdiction of the Department.

RULEMAKING AUTHORITY: 430.08, 435.01(2) FS.

LAW IMPLEMENTED: 430.0402 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: September 14, 2010, 10:00 a.m. – 5:00 p.m. EST in Tallahassee; and September 16, 2010, 10:00 a.m. – 5:00 p.m. EST in Orlando

PLACES: September 14, 2010 workshop will be conducted at the Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000;

September 16, 2010 workshop will be conducted at the Department of Children and Families, Hurston Building, 400 W. Robinson Street, Conference Rooms C and D, First Floor South Tower, Orlando, Florida 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2113; Email address: crochethj@elderaffairs.org. 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2113; Email address: crochethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58-2.001 Definitions.

In addition to the term “direct service provider,” as defined in Section 430.0402(1)(b), F.S., the following definitions are included in this rule chapter:

(1) “Agency” means the Agency for Health Care Administration.

(2) “Disqualifying Offense” means any criminal offense prohibited in Section 430.0402 or 435.04, F.S.

(3) “DOEA” or “Department” means the Florida Department of Elder Affairs.

(4) “DOH” means the Florida Department of Health.

(5) “FBI” means the Federal Bureau of Investigation.

(6) “FDLE” means the Florida Department of Law Enforcement.

(7) “Level 1 Screening” means an assessment of employment history checks, statewide criminal correspondence checks, local criminal history checks and a check of the Dru Sjodin National Sex Offender Public Website coordinated through FDLE. The purpose is to determine whether screened individuals have any disqualifying offenses pursuant to Section 430.0402 or 435.04, F.S.

(8) “Level 2 Screening” means an assessment of the criminal history record obtained through a fingerprint search coordinated through FDLE and the FBI to determine whether screened individuals have any disqualifying offenses pursuant to Section 430.0402 or 435.04, F.S.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History—New _____.

58-2.003 Background Screening Requirements.

Pursuant to Section 430.0402(1)(a), F.S., a Level 2 background screening, consistent with the requirements of Chapter 435, F.S., is required for all direct service providers as defined in Section 430.0402(1)(b), F.S.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History—New _____.

58-2.005 Implementation and Retention.

Pursuant to Section 430.0402, F.S., beginning August 1, 2010, the following is required:

(1) NEW DIRECT SERVICE PROVIDERS. Prior to employment or volunteerism, all new direct service providers must undergo a Level 2 background screening pursuant to Chapter 435, F.S., as a condition of employment or volunteerism and continued employment or volunteerism. Such screening shall ensure that a direct service provider has not been arrested awaiting final disposition of, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under Section 430.0402 or 435.04, F.S., or a similar law of another jurisdiction.

(2) CURRENTLY EMPLOYED DIRECT SERVICE PROVIDERS.

(a) Employers of direct service providers, who have not been previously screened according to the screening standards of Chapter 435, F.S., must ensure that at least twenty percent (20%) of the available population of such individuals are screened pursuant to the Level 2 screening standards of Chapter 435, F.S., within 120 calendar days of August 1, 2010; and an additional twenty percent (20%) every 90 calendar days thereafter, until all direct service providers have successfully satisfied the screening standards of Chapter 435, F.S., or have applied for and received an exemption pursuant to Section 435.07, F.S.

(b) Employers having fewer than 5 direct service providers, who have not been previously screened according to the screening standards of Chapter 435, F.S., must ensure that all such direct service providers undergo a Level 2 background screening within the initial 120 calendar day window after August 1, 2010.

(3) EMPLOYER COORDINATION WITH DOEA. Employers of direct service providers are responsible for coordinating with the Department to ensure applicant fingerprint retention by FDLE in the Applicant Fingerprint Retention and Notification Program, whereby notification is automatically sent to the Department's Background Screening Coordinator, according to the procedures specified in Section 954.05, F.S., in the event of a direct service provider's subsequent arrest.

(4) RESCREENING REQUIREMENTS. Employers of direct service providers who previously qualified for employment or volunteer work under Level 1 screening standards and individuals required to be screened according to the Level 2 screening standards contained in Chapter 435, F.S., pursuant to Section 430.0402, F.S., shall be required to be rescreened every 5 years from the date of their last background screening or exemption, unless such individual's fingerprints are continuously retained and monitored by FDLE in the Applicant Fingerprint Retention and Notification Program, according to the procedures specified in Section 943.05, F.S., as indicated in subsection (3) of this rule.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History--New _____.

58-2.007 Exceptions.

The following are exceptions to the background screening requirements specified in this rule:

(1) DEPARTMENT OF HEALTH: Licensed physicians, nurses, or other professionals licensed by DOH are not subject to the background screening requirements of Chapter 435, F.S., if they are providing a service that is within the scope of their licensed practice.

(2) AGENCY FOR HEALTH CARE ADMINISTRATION: Individuals qualified for employment by the Agency pursuant to the Agency's background screening standards for licensure or employment contained in Section 408.809, F.S., are not subject to subsequent or additional Level 2 background screening pursuant to Chapter 435, F.S., or the unique screening requirements of Section 430.0402, F.S., by virtue of their employment as a direct service provider, if they are providing a service that is within the scope of their licensed practice.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History--New _____.

58-2.009 Electronic Submission of Fingerprints.

Beginning August 1, 2010, fingerprints submitted pursuant to Chapter 435, F.S., must be submitted electronically to FDLE, pursuant to Rule 58-2.005, F.A.C., unless a hardship exists. The hardship must prevent an individual's fingerprints from being submitted electronically, such as "flat prints." "Flat prints" occur when an individual's ridges on the skin have been worn so that an electronic fingerprint is ineffective. In such instances, ink-based fingerprints are sufficient to satisfy the provisions of this rule until July 1, 2012, when all must be submitted electronically pursuant to Section 435.04, F.S., with no exceptions

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History--New _____.

58-2.011 Background Screeners.

One of the entities listed in the subsections below may be utilized for Level 2 background screening as long as the entity verifies in writing to the employer that all background screeners have been subject to, and passed, a Level 1 background screening under the standards set forth in Chapter 435, F.S.

(1) Any screening company listed on the FDLE website as authorized to perform Level 2 LiveScan background screenings.

(2) Any local law enforcement capable of performing Level 2 Livescan background screenings, provided the equipment and electronic fingerprint data submission have been evaluated by FDLE to verify compliance with both FDLE and FBI regulations and standards.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History–New

58-2.013 Sharing of Screening Results.

The information that a particular direct service provider has successfully passed a Level 2 background screening may be shared among DOEA programs and providers. In addition, passage of a Level 2 background screening for one program or provider shall constitute passage for all programs and providers. However, the use of a Level 2 background screening by a subsequent program or provider shall not affect the applicable date for rescreening pursuant to Rule 58-2.005, F.A.C., if any. No information other than the fact that the applicant passed a Level 2 screening may be shared.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History–New

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 HEALTH

Board of Medicine

RULE NO.: 64B8-4.029
 RULE TITLE: Registration as a Dispensing Practitioner

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised Dispensing Physician form and to address the delegation of dispensing to a prescribing physician assistant.

SUBJECT AREA TO BE ADDRESSED: The revised dispensing registration for physicians and delegation of dispensing to prescribing physician assistants.

RULEMAKING AUTHORITY: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 458.347(4)(e) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address disciplinary guidelines for various violations.

SUBJECT AREA TO BE ADDRESSED: Amendments to the disciplinary guidelines.

RULEMAKING AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the American Society of Anesthesiologists’ most recent guidelines for office based anesthesia.

SUBJECT AREA TO BE ADDRESSED: The American Society of Anesthesiologists’ most recent guidelines for office based anesthesia.

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The Board is correcting the concentration percentage of Bromfenac and the spelling of Nepafenac.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

RULEMAKING AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (5)(1) No change.
- (m) Bromfenac – .09 ~~0.090~~%;
- (n) Nepafenac ~~Nopafenac~~ – 0.1%;
- (o) through (9)(e) No change.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09, 4-21-10,_____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-3.007
RULE TITLE: Active Status License Fee

PURPOSE AND EFFECT: Board proposes the rule amendment to reduce the renewal fee.

SUBJECT AREA TO BE ADDRESSED: Active Status license Fee.

RULEMAKING AUTHORITY: 468.1145(1) FS.

LAW IMPLEMENTED: 456.036, 468.1145(8) 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: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: Board proposes to review the rule for possible updates to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.078, 468.1135(4) FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 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: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-18.001	General Provisions
64E-18.002	Definitions
64E-18.003	Requirements for Certification
64E-18.004	Issuance of Certificates and Renewals
64E-18.005	Notifications of Changes
64E-18.006	Suspension, Revocation, or Denial of Certifications
64E-18.007	Standards of Practice
64E-18.008	Disciplinary Guidelines
64E-18.010	Fees

PURPOSE AND EFFECT: The proposed changes will incorporate language which will maintain consistency with current statutory language; provide enforcement flexibility to attorneys by including existing statutory language into this rule; clarify a very complicated fee structure; and strengthen continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The areas to be addressed include standards of practice and disciplinary guidelines, fees, continuing education, certification renewals, forms and definitions.

RULEMAKING AUTHORITY: 381.0101(4), 381.0101(5), 381.0101(7) FS.

LAW IMPLEMENTED: 381.0101 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: David B. Wolfe, Environmental Health Consultant, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-22.005	Food and Nutrition
65C-22.008	School Age Child Care
65C-22.010	Enforcement

PURPOSE AND EFFECT: The rule revision is to clarify food hygiene, preparation and storage standards, and update background screening requirements to ensure the safety and well-being of the children attending child care licensed by Department of Children and Families.

SUBJECT AREA TO BE ADDRESSED: Proposed changes to child care.

RULEMAKING AUTHORITY: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIMES AND PLACES SHOWN BELOW:

DATE AND TIMES: September 3, 2010:

Workshop 1: 9:00 a.m – Tallahassee

Workshop 2: 1:00 p.m. – Teleconference

PLACES: Workshop 1: Meeting held at 1317 Winewood Blvd., Bldg. 4, Tallahassee, Florida 32399

Workshop 2: Meeting held via teleconference. Please visit www.myflorida.com/childcare, for more instructions.

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: Department of Children and Family Services, Child Care Program Office-Policy Unit, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900. 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: Department of Children and Family Services, Child Care Program Office-Policy Unit, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-36.001	Definitions
65C-36.002	General Provisions
65C-36.003	Responsibilities of the Florida Abuse Hotline
65C-36.004	Responsibilities Related to the Child Protective Investigation
65C-36.005	Responsibilities of the Department of Children and Family Services Region Director
65C-36.006	Responsibilities of the Lead Agency

- 65C-36.007 State Child Fatality Prevention Specialist Responsibilities
- 65C-36.008 Region Child Fatality Prevention Specialist Responsibilities
- 65C-36.009 Dispute Resolution

PURPOSE AND EFFECT: The rule is being promulgated to specify roles and responsibilities of staff involved with the intake, child protective investigation and review of circumstances when a child dies due to alleged abuse, neglect or abandonment; during the course of a child protective investigation; or while receiving child welfare services. Upon promulgation of this rule, Rules 65C-30.020 and 65C-30.021, F.A.C., will be repealed.

SUBJECT AREA TO BE ADDRESSED: Intake, investigation and review of child deaths due to alleged abuse, neglect or abandonment.

RULEMAKING AUTHORITY: 39.012, 39.0121, 39.301, 409.1671 FS.

LAW IMPLEMENTED: 39.012, 39.0121, 39.201, 39.202, 39.301, 39.306, 383.402, 409.165 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: Keith Perlman, 1317 Winewood, Bldg. 1, Suite 307A, Tallahassee, FL 32399-0700, phone: (850)922-2195; email: keith_perlman@dcf.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- RULE NO.: 69A-3.012
- RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: The purpose is to promulgate the triennial update of the Florida Fire Prevention Code as directed by Section 633.0215(1), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215, 633.027 FS.

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

DATES AND TIMES: Monday, September 20, 2010, 10:00 a.m. Central Standard Time, Tuesday, September 21, 2010, 2:00 a.m., Wednesday, September 22, 2010, 10:00 a.m., Thursday, September 23, 2010, 10:00 a.m.

PLACE: Callaway Arts & Conference Center, 500 Callaway Park Way, Callaway, Florida 32404, Jimmy B. Keel Library – Community Room, 2902 Bearss Avenue, Tampa, Florida 33618-1828, Dimick Building, 111 South Sapodilla Avenue, Room 112-A/113-B, West Palm Beach, Florida 33401, Florida Department of Law Enforcement, 4700 Terminal Drive, Suite 1, Ft. Myers, Florida 33907

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: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida, (850)413-3620, Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- | | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 69A-43.018 | One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishments |
| 69A-43.019 | Standards of the National Fire Protection Association Adopted |

PURPOSE AND EFFECT: The purpose of the rule amendments is to conform the rules to Section 49, House Bill 663, adopting Section 633.025(11), Florida Statutes, effective July 1, 2010. The effect is to allow one and two family residential dwellings to be offered for rent without having installed an automatic fire sprinkler system.

SUBJECT AREA TO BE ADDRESSED: Automatic fire sprinkler systems in one and two family residential dwellings.

RULEMAKING AUTHORITY: 509.215(5), 633.01, 633.022(1)(b), 721.24(5) FS.

LAW IMPLEMENTED: 509.215, 633.022(1)(b), 633.025(11) FS.

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

DATES AND TIMES: Tuesday, September 21, 2010, 1:00 a.m., Wednesday, September 22, 2010, 9:00 a.m., Thursday, September 23, 2010, 9:00 a.m.

PLACES: Jimmy B. Keel Library – Community Room, 2902 Bearss Avenue, Tampa, Florida 33618-1828; Dimick Building, 111 South Sapodilla Avenue, Room 112-A/113-B, West Palm Beach, Florida 33401; Florida Department of Law Enforcement, 4700 Terminal Drive, Suite 1, Ft. Myers, Florida
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code

PURPOSE AND EFFECT: The purpose is to promulgate the triennial update of the Florida Fire Prevention Code as directed by Section 633.0215(1), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

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

DATES AND TIMES: Monday, September 20, 2010, 10:00 a.m. Central Standard Time, Tuesday, September 21, 2010, 2:00 a.m., Wednesday, September 22, 2010, 10:00 a.m., Thursday, September 23, 2010, 10:00 a.m.

PLACES: Callaway Arts & Conference Center, 500 Callaway Park Way, Callaway, Florida 32404, Jimmy B. Keel Library – Community Room, 2902 Bearss Avenue, Tampa, Florida 33618-1828, Dimick Building, 111 South Sapodilla Avenue, Room 112-A/113-B, West Palm Beach, Florida 33401; Florida Department of Law Enforcement, 4700 Terminal Drive, Suite 1, Ft. Myers, Florida 33907

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: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.:	RULE TITLES:
69L-7.020	Florida Workers’ Compensation Health Care Provider Reimbursement Manual
69L-7.100	Florida Workers’ Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)

PURPOSE AND EFFECT: To adopt the new versions of the Florida Workers' Compensation Reimbursement Manual for Health Care Providers and the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2010 Editions, and to implement the reimbursement rates authorized by the Three Member Panel, pursuant to Section 440.13(12), F.S., at its meeting on December 18, 2009. In addition, both proposed rules will adopt updated versions of the American Medical Association Current Procedural Terminology, CPT® 2010 Professional Edition, Copyright 2009, the American Medical Association's "Healthcare Common Procedure Coding System, Medicare's National Level II Codes Manual" HCPCS 2010, Copyright 2009, Ingenix Publishing Group, and the American Dental Association Current Dental Terminology, CDT® 2009/2010, Copyright 2008.

SUBJECT AREA TO BE ADDRESSED: Reimbursement to health care providers and ambulatory surgical centers for services performed for injured workers pursuant to Section 440.13, Florida Statutes.

RULEMAKING AUTHORITY: 440.13(4), (14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14)(c) FS.

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

DATE AND TIMES: Thursday, September 16, 2010, 9:00 a.m. – 10:30 a.m. and 11:00 a.m. – 12:30 p.m.

PLACE: Room 104J, Hartman Building., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Samuel Willis III, (850)413-1898 or Sam.Willis@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel Willis III, Medical/Health Care Analyst, Division of Workers' Compensation, Office of Medical Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1898, SAM.WILLIS@MYFLORIDACFO.COM

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT® 2010 ~~2009~~ Current Procedural Terminology Professional Edition, Copyright 2009 ~~2008~~, American Medical Association; the Current Dental Terminology, CDT-2009/2010 ~~2007/2008~~, Copyright 2008 ~~2006~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010 ~~2009~~", American Medical Association, ~~Twenty-first Edition~~, Copyright 2009 ~~2008~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition incorporated above, the provider must use a code contained in the CPT®-2010 ~~2009~~, CDT-2009/2010 ~~2007/2008~~ or HCPCS-2010 ~~2009~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Rulemaking Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14)(c) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07, _____.

69L-7.100 Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs).

(1) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2010 ~~2006~~ Edition, (ASC Reimbursement Manual) is incorporated by reference as part of this rule. The ASC Reimbursement Manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances (MRAs) for services provided to an injured worker in connection with a

surgical procedure performed in an Ambulatory Surgical Center. The ASC Reimbursement Manual is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

(2) The ASC Reimbursement Manual refers to a number of procedure codes and modifiers that are consistent with the Current Procedural Terminology (CPT®), developed and published by the American Medical Association. When a service or procedure is performed that does not have a code listed in the ASC Reimbursement Manual, the Ambulatory Surgical Center shall refer to the Current Procedural Terminology (CPT®), 2010 ~~2007~~ Copyright 2009 ~~2006~~, American Medical Association, which is hereby incorporated by reference as part of this rule.

(3) The Current Dental Terminology (CDT-2009/2010 ~~2007/2008~~), Copyright 2008 ~~2006~~, American Dental Association, and the Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010 ~~2007~~, Twenty-second ~~Nineteenth~~ Edition, Copyright 2009 ~~2006~~, Ingenix Publishing Group, are incorporated by reference as part of this rule, for dental D codes, injectable J codes, and other medical services or supply codes as specified in the ASC Reimbursement Manual.

(4) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2006~~, incorporated by reference into Rule 69L-7.020, F.A.C., is also incorporated by reference into this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2006~~, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Rulemaking Specific Authority 440.13(4), ~~(14)~~, 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 8-7-91, Amended 12-31-92, Formerly 38F-7.100, 4L-7.100, Amended 9-4-05, _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-170.0155 Forms

PURPOSE AND EFFECT: To update Form OIR-B1-1802 "Uniform Mitigation Verification Inspection Form" to reflect 2010 statutory changes and other issues related to the form.

SUBJECT AREA TO BE ADDRESSED: Revisions to Form OIR-B1-1802 titled "Uniform Mitigation Verification Inspection Form" used in conducting inspections for hurricane premium discounts.

RULEMAKING AUTHORITY: 624.308(1), 627.711, 627.736 FS.

LAW IMPLEMENTED: 215.5586, 624.307(1), 627.062, 627.0629, 627.0645, 626.711, 627.736 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: September 22, 2010, 9:30 a.m.

PLACE: 116 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: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.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, IF AVAILABLE, IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com.

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: RULE TITLE:
69V-85.006 Electronic Filing of Forms and Fees
PURPOSE AND EFFECT: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 520, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.

RULEMAKING AUTHORITY: 520.994(5) FS.

LAW IMPLEMENTED: 520.03, 520.32, 520.63, 520.999 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance,

Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting Form OFR-520-04, Request for Exemption from Electronic Filing Requirements, a ~~written request~~ to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number.~~ The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-520-04 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History--New 9-20-09, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: RULE TITLE:

69V-160.036 Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. The amendments also set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. This rule pertains to persons and businesses required to be licensed under Chapter 516, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Consumer Finance.

RULEMAKING AUTHORITY: 516.03 FS.

LAW IMPLEMENTED: 516.03 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting Form OFR-516-02, Request for Exemption from Electronic Filing Requirements, a ~~written request~~ to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number.~~ The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-516-02 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 516.03 FS. Law Implemented 516.03 FS. History--New 9-20-09, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.: RULE TITLES:
69V-560.1012 Adoption of Forms
69V-560.1013 Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 560, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

RULEMAKING AUTHORITY: 560.105 FS.

LAW IMPLEMENTED: 560.105 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 10-18-09.

(b) Location Notification Form, Form OFR-560-02, effective 1-13-09.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 1-13-09.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 1-13-09.

(e) Pledge Agreement, Form OFR-560-05, effective 1-13-09.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 1-13-09.

(g) Security Device Calculation Form, Form OFR-560-07, effective 10-18-09.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08, effective _____.

~~(i)(4)~~ Florida Fingerprint Card (FL922720Z), effective 1-13-09.

~~(j)(4)~~ Currency Transaction Report, FinCEN Form 104, effective 1-13-09.

~~(k)(j)~~ Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 1-13-09.

~~(l)(4)~~ Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 1-13-09.

(2) All forms adopted by this rule are available on the Office’s website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History–New 1-13-09, Amended 10-18-09, _____.

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office’s website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-560-08 is incorporated by reference in Rule 69V-560.1012, F.A.C. of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History–New 1-13-09, Amended _____.