

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:                   RULE TITLE:  
61-35.013                   Employee Leasing Companies  
                                  Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Employee Leasing Companies application forms.

RULEMAKING AUTHORITY: 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 468.524(1); 468.525(1), (3); 468.526(1), (2), (3); 468.527(1); 468.5275(1), (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 REGISTER.

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 Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

#### DEPARTMENT OF HEALTH

##### Board of Medicine

RULE NO.:                   RULE TITLE:  
64B8-51.006               Rule Governing Licensure and  
                                  Inspection of Electrology Facilities

PURPOSE AND EFFECT: The Board proposes the rule amendment to comply with Section 456.0635, F.S.

SUBJECT AREA TO BE ADDRESSED: Rule Governing Licensure and Inspection of Electrology Facilities.

RULEMAKING AUTHORITY: 456.037, 478.43(1), (4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

## Section II

### Proposed Rules

NOTICE OF INTENT TO ADOPT A RULE  
PURSUANT TO SECTION 403.8055, FLORIDA STATUTES  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:                   RULE TITLE:  
62-204.800               Federal Regulations Adopted by  
                                  Reference

PURPOSE, EFFECT AND SUMMARY: These proposed rule amendments (OGC12-1624) update the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 C.F.R. Parts 50, 51, 52, 53, 58, 60, 61, 63, and 81 to incorporate requirements of the department's federally approved and delegated air pollution programs.

RULEMAKING AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.8055, FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Mr. Justin G. Wolfe, Office of General Counsel, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee Florida 32399-3000, e-mail justin.g.wolfe@dep.state.fl.us.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE ENVIRONMENTAL REGULATION COMMISSION, ADMINISTRATIVE ASSISTANT, DEP, MS 35, 3900 COMMONWEALTH BLVD., TALLAHASSEE, FL

32399-3000. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 CFR Part 50, §§ 50.1 through 50.12, revised as of July 1, 2006; amended November 12, 2008, at 73 FR 66963, amended February 9, 2010, at 75 6473; amended May 21, 2012, at 77 FR 30087 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); § 50.13, promulgated October 17, 2006, at 71 FR 61143; § 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; amended October 6, 2008, at 73 FR 58042; amended November 12, 2008, at 73 FR 66963; amended May 19, 2009, at 74 FR 23307; amended February 9, 2010, at 75 FR 6473; amended June 22, 2010 at 75 FR 35520 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00744>); § 50.15 promulgated, March 27, 2008, at 73 FR 16435; § 50.16, promulgated November 12, 2008, at 73 FR 66963; and § 50.17, promulgated June, 22, 2010 at 75 FR 35520 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00744>); are adopted and incorporated by reference.

(b) The following appendices of 40 C.F.R. Part 50, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. through 3. No change.

4. 40 C.F.R. Part 50, Appendix C, Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry); amended August 31, 2011, at 76 FR 54293 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

5. through 20. No change.

(2) Title 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 C.F.R. Part 51, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 51, Subpart F, Procedural Requirements; amended January 18, 2007, at 72 FR 2193, amended July 16, 2007, at 72 FR 38787; amended March 24, 2008, at 73 FR 15603; amended January 21, 2009, at 74 FR 3437; amended June 23, 2009, at 74 FR 29595; amended June 22, 2012, at 77 FR 37610 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

2. through 5. No change.

(b) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 C.F.R. Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 C.F.R. Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743; amended October 12, 2007, at 72 FR 58016; amended September 16, 2008, at 73 FR 53378; amended June 1, 2009, at 74 FR 26103; amended May 27, 2010, at 75 FR 29671 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended April 12, 2011, at 76 FR 20239 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended June 15, 2012, at 77 FR 35862 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended July 30, 2012, at 77 FR 44485 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended September 19, 2012, at 77 FR 58027 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended October 11, 2012 at 77 FR 61724 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended November 8, 2012 at 77 FR 66927 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended November 27, 2012 at 77 FR 70687 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended November 29, 2012 at 77 FR 71111 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods.

The following subparts of 40 C.F.R. Part 53, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 C.F.R. Part 53, Subpart B, Procedures for Testing Performance Characteristics of Automated Methods for SO<sub>2</sub>, CO, O<sub>3</sub>, and NO<sub>2</sub>, amended June 22, 2010, at 75 FR 35520 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00744>); amended August 31, 2011, at 76 FR 54293 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

(c) through (f) No change.

(5) No change.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 C.F.R. Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 58, Subpart B, Monitoring Network, amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963; amended February 9, 2010, at 75 FR 6473; amended June 22, 2010, at 75 FR 35520 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00744>); amended December 27, 2010, at 75 FR 81126 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended August 31, 2011, at 76 FR 54293 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

3. through 6. No change.

(b) No change.

(7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 C.F.R. Part 60, revised as of July 1, 2009, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 60, Subpart Da, Electric Utility Steam Generators for Which Construction is Commenced After September 18, 1978; amended January 20, 2011, at 76 FR 3517 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended April 19, 2012, at 77 FR 23399 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.47Da.

3. through 9. No change.

10. 40 C.F.R. Part 60, Subpart G, Nitric Acid Plants; amended August 14, 2012, at 77 FR 48433 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

11. 40 C.F.R. Part 60, Subpart Ga, Nitric Acid Plants for Which Construction, Reconstruction or Modification Commenced After October 14, 2011, promulgated August 14, 2012, at 77 FR 48433 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

11. through 12. renumbered 12. through 13. No change.

~~14.13.~~ 40 C.F.R. Part 60, Subpart J, Petroleum Refineries; amended September 12, 2012, at 77 FR 56421 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.109(b).

14. through 63. renumbered 15. through 64. No change.

~~65.64.~~ 40 C.F.R. Part 60, Subpart KKK, Equipment Leaks of VOC From Onshore Natural Gas Processing Plants; amended August 16, 2012, at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.634.

~~66.65.~~ 40 C.F.R. Part 60, Subpart LLL, Onshore Natural Gas Processing SO<sub>2</sub> Emissions; amended August 16, 2012, at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

66. through 82. renumbered 67 through 83. No change.

84. 40 C.F.R. Part 60, Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, promulgated August 16, 2012, at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 C.F.R. Part 60, Subpart A, revised as of July 1, 2009; amended October 6, 2009, at 74 FR 51368; amended September 13, 2010, at 75 FR 55636 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>), amended January 18, 2012, at 77 FR 2456 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended April 19, 2012, at 77 FR 23396 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended August 16, 2012, at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended September 12, 2012, at 77 FR 56421 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.4, 40 C.F.R. § 60.8(b)(2) and (3), 40 C.F.R. § 60.11(e)(7) and (8), 40 C.F.R. § 60.13(g), (i) and (j)(2), and 40 C.F.R. § 60.16.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 60, revised as of July 1, 2009, or later as specifically indicated, are adopted and incorporated by reference:

1. through 5. No change.

6. 40 C.F.R. Part 60, Appendix A-6, Test Methods 16 through 18; amended September 13, 2010, at 75 FR 55636 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended July 30, 2012, at FR 44488 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>).

7. through 12. No change.

(9) No change.

(10) Title 40, Code of Federal Regulations, Part 61, National Emission Standards for Hazardous Air Pollutants.

(a) through (c) No change.

(d) General Provisions Adopted. The general provisions of 40 C.F.R. Part 61, Subpart A, revised as of July 1, 2001, amended May 16, 2007, at 72 FR 27437; amended September 13, 2010, at 75 FR 55636 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended April 19, 2012, at 77 FR 23396 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); are adopted and incorporated by reference; except for 40 C.F.R. § 61.08 and except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 61.04, 40 C.F.R. § 61.11, and 40 C.F.R. § 61.18. In lieu of the process set forth in 40 C.F.R. § 61.08, the Department will follow the permit processing procedures of Rule 62-4.055, F.A.C.

(e) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 C.F.R. Part 63, revised as of July 1, 2009, or later as specifically indicated, are adopted and incorporated by reference:

1. through 7. No change.

8. 40 C.F.R. Part 63, Subpart N, Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; amended September 19, 2012, at 77 FR 58219 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.348(c)(1) through (4).

9. through 11. No change.

12. 40 C.F.R. Part 63, Subpart S, Pulp and Paper Industry; amended September 11, 2012, at 77 FR 55698 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.458(c)(1) through (4).

13. through 23. No change.

24. 40 C.F.R. Part 63, Subpart HH, Oil and Natural Gas Production Facilities (Includes Appendix to Subpart HH); amended August 16, 2012, at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.776(c)(1) through (4).

25. through 40. No change.

41. 40 C.F.R. Part 63, Subpart CCC, Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants; amended September 19, 2012, at 77 FR 58219 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>);

except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1166(c)(1) through (8).

42. through 44. No change.

45. 40 C.F.R. Part 63, Subpart HHH, Natural Gas Transmission and Storage Facilities (Includes Appendix to Subpart HHH); amended August 16, 2012, at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1286(c)(1) through (4).

46. through 103. No change.

104. 40 C.F.R. Part 63, Subpart DDDDDD, Polyvinyl Chloride and Copolymers Production Area Sources; amended April 17, 2012 at 77 FR 22847 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11145(b)(1) through (4).

105. through 116. No change.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 C.F.R. Part 63, revised as of July 1, 2009, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 63, Subpart A, General Provisions; amended September 13, 2010, at 75 FR 55636 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended January 5, 2012, at 77 FR 556 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended April 17, 2012, at 74 FR 22847 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended August 14, 2012, at 77 FR 48433 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended August 16, 2012 at 77 FR 49489 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); amended September 11, 2012, at 77 FR 55698 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02487>); except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.5(e), 40 C.F.R. § 63.5(f), 40 C.F.R. § 63.6(g), 40 C.F.R. § 63.6(h)(9), 40 C.F.R. § 63.6(j), 40 C.F.R. § 63.13, and 40 C.F.R. § 63.14.

2. through 5. No change.

(e) No change.

(12) through (22) No change.

(23) Title 40, Code of Federal Regulations, Part 81, Designation of Areas for Air Quality Planning Purposes.

(a) No change.

(b) 40 C.F.R. Part 81, Subpart C, Section 107 Attainment Status Designations, § 81.310, revised as of July 1, 2009; amended November 22, 2010, at 75 FR 71033 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01720>); amended November 22, 2011, at 75 FR 72097

( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-01720">http://www.flrules.org/Gateway/reference.asp?No=Ref-01720</a> ); amended February 17, 2012, at 77 FR 9532 ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-01720">http://www.flrules.org/Gateway/reference.asp?No=Ref-01720</a> ); amended May 21, 2012, at 77 FR 30087 ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-02487">http://www.flrules.org/Gateway/reference.asp?No=Ref-02487</a> ); is adopted and incorporated by reference.	62-330.090	Processing of Individual and Conceptual Approval Permit Applications
	62-330.100	Purpose and Intent. (Repealed)
	62-330.200	Rules Adopted by Reference (Repealed)
(c) No change.	62-330.201	Formal-Determinations of the Landward Extent of Wetlands and Other Surface Waters
(24) through (27) No change.		
Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08, 11-18-09, 6-11-10, 7-1-10, 10-1-10, 12-30-10, 12-1-11, 12-1-12,_____.	62-330.301	Conditions for Issuance of Individual and Conceptual Approval Permits
	62-330.302	Additional Conditions for Issuance of Individual and Conceptual Approval Permits
	62-330.310	Operation and Maintenance
	62-330.311	Inspections and Reporting
	62-330.315	Modification of Permits
	62-330.320	Duration of Permits
	62-330.340	Transfer of Permit Upon Change in Ownership or Control
	62-330.350	General Conditions for Individual Permits
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>		
<b>Division of Water Resource Management</b>		
RULE NOS.:	RULE TITLES:	
62-330.010	Purpose and Implementation	62-330.360
62-330.020	Regulated Activities	62-330.395
62-330.021	Definitions	62-330.401
62-330.050	Procedures for Review and Agency Action on Exemption Requests	62-330.402
62-330.051	Exempt Activities	62-330.405
62-330.0511	No-fee Noticed Exemptions for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems	62-330.407
62-330.052	General Permits – General	62-330.410
62-330.054	Individual Permits	
62-330.055	Conceptual Approval Permits for Urban Infill or Redevelopment	62-330.412
62-330.056	Other Conceptual Approval Permits	
62-330.060	Content of Applications for Individual and Conceptual Approval Permits	62-330.417
62-330.061	Submittal of Applications and Notices to Agency Offices	62-330.427
62-330.062	Water Quality Certification and Costal Zone Consistency Concurrence	62-330.428
62-330.071	Fees	62-330.431
62-330.075	Additional Requirements and Procedures for Concurrent Review of Related Applications	
		Emergency Authorizations and Actions
		Variances
		Policy and Purpose of General Permits
		Submittal and Processing of General Permits
		General Conditions for All General Permits
		General Permit for Geotechnical Investigations in Wetlands or Other Surface Waters
		General Permit for Dredging by the West Coast Inland Navigation District in Sarasota and Manatee Counties
		General Permit for Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County
		General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities
		General Permit for Certain Piers and Associated Structures
		General Permit for Floating Vessel Platforms and Floating Boat Lifts
		General Permit for Installation of Riprap

62-330.437	General Permit for the Installation of Fences	62-330.459	General Permit for Relocation of Aerial Electric and Communication Lines Associated with Road Improvement Projects
62-330.439	General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings, and Bridges of Artificial Waterways	62-330.463	General Permit for Breaching Mosquito Control Impoundments and for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies
62-330.443	General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Bridge Alteration, Placement, Replacement, Removal, Maintenance, and Operation	62-330.467	General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies (Repealed)
62-330.447	General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities within Existing Rights-of-Way or Easements	62-330.475	General Permit for Minor Activities and Single-family Residential Activities in Isolated Wetlands
62-330.448	General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, Including the Repair and Replacement of Bridges That Are Part of the Roadway (Repealed)	62-330.476	General Permit for Private Single-Family Residences within Jupiter Farms, Palm Beach County
62-330.449	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment, or Removal of Airport Airside Stormwater Management Systems	62-330.477	General Permit for Single Family Residential Lots within the Indian Trail Water Control District
62-330.450	Construction, Alteration, and Operation of Urban Infill and Redevelopment Activities in Conformance with a Conceptual Approval Permit	62-330.483	General Permit to the Department and Water Management Districts to Conduct Minor Activities
62-330.451	General Permit to Counties, Municipalities, and other Agencies to Conduct Stormwater Retrofit Activities	62-330.485	General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement
62-330.453	General Permit for Installation, Maintenance, Repair, and Removal of Underground Utility Lines	62-330.487	General Permit to the Department and Water Management Districts to Change Operating Schedules for Water Control Structures
62-330.455	General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters	62-330.488	General Permit to Governmental Entities for Certain Public Use Facilities at Public Natural Areas
62-330.457	General Permit for Subaqueous Utility Crossings of Artificial Waterways	62-330.490	General Permit for the Reclamation of Eligible Phosphate Lands Mined Before July 1, 1975
62-330.458	General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities	62-330.491	General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone (Repealed)
		62-330.492	General Permit for Prospecting for Limestone, Sand, and Peat
		62-330.493	General Permit to Perform Prospecting Activities for Phosphate Minerals

- 62-330.494 General Permit for Temporary Dragline Crossings of Waterways for Mining Activities
- 62-330.495 General Permit for Low Water Crossings for Mining Activities
- 62-330.496 General Permit for Dry Borrow Pits of Less than Five Acres
- 62-330.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems (Repealed)
- 62-330.501 General Permit for Temporary Agricultural Activities within the South Florida Water Management District
- 62-330.505 General Permit to the U.S. Forest Service for Minor Works within National Forests
- 62-330.550 General Permit for Construction, Operation and Maintenance of Nonproduction-related Agricultural Facilities
- 62-330.600 General Permit for the Construction of Artificial Reefs
- 62-330.602 General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities
- 62-330.630 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities
- 62-330.631 General Permit to Governmental Entities for Limited Environmental Restoration or Enhancement Activities
- 62-330.632 General Permit for the Restoration, Establishment and Enhancement of Low Profile Oyster Habitat
- 62-330.635 General Permit for Soil Remediation
- 62-330.901 General Permit Forms (Repealed)

PURPOSE AND EFFECT: Section 373.4131, F.S., created by Chapter 2012-94, Laws of Florida, and effective July 1, 2012, requires the Department (DEP), in coordination with the five Water Management Districts (WMDs), to develop statewide environmental resource permitting (ERP) rules under Part IV of Chapter 373, F.S., regulating the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works, or combinations thereof. DEP proposes to substantially amend the existing Chapter 62-330, F.A.C., and add new rules to it that will serve

as the primary statewide rule chapter governing the ERP program. Pursuant to Section 373.4131, F.S., this rule chapter will be implemented by DEP, and will apply to the WMDs, and local governments delegated under Section 373.441, F.S., without the need for further rulemaking by the WMDs and local governments. This rulemaking will achieve a more consistent, effective, and streamlined approach to implement the ERP program. The new rules also will reduce regulatory costs and burdens for the public while preserving environmental standards and continuing to protect the state's water resources.

SUMMARY: The existing DEP Chapter 62-330, F.A.C., currently incorporates by reference the rules of the WMDs used by DEP to implement its responsibilities under the ERP program. It was recently amended (through rule transfers) to include all of the noticed general permits formerly contained in Chapter 62-341, F.A.C. Chapter 62-330, F.A.C., is being substantially revised so that it will serve as the primary statewide ERP rule. As required by Section 373.4131, F.S., the proposed rule chapter includes provisions governing permit thresholds and exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; general conditions; standardized application, notice, and reporting forms; formal determinations of the landward extent of wetlands and other surface waters; and mitigation criteria. To accomplish this, DEP proposes to amend Chapter 62-330, F.A.C., to comprehensively integrate the ERP procedures and criteria contained in Chapters 40B-1, 40B-4, 40B-400, 40C-1, 40C-4, 40C-40, 40C-41, 40C-42, 40C-44, 40C-400, 40D-1, 40D-4, 40D-40, 40D-400, 40E-1, 40E-4, 40E-40, 40E-400, 62-4, 62-113, 62-312, 62-342, 62-343, and 62-346, F.A.C., and the Applicant's Handbooks and Basis of Review of each WMD. The proposed rulemaking also incorporates new, and amends existing, exemptions and general permits to authorize certain minor and routine activities more quickly than through individual permit review, and at lower cost to applicants, without causing significant adverse impacts individually or cumulatively.

The rule chapter incorporates by reference an Applicant's Handbook, consisting of two volumes. Volume I is incorporated by reference in Chapter 62-330, F.A.C., by DEP, and includes general processing and evaluation procedures, including a discussion of the environmental criteria, procedures for formal determinations of the landward extent of wetlands and other surface waters, operation and maintenance, and mitigation that will apply statewide to all agencies implementing the ERP program. Volume II is in the form of five separate documents specific to each WMD. The Volume II specific to the Northwest Florida WMD is adopted by DEP; the Suwannee River, St. Johns River, Southwest Florida, and South Florida WMD each have adopted in their rules a Volume II for use by the applicable WMD. Each Volume II is incorporated by reference in Chapter 62-330, F.A.C., so that they also apply to DEP. The purpose of the separate Volume IIs is to retain, as

provided for in Section 373.4131, F.S., the existing stormwater quality and quantity design and performance standards applicable within each WMD; those regional standards and design practices are needed because of variations in rainfall and other physical and natural characteristics throughout the state. Additional basin-specific rules adopted by the WMDs also will be retained and incorporated by reference in Chapter 62-330, F.A.C., to address specific regional issues and statutory requirements.

As part of this rulemaking, the Department is repealing the following seven rules.

Rule 62-330.100, F.A.C., Purpose and Intent, because the purpose of the chapter has changed to now house the statewide rule required by Section 373.4131, F.S. A new rule is added to describe the new purpose and intent of the chapter.

Rule 62-330.200, F.A.C., Rules Adopted by Reference, containing four subsections, (1) through (4), currently identifies the specific rules of the Suwannee River, St. Johns River, Southwest Florida, and South Florida WMDs that are incorporated by reference for use by the Department in implementing its responsibilities for the existing ERP program under Part IV of Chapter 373, F.S. These sections also reflect, in tabular form, minor amendments to those rules that enable the Department to use them, such as using "Department" in place of the WMD name, and amending District form numbers to Department form numbers. This rule is being repealed because it is no longer necessary for the Department to incorporate the rules of the water management districts that will be superseded by Chapter 62-330, F.A.C., and because many of those WMD rules will be repealed in accordance with Section 373.4131(2)(a), F.S., upon the effective date of the amended Chapter 62-330, F.A.C.

Rule 62-330.448, F.A.C., General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities within Existing Rights-of-Way or Easements; activities formerly covered by this general permit will be exempt from ERP requirements under the proposed Rule 62-330.051, F.A.C.

Rule 62-330.467, F.A.C., General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies; provisions of this general permit have been merged into the general permit in Rule 62-330.463, F.A.C.

Rule 62-330.491, F.A.C., General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone, is being repealed because it has never been used.

Rule 62-330.500, F.A.C., General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems; the activities allowed under this general permit will be exempt from ERP requirements under Rule 62-330.0511, F.A.C., which establishes a no-fee noticed exemption for the same activities.

Rule 62-330.901, F.A.C., Noticed General Permit Forms, is being repealed because these forms are now being incorporated in the rule in which they are first discussed.

OTHER RULES INCORPORATING THIS RULE: 62-4.001; 62-4.200; 62-17.665; 62-312.440; 62-340.700; 62-342.750; 62-342.800; 62-343.020; 62-343.030; 62-343.050; 62-343.060; 62-343.070; 62-343.090; 62-343.100; 62-346.080; 62-348.100; 62-348.500; 62-348.600; 62-348.700; 62-624.100; 62-709.300; 62-709.500; 62-711.540; 62-713.300; 62B-49.001; 62B-49.005; 62B-49.011; 62B-49.012.

EFFECT ON THOSE OTHER RULES: The amendments to Chapter 62-330, F.A.C., make it so the references to this chapter in Rules 62-4.001 and 62-4.200, F.A.C., are no longer necessary. Rule 62-343.030, F.A.C., will no longer apply, as the amendments to Chapter 62-330, F.A.C., have removed those definitions previously incorporated by reference. All other rules, no effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will have an impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

DEP and the WMDs have assessed the potential costs associated with the 72 new or revised rules, and seven rules to be repealed, under Chapter 62-330, F.A.C. The only new costs that would be imposed upon the public by the proposed rulemaking that have been identified are associated with proposed Rule 62-330.054, F.A.C., for which a SERC has been prepared. The total new costs associated with that rule are estimated to be no more than \$36,000 per year, which would affect an estimated 18 permit applicants per year involving activities within the St. John's River Water Management District that currently would qualify for a permit under Chapter 40C-42, F.A.C.; those applicants would be subject to a secondary impacts analysis as part of an individual permit application under Chapter 62-330, F.A.C., which is not required under Chapter 40C-42, F.A.C. Despite this cost to those applicants, DEP anticipates that the overall cost savings resulting from the rules proposed for adoption, revision, and repeal under Chapter 62-330, F.A.C., is at least \$536,000, per year, statewide. Explanations of anticipated savings are provided on the "Is a SERC Required" forms.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not Applicable.

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



RULEMAKING AUTHORITY: 373.026(7), 373.043, 373.044, 373.113, 373.118, 373.118(1), 373.118(6), 373.171, 373.406(5), 373.413, 373.4131, 373.414, 373.414(9), 373.4145, 373.415, 373.418, 373.421(2), 373.4211(22) through (25), 373.461, 380.06(9), 403.0877, 403.805(1), 403.813(1)(t) FS.

LAW IMPLEMENTED: 120.54(5)(a), 253.034(1), 373.019, 373.042, 373.0421, 373.044, 373.085, 373.086, 373.109, 373.118, 373.118(1), 373.118(6), 373.119, 373.129, 373.136, 373.403, 373.406, 373.406(5), 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.414(9), 373.4141, 373.4145, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2) through (6), 373.4211(22) and (25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.413, 373.430, 373.433, 373.436, 373.439, 373.461, 380.06(9), 403.0877, 403.813(1), 403.813(1)(t) FS.

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

DATE AND TIME: May 6, 2013, 10:00 a.m. ET

PLACE: This hearing will be broadcast via webinar. Parties can register to attend the webinar via their personal computers with audio by telephone (regular long distance telephone charges will apply) or by speakers connected to their computer (no telephone charges will apply). Webinar registration is via <https://www2.gotomeeting.com/register/425658498>.

Alternatively, persons may view the webinar at the following location where staff will be present to accept comments: Department of Environmental Protection, Bob Martinez Bldg., Room 609, 2600 Blair Stone Rd., Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary VanTassel, Florida Department of Environmental Protection, Submerged Lands and Environmental Resources Coordination Program, 2600 Blair Stone Road — MS 2500, Tallahassee, FL 32399-2400; telephone (850)245-8486; e-mail: [Mary.VanTassel@dep.state.fl.us](mailto:Mary.VanTassel@dep.state.fl.us); or facsimile (850)245-8499. DEP has established an Internet site (<http://www.dep.state.fl.us/water/wetlands/swerp/index.htm>) to provide information about the rulemaking, and a dedicated forum (<http://depflorida.ipbhost.com/>) to accept comments from the public on the rule. (OGC No. 12-1058)

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 62-330.010 Purpose and Implementation.

(1) This chapter, together with the rules and all documents it incorporates by reference, implements the comprehensive, statewide environmental resource permit (ERP) program under Section 373.4131, F.S.

(2) The ERP program governs the following: construction, alteration, operation, maintenance, repair, abandonment, and removal (all of the former collectively referred to throughout this chapter as “activities”) of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on or over wetlands or other surface waters, as defined and delineated in Chapter 62-340, F.A.C.) (all of the latter collectively referred to throughout this chapter as “projects”).

(3) The responsibilities for implementing this chapter are described in Operating and Delegation Agreements between the Department of Environmental Protection (“Department”), the water management districts (“Districts”) created under Section 373.069, F.S., and local governments delegated under Section 373.441, F.S., (“delegated local governments”). The term “Agency” applies to the Department, a District, or a delegated local government, as applicable, throughout this chapter. The Agreements are incorporated by reference in Chapter 62-113, F.A.C., accessible at [www.dep.state.fl.us/legal/Operating Agreement/operating agreements.htm](http://www.dep.state.fl.us/legal/Operating%20Agreement/operating%20agreements.htm), or by contacting the applicable Agency.

(4) This chapter is used in conjunction with an Applicant’s Handbook, in two volumes, as follows:

(a) Applicant’s Handbook Volume I, “General and Environmental”(hereinafter “Volume I”) applies statewide to all activities regulated under Chapter 62-330, F.A.C. It includes explanations, procedures, guidance, standards, and criteria on what is regulated by this chapter, the types of permits available, how to submit an application or notice for a regulated activity to the Agencies, how applications and notices are reviewed, the standards and criteria for issuance, and permit duration and modification. Volume I with Appendix C, but excluding the other appendices, is incorporated by reference herein by the Department, [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02522>). Also incorporated by reference in this Volume are:

1. Guidelines for Determining Flood Flow Frequency, USGS Bulletin 17B of the Hydrology Subcommittee Revised September 1981; Editorial Corrections March 1982.” [http://water.usgs.gov/osw/bulletin17b/dl\\_flow.pdf](http://water.usgs.gov/osw/bulletin17b/dl_flow.pdf), as referenced in section 2.0(a)59;

2. The “Florida Wildlife Conservation Guide” (2011) [add URL for the guide found at [myfwc.com/conservation/value/fwcg/](http://myfwc.com/conservation/value/fwcg/)], referenced in section 10.2.2.; and

3. Rule 68A-4.009, F.A.C., Florida Black Bear Conservation, (August 23, 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02520>), referenced in section 10.2.7.

(b) An Applicant's Handbook Volume II (hereinafter, "Volume II"), has been adopted for use within each District. Each District's Volume II is incorporated by reference herein and in the rules listed below.

1. Northwest Florida Water Management District – "Department of Environmental Protection and Northwest Florida Water Management District Environmental Resource Permit Applicant's Handbook – Volume II (Design and Performance Standards Including Basin Design and Criteria)," including Appendices A through D, is incorporated by reference herein [effective date] and available at: (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02521>). Also incorporated by reference in this Volume are:

a. Chapter 5 of the *Florida Land Development Manual* (June 1988) available at (URL), referenced in section 4.5.2 and Appendix B-2 of Volume II; and

b. Section 3.10 of Chapter 6 of the *Florida Land Development Manual* (June 1988); available at (URL), referenced in section 6.1 and Appendix B-2 of Volume II.

2. Suwannee River Water Management District, Applicant's Handbook Volume II, is incorporated by reference herein, [effective date] (URL), and in subsection 40B-400.091(1), F.A.C., [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02523>).

3. St. Johns River Water Management District, Applicants Handbook Volume II, is incorporated by reference herein, [effective date] (URL), and in subsections 40C-4.091(1) [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02524>), 40C-42.091(1) [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02525>), and 40C-44.091(1), F.A.C., [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02526>).

4. Southwest Florida Water Management District, Applicants Handbook Volume II, is incorporated by reference herein, [effective date] (URL), and in Rule 40D-4.091, F.A.C., [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02527>).

5. South Florida Water Management District, Applicants Handbook Volume II, including Appendices A through D, is incorporated by reference herein, [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>) and in subsection 40E-4.091(1)(a), F.A.C., [effective date] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02529>).

A copy of the incorporated material identified above may be obtained from the Agency internet site, <http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm>,

or as described in subsection 62-330.010(5), F.A.C. <http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm>, or as described in subsection 62-330.010(5), F.A.C.

(5) A copy of Volumes I and II and the other Agreements, rules, forms, Applicant's Handbook, and other documents incorporated by reference in this chapter also may be obtained from the Agency Internet site or by contacting staff in an Agency office identified in Appendix A of Volume I.

(6) This chapter explains how to submit notices and applications for activities regulated under Part IV of Chapter 373, F.S., and provides the standards for Agency review and action, which must not be harmful to the water resources and not be inconsistent with the overall objectives of the Agency. This chapter also includes procedures for petitions for a formal determination of the landward extent of wetlands and surface waters under Chapter 62-340, F.A.C.

(7) All notices to or filings with the Department shall be made in accordance with Title 28, F.A.C., or subsections 62-110.106, F.A.C., as appropriate. All notices to or filings with a District shall be made in accordance with Title 28, F.A.C., and subsections 40A-1.1003, 40A-1.1010, 40C-1.1007, 40D-1.1010, 40E-0.109 and 40E-1.6058, F.A.C., as appropriate.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.418, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.4131, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.423, 373.426, 373.428, 373.429 FS. History—New \_\_\_\_\_.

#### 62-330.020 Regulated Activities.

(1) A permit under this chapter is not required for activities that qualify for:

(a) Operation and routine custodial maintenance of projects legally in existence, provided the terms and conditions of the permit, exemption, or other authorization for such projects continue to be met, and provided the activity is conducted in a manner that does not cause violations of state water quality standards. However, this exemption shall not apply to any project that is altered, modified, expanded, abandoned, or removed;

(b) An exemption listed in Rule 62-330.051, F.A.C., or in section 1.3 (District-specific exemptions) of the applicable Volume II;

(c) The "grandfathering" provisions of Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.; or

(d) The "10/2" general permit for upland stormwater systems authorized in Section 403.814(12), F.S.

(2) Unless the activity qualifies under subsection (1), above, a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any new project that, by itself or in combination with an activity conducted after [effective date], cumulatively results in any of the following:

(a) Any project in, on, or over wetlands or other surface waters;

(b) A total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic;

(c) A total of more than 9,000 square feet impervious and semi-impervious surface area;

(d) A total project area of more than one acre;

(e) A capability of impounding more than 40 acre-feet of water;

(f) Any dam having a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;

(g) Any project that is part of a larger common plan of development or sale;

(h) Any dry storage facility storing 10 or more vessels that is functionally associated with a boat launching area;

(i) Any project exceeding the thresholds in section 1.2 (District-specific thresholds) of the applicable Volume II; or

(j) Any modification or alteration of a project previously permitted under Part IV of Chapter 373, F.S.

Construction and operation of the above projects are subject to the additional limitations in paragraph 3.1.4(f) of Volume I.

(3) The following types of permits are available:

(a) A general permit, as provided in Rule 62-330.052, F.A.C., and Rules 62-330.401 through 62-330.635, F.A.C.

(b) An individual permit, as provided in Rule 62-330.054, F.A.C.; and

(c) A conceptual approval permit, as provided in Rule 62-330.055 or 62-330.056, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.117, 373.118, 373.409, 373.413, 373.4131, 373.4132, 373.4145, 373.416, 373.426, 403.0877 FS. History—New \_\_\_\_\_.

62-330.021 Definitions.

Terms used in this chapter are defined in section 2.0 of Volume I and section 2.1 of Volume II.

Except as otherwise provided in this chapter, the definitions of Chapters 62-330 and 62-346, F.A.C., including those incorporated by reference, shall apply to this chapter. Additionally, as used in this chapter:

(1) "Aquatic preserves" means those areas designated in Part II, Chapter 258, F.S.

(2) "Canal" means a trench, the bottom of which is normally covered by water, with the upper edges of its two sides normally above water.

(3) "Coral" means living stony or soft corals.

(4) "Channel" means a trench, the bottom of which is normally covered entirely by water, with the upper edges of one or both of its sides normally below water.

(5) "Department" means the Florida Department of Environmental Protection.

(6) "Drainage ditch" or "irrigation ditch" means a man-made trench which is dug for the purpose of draining water from the land or for transporting water for use on the land and which is not built for navigational purposes.

(7) "Dredging" means the excavation, by any means, in surface waters or wetlands as delineated in Section 373.421(1), F.S. It also means the excavation, or creation, of a water body which is, or is to be, connected to any surface waters or wetlands as delineated in Section 373.421(1), F.S., directly or via an excavated water body or series of excavated water bodies.

(8) "Endangered species" means those animal species which are listed in Rule 68A-27.003, F.A.C., and those plant species which are listed in 50 Code of Federal Regulations Section 17.12 (1994).

(9) "Estuary" means a semi-enclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

(10) "Filling" means the deposition, by any means, of materials in surface waters or wetlands, as delineated in Section 373.421(1), F.S.

(11) "Forested wetlands" means those wetlands where the canopy coverage by trees with a diameter at breast height of greater than 4 inches is greater than 10 percent, as well as those areas required to be planted with tree species to establish or reestablish forested wetlands pursuant to a permit issued, or enforcement action taken, under rules adopted under Part IV of Chapter 373, F.S., or Sections 403.91-.929, F.S. (1984 Supp.), as amended, and those areas where the canopy has been temporarily removed but are expected to revegetate to a forested wetland if use of the area would remain unchanged.

(12) "Herbaceous wetlands" means those wetlands dominated by non-woody vegetation that have less than a 10 percent canopy coverage of trees with a diameter at breast height of greater than 4 inches.

(13) "Lagoon" means a naturally existing coastal zone depression which is below mean high water and which has permanent or ephemeral communications with the sea, but which is protected from the sea by some type of naturally existing barrier.

(14) "Materials" means matter of any kind, such as sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement oyster cultch pursuant to Section 379.2525, F.S., or Chapter 62N-5, F.A.C.

(15) "Riprap" is a sloping retaining or stabilizing structure made to reduce the force of waves and to protect the shore from erosion, and consists of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

(16) “Seawall” means a man-made wall or encroachment, except riprap, which is made to break the force of waves and to protect the shore from erosion.

(17) “Species of special concern” means those species listed in Rule 68A-27.005, F.A.C.

(18) “Submerged grassbeds” means any native, herbaceous, submerged vascular plant community that is growing on the bottoms of surface waters waterward of the mean high water line or ordinary high water line.

(19) “Swale” means a man-made trench which:

(a) Has a top width to depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than three feet horizontal to one foot vertical;

(b) Contains contiguous areas of standing or flowing water only following a rainfall event;

(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

(d) Is designed to take into account the soil erodibility, soil permeation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

(20) “Threatened species” means those animal species listed in Rule 68A-27.004, F.A.C.

(21) “Vertical seawall” is a seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with sloping riprap covering the waterward face to the mean high water line shall not be considered a vertical seawall.

(22) “Water Management District” or “District” means a Water Management District created pursuant to Section 373.069, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4141, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4141, 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.021, Amended \_\_\_\_\_.

#### 62-330.050 Procedures for Review and Agency Action on Exemption Requests.

(1) A notice to the Agency is not required to conduct an activity that is exempt under Rule 62-330.051, F.A.C., except where required in a specific exemption. Persons are encouraged, but not required, to use any available electronic self-certification service of the Agency to confirm that the activity meets the exemption.

(2) If a person desires Agency verification of qualification to conduct an exempt activity, and a self-certification is not available or the person chooses not to use a self-certification, they may submit a written or electronic Form 62-330.050(1) – “Request for Verification of an Exemption,” (effective date), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02468>), or a letter that clearly

requests an exemption verification. A copy of the form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. Such request must include:

(a) The processing fee prescribed in Rule 62-330.071, F.A.C. Only one exemption verification processing fee shall be assessed if the request contains multiple exempt activity types on a single parcel.

(b) A location map(s) of sufficient detail to allow someone who is unfamiliar with the area to locate the site of the activity;

(c) Drawings, calculations, and other supporting information to clearly depict and describe the proposed activities;

(d) The tax parcel identification number from the local government tax rolls;

(e) Contact information for the person requesting the verification; and

(f) Authorization signed by the property owner allowing Agency staff to inspect the location of the proposed activities.

(3) The Agency shall take reasonable efforts to determine within 30 days of receipt of a request whether the submitted materials demonstrate the activity qualifies for an exemption or, if they do not, what information would enable the Agency to make such a verification. If those materials are not received within 60 days of the Agency’s request, the Agency shall advise the person that it cannot verify that the activity qualifies for an exemption. The materials submitted and responses received shall not be considered an application for a general, conceptual approval, or individual permit unless requested in writing.

(4) If, after receipt of an application for a permit, the Agency determines the proposed activity qualifies in whole for an exemption under this chapter, the Agency shall make such verification within 30 days of receipt of the application and refund any processing fees received in excess of those required under Rule 62-330.071, F.A.C.

(5) The Agency will consider exempt activities included in an application to conduct other activities as part of an entire application requiring a permit, and will review and act upon the entire application at one time. However, an applicant may request the Agency separately determine whether specific activities that are part of the application qualify for an exemption. In such a case, the applicant shall pay an additional processing fee for the exemption verification, but only one additional exemption verification processing fee will be required even if more than one kind of exempt activity is included.

(6) The Agency’s determination of qualification for an exemption is subject to Chapter 120, F.S. Self-certification is not an Agency action subject to Chapter 120, F.S., unless the Agency determines the self-certification does not meet all of its applicable terms and conditions.

(7) Activities conducted in accordance with an exemption under this chapter remain subject to other applicable permitting, authorization, and performance requirements of the Agencies, the Board of Trustees, and other federal, state, and local governments.

(8) The following apply when specified in an exemption in Rule 62-330.051, F.A.C.:

(a) Activities shall not exceed a permitting threshold in section 1.2 of the applicable Volume II:

(b) Construction, alteration, and operation shall not:

1. Adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

2. Cause an adverse impact to the minimum flows and levels established pursuant to Section 373.042, F.S.

3. Cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;

4. Adversely impede navigation or create a navigational hazard;

5. Cause or contribute to a violation of state water quality standards. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards, including any antidegradation 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 Florida Waters and Outstanding National Resource Waters due to construction-related activities. Erosion and sediment control best management practices shall be installed and maintained in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02530>), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02531>).

(c) When performed in waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon, all in-water work shall comply with the following.

1. All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

2. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

3. All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

4. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

Copies of incorporated materials identified above may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 403.813(1), 668.003, 668.004, 668.50 FS. History—New \_\_\_\_\_.

#### 62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C. as applicable.

(1) Activities conducted in conformance with the District-specific exemptions in section 1.3 of Volume II applicable to the location of the activity.

(2) Activities conducted in conformance with the exemptions in Section 373.406, 373.4145(3), or 403.813(1), F.S.

(3) Aquatic Plant and Organic Detrital Control and Removal –

(a) Disking and tilling of exposed lake bottoms in accordance with a permit issued by the Florida Fish and Wildlife Conservation Commission or an exemption under Chapter 369, F.S.

(b) Organic detrital material removal in accordance with Section 403.813(1)(r) or (u), F.S.

(c) Aquatic plant control where the activity qualifies for an exemption under Section 369.20, F.S., or Rule 68F-20.0035, F.A.C., or is authorized under a permit from the Florida Fish and Wildlife Conservation Commission under Section 369.20 or .22, F.S.; and the harvested planted material is not disposed of in wetlands or other surface waters, or in a manner that adversely affects water quality or flood control.

(4) Bridges, Driveways, and Roadways –

(a) The replacement and repair of existing open-trestle foot bridges and vehicular bridges in accordance with Section 403.813(1)(I), F.S.

(b) Construction, alteration, or maintenance, and operation, of culverted driveway or roadway crossings and bridges of wholly artificial, non-navigable drainage conveyances, provided:

1. The construction project area does not exceed one acre and is for a discrete project that is not part of a larger plan of development that requires permitting under this chapter. However, these limitations shall not preclude use of this exemption to provide access to activities that qualify for the general permit in Section 403.814(12), F.S.:

2. The culvert or bridge shall be sized and installed to pass normal high water stages without causing adverse impacts to upstream or downstream property:

3. Culverts shall not be larger than one, 24-inch diameter pipe, or its hydraulic equivalent, and must not reduce the upstream hydraulic discharge capacity:

4. The crossing shall not:

a. Be longer than 30 feet from top-of-bank to top-of-bank;

b. Have a top width of more than 20 feet or a toe-to-toe width of more than 40 feet; and

c. Have side slopes steeper than 3 feet horizontal to 1 foot vertical;

5. There are no more than two crossings on any total land area, with a minimum distance of 500 feet between crossings:

6. If dewatering is performed, all temporary work and discharges must not cause flooding or impoundment, downstream siltation, erosion, or turbid discharges that violate state water quality standards;

7. Any temporary work shall be completely removed and all upstream and downstream areas that were disturbed shall be restored to pre-work grades, elevations and conditions; and

8. All work shall comply with subsection 62-330.050(8), F.A.C.

(c) Minor roadway safety construction, alteration, or maintenance, and operation, provided:

1. There is no work in wetlands other than those in drainage ditches constructed in uplands;

2. There is no alteration to a project previously permitted under Part IV of Chapter 373, F.S.; and

3. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.; and

4. The work is limited to:

a. Sidewalks having a width of six feet or less;

b. Turn lanes less than 0.25 mile in length, and other safety-related intersection improvements; and

c. Road widening and shoulder paving that does not create additional traffic lanes and is necessary to meet current, generally accepted roadway design and safety standards.

(d) Resurfacing of existing paved roads, and grading of existing unpaved roads, provided

1. Travel lanes are not paved that are not already paved;

2. No substantive changes occur to existing road surface elevations, grades, or profiles; and

3. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(e) Repair, stabilization, or paving of existing unpaved roads, and the repair or replacement of vehicular bridges that are part of the unpaved road, where:

1. They were in existence on or before January 1, 2002, and have:

a. Been publicly-used and under county or municipally ownership and maintenance thereafter, including when they have been presumed to be dedicated in accordance with Section 95.361, F.S.;

b. Subsequently become county or municipally-owned and maintained; or

c. Subsequently become perpetually maintained by the county or municipality through such means as being accepted by the county or municipality as part of a Municipal Service Taxing Unit or Municipal Service Benefit Unit; and

2. The work does not realign the road or expand the number of traffic lanes of the existing road, but may include safety shoulders, clearing vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed using generally accepted roadway design standards;

3. Existing bridges are not widened more than is reasonably necessary to properly connect the bridge with the road to match the width of the roadway travel lanes and safely accommodate the traffic expected.

4. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters;

5. Roadside swales or other effective means of stormwater treatment are incorporated as part of the work;

6. No more dredging or filling of wetlands or water of the state is performed than is reasonably necessary to perform the work in accordance with generally accepted roadway design standards; and

7. Notice of intent to use this exemption is provided to the Agency 30 days before performing any work.

8. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under Section 403.813(1)(b), F.S.;

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of all structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors; and

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

(c) Construction of private docks of 1,000 square feet or less of over-water surface area in artificial waters and residential canal systems in accordance with Section 403.813(1)(i), F.S.

(d) Replacement or repair of existing docks and piers, including mooring piles, in accordance with Section 403.813(1)(d), F.S., provided the existing structure is still functional or has been rendered non-functional within the last year by a discrete event, such as a storm, flood, accident, or fire.

(e) The construction and maintenance to design specifications of boat ramps in accordance with Section 403.813(1)(c), F.S., where navigational access to the proposed ramp currently exists:

1. In artificial waters and residential canal systems; or

2. In any wetland or other surface waters when the ramps are open to the public; and

3. The installation of docks associated with and adjoining boat ramps constructed as part of the above ramps is limited to an area of 500 square feet or less over wetlands and other surface waters.

(f) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts in accordance with Section 403.813(1)(s), F.S.

(g) The removal of derelict vessels, as defined in Section 823.11(1), F.S., by federal, state, and local agencies, provided:

1. The derelict vessel case has been completed as specified in Section 705.103, F.S., and has been entered into the Statewide Derelict Vessel Database maintained by the Florida Fish and Wildlife Conservation Commission;

2. All work is done in a manner that, to the greatest practicable extent, avoids additional dredging or filling, grounding or dragging of vessels, and damage to submerged resources such as seagrass beds, oyster beds, coral communities, mangroves, other wetlands, and live bottom; and

3. An absorbent blanket or boom shall be immediately deployed on the surface of the water around the derelict vessel if fuel, oil, or other free-floating pollutants are observed during the work.

(6) Construction, alteration, maintenance, operation, and removal of freshwater fish attractors by the Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided:

1. The material is limited to clean concrete, rock, brush, logs, or trees;

2. The material is firmly anchored to the bottom of the waterbody;

3. The size of an individual fish attractor shall be limited to one quarter of an acre in area;

4. The top of the fish attractor shall be at least three feet below the water surface at mean annual low water;

5. The attractor shall be outside any posted navigational channels;

6. No material is placed on or in areas vegetated by native aquatic vegetation;

7. The site shall be marked with a buoy or buoys to ensure that no material is deposited outside of the site; and

8. The provisions of paragraph 62-330.050(8)(d), F.A.C., also shall apply to protect listed species during the work.

(7) Maintenance and Restoration –

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

(b) Maintenance of insect control structures, dikes, and irrigation and drainage ditches under Section 403.813(1)(g), F.S.

(c) The restoration of existing insect control impoundment dikes, and the connection of such impoundments to tidally influenced waters in accordance with Section 403.813(1)(p), F.S., provided:

1. The restored section of dike is limited to 100 feet in length;

2. The connection shall provide sufficient cross-sectional area to allow beneficial tidal influence;

3. Dredging and filling are limited to that needed to restore the dike to original design specifications; and

4. The final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations.

(d) Alteration and maintenance of treatment or disposal systems in accordance with Rule 62-340.700, F.A.C.

(e) Construction and maintenance of swales in accordance with Section 403.813(1)(j), F.S.

(f) The operation and maintenance of stormwater management systems constructed or altered in conformance with Section 403.814(12), F.S.

(g) Placement of wooden, composite, metal, or other non-earthen construction mats to provide temporary access to maintain or repair projects within wetlands, provided:

1. There is no cutting or clearing of wetland trees having a diameter 4 inches (circumference of 12 inches) or greater at breast height;

2. The maximum width of the construction access area shall be 15 feet;

3. Mats shall be removed no more than 72 hours after they are placed; and

4. Areas disturbed for access shall be restored to natural grades immediately after the work is complete.

(8) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, in accordance with Section 403.813(1)(k), F.S.

(9) Pipes or Culverts –

(a) Repair or replacement, provided:

1. The pipes or culverts have equivalent hydraulic capacity to those being repaired or replaced;

2. The pipes or culverts function to discharge or convey stormwater, and are not associated with the repair, replacement, or alteration of a dam, spillway, or appurtenant works; and

3. Work is done in accordance with Section 403.813(1)(h), F.S.

(b) Construction, alteration, operation, maintenance, and removal of outfall pipes, together with associated headwalls, and energy dissipation baffles, rocks, and other scour-reduction devices at the outfall locations, provided:

1. The pipes extend less than 20 feet in, on, or over wetlands or other surface waters;

2. The outfall is part of an activity that is exempt under Part IV of Chapter 373, F.S., or qualifies for the general permit in Section 403.814(12), F.S.;

3. The outfall is designed to prevent erosion and scour;

4. Work in natural waterbodies, wetlands, and Outstanding Florida Waters is limited to 0.03 acre;

5. No activities occur in seagrasses;

6. Within waters accessible to manatees, submerged or partially submerged outfall pipes having a diameter larger than 8 inches shall have grating such that no opening is larger than 8-inches; and

7. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(c) The extension of existing culverts and crossing approaches when done to accommodate an activity that does not require a permit under this chapter, when:

1. Work in wetlands or other surface waters is limited to a total of 100 cubic yards of filling, excavation, dredging, and filling, and no more than 0.10 acre at any culvert extension or crossing approach location; and

2. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(10) The construction, alteration, maintenance, removal or abandonment of recreational paths for pedestrians, bicycles, and golf carts, provided the paths:

(a) Are not located in, on, or over wetlands or other surface waters;

(b) Have a width of eight feet or less for pedestrian paths, and 14 feet or less for multi-use recreational paths;

(c) Are not intended for use by motorized vehicles powered by internal combustion engines or electric-powered roadway vehicles, except when needed for maintenance or emergency purposes; and.

(d) Comply with the limitations and restrictions in paragraph 62-330.050(8)(a), F.A.C.

(11) Sampling and Testing –

(a) Collection of seagrass, macroalgae, and macrobenthos in accordance with the terms and conditions of a Marine Special Activity License issued by the Florida Fish and Wildlife Conservation Commission under Chapter 68B-8, F.A.C., (November 19, 2009), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02532>). A copy may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(b) Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices, provided:

1. The device's purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording, biological observation and sampling, and water quality testing and improvement. Parshall flumes and other small weirs installed primarily to record water quantity and velocity are authorized, provided the amount of fill is limited to 25 cubic yards;

2. The device and any associated structures or fill, such as foundations, anchors, buoys, and lines, is removed to the maximum extent practicable at the end of sampling;

3. The site is restored to pre-construction conditions within 48 hours of complete use of the device.

4. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(c) An exemption for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities is provided in Section 403.813(1)(v), F.S.

(12) Construction, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(a) Construction of seawalls or riprap in artificial waters and residential canal systems in accordance with Section 403.813(1)(i), F.S. including only that backfilling needed to level the land behind seawalls or riprap.

(b) The restoration of a seawall or riprap in accordance with Section 403.813(1)(e), F.S., where:



1. The seawall or riprap is still functional or has been rendered non-functional within the last year by a discrete event, such as a storm, flood, accident, or fire;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap;

3. Applicable permits under Chapter 161, F.S., are obtained.

(c) The construction of seawalls or riprap in wetlands or other surface waters between and adjoining existing seawalls or riprap at both ends in accordance with Section 403.813(1)(o), F.S.

(d) Installation of batter or king piles used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

(e) Restoration of an eroding shoreline with native wetland vegetative enhancement plantings, provided:

1. The length of shoreline is 500 linear feet or less;

2. Plantings are native wetland plants appropriate for the site obtained from commercially-grown stock;

3. Plantings extend no farther than 10 feet waterward of the approximate mean high water line (MHWL);

4. All invasive and exotic vegetative species along the shoreline is removed in conjunction with the planting to the extent practicable;

5. If temporary wave attenuation is needed, turbidity curtains shall be installed and maintained in place parallel to the shoreline for a full growing season;

6. No fill is placed other than that needed to support the vegetative plantings, except that a “breakwater” is authorized to be established concurrent with the planting if permanent wave attenuation is required to maintain the shoreline vegetation, provided:

a. The inner toe of the “breakwater” extends no more than 10 feet waterward of the approximate MHWL, with a top height of no more than MHWL;

b. The “breakwater” is composed predominantly of natural oyster shell cultch (clean and fossilized oyster shell) or other stable, non-degradable materials such as oyster reef, reef balls, unconsolidated boulders clean concrete rubble, rip rap, rock sills, or triangular concrete forms. Oyster shell cultch, if used, shall be enclosed in mesh bags having openings of no more than 3 inches, or securely fixed to matting prior to placement in the water. Oyster bags and mats must be anchored to prevent movement of shell from the project area;

c. The “breakwater” shall not be placed over, or within 3 feet (in any direction) of any submerged grassbed or existing emergent marsh vegetation;

d. The “breakwater” shall be placed in units so that there is a tidal channel of at least three feet wide located a minimum of every 20 feet along the “breakwater” so as to not substantially impede the flow of water;

e. All equipment used during construction shall be operated from, and be stored in uplands;

f. All work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(13) Single-Family Residences and Associated Residential Improvements –

(a) The construction, alteration, maintenance, removal, and abandonment of one, individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements, that:

1. Do not involve any work in wetlands or other surface waters;

2. Are not part of a larger common plan of development or sale requiring a permit or modification of a permit under Part IV of Chapter 373, F.S.;

3. Comply with the limitations and restrictions in paragraph 62-330.050(8)(a), F.A.C.

(b) The construction, alteration, maintenance, removal, and abandonment of one, individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements if it will be located:

1. Within the boundaries of a valid permit issued under part IV of Chapter 373, F.S., and it was accounted for under the permit or

2. Within the boundaries of a development that predates the applicable effective date for the permitting program established under Part IV of Chapter 373, F.S., provided the activity does not involve any work in wetlands or other surface waters.

(c) Construction, operation, or maintenance of a stormwater management facilities designed to serve single-family residential projects in conformance with Section 403.813(1)(q), F.S.

(14) Utilities –

(a) Installation of overhead transmission lines in accordance with Section 403.813(1)(a), F.S.

(b) Installation of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(m), F.S.

(c) Replacement or repair of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(n), F.S.

(d) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or utility pole or aerial transmission or distribution line, provided there is no dredging or filling in wetlands or other surface waters except to remove poles and replace them with new poles, and temporary mats needed to access the site in accordance with paragraph

62-330.051(7)(g), F.A.C. The activity must not increase the voltage of existing power lines or relocate existing poles or lines more than 10 feet in any direction from their original location.

(e) Installation, removal, and replacement of utility poles that support telecommunication lines or cables, or electric distribution lines of 35kV or less, together with the bases and anchoring devices to support those poles. "Anchoring device" shall mean steel guy wires fastened to the ground, without the need for dredging, and "base" shall mean a concrete or steel foundation not exceeding four feet in radius, used to support a utility pole. Work must comply with the following:

1. No more than 15 utility poles shall be installed, removed, or replaced in wetlands;

2. There shall be no permanent placement of fill other than utility poles and anchoring devices;

3. Work shall not occur in forested wetlands located within 550 feet from the mean or ordinary high water line of an Aquatic Preserve or a named waterbody designated as an Outstanding Florida Water or an Outstanding National Resource Water.

4. Vehicle usage in wetlands shall be conducted so as to minimize tire rutting and erosion impacts;

5. There shall be no dredging or filling to create fill pads or access roads, except to place temporary mats for access within the utility right-of-way in wetlands. All temporary mats shall be removed within 30 days after completion of the work.

6. Temporary disturbance to wetlands shall be limited to a length of 0.5 mile, a width of 30 feet, and a total area of 0.5 acre;

7. Maintenance of the utility right-of-way in wetlands shall be limited to a cleared corridor of up to 15 feet wide and a total area of 0.25 acre;

8. Except for the authorized permanent structures, pre-work ground elevations and contours shall be restored within 30 days of completion of the work;

9. Water jets shall not be used unless they are a pre-engineered part of the pole and the water for the jets is either recirculated on site or is discharged in a self-contained upland disposal site;

10. The installation of the utility poles and associated bases and anchoring devices shall not interfere with navigation or impede water flow in wetlands; and

11. Work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(f) Excavation or dredging of temporary trenches to install utilities such as communication cables, water lines, and electrical lines, provided:

1. Material is not deposited within wetlands or other surface waters other than that needed to backfill the trench to restore ground to pre-work grades;

2. Backfilling is completed within 24 hours of disturbance; and

3. Work is conducted in compliance with subsection 62-330.050(8), F.A.C.

(15) Modification or reconstruction of an existing conveyance system constructed prior to the need to obtain a permit under Part IV of Chapter 373, F.S., provided:

(a) The work is conducted by a city, county, state agency, or District;

(b) The system alteration is not intended to serve new development;

(c) The system does not:

1. Discharge directly to Outstanding Florida Waters;

2. Increase pollution loading;

3. Change points of discharge in a manner that would adversely affect the designated uses of wetlands or other surface waters;

4. Result in new adverse water quantity impacts to receiving waters and adjacent lands;

5. Pipe and fill wetlands and other surface waters, including irrigation or drainage ditches; and

6. Replace a functional treatment swale that was authorized under Chapter 62-25 or Part IV of Chapter 373, F.S.

(16) The construction, alteration, maintenance, or removal of wholly-owned, artificial surface waters that:

(a) Were created entirely from uplands;

(b) Are isolated such that they do not connect to any other wetlands or other surface waters;

(c) Involve no more than a total of 0.5 acre of work in wetlands or other surface waters within the artificial waterbody;

(d) Do not impound, or have the capability of impounding, more than 40 acre-feet of water;

(e) Do not involve of a dam or appurtenant work that has a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;

(f) Were not created to provide mitigation under Part IV of Chapter 373, F.S.; and

(g) Were not permitted for stormwater treatment or management under Chapter 62-25, F.A.C., or Part IV of Chapter 373, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New \_\_\_\_\_.

62-330.0511 No-fee Noticed Exemptions for Construction, Operation, Maintenance, Alteration, Abandonment, or Removal of Minor Silvicultural Surface Water Management Systems.

(1) Silviculture activities conducted and noticed in conformance with the best management practices and procedures below shall qualify for this no-fee noticed

exemption. The Agencies shall not be compelled to verify qualification for these exemptions following receipt of the notice required in subsection (2), below. However, if a person desires written Agency verification of compliance with this Rule, they shall follow the noticing and fee requirements of Rule 62-330.050, F.A.C. These exemptions apply to:

(a) Any person constructing, operating, maintaining (including repairing or replacing), altering, abandoning, or removing silvicultural roads, and other minor activities designed to place the property into silvicultural use or to perpetuate the maintenance of the property in silvicultural use.

(b) The U.S. Forest Service to construct, operate, maintain, alter, abandon, or remove surface water management systems.

(2) The construction, operation, maintenance, alteration, abandonment, or removal of the minor silvicultural surface water management system described below shall be initiated only after a completed Notice of Intent to Construct a Minor Silvicultural System, Form 62-330.0511(1), [Effective Date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02510>), is received by the Agency, or is properly addressed and stamped and deposited in the United States mail, in which case the postmark date shall be the date of receipt. Persons may also submit annual schedules of proposed silvicultural surface water management systems that meet the requirements of this section, including completed notices for each activity. A copy the above form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(3) Activities required to implement the following projects qualify for the exemption under this rule:

(a) A permanent culverted fill road with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of normal flows and for overtopping during large storm events, and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. Under this paragraph, the fill material shall be no more than 24 inches above culvert structures. The fill material on the road approaches shall be no more than 24 inches above grade except within an area of 100 feet of either side of a culvert. The road must be designed with culvert inlets positioned at or below natural grade of the bed of the stream or other watercourse to prevent the permanent impoundment of water, and to provide an overflow area or areas which will prevent erosion and adverse effects to water levels upstream and downstream of the road.

(b) A temporary culverted fill road or a temporary bridge up to 50 feet long, with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the

location of the work or a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of existing flow during the period of installation and use and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The work must be designed only to facilitate the temporary movement of equipment and must be removed immediately after the operation for which the crossing was needed is complete or within 30 months of the filing of the notice in subsection (2), above, whichever is sooner.

(c) A permanent bridge up to 100 feet in length and 28 feet or less in width supported on pilings or trestles, placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work and associated approach roads, if any, must allow for conveyance of normal flows and for overtopping during large storm events and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The height limitation for fill on the bridge approach roads shall be a maximum of 24 inches above natural grade.

(d) A permanent culverted fill road or bridge with a road surface of 28 feet or less in width, placed in or crossing a wetland or other impoundment, excluding reservoirs created by dams, where the road surface area over the wetland or other impoundment is less than 0.5 acre. Such crossings must be located in a manner which minimizes the area of wetlands being filled. Fill material for crossings of isolated wetlands or other isolated impoundments may be excavated from the wetland being crossed, provided that all excavation takes place immediately adjacent to the road surface and that the excavated area consists only of narrow trenches which are not connected to ditches constructed or maintained for drainage purposes. In addition, such excavations shall not result in drainage from the wetland.

(e) Temporary stream channel diversions necessary to complete the works described in paragraph (3)(a), (b), or (c) above, provided that the area used for the temporary diversion is restored to its previous contours and elevations.

(f) Clearing and snagging in a stream or other watercourse within 50 feet of the center line of a culverted fill road or a bridge described in paragraph (3)(a), (b), or (c) above, necessary to construct said work.

(g) A permanent low water, hard surfaced crossing in a stream, other watercourse, wetland or other impoundment consisting of the placement of rock or similar material no more than 12 inches higher than the bed of the stream, other watercourse or impoundment. Such crossings must be designed only to facilitate the movement of equipment by creating a stable foundation in shallow streams, other watercourse, wetlands or other impoundments. Temporary low water, hard surfaced crossings may be constructed using logs, but must be

removed immediately following the completion of the silvicultural operation or within 30 months of the filing of the Notice of Intent in subsection (2), whichever is sooner.

(h) Upland field ditches of a temporary nature to facilitate only harvesting, site preparation, and planting, with a maximum cross-sectional area of 18 square feet spaced no closer than 660 feet from any other parallel ditch. After seedling establishment, the ditches shall be allowed to revegetate naturally. The person will not be required to fill field ditches after seedling establishment.

(i) Above grade, unpaved, upland silvicultural roads with an average road surface width of 28 feet within a construction corridor up to 50 feet in width. These roads must also incorporate sufficient culverts at grade to prevent alteration of natural sheet flow and may have associated borrow ditches. Road ditches shall be constructed only to obtain road material for the associated road and to provide only enough storage to maintain a dry road surface. Such road ditches must not provide drainage to the tract adjoining the road, other than to provide drainage of the road surface and minor, incidental drainage of abutting lands. These road ditches may be connected to other roadside ditches that were constructed pursuant to an Agency permit or that were exempt from permitting under Part IV of Chapter 373, F.S., but must not connect directly or indirectly to any works onsite or off-site which are designed or constructed to provide drainage or conveyance or which would result in drainage or conveyance. Road ditches must be separated from wetlands and other surface waters by a buffer strip of indigenous ground cover and a water turnout prior to said buffer strip. However, road ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands. The width of the buffer strip shall be no less than 35 feet, or 50 feet when located adjacent to an Outstanding Florida Water, an Outstanding National Resource Water, or Class I waters.

(j) Upland borrow areas needed to obtain fill material for crossings of streams, other watercourses, wetlands, and other impoundments authorized by this exemption. These upland borrow areas must not provide drainage and must not be hydrologically connected to roadside ditches or field ditches.

(4) The systems identified in subsection (3), above, must meet the following performance standards:

(a) Except for those areas to be filled for crossings as provided in this section, the activities must not convert wetlands or other surface waters to uplands.

(b) A road or bridge must be designed to convey normal water flow while being adequately stabilized to allow for overtopping during storm events without washing out.

(c) A permanent road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 0.5 mile from any traversing work which traverses the same stream, other watercourse, wetland or impoundment. A low water crossing or temporary road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 1/4 mile from any traversing work which traverses the same stream, other watercourse, wetland, or other impoundment. The spacing limitation shall be measured along the stream, other water course, wetland or other impoundment. Notwithstanding the spacing limitation in this paragraph, at least one low water crossing, road or bridge crossing of any stream, other watercourse, wetland or other impoundment may be constructed to each upland area being managed for silviculture that would not otherwise be accessible if these spacing limitations were met.

(d) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased velocities downstream of the work that would cause scour outside of the area of clearing and snagging described in paragraph (3)(f) above.

(e) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased flooding on property not owned by the person.

(f) Erosion control measures must be undertaken to limit the transfer of suspended solids into the receiving waterbody during and after construction of the proposed work. After removing any temporary crossing, disturbed portions of the stream bank and stream channel shall be restored to approximate their original shape and flow capacity. Erodible ground area associated with the crossing shall be stabilized with riprap, mulch or seeded for appropriate ground cover vegetation within 72 hours after removal.

(g) Upland field ditches may connect only to works that are permitted by the Agency, or exempt from permitting under Part IV of Chapter 373, F.S., and only if the connection will not cause the work to exceed its conveyance capacity or to increase flooding on property not owned by the person; however, this section does not authorize connection to works without the consent of the owner of the work. Field ditches will be presumed to meet the erosion control requirements of paragraph (4)(f), above when they are separated from streams, other watercourses, wetlands or other impoundments by a buffer strip of undisturbed vegetation and provided the integrity of this buffer is maintained. The width of the buffer strip shall be the width of the total Special Management Zone (primary zone and secondary zone) as described in the "Silviculture Best Management Practices Manual" (2008), published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, incorporated by reference herein (URL), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

However, field ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands.

(h) In addition to the performance standards in paragraphs (4)(a) through (g) above, the person undertaking the activities must use the best management practices set forth in the “Silviculture Best Management Practices Manual” referenced in paragraph (4)(g), above.

(i) If climatic or flow conditions prevent the removal of a temporary crossing within the time frame specified in this section, the applicant may submit another application to extend the time period for removal and restoration of the temporary crossing. The person must provide a written explanation and evidence supporting the need to reauthorize the crossing and must specify the additional time needed to remove the crossing, which may not exceed one year.

(5) Activities are authorized by the exemptions above for the following durations:

(a) One year to complete construction, alteration, abandonment, or removal of the silvicultural surface water management system;

(b) Permanent for operation and maintenance of the silvicultural surface water management system.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406(2), 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New \_\_\_\_\_.

#### 62-330.052 General Permits – General.

Rules 62-330.401 through 62-330.635, F.A.C., contain the procedures to submit a notice to use a general permit, the procedures for their review, the general conditions that apply to them, and the terms and specific conditions of each general permit. Those provisions do not apply to activities that qualify for the general permit in Section 403.814(12), F.S. (2012).

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New \_\_\_\_\_.

#### 62-330.054 Individual Permits.

(1) An individual permit is required for activities that require a permit if they:

(a) Do not qualify for a general permit in Rules 62-330.407 through 62-330.635, F.A.C.; and

(b) Are not proposed for conceptual approval under Rules 62-330.055 or 62-330.056, F.A.C.

(2) Except as otherwise provided in subsection (4), an application for an individual permit shall be:

(a) Prepared using the form and procedures in Rule 62-330.060, F.A.C.;

(b) Submitted in accordance with Rule 62-330.061, F.A.C.; and

(c) Reviewed and acted on in accordance with Rules 62-330.062, 62-330.071, 62-330.075, 62-330.090, 62-330.301, and 62-330.302, F.A.C., and the Applicants Handbook.

(3) An application for a mitigation bank permit shall be processed as a type of individual permit, but also is subject to the requirements in Chapter 62-342, F.A.C. If there is a conflict between this chapter and Chapter 62-342, F.A.C., Chapter 62-342, F.A.C., will control. All references to the “Department” in Chapter 62-342, F.A.C., shall also constitute a reference to the applicable District or delegated local government in accordance with the operating agreements identified in subsection 62-330.010(3), F.A.C.

(4) An individual permit required solely pursuant to both paragraph 62-330.020(2)(i) and Chapter 40C-44, F.A.C., shall be reviewed and acted upon in accordance with Chapter 40C-44, F.A.C., incorporated by reference herein (effective date) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02533>) and application for such permit shall be made in accordance with that chapter.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New \_\_\_\_\_.

#### 62-330.055 Conceptual Approval Permits for Urban Infill or Redevelopment.

A county or municipality may request a conceptual approval permit for urban infill and redevelopment activities occurring within a community redevelopment area created under Part III of Chapter 163, F.S., or an urban infill and redevelopment area designated under Section 163.2517, F.S. Following approval of the conceptual permit, any construction, alteration, operation, maintenance or removal consistent with the conceptual permit may be authorized under a notice of intent to use the general permit in Rule 62-330.450, F.A.C.

(1) An urban infill or redevelopment conceptual approval permit shall be reviewed as provided below and in Rule 62-330.056, F.A.C., but does not have to meet all of the stormwater quality and quantity design and performance criteria of Volume II, provided the county or municipality submits a stormwater management master plan for the urban infill or redevelopment area that includes the following:

(a) Identification of the proposed urban infill or redevelopment area and the total contributing drainage area, including any major drainage basins and sub-basins;

(b) Identification of the receiving waters associated with the proposed urban infill or redevelopment area;

(c) Calculation and assignment of the predevelopment annual loading of pollutants of concern as determined during the permit application review, on a drainage basin or sub-basin basis, for all areas to be included within the conceptual

approval permit. Loadings must be specific to the types of land use and must be expressed as a "mass per area" basis. The basin or sub-basin loading assignments will serve as the pollutant goal for future urban infill or redevelopment in each of those areas (target pollutant load). Future development that meets the predevelopment pollutant load assignment will be presumed to meet the net improvement requirements of paragraph (2)(a), below.

(2) A conceptual approval permit application for urban redevelopment and infill activities shall also include:

(a) A demonstration that the redevelopment will achieve a net improvement of the quality of stormwater through a reduction in pollutant loading discharged after development, as compared to the predevelopment condition existing on the date of application for the conceptual permit. If constructed activities within the designated area have been demolished to reduce blighted conditions, the predevelopment condition will be considered to be that of the land use immediately preceding such demolition subsequent to designation of the urban infill and redevelopment area.

(b) Controls that limit the rate and volume of stormwater discharges to that of the predevelopment condition.

(c) A commitment that activities within the redevelopment area will use stormwater best management practices (BMPs) to the maximum extent practicable.

(d) Provisions demonstrating that the individual or regional stormwater management systems within the urban infill or redevelopment area will be operated and maintained in perpetuity, consistent with the terms and conditions of the conceptual approval permit.

(e) An identification of proposed construction and no-construction areas.

(f) An estimate of the maximum extent of impacts to wetlands and other surface waters and details of any proposed mitigation for those impacts.

(g) An estimate of the maximum amount of anticipated impervious surface and description of the stormwater treatment system for those areas.

(h) An identification of the general location and types of activities proposed on any state-owned submerged lands

(i) A timetable for redevelopment, including the requested duration of the conceptual approval permit.

(3) Consistent with the approved stormwater management master plan, the conceptual approval permit will:

(a) Provide a ledger that indicates the target pollutant load (mass per area) for each drainage basin or sub-basin. Any general permit for construction that is submitted in association with the conceptual permit must demonstrate that the proposed project does not exceed the target pollutant load for the receiving waters.

(b) Provide the annual pollutant load (mass per area) for each type of land use category, and the pollutant removal efficiency for the anticipated BMPs to be employed. Activities

requested under the general permit in Rule 62-330.450, F.A.C., that use the BMPs approved in the stormwater master plan, that reduce impervious surfaces, or that otherwise meet the pollutant loading target in the stormwater master plan, and that also comply with all the terms and conditions of the general permit, will result in a debit to the ledger. Once the entire pollutant load target is reached for the receiving waters, no more development is allowed under the general permit, and further development will require an individual permit for construction, alteration, operation, removal, or abandonment that meets all conditions for issuance under this chapter.

(c) Contain specific conditions necessary to ensure that the future applications for permits to construct, alter, operate, maintain, remove, or abandon systems authorized in the conceptual approval permit are consistent with the redevelopment conceptual approval permit and the general permit in Rule 62-330.450, F.A.C.

(d) Allow the rate and volume of stormwater discharges for stormwater management systems within the urban infill or redevelopment area to continue up to the maximum rate and volume of stormwater discharges as of the date the application for the conceptual approval permit is complete or, for areas that already have been demolished to reduce blighted conditions, the land use immediately preceding such demolition subsequent to designation of the urban redevelopment and infill area.

(4) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics during the duration of the conceptual approval permit, the applicant must modify the conceptual approval permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this section. If the permittee fails to do this, the conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of the conceptual approval permit at the time a permit application is received to construct the next phase of activities included in the original conceptual approval permit, or at the next requested extension of the conceptual approval permit duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

(5) An urban infill or redevelopment conceptual permit shall be issued for a period of up to 20 years, and may be extended one time for an additional 10 years, subject to activities remaining in compliance with this section and the terms and conditions of the general permit in Rule 62-330.450, F.A.C.

Rulemaking Authority 373.026, 373.043, 373.044, 373.4131, 373.4145, 373.418, 380.06, 403.805(1) FS. Law Implemented 373.026, 373.409, 373.413, 373.4131, 373.4141, 373.4142, 373.4145, 373.416, 380.06 FS. History—New \_\_\_\_\_.

62-330.056 Other Conceptual Approval Permits.

(1) A conceptual approval permit is available for an applicant who desires approval of design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require an individual permit under this chapter. This includes activities that are to be developed in phases, such as phased development master plans and projects for which an Application for Development Approval has been made pursuant to Part I of Chapter 380, F.S., and whenever an applicant has not yet developed detailed design or construction plans for a future activity.

(2) A conceptual approval permit does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank. Issuance of a conceptual approval permit does not relieve the holder of such a permit of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under this chapter, or to establish and operate a mitigation bank.

(3) An application for a conceptual approval permit shall be prepared and submitted using the procedures in Rules 62-330.060, 62-330.061, and 62-330.071, F.A.C. An application for conceptual approval for a mitigation bank also shall include the materials required by Chapter 62-342, F.A.C.

(4) The application shall be reviewed and acted on in accordance with this section, Rules 62-330.062, 62-330.075, 62-330.090, 62-330.301, and 62-330.302, F.A.C., and the Applicant's Handbook. Agency review and action also shall be in accordance with Chapter 62-342, F.A.C., when the conceptual approval application involves a mitigation bank.

(5) An application for a conceptual approval permit may include a request for a permit to construct and operate the first phase of the activities. In such a case, a separate application and processing fee to construct and operate the first phase shall not be required. In all other cases, an individual permit to construct, alter, operate, maintain, remove, or abandon projects authorized by the conceptual approval permit must be obtained prior to initiating such activities.

(6) Any delineation of wetlands or other surface waters submitted as part of the conceptual approval permit application, including supporting documentation, shall not be considered binding unless a specific condition of the permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(7) Issuance of a conceptual approval permit is a determination that the conceptual plans are, within the extent of detail provided in the conceptual approval permit application, consistent with applicable rules at the time of issuance. A conceptual approval permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of the conceptual approval permit, that the engineering design and environmental concepts upon which the designs of the conceptual approval permit are

based (within the extent of detail provided in the conceptual approval permit) are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct or operate the future phases:

(a) The application to construct and operate the future phases remains consistent with the designs and conditions of the issued conceptual approval permit. Primary areas for consistency comparisons include the size, location and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations.

If an application for construction of any portion of the land area contained within the conceptual approval permit is based upon designs that are inconsistent with the conceptual approval permit, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in the conceptual approval permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of the conceptual approval permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;

2. Abandon reliance on the conceptual approval permit; or

3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards, that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

(8) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in paragraphs (7)(a) through (d), during the duration of a conceptual approval permit, the applicant must modify the

conceptual approval permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this section. If the permittee fails to do this, the conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of the conceptual approval permit at the time a permit application is received to construct the next phase of activities included in the original conceptual approval permit, or at the next requested extension of the conceptual approval permit duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

(9) The duration of a conceptual approval permit is 20 years, provided a permit under this chapter is issued for the initial phase of construction or alteration, the authorized construction or alteration has been begun within five years of the date the conceptual approval permit was issued, and the work remains in compliance with the terms and conditions of both the conceptual approval permit and all permits authorizing construction or alteration. The time periods of this subsection will be tolled if the reviewing agency is notified, in writing, within five years of issuance of the conceptual approval permit, that administrative review under either of the following is pending:

(a) The project approved by the conceptual approval permit is undergoing Development of Regional Impact review pursuant to Section 380.06, F.S., and an administrative appeal of that review has been filed; or

(b) The issuance of the construction permit for the first phase is under administrative review pursuant to Sections 120.569 or 120.57, F.S.

If notice is given as provided above, the five-year time period for obtaining a permit and commencing construction shall be tolled until the date of final action resolving such administrative appeal or review, including any judicial review.

(10) If a permit for construction or alteration of the initial phase is not obtained from the Agency and construction commenced within five-years of issuance of the conceptual approval permit, the conceptual approval permit will expire five years from its date of issuance.

(11) Prior to expiration of the conceptual approval permit, the permittee may submit a request to modify its duration. However, the application will be reviewed in consideration of the factors in subsections 62-330.056(7) and (8), F.A.C., at the time of submittal of each request to extend the duration and each subsequent permit application to construct another phase of the projects under the conceptual approval permit. Where substantive changes in the design are proposed by the applicant, or are required to address the factors in subsections 62-330.056(7)(b) through (d), F.A.C., the permittee must

submit an application for a major modification of the conceptual approval permit, which must be approved prior to the Agency issuing a permit to construct or alter future phases.

(12) A permit under this chapter shall not be required to construct or alter projects consistent with a conceptual approval permit issued under Part IV of Chapter 373, F.S., prior to [effective date]; such construction or alteration shall continue to be governed by the rules in effect prior to [effective date], unless modifications are proposed that will require a permit under this chapter in accordance with subsection 62-330.315(4), F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New \_\_\_\_\_.

#### 62-330.060 Content of Applications for Individual and Conceptual Approval Permits.

Materials to include in an application or notice for a permit are described below. Applicants are encouraged to have a pre-application meeting or discussion with Agency staff prior to submitting the application or notice.

(1) An application for an individual permit or conceptual approval permit shall be made on Form 62-330.060(1), "Joint Application for Individual And Conceptual Environmental Resource Permit/Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit," including the information required in the applicable Sections A through H [effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02511>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., or by use of the equivalent e-application form of the applicable Agency.

(2) The application must include all material requested in the application form; the processing fee in accordance with Rule 62-330.071, F.A.C.; and other information needed to provide reasonable assurance that the proposed activities meet the conditions for issuance in Rule 62-330.301, F.A.C., the additional conditions for issuance in Rule 62-330.302, F.A.C., and the Applicant's Handbook.

(3) The applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted, as required in Section A of Form 62-330.060(1). The owner or the owner's authorized agent must sign the application and include authorization for Agency staff to access the site of the proposed activity. Applications signed by agents must contain a letter of authorization that is signed by the owner.

(4) An application for an individual permit also constitutes an application to operate and maintain the project. The application must specify the entity that will operate and maintain the project. If the applicant proposes an entity other than the current owner to operate and maintain the proposed project, documentation must be included demonstrating how



such entity will meet the requirements of sections 12.3 through 12.3.3 of Volume I. A homeowner's or property owner's association ("HOA" or "POA," respectively) draft association documents designating the HOA or POA as the operating entity, and prepared in conformance with sections 12.3 through 12.3.3 of Volume I, shall satisfy this requirement. This provision of the association documents may not be modified without a permit modification in accordance with Rule 62-330.315, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171, 373.4131 FS. Law Implemented 373.042, 373.413, 373.4131, 373.416, 668.003, 668.004, 668.50 FS. History—New \_\_\_\_\_.

#### 62-330.061 Submittal of Applications and Notices to Agency Offices.

(1) Notices requesting a determination of qualification for an exemption or general permit, and applications for all other permits under this chapter, shall be mailed to, or electronically filed with, the applicable Agency in accordance with Rule 62-330.010(3), F.A.C., and Appendix A of Volume I.

(2) Copies of applications or notices received by the Agency after 5:00 p.m. (local time) of the office to which the submittal is made shall be deemed as filed as of 8:00 a.m. on the next regular business day. Electronic applications or notices to the Northwest Florida Water Management District are considered to be received at the District Headquarters, which is in the Eastern time zone.

(3) Submittal of an application or notice for an activity, a portion of which extends beyond the boundary of more than one water management district, is subject to Section 373.046(6), F.S., which provides that the responsible Agency will be determined based on factors such as the amount and geography of the activity's land area, the location of the activity's discharge or discharges, the type of activity, prior agency history, and the terms and conditions of the Operating Agreements identified in subsection 62-330.010(3), F.A.C.

Rulemaking Authority 373.026, 373.043, 373.044, 373.118, 373.4131, 373.4145, 373.418, 403.805(1), 668.003, 668.004, 668.50 FS. Law Implemented 373.026, 373.118, 373.413, 373.4131, 373.4145, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New \_\_\_\_\_.

#### 62-330.062 Water Quality Certification and Coastal Zone Consistency Concurrence.

(1) In accordance with Section 401, 33 U.S.C. Section 1341:

(a) A complete application for an individual or conceptual approval permit shall constitute an application for certification of compliance with state water quality standards where necessary. Issuance of such a permit shall constitute certification of compliance with water quality standards, unless water quality certification is waived in accordance with paragraph (1)(c), below.

(b) State water quality certification is granted when an activity meets all the terms and conditions of a general permit under Rule 62-330.052, F.A.C., and the applicable Rules 62-330.401 through 62-330.635, F.A.C.

(c) State water quality certification is waived for activities:

1. That are not regulated under Rule 62-330.020, F.A.C.

2. That are exempt under Rule 62-330.051 or 62-330.0511, F.A.C.

3. That require net improvement of water quality under Section 373.414(1)(b), F.S.

4. That require issuance of a variance of state water quality standards under Section 120.542 or 373.414(17), F.S.

5. In which the individual or conceptual approval permit cannot be issued or denied within 180 days of the date the application is deemed complete by the Agency.

(2) A complete application for an individual or conceptual approval permit for activities located in or seaward of coastal counties, and, in whole or in part, in, on, or over wetlands or other surface waters, shall also constitute a request for the State's concurrence that the activities are consistent with the enforceable policies included in the Florida Coastal Management Program (FCMP) under the Coastal Zone Management Act, CZMA, 16 U.S.C. Sections 1451-65, and its implementing regulations, 15 C.F.R. Part 930. In accordance with Section 380.23, F.S.:

(a) Qualification for a general permit, or issuance of an individual or conceptual approval permit shall constitute the state's concurrence that the activity is consistent with the enforceable policies included in the FCMP;

(b) Applications for federally permitted or licensed activities that qualify for an exemption under Section 373.406 or 403.813(1), F.S., and this chapter, or the "10/2" general permit under Section 403.814(12), F.S., are not eligible to be reviewed for federal consistency with Part IV of Chapter 373, F.S. The U.S. Army Corps of Engineers (Corps) or any designated Federal, State or local agency administering general permits on behalf of the Corps under 33 C.F.R. Section 325.2(b)(2) may presume such exempt activities are consistent with the permitting Agency's authorities within the FCMP, provided the activity receives any applicable authorization to use and occupy state-owned submerged lands under Chapter 253, F.S., and Chapter 18-21, F.A.C., and, as applicable, Chapter 258, F.S., and Chapter 18-18 or 18-20, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 380.23(4), 403.0877, 403.805(1) FS. Law Implemented 373.026(7), 373.109, 373.117, 373.118, 373.413, 373.4131, 373.4141, 373.4145, 373.416, 373.426, 373.428, 380.23, 403.0877 FS. History—New \_\_\_\_\_.

#### 62-330.071 Fees.

(1) A processing fee is required to be submitted with an application, notice, or petition under this chapter. The amount of the fee is specified in the following rules of the applicable

Agency where the application, notice, or petition is submitted. The rules in paragraphs (b) through (e), are incorporated by reference herein. A copy of the incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Department or Northwest Florida Water Management District – Rule 62-4.050, F.A.C.

(b) Suwannee River Water Management District – Rule 40B-1.706, F.A.C., [effective date], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02534>)

(c) St. Johns River Water Management District – Rule 40C-1.603, F.A.C., [effective date], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02535>)

(d) Southwest Florida Water Management District – Rule 40D-1.607, F.A.C., [effective date], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02536>)

(e) South Florida Water Management District Rule – Rule 40E-1.607, F.A.C., [effective date], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02537>)

(f) The processing fee for applications, notices, or petitions that are the responsibility of a local government delegated to implement this chapter under Section 373.441, F.S., shall be established by the local government in accordance with the Delegation Agreement between the Department and the local government incorporated by reference in Chapter 62-113, F.A.C.

(2) Processing fees submitted in the form of a check shall be made payable to the Agency. Electronic payment will be in accordance with the procedures established by the applicable Agency.

(3) If an applicant withdraws an application for individual or conceptual approval permit prior to Agency action, any processing fee submitted with that application shall be applied to the processing fee for a new application or notice received from the same applicant if done within 365 days from when the previous application was withdrawn, provided the activity is located within all or part of the same project area. In such a case, additional processing fees will be required only to collect the balance due for the activities proposed in the revised application or notice. Processing fees previously paid for an application or notice that was denied by the Agency shall not be applied to a new or revised application or notice.

(4) A processing fee shall not be assessed for applications and notices under this Chapter submitted by the Army, Navy, Air Force, Coast Guard, Marine Corps, or National Guard branches of the United States Department of Defense.

Rulemaking Authority 373.026(7), 373.043, 373.109, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 218.075, 373.109, 373.4131, 373.4145, 373.418, 373.421 FS. History–New \_\_\_\_\_.

62-330.075 Additional Requirements and Procedures for Concurrent Review of Related Applications.

(1) A single application shall be submitted and reviewed for activities that require both an individual or conceptual approval permit under this chapter and a proprietary authorization under Chapters 253 or 258, F.S., to use state-owned submerged lands. In such cases, the application shall not be deemed complete, and the timeframes for approval or denial shall not commence, until all information required by applicable provisions of Part IV of Chapter 373, F.S., and proprietary authorization under Chapter 253 or 258, F.S., and rules adopted thereunder for both the environmental resource permit and the proprietary authorization is received.

(2) No application under this section shall be approved until all the requirements of applicable provisions of Part IV of Chapter 373, F.S., and proprietary authorization under Chapter 253 or 258, F.S., and rules adopted thereunder for both the individual or conceptual approval permit and the proprietary authorization are met. The approval shall be subject to all conditions of the regulatory permit and proprietary authorization, and any additional conditions imposed by such statutes or rules.

(3) For an application reviewed under this section for which a request for proprietary authorization to use state-owned submerged lands has been delegated to the Agency to take final action without action by the Board of Trustees of the Internal Improvement Trust Fund, the Agency or water management district shall issue a consolidated notice of intent to issue or deny the individual or conceptual approval permit and the proprietary authorization within 60 days of receiving a complete application under this section. Waiving or tolling the timeframes for final action on the application under this section shall constitute a waiver or tolling of the timeframes for final action on the individual or conceptual approval permit application.

(4) For an application reviewed under this section for which the request for proprietary authorization to use state-owned submerged lands has not been delegated to the Agency to take final action without action by the Board of Trustees of the Internal Improvement Trust Fund, the application shall be reviewed and final agency action taken in accordance with the procedures in Sections 373.427(2)(a) through (c), F.S. The recommended consolidated intent, as required in Section 373.427(2)(a), F.S., shall be considered issued when the Agency submits it for publication on the Board of Trustees' agenda, and releases it to the applicant and to any person to whom notice is required under Rule 62-330.090, F.A.C.

(5) Upon the issuance of the consolidated notice or recommended consolidated notice of intent to issue or deny pursuant to subsection (4), the Agency shall be deemed to be in compliance with the timeframes for approval or denial in Section 120.60(1), F.S. Failure to satisfy these timeframes shall

not result in approval by default of the application to use state-owned submerged lands. Also, if an administrative proceeding under Sections 120.569 and 120.57, F.S., is properly requested on both the individual or conceptual approval permit and the proprietary authorization under this section, the review shall be conducted as a single consolidated administrative proceeding, and final agency action shall not be taken on either authorization until the administrative proceeding is concluded.

(6) Appellate review of any consolidated order under this section is governed by Section 373.4275, F.S.

(7) For an activity requiring a permit under Section 161.041, F.S., and an individual or conceptual approval permit under this chapter, a joint coastal permit shall be required, as provided in Chapter 62B-49, F.A.C., in place of the individual or conceptual approval permit under this chapter.

(8) This section shall be applicable to all applications for individual or conceptual approval permits under this chapter, and proprietary authorizations under Chapter 253 or 258, F.S., to use state-owned submerged lands, that are received by the Agency after [effective date]. If an applicant requests that its application for an individual or conceptual approval permit under this chapter, and proprietary authorizations under Chapter 253 or 258, F.S., to use state-owned submerged lands, received prior to [effective date], be processed under this rule, such request shall be granted if the applications for both are incomplete as of [effective date].

(9) Nothing in this section shall be construed to limit an applicant's ability to make separate applications for stages, phases, or portions of a project separate from an activity requiring both a proprietary authorization under Chapter 253 or 258, F.S., and an individual or conceptual approval permit under this chapter.

Rulemaking Authority 161.055, 253.03(7), 253.77, 258.43, 373.026, 373.043, 373.044, 373.4131, 373.418, 373.427, 403.805(1) FS. Law Implemented 120.60, 161.041, 161.055, 253.03, 253.77, 258.42, 258.43, 373.026, 373.413, 373.4131, 373.416, 373.427, 373.4275 FS. History—New \_\_\_\_\_.

#### 62-330.090 Processing of Individual and Conceptual Approval Permit Applications.

(1) The Agency shall review, notice, and issue a request for any required additional information in accordance with section 5.5.3 of Volume I.

(2) Pending applications shall be exempt from changes in the rules adopted after an application has been deemed complete except as otherwise provided by law or in this chapter.

(3) If an applicant submits a processing fee in excess of the required fee, the Agency shall begin processing the application and shall refund to the applicant the amount received in excess of the required fee. If an applicant fails to provide the complete processing fee, the Agency will inform the applicant of the amount of additional fee required, and the

application will not be complete until the complete processing fee is received, along with the other materials that have been timely requested in accordance with section 5.5.3 of Volume I. The Agency cannot be compelled to issue a permit in advance of receipt of the required fee or any other material required by the Agency to deem an application complete.

(4) If a substantial revision is submitted to a pending application, other than revisions proposed to reduce adverse impacts identified by the Agency, the applicant shall pay the difference between the processing fees already submitted and any additional fees required for the revised application under Rule 62-330.071, F.A.C. In such a case, the time frames in section 5.5.3 of Volume I for processing the application shall be restarted.

(5) In addition to the procedures in this section, processing of the application will be performed in accordance with sections 5.5 through 5.6 of Volume I.

(6) A permit shall only be issued to the record title holder of the lands on which the application is proposed, the holder of a recorded easement conveying the right to use the property for a purpose consistent with the authorization requested in the permit application, or those having the right to exercise the power of eminent domain or having a contract to purchase the real property on which the application is proposed.

(7) The Agency shall cause a "Recorded Notice of Environmental Resource Permit" Form No. 62-330.090(1), [effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02519>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., to be recorded in the public records of the county where the property is located unless otherwise noted in the permit. This notice shall not be considered an encumbrance upon the property. Such notice need not be recorded when the entire activity:

(a) Is for an individual, single-family residence, duplex, triplex, or quadruplex that is not part of a larger common plan of development or sale proposed by the permittee, except when the permit specifies that recording is necessary to ensure future owners are advised of long-term operational and maintenance requirements, or conservation provisions;

(b) Is authorized by a general permit under this chapter;

(c) Is located on state-owned submerged lands;

(d) Is temporary (not to exceed one year) in nature;

(e) Has no long term maintenance or operation requirements associated with it;

(f) Is located within lands encumbered by a real property interest held by a federal, state, county, or municipal government; or

(g) Is within the permit area of an existing permit for which a Notice has already been recorded, and the permit modification does not change the permit area.

Rulemaking Authority 373.026(7), 373.043, 373.116, 373.118, 373.413, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.109, 373.118, 373.4131, 373.4141, 373.4145 FS. History–New \_\_\_\_\_.

62-330.100 Purpose and Intent.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.4211(22), (25), 373.461, 380.06(9), 403.805(1) FS. Law Implemented 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.439, 373.461, 380.051, 380.06(9), 403.813(1), 403.414, 403.0877 FS. History–New 12-7-92, Formerly 17-330.100, Amended 10-3-95, Repealed.

62-330.200 Rules Adopted by Reference.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.461, 380.06(9), 403.0877 FS. Law Implemented 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), (25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.06(9), 403.0877, 403.813(1) FS. History–New 12-7-92, Formerly 17-330.200, Amended 10-3-95, 6-6-96, 8-21-00, 9-4-05, 12-5-05, 6-5-06, 8-2-06, 8-2-06, 8-1-10, Repealed.

62-330.201 Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters.

(1) ~~A Pursuant to Section 373.421(2), F.S., a real property owner, an entity having a contract to purchase real property, an entity having that has the power of eminent domain, or any other person who has a legal or equitable interest in real property, may petition the Agency Department for a formal determination of the landward extent of wetlands and other surface waters for that property pursuant to Section 373.421(2), F.S. A formal determination means the Agency Department will make a binding determination of determine or verify the locations on the property of the landward extent (boundaries) of wetlands and other surface waters as defined by Chapter 62-340, F.A.C. delineated using the methodology authorized by Section 373.421(1), F.S. A formal determination is binding on the real property for which that determination is sought for as long as the determination is valid, in accordance with Sections 373.421(2) and (3), F.S. If the petitioner is not the owner of the land, the petitioner must provide the Agency with information sufficient to contact the current owner, and the Agency shall provide notice of receipt of the petition to the landowner.~~

(2) ~~Procedures for the submittal, review, noticing, and action on a petition~~ Petitions for a formal determination, except as provided in subsection (3), shall be processed as follows: are contained in sections 7.2 through 7.2.7 of Volume I. The petition shall be submitted using Form 62-330.201(1), "Petition for a Formal Determination of the Landward Extent of Wetlands

and Other Surface Waters." (effective date), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02471>). It shall be submitted with the fee prescribed in Rule 62-330.071, F.A.C.

(a) ~~The petitioner shall submit:~~

1. ~~One copy of completed Form 62-330.201(2), which is incorporated by reference herein (URL), including copies of all items required by that form to the Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources.; and~~

2. ~~A non-refundable formal determination fee prescribed in Rule 62-4.050, F.A.C.~~

(b)1. ~~Within thirty days of receipt of a petition for a formal determination, the Department shall notify the petitioner of any additional information which may be necessary to complete the review of the petition. The petitioner shall have ninety days from the date the Department mails a timely request for additional information to submit that information to the Department. If a petitioner requires more than ninety days in which to respond to a request for additional information, the petitioner may notify the Department in writing of the circumstances, at which time the petition shall be held in active status for one additional period of up to ninety days. Additional extensions shall be granted for good cause shown by the petitioner. A showing that the petitioner is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of a petitioner to provide the timely requested information by the applicable deadline shall result in denial of the petition. The Department shall complete the determination and shall issue a notice of intended agency action within sixty days after the petition is deemed complete. The petitioner shall publish, at his own expense, the notice of proposed agency action in a newspaper of general circulation in the affected area. The petitioner shall provide a copy of the proof of publication of the notice of intended agency action to the Department using the format prescribed in subsection 62-110.106(5), F.A.C.~~

2. ~~The provisions of Sections 120.569 and 120.57, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the Department's proposed action on the petition may request an administrative hearing under Rule 62-110.106, F.A.C.~~

(c) ~~A formal determination in the form of a certified survey, an approximate determination, or combinations thereof, as described below.~~

1. ~~When a certified surveyed delineation of the extent of wetlands and other surface waters is used, the survey shall be certified as required by Chapter 472, F.S., to meet the minimum technical standards in Chapter 61G17-6, F.A.C. A petitioner seeking a certified surveyed delineation shall have a land surveyor registered in the State of Florida or the surveyor's representative accompany the Department representative on the delineation verification as described in~~

subsection (5), and shall have the land surveyor survey the verified boundaries of wetlands and other surface waters. The certified survey shall include a legal description of, and acreage contained within, the boundaries of the property for which the determination is sought. The boundaries of wetlands and other surface waters must be witnessed to the property boundaries, and shall be capable of being mathematically reproduced from the survey. The petitioner must submit to the Department five copies of the survey, along with five copies of the survey depicted on aerial photographs to complete the petition.

2. When an approximate delineation is used, it shall consist of a boundary produced by using a global positioning system (GPS), a boundary drawn on rectified aerial photographs, a geo-referenced image produced from a boundary drawn on a non-rectified aerial photograph, or any combination thereof. The approximate delineation shall be subject to the following:

a. A range of variability shall be determined for all approximate delineations by comparing a number of specific boundary points indicated on the aerial photograph, or located by GPS, to field located boundary points. The Department shall determine the number and location of comparison sites using the total linear feet of delineated boundary such that the total number of sites reflects at least one site for every 1000 feet of delineated boundary. No fewer than three boundary point comparisons shall be performed for each approximate delineation. For GPS approximate delineations, the petitioner shall conduct a specific purpose survey, as defined in Chapter 61G17-6, F.A.C., to show the relationship of field located boundary points to the GPS located boundary points. The range of variability shall be the greatest deviation measured at the comparison boundary points. An approximate delineation method cannot be used if the range of variability is equal to or greater than plus or minus 25 feet.

b. An aerial photograph shall serve as the basis for an approximate delineation only when the boundaries of wetlands and other surface waters are accurately depicted on the aerial photograph by the clear expression of vegetative or physical signatures as verified by groundtruthing. If a submitted aerial photograph does not provide an accurate depiction, then the landward extent of wetlands and other surface waters shall be delineated by flagging the boundary, and the formal determination shall be produced using a GPS or certified survey.

c. Subsequent to any verification and adjustment as required in subsection (5) the petitioner shall submit five copies of the following to complete the petition: a hand drawn delineation on a rectified aerial photograph; the geo-referenced image of the delineation and an aerial photograph with the delineation; or the GPS depiction of the delineation on an aerial photograph.

d. When a subsequent permit application includes regulated activities within 200 feet of the landward extent of the range of variability of an approximate delineation at a given location, the applicant shall establish in the field the exact boundary of the wetlands and surface waters at that location.

(d) Prior to the Department's inspection of the site, the petitioner or their agent shall initially delineate the boundaries of wetlands and other surface waters by either flagging the boundary for a certified survey or GPS survey or estimating the extent of wetlands and other surface waters on aerial photographs. A Department representative will then verify the location of the boundary line and indicate any necessary adjustments of the petitioner's initial determination to reflect an accurate delineation.

(3) Within the geographical territory of the South Florida District Office of the Department, formal determinations for a single family residential property of five acres or less shall be processed as follows, unless the petitioner elects to petition for a formal determination using subsection 62-330.021(2), F.A.C.

(a) For the purposes of this subsection, a single family residential property means an entire parcel that is for one single family dwelling unit and is not part of a larger plan of common development proposed by the petitioner.

(b) The following items are required for a petition under this subsection:

1. One copy of completed Form 62-330.201(2), which is hereby incorporated by reference;

2. The fee required by paragraph 62-4.050(4)(h), F.A.C.;

3. A location map of sufficient detail to allow someone unfamiliar with the site to locate the property;

4. A determination, using Chapter 62-340, F.A.C., of the boundary of wetlands and other surface waters depicted on a survey that is certified as required by Chapter 472, F.S., to meet the technical standards in Chapter 61G17-6, F.A.C. If the property contains wetlands or other surface waters, the survey must reflect the field-flagged delineation of the boundaries of the wetlands and other surface waters. In such a case, the flags delineating the boundaries shall not be removed until the formal determination is issued or denied by the Department. If the property does not contain wetlands or other surface waters, the survey shall only depict the property boundaries.

5. A written description on the data sheet provided as Attachment 1 in Form 62-330.201(2), which is hereby incorporated by reference, of the vegetation, hydrologic indicators and soil characteristics of both the wetland and upland conditions for one site, every 1,000 feet along the delineated boundary of the wetlands and other surface waters on a property.

(e) The petition under this subsection shall be submitted to the district office of the Department covering the geographical limits where the property is located;

(d) ~~Within thirty days of receipt of a petition for a formal determination, the Department shall notify the petitioner of any additional information that may be necessary to complete the review of the petition. The petitioner shall have ninety days from the date the Department mails a timely request for additional information to submit that information to the Department. If a petitioner requires more than 90 days in which to respond to a request for additional information, the petitioner may notify the Department in writing of the circumstances, at which time the petition shall be held in active status for one additional period of up to 90 days. Additional extensions shall be granted for good cause shown by the petitioner. A showing that the petitioner is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of a petitioner to provide the timely requested information by the applicable deadline shall result in denial of the petition.~~

(e) ~~The petition shall be denied if the Department determines that the materials submitted to the Department under this subsection do not contain all the information required in paragraph 62-330.2010(3)(b), F.A.C., or do not correctly delineate the landward extent of wetlands and other surface waters in accordance with Chapter 62-340, F.A.C. The Department shall issue or deny the formal determination for a petition submitted under this subsection within 45 days of the petition being deemed complete unless the petitioner provides the Department with a written waiver of this time.~~

(f) ~~The provisions of Sections 120.569 and 120.57, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the Department's proposed action on the petition may request an administrative hearing under Rule 62-110.106, F.A.C.~~

(g) ~~Petitioners may, but are not required to, publish at their expense a notice of proposed agency action in a newspaper of general circulation in the affected area.~~

(4) ~~A formal determination shall be binding for five years provided physical conditions on the property do not change, other than changes which have been authorized by a permit issued under Part IV, Chapter 373, F.S., so as to alter the delineated wetland and surface water boundaries during that period.~~

(5) ~~A petition for a new formal determination for a property for which a formal determination issued pursuant to this rule already exists shall require the reduced fee set forth in paragraph 62-4.050(4)(i), F.A.C., provided:~~

(a) ~~Physical conditions on the property have not changed, other than changes which have been authorized by a permit issued under Part IV, Chapter 373, F.S., so as to alter the wetland and surface water boundaries during that period;~~

(b) ~~The petition is submitted 60 days prior to the expiration of the existing determination; and~~

(c) ~~The methodology for determining the landward extent of wetlands and other surface waters authorized by Section 373.421(1), F.S., has not been amended since the previous formal determination.~~

(6) ~~Pursuant to Section 373.421(4), F.S., the Department shall revoke a formal determination upon finding that the petitioner has submitted inaccurate information to the Department such that a substantially different delineation of the wetlands or other surface waters would have resulted if the correct information had been submitted.~~

(3) If a law is enacted that provides for the extension of permits issued pursuant to Part IV of Chapter 373, F.S., during specified dates and without payment of a fee, then a petition for a new formal determination for a property for which a formal determination already exists and that has an expiration date between such specified dates may be submitted without payment of a fee and shall be granted for the same duration as allowed for the no-fee extension of permits, provided:

(a) The petitioner certifies that the physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to Part IV of Chapter 373, F.S.; and

(b) The petition is received prior to December 31 of the year in which the law extending permits without fee became effective or within 60 days prior to the expiration of the existing determination, whichever is earlier.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.421(2), 403.0877 FS. Law Implemented 120.54(5)(a), 373.4131, 373.421(2) FS. History—New 7-4-95, Amended 8-14-96, 8-16-98, 2-19-03, Formerly 62-343.040, Amended \_\_\_\_\_.

#### 62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits.

(1) To obtain an individual or conceptual approval permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

(a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;

(b) Will not cause adverse flooding to on-site or off-site property;

(c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;

(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;

(e) Will not adversely affect the quality of receiving waters such that the state water quality standards will be violated;

(f) Will not cause adverse secondary impacts to the water resources. In addition to the criteria in this subsection and in subsection 62-330.301(2), F.A.C., in accordance with Section 373.4132, F.S., an applicant proposing the construction, alteration, operation, maintenance, abandonment, or removal

of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area must also provide reasonable assurance that the facility, taking into consideration any secondary impacts, will meet the provisions of paragraph 62-330.302(1)(a), F.A.C., including the potential adverse impacts to manatees;

(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(h) Will not cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;

(i) Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

(j) Will be conducted by a person 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 as follows:

1. Within the Northwest Florida Water Management District, Sections 13.0 through 13.4 (Special Basin Criteria for Sensitive Karst Areas, including Appendix A) of Volume II.

2. Within the Suwannee River Water Management District, Section 5.9 (Sensitive Karst Areas) of Volume II.

3. Within the St. Johns River Water Management District:

a. Chapter 40C-41, F.A.C., "Surface Water Management Basin Criteria," [effective date], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02551>).

b. Sections 13.0 through 13.8.3 (Part VI, Basin Criteria), of Volume II.

4. Within the South Florida Water Management District:

a. Chapter 40E-41, F.A.C., "Surface Water Management Basin and Related Criteria," (December 1, 2011), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02554>).

b. Chapter 40E-62, F.A.C., "Works and Lands of the District Management Plans," (January 23, 1990), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02556>).

c. Chapter 40E-63, F.A.C., "Everglades Program," (July 3, 2001), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02557>).

d. For activities within the Outstanding Florida Waters of Monroe County, the provisions of Rules 62-312.400 through 62-312.460, F.A.C.

Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(2) In instances where an applicant is unable to meet state water quality standards because existing ambient water quality does not meet standards and the system will contribute to this

existing condition, the applicant must implement mitigation measures that are proposed by or acceptable to the applicant that will cause net improvement of the water quality in the receiving waters for those parameters that do not meet standards.

(3) In addition to the criteria in subsections 62-330.301(1) through (2), F.A.C., applications for a mitigation bank must also meet the criteria of Chapter 62-342, F.A.C.

(4) The standards and criteria used to determine whether the reasonable assurances required in this section and Rule 62-330.302, F.A.C., have been provided, including the provisions for elimination or reduction of impacts and mitigation to offset adverse impacts, are contained in Volume I, incorporated by reference in subsection 62-330.010(4), F.A.C., and Volume II, incorporated by reference in subsection 62-330.010(4), F.A.C., for the applicable District.

(5) Forms for demonstrating that an applicant has met the financial responsibility requirements of sections 10.3.7 through 10.3.7.9 of Volume I shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Form 62-330.301(1), "Performance Bond To Demonstrate Financial Assurance for Mitigation," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02472>).

(b) Form 62-330.301(2), "Irrevocable Letter of Credit To Demonstrate Financial Assurance for Mitigation," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02473>).

(c) Form 62-330.301(3), "Standby Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02474>).

(d) Form 62-330.301(4), "Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02477>).

(e) Form 62-330.301(5), "Escrow Agreement," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02476>).

(f) Form 62-330.301(6), "Guarantee Bond To Demonstrate Financial Assurance for Mitigation," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02488>).

(6) Forms for recording of a conservation easement in the public records in favor of the Agency shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The use of these forms shall constitute consistency with Section 704.06, F.S. Where the applicant demonstrates that project specific conditions necessitate deviation from language of the accepted forms,

alternative language shall be accepted provided that the intent of Section 704.06, F.S., and section 10.3.8 of Volume I continue to be met:

(a) Form 62-330.301(8), “Deed of Conservation Easement – Standard,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02489>).

(b) Form 62-330.301(9), “Deed of Conservation Easement – Standard, With Third Party Beneficiary,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02490>).

(c) Form 62-330.301(10), “Deed of Conservation Easement – Passive Recreational Uses,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02491>).

(d) Form 62-330.301(11), “Deed of Conservation Easement – Riparian Uses,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02492>).

(e) Form 62-330.301(12), “Deed of Conservation Easement for Local Governments,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02493>).

(f) Form 62-330.301(13), “Deed of Conservation Easement with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02494>).

(g) Form 62-330.301(14), “Declaration of Restrictive Covenants,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02495>).

(h) Form 62-330.301(15), “Declaration of Restrictive Covenants—Insert,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02496>).

(i) Form 62-330.301(16), “Temporary Easement for Construction Access,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02497>).

(j) Form 62-330.301(17), “Permanent Access Easement,” [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02498>).

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.042, 373.409, 373.413, 373.4131, 373.4132, 373.4142, 373.4145, 373.416, 373.426, 373.429, 704.06 FS. History—New \_\_\_\_\_.

#### 62-330.302 Additional Conditions for Issuance of Individual and Conceptual Approval Permits.

(1) In addition to the conditions in Rule 62-330.301, F.A.C., to obtain an individual or conceptual approval permit under this chapter, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, repair, removal, and abandonment of a project:

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such activities significantly degrade or are within an Outstanding Florida Water, are clearly in the public interest, as determined by balancing the following criteria as set forth in sections 10.2.3 through 10.2.3.7 of Volume I:

1. Whether the activities will adversely affect the public health, safety, or welfare or the property of others;

2. Whether the activities will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

3. Whether the activities will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

4. Whether the activities will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

5. Whether the activities will be of a temporary or permanent nature;

6. Whether the activities will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and

7. The current condition and relative value of functions being performed by areas affected by the proposed activities.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in sections 10.2.8 through 10.2.8.2 of Volume I.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department of Agriculture and Consumer Services as approved, restricted, conditionally approved, or conditionally restricted for shellfish harvesting as found in Chapter 5L-1, F.A.C., will comply with the additional criteria in section 10.2.5 of Volume I. A copy of these materials may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(d) Involving vertical seawalls in estuaries or lagoons will comply with the additional criteria provided in section 10.2.6 of Volume I.

(2) When determining whether an applicant has provided reasonable assurances that the permitting standards of this chapter will be met, the Agency shall consider the applicant’s violation of any rules adopted pursuant to Sections 403.91 through 403.929, F.S. (1984 Supp.), as amended, or Part IV, Chapter 373, F.S., and efforts taken by the applicant to resolve these violations.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.414(9), 403.805(1) FS. Law Implemented 373.042, 373.413, 373.4131, 373.414, 373.416, 373.426, 380.23 FS. History—New \_\_\_\_\_.

#### 62-330.310 Operation and Maintenance.

(1) The permit authorizing construction or alteration must be converted to the operation and maintenance phase once the construction or alteration has been completed. The construction or alteration authorized under an individual permit must be certified to be in compliance with the permit before conversion of the permit to the operation and maintenance phase. Procedures for converting the permit to the



operation and maintenance phase, and transferring the permit to the perpetual operation and maintenance entity are described in section 12.2 and 12.2.1 of Volume I.

(2) If a separate entity is to operate and maintain the project, the entity must be provided with sufficient ownership, legal, or equitable interest so that it has control over all water management system components authorized by the permit. Any operation and maintenance entity must have the financial, legal, and administrative capability to perform operation and maintenance, as described in sections 12.1 through 12.3.3 of Volume I. Transfer of the permit to the operation and maintenance entity that was approved as part of the permit does not require a permit modification.

(3) If the permittee desires to change or add operation and maintenance entities after the permit is issued, or to allow for multiple entities to operate portions of the project, a permit modification under Rule 62-330.315, F.A.C., must be requested and approved before transfer of the permit to the new entity or entities for operation and maintenance. Such permit modification request must include a demonstration that the new entity or entities meet the requirements of subsection (2), above. For multiple operation and maintenance entities, that application must also demonstrate that each portion of the project is capable of functioning independently in compliance with all conditions for permit issuance.

(4)(a) For individual permits NOT associated with an individual, private single-family dwelling unit, duplex, triplex, or quadruplex:

1. Upon completion of construction, and following the general conditions in paragraphs 62-330.350(1)(f) and (g), F.A.C., the permittee shall submit to the permitting Agency:

a. Form 62-330.310(1), "As-Built Certification and Request for Conversion to Operation Phase," which is incorporated by reference herein [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02499>).

b. Form 62-330.310(2), "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity," which is incorporated by reference herein [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02500>).

2. The permit will be converted to the operation and maintenance phase upon a certification by the permittee and concurrence by the Agency that the entire project, or an independent portion of the project, has been constructed in compliance with the permit.

3. The permit will be transferred to the operation and maintenance entity once the Agency has verified that the entity meets the requirements of section 12.3 of Volume I, all applicable operation and maintenance documents have been recorded in accordance with section 12.3.3 of Volume I, and the entity has accepted responsibility for operation and maintenance of the project or independent portion of the project.

(b) For individual permits FOR an individual, private single family dwelling unit, duplex, triplex, or quadruplex, the permit will automatically convert to the operation and maintenance phase upon completion of construction and the Agency's receipt from the permittee, in accordance with the general conditions in paragraph 62-330.350(1)(f), F.A.C., of a completed Form 62-330.310(3), "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit," [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02501>), which is incorporated by reference herein, certifying that the project was constructed in accordance with the permit.

(c) Copies of the above forms may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.:

(5) Projects completed in full compliance with the terms and conditions of a general permit shall be operated and maintained and maintained in perpetuity by the permittee and subsequent owners of the land on which the project is located.

(6) The operation and maintenance entity or entities shall remain liable for compliance with the terms of the permit in perpetuity, unless the permit is transferred in accordance with Rule 62-330.340, F.A.C., or the permit is modified in accordance with subsection (3), above.

(7)(a) The operation phase of mining activities subject to the land reclamation requirements of Chapter 378, F.S., shall terminate, without the need to apply for abandonment of the permit, after the mine, or its subunits as applicable:

1. Has been successfully reclaimed in accordance with Chapter 378, F.S., other than lands disturbed by mining operations that are not subject to the requirements of Chapter 378, F.S.;

2. Has met all success requirements of the individual permit issued under Part IV of Chapter 373, F.S.; when the construction phase of the permit includes all phases of construction, abandonment, reclamation, and final success determination over reclaimed lands; and

3. Does not contain components that require long-term operation or maintenance, such as: stormwater management systems; achievement of mitigation success criteria; work in conservation easements requiring a permit under this chapter; state-owned submerged lands authorizations; dams; above-grade impoundments; works; water control structures; erosion and sedimentation controls; or dewatering pits.

(b) If a mine is already operating under an operation and maintenance phase of an individual permit, such operation and maintenance phase shall be allowed to terminate upon successful completion of all phases of reclamation and receipt of final success determinations by the Agency over lands reclaimed in accordance with the rules adopted pursuant to Chapter 378, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.4131, 373.4141, 373.416, 373.426, 373.429 FS. History—New \_\_\_\_\_.

#### 62-330.311 Inspections and Reporting.

(1) The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase as provided in section 12.4 of Volume I. Minimum inspection frequencies will be established in Volume II for each District as applicable, but actual inspection and reporting frequencies for the specific project are subject to revision through permit conditions, based on site- and activity-specific operational and maintenance requirements.

(2) Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the Agency using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," incorporated by reference herein [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02502>), describing the remedial actions taken to resolve the failure or deviation.

(3) The operation and maintenance entity of a regional stormwater management facility must notify the Agency on an annual basis, using Form 62-330.311(2), "Regional Stormwater Management System Annual Report," incorporated by reference herein [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02503>), of all new systems and their associated stormwater volumes that have been allowed to discharge stormwater into the regional facility, and must confirm that the maximum allowable treatment volume of stormwater authorized to be accepted by the regional facility has not been exceeded.

(4) A copy of the above forms may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(5) Permits issued prior to the effective date of this section shall continue to be inspected and reported on in accordance with the terms and conditions of the existing permit. However, a permittee may request a modification of the permit to reflect inspection and reporting in accordance with this Rule.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.4131, 373.4141, 373.423, 668.003, 668.004, 668.50 FS. History—New \_\_\_\_\_.

#### 62-330.315 Modification of Permits.

(1) Modifications to an unexpired individual or conceptual approval permit may be requested by the permittee and will be processed as a minor or a major modification, as described below and in section 6.2 of Volume I. Permit modification fees are set forth in Rule 62-330.071, F.A.C.

(2) Minor modifications may be requested in accordance with section 6.2 of Volume I. Minor modifications are not subject to the public notification requirements of section 5.5 of Volume I. The following types of requests will be considered as minor modifications:

(a) To extend the duration of the construction phase of an individual permit by up to five years, subject to the provisions of subsection 62-330.320(2), F.A.C.;

(b) To correct errors or typographical mistakes;

(c) To incorporate changes requested by the Agency;

(d) To change due dates for reporting or performance deadlines;

(e) To transfer a permit upon a change in ownership or control;

(f) To make minor technical changes; or

(g) To make other minor changes that do not substantially alter the permit authorization, increase permitted off-site discharge, increase the environmental impact of the project, decrease required retention, decrease required detention, decrease required flood control elevations, or decrease pollution removal efficiency. Factors that will be considered in determining whether a change is minor are described in section 6.2.1 of Volume I.

(3) Any application for modification that does not qualify for a minor modification as described above shall be processed as a major modification. An application for a major modification of a permit shall be submitted, reviewed and processed in the same manner as a new permit application.

(4) Modifications of an unexpired permit issued under Chapter 62-346, 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40C-44, 40C-400, 40D-4, 40D-40, 40D-400, 40E-4, 40E-40, or 40E-400, F.A.C., shall be in accordance with the rules under which the permit was issued, except that such modification shall be processed and reviewed under this chapter if:

(a) The modification is reasonably expected to lead to additional or substantially different water resource impacts;

(b) The permittee chooses to modify the permit under this chapter; or

(c) The modification does not qualify as a minor modification under subsection (3).

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.026(7), 373.043, 373.109, 373.118, 373.413, 373.4131, 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.429 FS. History—New \_\_\_\_\_.

#### 62-330.320 Duration of Permits.

Unless revoked, extended or otherwise modified, the duration of a permit under this chapter is:

(1) General permit – Five years to construct, commencing from the date notice is received by the Agency, or the date the Agency verifies compliance with the terms and conditions of the general permit in accordance with Rule 62-330.402, F.A.C., whichever is later.

(2) Individual permit – Five years from the date of issuance to construct, except where the permit expressly authorizes a longer duration. Applicants requesting a longer duration must provide reasonable assurance that:

(a) The activity for which the permit is to be granted cannot reasonably be expected to be completed within five years after commencement of construction; and

(b) The impacts of the activity, considering its nature, the size of the project, and any required mitigation, can be accurately assessed and offset where appropriate, and the terms of the permit can be met for the duration of the permit requested.

(3) Operation and maintenance - in perpetuity following:

(a) Construction in conformance with the terms and conditions of a general permit; or

(b) Conversion from the construction to the operation phase of an individual permit in accordance with Rule 62-330.310, F.A.C.

(4) Conceptual approval permit – As provided in Rule 62-330.055 or 62-330.056, F.A.C.

(5) Mitigation bank permit – As provided in Rule 62-342.750, F.A.C.

(6) A modification to extend the duration of the construction phase of an individual permit shall be granted if the extension request is received in writing by the Agency before expiration of the construction phase, and:

(a) The activity remains consistent with plans, terms, and conditions of the permit and the Agency's rules in effect when the permit was issued; and

(b) The request can be approved in consideration of paragraphs (2)(a) and (b), above.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.413, 373.4131, 373.4136, 373.4142, 373.4145, 373.416, 373.426 FS. History—New \_\_\_\_\_.

62-330.340 Transfer of Permit Upon Change in Ownership or Control.

(1) Permits in the Operation and Maintenance Phase – A permittee with a valid permit in the operation and maintenance phase under this chapter or Chapter 62-342, F.A.C., shall notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer shall be governed by subsections (2) through (4), below.

(2) Except as provided in subsection (1) or as otherwise required in an individual or conceptual approval permit, a permittee shall notify the Agency in writing within 30 days of any change in ownership or control of any portion of the real property upon which an activity is permitted under this chapter or Chapter 62-342., F.A.C. A person who obtains an interest in or control of such real property and desires to become the new permittee or a co-permittee, shall request transfer of the permit.

(3) The person requesting transfer of the permit shall submit to the Agency a completed Form 62-330.340(1), "Request to Transfer Permit," incorporated by reference herein [effective \_\_\_\_\_ date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02504>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., together with the permit modification fee prescribed by the Agency as set forth in Rule 62-330.071, F.A.C. A proposed new permittee shall demonstrate that it has sufficient real property interest in or control over the land consistent with subsection 62-330.060(3), F.A.C.

(a) The Request to Transfer Permit shall be processed in the same manner as a minor modification as provided in subsection 62-330.315(2), F.A.C.

(b) The proposed new permittee shall include demonstration or documentation with the request that it meets the requirements for being an acceptable operation and maintenance entity provided in subsections 62-330.310(2), and (3), F.A.C., if applicable.

(4) Upon receipt of the completed Request to Transfer Permit form and fee, the Agency shall approve the permit transfer unless it determines that the proposed permittee or co-permittee has failed to provide reasonable assurances that it qualifies to be a permittee or that it can meet the permit conditions.

(a) If the Agency proposes to deny the transfer, it shall provide both the current permittee and the proposed permittee with notice of proposed agency action of denial, and of the right to request an administrative hearing pursuant to Chapter 120, F.S.

(b) Failure of the permittee to notify the Agency in writing within 30 days of a change in ownership or control shall not, by itself, render a permit invalid. When it does not appear the current permittee has met the requirements of subsection (2), above, or has not otherwise approved or been made aware of the request to transfer the permit, upon transfer of the permit to the new permittee, the Agency will provide notice to the former permittee, at its last known address, advising of the permit transfer, together with a notice of rights under Chapter 120, F.S.

(5) A permittee from whom the permit is transferred shall:

(a) Be jointly and severally liable with the new owner or permittee for compliance with the permit and for any corrective actions that may be required as a result of violations of the permit or Agency rule on the property prior to permit transfer; and

(6) Upon transfer of a permit, the new permittee shall comply with all terms and conditions of the permit.(b) Remain liable for any corrective actions that are required as a result of any violations of the permit that occurred prior to the change in ownership or control of the property upon which the permitted project or activity is located.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.109, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.426, 373.429, 668.003, 668.004, 668.50 FS. History—New \_\_\_\_\_.

#### 62-330.350 General Conditions for Individual Permits.

(1) The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.

(a) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.

(b) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(c) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(d) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(e) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(f) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

2. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(h) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(i) This permit does not:

1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

2. Convey to the permittee or create in the permittee any interest in real property;

3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(k) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(l) The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and

2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(m) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(n) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human

remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S. (2012).

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(p) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(q) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(r) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

(2) In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.116, 373.117, 373.409, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 403.0877 FS. History—New \_\_\_\_\_.

#### 62-330.360 Emergency Authorizations and Actions.

When the Agency has determined that immediate action is necessary to abate an emergency condition, the Agency shall use one of the following measures below to authorize the work. "Emergency conditions" are defined as those that pose an imminent or existing serious threat or danger and require immediate action to protect the public health, safety or welfare, or the water resources of the Agency, including the health of aquatic and wetland-dependent species; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Mere carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.

(1) Issuance an emergency order under Section 373.119(2), F.S. The order shall recite the factual basis for it in accordance with Section 120.569(2)(n), F.S., and include all conditions (including a limitation on the duration of the emergency authorization) required to ensure that the activity authorized or directed does not exceed that necessary to abate the threat. When the activity conducted under the order has an operational or maintenance aspect that continues beyond the emergency, any permits required under this chapter shall be applied for as soon as practicable.

(2) Authorization of construction to begin when the Agency has already received an application for a permit under this chapter, and the applicant has submitted a written request for the work to commence prior to issuance of the permit, together with documentation of the emergency conditions that exist. However, if required upon issuance of the permit, the work initiated shall be modified as necessary to comply with the terms and conditions of the permit.

(3) Issuance of an emergency field authorization when an application is not currently under consideration by the Agency. The entity requesting the emergency field authorization shall complete an "Agency Emergency Field Authorization" Form 62-330.360(1), which is incorporated by reference herein [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02506>). A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form. The activity authorized by the emergency field authorization may commence upon approval by the Agency's field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within 90 days of issuance of an emergency field authorization, the recipient shall either restore the site to the conditions existing before the emergency, or apply for an application to perform the work in accordance with the requirements for obtaining verification of an exemption or permit, as applicable, under this chapter.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 120.569(2), 373.026(7), 373.119, 373.413, 373.4131, 373.4145, 373.416, 373.418, 373.426, 373.439 FS. History—New \_\_\_\_\_.

#### 62-330.395 Variances.

(1) In addition to a variance available under Section 120.542, F.S., the Agencies are authorized to grant a variance from the provisions of Section 373.414, F.S., paragraph 62-330.301(1)(e), F.A.C., and Rule 62-330.302, F.A.C., pursuant to Section 373.414(17), F.S. (2012). A person seeking a variance under Section 373.414(17), F.S., must demonstrate that any hardship asserted as a basis of the need for a variance is peculiar to the affected property and not self-imposed, and that the grant of a variance will be consistent with the general intent and purpose of this chapter.

(a) Any person seeking a variance under this subsection shall file a petition for a variance containing the following information:

1. The petitioner's name and signature.
2. The statute or rule from which the variance is sought.
3. Facts showing that a variance should be granted for one of the reasons in Section 403.201, F.S.
4. The time period for which the variance is sought, including the reasons and facts supporting the time period.
5. The requirements the petitioner can meet, including the date or time when the requirements will be met.
6. The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. If the request is pursuant to Section 403.201(1)(b), F.S. (2012), the petitioner shall include a schedule when compliance will be achieved.
7. The fee prescribed in Rule 62-330.071, F.A.C.

(b) The Agency shall review the application within 30 days after receipt to determine if the petition is complete. If the petition is determined to be incomplete, the petitioner shall be afforded an opportunity to supply additional information before the Agency evaluates the petition.

(c) The Agency shall prepare a notice of intended agency action regarding the petition for a variance, and shall publish it one time in the *Florida Administrative Register*. For variance petitions processed by the Department, the petitioner shall also publish notice of intended agency action one time, at its expense, in a newspaper of paid circulation, as defined in Section 50.031, F.S. (2012), in the county in which the property for which the variance is sought is located. For variance petitions processed by the District, the District will cause the notice of intended agency action to be published, one time, in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

(2) Renewals of variances shall be applied for in the same manner as the initial variance.

Rulemaking Authority 373.043, 373.044, 373.113, 373.4131, 373.414(9), (17) FS. Law Implemented 373.4131, 373.414(9), (17), 403.201 FS. History—New \_\_\_\_\_.

#### 62-330.401 Policy and Purpose of General Permits.

(1) General The purpose of Part II of this chapter is to provide noticed general environmental resource permits authorize for those activities that, if conducted consistent with the permit requirements, will cause which have been determined to have minimal individual and cumulative adverse impacts to the water resources of the Agencies, District, both individually and cumulatively, when conducted in compliance with the terms and conditions of the general permit. Unless specifically provided for in the general permit, Mitigation mitigation is neither necessary nor required to offset those impacts except when provided for activities that qualify for

~~noticed in the general permit permits. Persons using wishing to use a one or more of the general permit permits under this Part shall be subject to the notice provisions of Rule 62-343.090, F.A.C., or, for activities within the geographical area of the Northwest Florida Water Management District, Rule 62-346.090, F.A.C., before any activity is conducted as authorized herein. must comply with the notice requirements of Rule 62-330.402, F.A.C., the The general conditions in provided pursuant to Rule 62-330.405, F.A.C., shall apply to and all of the noticed terms, conditions, and limitations of the specific general permits in this Part. Strict compliance with all of the terms, conditions, requirements, limitations and restrictions applicable to a desired noticed general permit under this Part is required to qualify for such a permit.~~

~~(2) The general permit in Section 403.814(12), F.S., is not a general permit under this chapter and does not require submittal of the notice specified in subsection 62-330.402(1), F.A.C. A review of the number, kind, ecological effects and compliance of general permits on water resources of the state individually and cumulatively shall be undertaken by the Department after consultation with the water management districts every three years with a report to the Secretary and the Environmental Regulation Commission.~~

~~(3) General permits that apply to municipalities are also for use by agencies of the United States Department of Defense.~~

~~Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 2-19-03, 10-1-07, Formerly 62-341.201, Amended \_\_\_\_\_.~~

#### 62-330.402 Submittal and Processing of General Permits.

~~(1) A person wishing to construct, operate, maintain, alter, abandon, or remove projects under a general permit shall provide notice using Form 62-330.402(1), "Notice of Intent to Use an Environmental Resource General Permit." [effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02507>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The notice must be received by the applicable Agency at least 30 days prior to initiating the activities authorized by the general permit, or at such other time as specified in the general permit.~~

~~(2) The notice must include the processing fee prescribed in Rule 62-330.071, F.A.C. If a single notice includes more than one general permit, a separate fee shall be required for each general permit.~~

~~(3) The specific procedures of a general permit shall govern if they differ from the procedures in this Rule.~~

(4)(a) Within 30 days of receiving Form 62-330.402(1), the Agency shall determine whether the activity qualifies for a general permit. The person may conduct the activities if the Agency fails to request additional information within this period.

(b) If the notice does not qualify for a general permit due to errors or omissions, the Agency shall, within 30 days of its receipt, provide the person 60 days to amend the notice. An additional processing fee will not be required if the person submits additional information demonstrating compliance with the general permit within that 60 days.

(c) If the activities do not qualify for a general permit, the processing fee submitted for the general permit shall be applied to the processing fee required for an individual or conceptual approval permit if the person applies for such permit within 60 days of the Agency's determination of non-qualification.

(5) The Agency will place Notice of the proposed use of a general permit on the Agency website within 10 days of receipt of the request.

(6) At their discretion, persons qualifying for a general permit may publish a notice of qualification to use a general permit, in a newspaper of paid circulation under Chapter 50, F.S., in the affected area. The Agency will not publish, or require the person to publish, such notice.

Rulemaking Authority 373.044, 373.113, 373.118, 373.413, 373.4131 FS. Law Implemented 373.116(2), 373.118(3), 373.413, 373.4131, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New \_\_\_\_\_.

62-330.405 General Conditions for All Noticed General Permits.

~~(1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are following general permit conditions and are binding upon the permittee for all noticed general permits in this chapter. These conditions and are enforceable under Part IV of Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.~~

~~(1)(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Agency Department also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.~~

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

~~(4)(5) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or~~

aquatic life; or property. It does not allow the permittee to cause pollution that ~~in~~ violates state water quality standards contravention of Florida Statutes and Department rules.

~~(5)(6)~~ The permittee is hereby advised that Section 253.77, F.S., provides states that a person may not commence any excavation, construction, or other activity involving the use of state-owned sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, ~~license~~, easement, or other form of authorization ~~consent~~ authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned sovereignty lands or other state-owned lands.

~~(6)(7)~~ The authorization to conduct activities under ~~pursuant to~~ a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

~~(7)(8)~~ This permit shall not be transferred to a third party except pursuant to Rule ~~62-330.340~~ 62-343.130, F.A.C., or, for activities within the geographical area of the Northwest Florida Water Management District, Rule ~~62-346.130~~, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, system or the real property at which the permitted project or activity system is located.

~~(8)(9)~~ Upon reasonable notice to the permittee, Agency Department staff with proper identification shall have permission to enter, inspect, sample and test the permitted activity to ensure ~~insure~~ conformity with the plans and specifications approved by the permit.

~~(9)(10)~~ The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency Department and authorized in this general permit.

~~(10)(11)~~ A permittee's right to conduct a specific ~~noticed~~ activity under this ~~noticed~~ general permit is authorized for a duration of five years.

~~(11)(12)~~ Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), available at

www.dep.state.fl.us/water/wetlands/docs/erp/FL Erosion Sediment Manual 6 07.pdf, and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5., F.A.C. Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation 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 Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;

b. The maximum width of the construction access area shall be limited to 15 feet;

c. All mats shall be removed within 72 hours after the work commences; and



d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

1. Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

2. Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850)245-6333 or (800)847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

1. All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

2. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

3. All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

4. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(19)(13) The permittee shall hold and save the Agency Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity system authorized by the general permit.

(20)(14) The permittee shall immediately notify the Agency Department in writing of any previously submitted information that is later discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, ~~373.406(5)~~, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended \_\_\_\_\_.

62-330.407 General Permit for Geotechnical Investigations in Wetlands or other Surface Waters.

A general permit is granted to any person to conduct geotechnical investigations, including soil test borings, standard penetration tests, and other work involving boring, augering, or drilling in wetlands or other surface waters for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:

(1) Excavation at each soil boring, augering or coring location is limited to no more than one foot in diameter. The total area of work authorized in wetlands and other surface waters is limited to 0.5 acre, including all excavations and clearing for temporary access corridors.

(2) No drilling fluid or dredged material shall be left above grade in a wetland or other surface water.

(3) Boreholes suspected to have penetrated a confining layer shall be grouted from the bottom up by means of a tremie pipe and the severed materials shall be removed from the wetland or other surface waters.

(4) This general permit shall not apply to borings used to place seismographic charges for oil and gas exploration.

(5) This general permit does not supersede the exemption in Section 403.813(1)(v), F.S., for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 FS. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) FS. History—New

62-330.410 ~~Noticed~~ General Permit for Dredging by the West Coast Inland Navigation District in Sarasota and Manatee Counties.

(1) A general permit is ~~hereby~~ granted to the West Coast Inland Navigation District (“WCIND”) to dredge public navigation channels and canals within the trafficheds listed in Table 1 (URL) and Figure 1 (URL), and as described in the following reports, which are incorporated by reference herein; a copy may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.:

(a) Antonini, Gustavo A., and Paul Box, September 1996, A Regional Waterway Systems Management Strategy for Southwest Florida, TP-83, Florida Sea Grant College Program, Gainesville, Florida, (URL);

(b) Swett, Robert A., Gustavo A. Antonini and Sharon Schulte, July 1999 2000, Regional Waterway Management System for North Manatee County, TD-2, Florida Sea Grant College Program, Gainesville, Florida, (URL);

(c) Antonini, Gustavo A., David Fann, and Robert A. Swett, November 7, 2000, Miguel Bay, Florida: Inventory of Boats, Depths and Signs; and a Waterway Restriction Analysis, TP-2A, Florida Sea Grant College Program, Gainesville, Florida, (URL);

(d) Antonini, Gustavo A., Robert Swett, Sharon Schulte and David Fann, July 1998 2000, Regional Waterway Management System for South Sarasota County, TD-1, Florida Sea Grant College Program, Gainesville, Florida, (URL).

~~Copies of the above reports may be obtained by contacting environmental resource permit program staff in the Southwest District Office (Tampa) of the Department and from the Department’s web site: <http://www.dep.state.fl.us/water/wetlands/>.~~

(2) This general permit is further limited as follows:

(a) through (d) No change.

(e) The dredging activity is restricted to Class III waters, or Class II waters that are classified by the Department of Agriculture and Consumer Services under Chapter 5L-1 62R-7, F.A.C., as unclassified, prohibited, restricted, or conditionally restricted for shellfish harvesting.

(f) No change.

(3) All work under this general permit shall be conducted in conformance with ~~the general conditions of Rule 62-330.405, F.A.C., and~~ the following specific conditions:

(a) No change.

(b) Each dredging event for a traffiched shall require a separate notice to use this general permit. Multiple channels within a single traffiched may be included in one notice. Each notice shall be submitted with:

1. No change.

2. Identification of the source document described in subsection (1) and reference data that specifically describe the project work proposed for dredging within the traffiched. All document titles, page numbers, figures, and other relevant information to the traffiched must be identified;

3. through 5. No change.

6. Identification of any special water classifications for the areas to be dredged, such as the water class (Rule 62-302.400, F.A.C.); shellfish classification under Chapter 5L-1 62R-7, F.A.C. (approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified); aquatic preserve Aquatic Preserve, state park, or state recreation area designation under Chapter 258, F.S.; and Outstanding Florida Water or Outstanding National Resource Water designation under Rule 62-302.700, F.A.C.;

7. through 9. No change.

10. A plan for monitoring water quality in accordance with the requirements of paragraph (3)(e), ~~below of this general permit.~~

(c) All dredged material resulting from the activities authorized by this general permit shall be removed and deposited on a self-contained, upland dredged material disposal site. The only exceptions ~~to the use of a self-contained, upland dredged material disposal site~~ shall be: oyster relocations required under paragraph 62-330.410(2)(a), F.A.C.; or where dredged materials are to be used as part of a habitat restoration plan authorized by the Agency Department or a water management district under Part IV of Chapter 373, F.S., in which case any discharge of dredged material shall be in compliance with all terms of that authorization. In all cases, the dredging operation, the discharge of dredged material, and the dredged material disposal site shall be designed, located, and operated such that there are no water quality violations in wetlands or other surface waters outside of a mixing zone established under paragraph (3)(d), ~~below of this general permit.~~

(d) No change.

(e) Water quality monitoring shall occur following the monitoring plan required under subparagraph (3)(b)10., ~~above of this general permit.~~ This shall minimally consist of monitoring at the dredge site, at the location of any waters receiving outfall from dredged material disposal sites, and at background and down-gradient locations in the water body where dredging is occurring and surrounding the dredged material disposal sites. This monitoring shall be designed to measure turbidity and any metals or other toxic materials that have been identified as having a likelihood of entering the water column. All monitoring for turbidity shall occur at

intervals not to exceed four hours during active dredging operations and when there is a discharge from dredge material disposal sites; monitoring for other parameters shall be at intervals specified in the monitoring plan under subparagraph (3)(b)10., above of this general permit. Results of this monitoring and a copy of the logs shall be submitted to the local office of the Department in accordance with the reporting plan submitted under subparagraph (3)(b)10., above of this general permit.

(f) through (g) No change.

(h) The permittee shall be responsible for ensuring that all contractors and other entities implementing this general permit comply with the following standard manatee and marine turtle conditions:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel shall be responsible for observing water-related activities for the presence of manatees.

2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. If the dredging activity results in any manatee being harmed, harassed, or killed as a result of construction activities, the Department will refer the matter to the Florida Fish and Wildlife Conservation Commission for appropriate action.

3. Siltation barriers shall be made of material in which manatees and turtles cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from manatee feeding areas.

4. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four-foot clearance from the bottom, and such vessels shall follow routes of deep water whenever possible.

5. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.

6. Any collision with or injury to a manatee or marine turtle shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1(888)404 FWCC (1(888)404-3922). Collision or injury also should be reported

~~to the U.S. Fish and Wildlife Service in Jacksonville (904)232-2580 for north Florida or Vero Beach (561)562-3909 for south Florida.~~

7. Temporary signs concerning manatees shall be posted prior to and during dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "Caution: Manatee Area" shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction, and shall be placed visible to the vessel operator. The second sign shall be at least 8 1/2 inches by 11 inches and read:

~~Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1(888)404 FWCC (1(888)404-3922). Collision or injury also should be reported to the U.S. Fish and Wildlife Service in Jacksonville (904)232-2580 for north Florida or Vero Beach (561)562-3909 for south Florida.~~

~~Specific information on obtaining these signs may be obtained by contacting the Florida Fish and Wildlife Conservation Commission.~~

~~(h)(i) Work under this general permit shall not commence until the Department has provided written confirmation to the notice required under paragraph 62-330.410(3)(b), F.A.C., that the applicant qualifies to use the general permit.~~

~~(4) The permittee is advised that, pursuant to Section 556.105, F.S., excavating contractors are required to provide certain information concerning the excavation through the one-call notification system not less than two nor more than five business days before beginning any excavation.~~

~~(4)(5) For activities located outside of aquatic preserves and outside of state parks, state preserves, and state recreation areas, this general permit constitutes consent of use by the Board of Trustees of the Internal Improvement Trust Fund (BOT) under Chapter 253, F.S., to enter upon and use state-owned sovereign submerged lands to the extent necessary to complete the permitted activities. However, specific written authorization from the BOT is required to use or alter state-owned sovereign submerged lands within aquatic preserves, state parks, state preserves, and state recreation areas under Chapter 258, F.S.~~

~~(5)(6) In accordance with Section 253.77, F.S., Dredged dredged material removed from state-owned sovereign submerged lands under this general permit shall be exempt from the payment of severed dredged material fees in accordance with Section 253.77, F.S. However, dredged material with economic value, such as beach quality sand, shall be used for public purposes to the maximum extent practicable.~~

Table 1, No change.

Figure 1, No change.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(4), 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.426, 403.813(1)(f), 403.813(2), 403.814(1) FS. History—New 8-4-02, Formerly 62-341.490, Amended

62-330.412 ~~Noticed~~ General Permit for Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.

(1) A general permit is ~~herby~~ granted to the West Coast Inland Navigation District (“WCIND”) to dredge public navigation channels and canals within the trafficsheds and secondary channel systems listed in Table 1 and shown in Figures 1 through 48 of Antonini, Gustavo A., Robert A. Swett, and David Fann, 2008, Maps of Lee County Noticed General Permit Trafficshed Channels and Secondary Channels, SGEF-173, Florida Sea Grant College Program, Gainesville, Florida (30 October 2008), ~~which is herby~~ incorporated by reference herein (URL). Additional information on the background, methodology, and data used in identifying the trafficsheds and secondary channel systems that are the subject of this general permit is described in the following reports:

(a) through (d) No change.

Copies of ~~these the above~~ documents may be obtained by contacting environmental resource permit program staff in the Department’s South District Office (Fort Myers) and from the Department’s Internet site at [www.dep.state.fl.us/legal/Rules/rulelistnum.htm](http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm). This general permit is not required for maintenance dredging that qualifies for an exemption under Section 403.813(1)(f), F.S.

(2) This general permit is further limited as follows:

(a) through (f) No change.

(g) The dredging activity is restricted to Class III Waters, or Class II Waters that are classified by the Department of Agriculture and Consumer Services under Chapter 5L-1 62R-7, F.A.C., as unclassified, prohibited, restricted, or conditionally approved for shellfish harvesting.

(h) This general permit shall not apply to dredging within the limits of areas subject to currently valid individual ~~ERP dredging~~ permits under Part IV of Chapter 373, F.S.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-330.405, F.A.C., and the following specific conditions.

(a) Each dredging event for a trafficshed or secondary channel system shall require a separate notice to use this general permit. Multiple areas within a single trafficshed or secondary channel system may be included in one notice. Each notice shall be submitted with all of the following information:

1. through 2. No change.

3. The location, dimensions, and estimated volumes of dredged material disposal sites, including the location of any water quality or habitat restoration as described in paragraph (3)(d) of this general permit and any relocation areas required under paragraph (2)(b), ~~above of this general permit~~. If dredged material fill will be transported over water by barge, the notice will include assurance that the barge will be designed and sized to prevent discharge of dredged material runoff, prop or hull dredging, and discharge during the loading and unloading of material. If stockpile areas are to be used for temporary disposal and transport, the type and volume capacity of such stockpile areas, including controls that will be used to prevent dredge material runoff also must be described. The notice must provide assurance any temporary stockpile areas will have no impacts to jurisdictional wetlands or surface waters.

4. No change.

5. Identification of any special water classifications for the areas to be dredged, such as the water class (Rule 62-302.400, F.A.C.); shellfish classification under Chapter 5L-1 62R-7, F.A.C.; aquatic preserve Aquatic Preserve, state park, or state recreation area designation under Chapter 258, F.S.; and Outstanding Florida Water or Outstanding National Resource Water designation under Rule 62-302.700, F.A.C.

6. No change.

7. Identification of the extent and location of all previous dredging within the past five years authorized under pursuant ~~to this noticed~~ general permit within the trafficshed or secondary channel system; the date of all such dredging events; the estimated cubic yards excavated from each distinct portion of the trafficshed or secondary channel system under pursuant ~~to this general permit~~; and the permit numbers assigned to such prior use of this general permit for the trafficshed or secondary channel system.

8. No change.

9. A plan for monitoring water quality minimally consisting of monitoring at the dredge site, at the location of any waters receiving outfall from dredged material disposal sites, and at background and down-gradient locations in the water body where dredging is occurring and surrounding the dredged material disposal sites. The monitoring shall be designed primarily to measure in-situ turbidity, but is subject to modification based on the pre-application meeting discussion with the Department to ensure the plan is capable of detecting any potential water quality violations from the project or activities work. If the dredge area is in close proximity to a facility or location likely to cause a discharge of toxic materials, the water quality monitoring, as well as best management practices proposed, shall be designed to retain contain deleterious substances during dredging. Results of the monitoring and a copy of the logs shall be submitted in accordance with ~~the provisions in~~ paragraph (3)(f) of this general permit.

10. No change.

(b) A minimum of 30 days prior to submittal of a notice to use this general permit, the WCIND and Lee County shall conduct at least one pre-application meeting with the Department's South District ~~Department~~ Environmental Resources Permitting staff to discuss project designs, implementation details, and any resource concerns, including approval of any resource relocation in accordance with paragraph (2)(b) of this general permit or water quality or habitat restoration sites in accordance with paragraph (3)(d) of this general permit. For a proposed project within an aquatic preserve, this meeting shall include the appropriate aquatic preserve manager or their designee. In the event the pre-application meeting adequately addresses all Department questions or concerns, the Department will inform the WCIND that the notice may be submitted immediately for review.

(c) To the extent seagrass, corals, sponges or clumped oysters are within the dredging footprint, they shall be relocated to the maximum extent practicable. Seagrass, oysters, corals, and sponges must be relocated only into areas previously approved in writing by the Department. Relocation shall be done in a manner that avoids adverse impacts to water quality and adjacent submerged resources. If seagrasses are relocated, the donor site within the dredge area and the ~~recipient~~ location of the seagrass transplant shall be described in the application and in the pre-application meeting required under paragraph (3)(b) of this general permit. Any relocation performed under pursuant to this paragraph shall be described in a detailed report to the Department's South District office ~~of the Department~~ within 60 days of project completion. The report shall describe the methods used, the donor site within the dredge area, and the recipient location of the transplant. The WCIND shall provide copies to the South District office of the Department of any follow up monitoring or studies performed on the success of the transplants.

(d) No change.

(e) In areas outside of aquatic preserves, violations of state water quality standards shall be prevented immediately outside of a mixing zone of no more than 150 meters in radius from the dredge site and from any discharge point associated with a dredge material disposal area. To the greatest extent practicable, the mixing zone shall be restricted to the limits of the dredging alignment. Within aquatic preserves, violations of ~~state~~ water quality standards immediately outside the area of active work shall be prevented. This shall minimally consist of the use of erosion and sediment control devices, turbidity curtains or similar devices, and other best management practices, all of which shall be located immediately surrounding the area of active work and maintained in a functional condition. In addition, dredge pumping rates and volumes shall be managed to minimize discharges from dredged material disposal sites; and the management of dredged material disposal site dikes, berms, and water control

structures so as to minimize erosion, breaches, and discharges. In all cases, mixing zones shall be designed to avoid living communities of stony corals [true stony corals (order Scleractinia) hydrocorals (order Milleporina)], and octocorals (subclass Octocorallia), sponge bed communities (Porifera), oyster bars (Crassostrea spp.), macroalgae of the family Caulerpaceae, and seagrass (Potamogetaceae, Hydrocharitaceae and Cymodoceae).

(f) At all times during active dredging, the collection, analysis, and monitoring of the water quality samples required under this general permit must be conducted and performed by individuals who have prior training and experience in collecting and analyzing water quality samples using the Standard Operating Procedures accessible at the Department's Internet site and in accordance with Chapter 62-160, F.A.C. Such qualified individual(s) shall be on site at all times necessary to ensure full compliance with the requirements of this ~~noticed~~ general permit. In the event the water quality monitoring required under this general permit detects violations of state water quality standards, dredging shall cease immediately until the source of the violation is identified, measures taken to avoid future violations, and the receiving waters again meet applicable water quality standards. Weekly reports describing the hours of dredging accomplished and the results of the required monitoring will be provided to the South District office of the Department. Any violations of ~~state~~ water quality standards and/or other requirements of this ~~noticed~~ general permit shall be immediately reported to the South District office of the Department.

(g) The permittee shall be responsible for ensuring that all contractors and other entities implementing this general permit comply with the following standard manatee and marine turtle conditions:–

~~1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel shall be responsible for observing water related activities for the presence of manatees.~~

~~2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. If the dredging activity results in any manatee being harmed, harassed, or killed as a result of construction activities, the Department will refer the matter to the Florida Fish and Wildlife Conservation Commission (FWC) for appropriate action.~~

~~1.3. Siltation barriers shall be made of material in which manatees and turtles cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers associated with any project or~~

~~activity activities~~ authorized by this general permit shall not block manatee entry to or exit from manatee feeding areas and the following manatee warm water refuge areas:

a. No change.

b. ~~Defined~~ The defined manatee protection speed zone within the Franklin Locks East Trafficshed and all waters of the Caloosahatchee River within 1/4 mile east of the easternmost end of the Franklin Lock & Dam.

c. through e. No change.

~~4. All vessels associated with the project shall operate at "no wake idle" speeds at all times while in water where the draft of the vessel provides less than four foot clearance from the bottom, and such vessels shall follow routes of deep water whenever possible.~~

~~5. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.~~

~~6. Any collision with or injury to a manatee or marine turtle shall be reported immediately to the FWC at 1(888)404-FWCC (1(888)404-3922).~~

~~7. Temporary signs concerning manatees shall be posted prior to and during dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "Caution: Manatee Area" shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction, and shall be placed visible to the vessel operator. The second sign shall be at least 8 inches by 11 inches and read: Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with or injury to a manatee shall be reported immediately to the FWC at 1(888)404-FWCC (1(888)404-3922). Specific information on obtaining these signs may be obtained by contacting the FWC.~~

8. through 11. renumbered 2. through 5. No change.

(h) through (m) No change.

~~(4) WCIND is advised that, pursuant to Section 556.105, F.S., excavating contractors are required to provide certain information concerning the excavation through the one-call notification system not less than two, nor more than five, business days before beginning any excavation.~~

(5) No change.

~~(6) Dredged~~ In accordance with Section 253.77, F.S., dredged material removed from state-owned sovereign submerged lands under this general permit is exempt from the payment of severed dredged material fees in accordance with

Section 253.77, F.S. However, dredged material with economic value, such as beach quality sand, shall be used for public purposes to the maximum extent practicable.

Table 1, No change.

Exhibit A, No change.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(1), 253.77(4), 258.42, 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(1), 373.414(1)(b), 373.414(9), 373.416, 373.426, 403.061(34), 403.813(3), 403.814(1) FS. History—New 2-18-10, Formerly 62-341.494, 62-330.441, Amended.

62-330.417 General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities.

(1) A general permit is hereby granted, except in waters that are accessible to manatees within Charlotte, Hillsborough, Levy, Manatee, and Pinellas Counties or the St. Johns River and its tributaries in Lake and Seminole Counties, for construction, alteration, maintenance, and operation of a single boat ramp for the following entities or facilities:

(a) through (d) No change.

(2) The boat ramp and associated facilities must meet all of the following conditions:

~~(a) The work does not qualify for an exemption under Part IV of Chapter 373, F.S., or Part V of Chapter 403, F.S.~~

(b) renumbered (a) No change.

(c) renumbered (b) No change.

~~(d) The construction, alteration, or use of the boat ramp, including any accessory docks, shall not adversely impede navigation or create a navigational hazard in the water body.~~

~~(e) There shall be no dredging or filling of submerged grassbeds or coral communities.~~

~~(f) There shall be no filling of wetlands or other surface waters, other than for construction of the actual boat ramp surface, incidental filling associated with recontouring the land under the ramp to create a smooth grade, and placement of pilings for associated accessory docks.~~

~~(c)(g) There shall be no work in, on, or over submerged grassbeds or coral communities. No part of the accessory docks shall be located over submerged grassbeds or coral communities.~~

(h) renumbered (d) No change.

~~(i) All dredged material that results from activities authorized by this general permit shall be deposited in an upland spoil site designed and located to prevent the escape of dredged material into wetlands or other surface waters.~~

~~(e)(j) The above-water portion of the boat ramp shall be paved or otherwise stabilized to prevent turbidity.~~

~~(k) The work shall not cause or contribute to violations of state water quality standards.~~

~~(f)(4)~~ Work under this general permit shall not commence until the Agency Department has provided written confirmation that the applicant qualifies to use the general permit.

~~(g)(m)~~ This general permit is limited to one use per parcel of property and cannot be combined with other ~~noticed~~ general permits or exemptions.

(3) Construction of the boat ramp is limited as follows:

(a) The boat ramp for a single-family or multi-family dwelling unit, under pursuant to paragraph (1)(a) or (b), is limited to a single lane and must not exceed a width of 20 feet, including the side slopes, with the boat ramp surface not to exceed a width of 12 feet.

(b) The boat ramp for a commercial or governmental entity under pursuant to paragraph (1)(c) or (d) is limited to a maximum of two lanes and must not exceed a width of 60 feet, including the side slopes, with the ramp surface not to exceed a width of 36 feet.

(c) Construction or expansion of a multi-family, commercial, or governmental boat ramp under pursuant to paragraph (1)(b), (c), or (d) in waters that are accessible to manatees must meet the following criteria:

1. The proposed boat ramp facility must be consistent with the state approved manatee protection plan in counties required to have a manatee protection plan adopted under Section 379.2431(2), F.S., or in counties that have voluntarily completed a state approved manatee protection plan. Documentation of plan consistency must be submitted concurrently with the notice to use the general permit in the form of a letter of consistency concurrence from the Florida Fish and Wildlife Conservation Commission.

2. The proposed boat ramp facility must have a kiosk or permanent information display board providing information on manatee protection and applicable manatee zones as adopted in Chapter 68C-22, F.A.C., (June 13, 2012) (~~42-9-09~~) for that county.

~~3. The owner of the boat ramp shall be responsible for ensuring that all construction of the boat ramp complies with the following:~~

~~a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.~~

~~b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.~~

~~e. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment or entrapment. Barriers must not impede manatee movement.~~

~~d. All on site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50 foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.~~

~~e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission Hotline at (1(888)404 FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville 1(904)731 3336) for north Florida or Vero Beach (1 (772) 562-3909) for south Florida.~~

~~f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities: one a "Caution: Boaters" sign and another a "Caution: Shutdown" sign each following the format, size, and placement requirements shown on the Florida Fish and Wildlife Conservation Commission website: [http://www.myfwc.com/docs/WildlifeHabitats/Manatee\\_EducationalSign.pdf](http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf).~~

(d) A boat ramp for a multi-family residence or for commercial or governmental entities under pursuant to paragraph (1)(b), (c), or (d) can have a maximum of two accessory docks, abutting either one or both sides of the boat ramp, provided that the cumulative square footage of accessory docks over wetlands or other surface waters does not exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside Outstanding Florida Waters. In addition, the accessory docks shall not be used for overnight mooring.

~~(4) Any new construction of upland parking or other impervious surface associated with boat ramps for single family, multi family, and commercial entities pursuant to paragraph (1)(a), (b), or (c) is subject to the permitting requirements and criteria in Chapters 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40D-4, 40D-40, 40E-4, 40E-40, 62-330, or 62-346, F.A.C.~~

~~(4)(5)~~ The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity under pursuant to paragraph (1)(d) shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.

(a) No change.

(b) No system shall accept or treat runoff from offsite areas not associated with the total project area runoff.

(c) through (e) No change.

(f) The permittee must maintain the ~~integrity of the~~ treatment system and buffer strips at all times for the life of the system.

(g) No change.

~~(h) The duration of the general permit for the activities authorized in this subsection is (5) five years for construction or alteration, and permanent for operation and maintenance of the surface water management system.~~

~~(5)(6)~~ Commercial or governmental entities proposing to construct a boat ramp under pursuant to paragraph (1)(c) or (d) shall execute and record in the public land records of the county in which the boat ramp is located a fully executed binding agreement. Commercial entities shall execute and record the Agreement to Maintain Public Access, ~~12-9-09~~, incorporated herein as Form 62-330.417(1) [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02508>) ~~62-330.417(6)(a)~~, ensuring the facility will remain open to the general public for the life of the facility. Governmental entities shall execute and record the Agreement to Maintain Public Access and Operate Stormwater Systems, ~~12-9-09~~, incorporated herein as Form 62-330.417(2) [effective date] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02509>) ~~62-330.417(6)(b)~~, ensuring the facility will remain open to the general public for the life of the facility and to ensure that the stormwater management system associated with the boat ramp will be operated and maintained for the life of the system. Copies of incorporated materials may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

~~(7) The construction or alteration of a boat ramp or accessory docks does not obligate the Department to approve any subsequent request to dredge for navigational access.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (5), 373.406(5), 373.413, 373.4131, 373.414(1), (9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 12-9-09, Formerly 62-341.417, Amended \_\_\_\_\_.

62-330.427 General Permit for Certain Piers and Associated Structures.

(1) A general permit is ~~hereby~~ granted to any person to construct, extend, or remove piers and associated structures as described below:

(a) No change.

(b) Public fishing piers that do not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state “No Boat Mooring Allowed.”;

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, boat mooring locations, or terminal platforms, shall not occur over submerged grassbeds, coral communities or wetlands. ~~In addition, the boat mooring location shall not be over submerged grassbeds, coral communities or wetlands.~~ However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no ~~wet bars, or living quarters over wetlands or other surface waters or on the pier, or other structures~~ and ~~no structure authorized by this general permit shall be enclosed by walls or doors on all sides.~~

~~(c) The structure and its use shall not significantly impede navigability in the water body;~~

~~(d) There shall be no dredging or filling associated with construction of the structures authorized herein, other than that required for installation of the actual pilings for the pier, boat lift, boat shelter, gazebo, or terminal platform;~~

(e) through (f) renumbered (c) through (d) No change.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.427, Amended \_\_\_\_\_.

62-330.428 General Permit for Floating Vessel Platforms and Floating Boat Lifts.

~~(1) A general permit for all activities that are not otherwise exempt under Section 403.813(1)(s), F.S., is hereby granted to the owner of an individual, detached, private single-family residence to construct, alter, operate, maintain, and remove floating vessel platforms or floating boat lifts (“platforms or lifts”) at their residence, under subject to the following limitations and conditions; described herein. All the criteria, conditions, and limitations contained herein are applicable solely for the purposes of this general permit.~~

(1) Platforms and lifts are authorized only at a dock or along a seawall associated with an individual, detached, private single-family residence on the contiguous uplands. For purposes of this general permit, an individual, detached, single-family residence does not include duplexes, triplexes or quadruplexes.

(2) The dock or seawall must meet one of the following:

(a) It was built prior to July 1, 1975;

(c) It complies with a permit issued under Chapter 403 or Part IV of Chapter 373, F.S.; or



(d) It was built in accordance with an exemption under Section 403.813(1), F.S.

(3) The platforms and lifts:

(a) Shall not be located within an aquatic preserve as designated and described in Chapter 258, F.S., or within federally designated critical habitat for Johnson's seagrass (*Halophila johnsonii*);

(b)(2) Shall be limited in size as follows:

1. If built in artificial waters and residential canal systems, In artificially created waterways, floating vessel platforms or floating boat lifts are authorized at a dock or seawall associated with an individual, detached, private single family residence on the contiguous uplands, provided that all of the following conditions are met.

(a) The the platforms and lifts must not cumulatively cumulative over water (including wetlands) surface area of the floating vessel platforms or floating boat lifts must not exceed 1,000 square feet. "Cumulatively" means; either alone or in combination with any other floating vessel platforms or floating boat lifts along the person's applicant's shoreline.

(b) The floating vessel platforms or floating boat lifts, along with the vessel or vessels stored on the platforms or lifts:

1. Are located at least 10 feet inside of the applicant's riparian rights lines, at least 10 feet inside of the applicant's property lines, or if owned by someone other than the applicant or the state, at least 10 feet inside the applicant's projected property lines, using the same methodology used to locate and project riparian rights lines; and

2. Do not extend more than 25 percent into the width of the artificially created waterway, as measured from approximate mean high water to approximate mean high water in tidal waters, or from approximate ordinary high water to approximate ordinary high water in non-tidal waters.

(c) For purposes of this general permit, an artificially created waterway shall be defined as a body of water that has been totally created by dredging, filling, or excavation, with the upper edges of its two sides above wetlands and other surface waters, including canal systems where the adjoining land use consists primarily of private, single family residences.

(d) Floating vessel platforms and floating boat lifts shall be directly attached to docks or seawalls, as applicable, with lines, cables, chains, or collars around pilings in a manner that will not adversely affect submerged resources and without the use of bottom anchors.

2.(3) If built within In waters that are not artificially created waterways, floating vessel platforms or floating boat lifts are authorized provided that all of the following conditions are met:

(a) The cumulative over water (including wetlands) surface area of the floating vessel platforms or floating boat lifts must not exceed 675 square feet in waters that are not Outstanding Florida Waters, the platforms or lifts must not cumulatively exceed or 300 square feet within Outstanding

Florida Waters, either alone or in combination with any other floating vessel platforms or floating boat lifts along the person's applicant's shoreline.

3. If built in waters other than those listed above, the platforms and lifts must not cumulatively exceed 675 square feet along the person's shoreline.

(b) The floating vessel platforms or floating boat lifts, along with the vessel or vessels stored on the platforms or lifts:

1. Are located at least 10 feet inside of the applicant's riparian rights lines, at least 10 feet inside of the applicant's property lines, or if owned by someone other than the applicant or the state, at least 10 feet inside the applicant's projected property lines, using the same methodology used to locate and project riparian rights lines; and

2. Do not extend into the waterbody by more than 25 percent of its width, as measured from approximate mean high water to approximate mean high water in tidal waters, or from approximate ordinary high water to approximate ordinary high water in non-tidal waters.

(c) The floating vessel platforms or floating boat lifts are authorized only at a dock or along a seawall associated with an individual, detached, private single family residence on the contiguous uplands, where:

1. The dock or seawall was built in conformance with a permit issued under Sections 403.91 through 403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or Part IV of Chapter 373, F.S., provided the permit, any associated sovereignty submerged lands authorization required under Chapter 253 or 258, F.S., and any required local governmental authorization did not reflect or require a defined mooring area. For purposes of this general permit, a defined mooring area shall be defined as one that is clearly delineated by mooring pilings or finger piers or which is otherwise clearly labeled as such on the drawings associated with the above permit or submerged lands authorization;

2. The dock or seawall was exempt under Section 403.813(1), F.S.; or

3. The dock or seawall was legally constructed prior to July 1, 1975, and is still functional.

(c)(d) Shall not be located over submerged grassbeds, attached macroalgae, coral communities, or wetlands.

The location where the floating vessel platforms or floating boat lifts are to be placed must have less than a one percent coverage of light-dependent benthic resources, according to subsection 62-330.428(6), F.A.C. In addition, the floating vessel platforms or floating boat lifts must not be located over any area containing or any area previously documented to contain Johnson's seagrass (*Halophila johnsonii*), living stony coral [true stony coral (order *Scleractinia*) and hydrocoral (order *Milleporina*)], or octocoral (subclass *Octocorallia*) communities. For purposes of this general permit, a community shall not include an individual specimen or

scattered (less than one percent coverage) individual stony corals directly beneath the area to be occupied by the floating vessel platforms or floating boat lifts:

(e) Floating vessel platforms and floating boat lifts shall be directly attached to docks or seawalls, as applicable, with lines, cables, chains, or collars around pilings in a manner that will not adversely affect submerged resources and without the use of bottom anchors.

(4) Floating vessel platforms and floating boat lifts authorized under this general permit must be constructed, operated, and used so as to:

(a) Be for the exclusive use of residents (or their guests) of the individual, detached, single family upland residence on the contiguous uplands, and must not be used for, or in association with, any multi-family, revenue generating, or commercial purpose. For purposes of this general permit, an individual, detached, single family residence does not include duplexes, triplexes or quadruplexes;

(d)(b) ~~Shall be~~ Be used solely for the purpose of storing a vessel or vessels, such that the vessel or vessels are stored out of the water at all times when not in use;

(e) Be located in an area having, at all times, including when a vessel is being loaded or driven onto the floating vessel platform or floating boat lift, a minimum distance of at least two feet between the bottom of a fully loaded floating vessel platform or floating boat lift and either the bottom of the waterbody or the top of any submerged resources (at mature height for the area), whichever is less, as measured at mean low water in tidal areas or mean annual low water in non-tidal areas;

(d) Not cause significant adverse impacts to submerged lands, wetlands, shellfish areas, or other biological resources;

(e) Not cause or result in violations of water quality standards during construction or use, including when vessels are driven onto or off of the floating vessel platform or floating boat lift;

(f) Not be located within an aquatic preserve, as designated and described in Chapter 258, F.S.;

(e)(g) ~~Shall not~~ Not be added to structures or located in areas where boat mooring is specifically prohibited under conditions of a permit issued under either Chapter 403 in accordance with Sections 403.91 through 403.929, 1984 Supplement to the F.S. 1983, as amended, or Part IV of Chapter 373, F.S., or under an authorization under Chapter 253 or 258, F.S., or other form of authorization issued by a local government; and

(h) Not substantially impede the flow of water, adversely affect flood control, create a navigational hazard, or otherwise adversely impede navigation;

(i) Not be located in the following critical habitat locations for Johnson's seagrass (*Halophila johnsonii*) (URL, as published in the Federal Register, Vol. 65, No. 66 on April 5, 2000, and depicted in Figures 1 through 9 at the end of this

section: approximately 5.7 acres within the Indian River Lagoon north of the Sebastian Inlet Channel, and approximately 2.0 acres within the Indian River Lagoon south of the Sebastian Inlet Channel (Figure 1); approximately 4.3 acres within the Indian River Lagoon near the Fort Pierce Inlet (Figure 2); approximately 2,770 acres within the Indian River Lagoon north of the St. Lucie Inlet (Figure 3); approximately 900 acres within Hobe Sound (Figure 4); approximately 4.3 acres on the south side of Jupiter Inlet (Figure 5); approximately 15.0 acres within central Lake Worth Lagoon (Figure 6); approximately 95.5 acres within Lake Worth Lagoon in Boynton Beach (Figure 7); approximately 20.0 acres within Lake Wyman in Boca Raton (Figure 8); and 18,757 acres within Biscayne Bay (Figure 9); and

(j) Comply with the general conditions in Rule 62-330.405, F.A.C., and, if on submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, the conditions in subsection (5) of this general permit.

(4)(5) ~~If located within submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, the following additional conditions must also be met to qualify for Compliance with all the terms and conditions of this general permit, including the general conditions in paragraphs (5)(a) and (b) below, shall constitute consent authorization to use and occupy such lands under Chapter 253, F.S.:~~ submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund. The following general conditions shall be binding upon the grantee, and shall be enforceable under Chapters 253 and 403, F.S.:

(a) ~~The All~~ All floating vessel platforms and/or floating boat lifts under this general permit must be installed, operated and maintained in conformance with all the applicable terms and conditions of subsections 18-21.004(3) and (7), F.A.C., Rules 18-21.004 and Rule 18-21.0041, F.A.C.

(b) The platforms and lifts must not extend more than 25 percent into the width of the waterway, as measured from approximate mean high water to approximate mean high water in tidal waters, or from approximate ordinary high water to approximate ordinary high water in non-tidal waters;

(c)(b) ~~All floating vessel Platforms platforms and or floating boat lifts under this general permit that are located on any lands under the jurisdiction or management of the Department's Division of Recreation and Parks must have prior written approval by the Division of Recreation and Parks, and such approval must be submitted with the notice to use this general permit.~~

(6)(a) ~~Where required in accordance with paragraph 62-330.428(2)(c) or (3)(d), F.A.C., notice to use this general permit shall include a report of a resource reconnaissance performed by a person with expertise in the field of marine science, aquatic ecology, or biology. The reconnaissance must be conducted during April, May, June, July, August, September, or October within one year prior to submittal of the~~

notice to use this general permit, and shall encompass the submerged bottom where the floating vessel platform or floating boat lift is to be placed. The reconnaissance must document the absence or presence (including amount and height) of light dependent resources, which, for purposes of this general permit, shall consist of: Johnson's seagrass (*Halophila johnsonii*) and other submerged or emergent rooted aquatic macrophytes, attached marine macro-algae, living stony corals [true stony corals (order Scleractinia) and hydrocorals (order Milleporina)], and octocorals (subclass Octocorallia). The report also must document the water depths at mean low water (in tidal waters) or mean annual low water (in non-tidal waters) at the nearshore edge, center, and farshore edge of the proposed location of the floating vessel platform or floating boat lift. The report shall include: a statement signed by the person performing the reconnaissance to the effect that the findings in the report accurately describe the conditions as they existed during the reconnaissance; a description of the date, time, and climatic conditions when the reconnaissance was done; the name of the person or persons performing the reconnaissance and their qualifications; a sealed or fully dimensioned sketch that clearly delineates the area inspected, including both a depiction of the configuration of the proposed floating vessel platform or floating boat lift in relation to the area inspected, any identifying features (including existing and proposed structures along the shoreline); and any notes or other specific findings that the person performing the reconnaissance desires to include. Resource presence or absence shall be documented and mapped using standard field methods. When present, the percent cover and height of the light dependent resources shall be determined and reported using the resource survey procedures described in paragraph (6)(b). All methods used shall be clearly described in the report of the resource survey.

(b) Resource surveys shall be performed using the following procedures:

1. Resource percent cover — A visual estimate of the percent cover of the light dependent resources on the bottom directly beneath the footprint of the area to be occupied by the floating vessel platform or floating boat lift shall be reported and depicted on the sketch required in paragraph (6)(a). When resources are present, their location shall be shown on the sketch and dominant community types labeled (such as by dominant macrophyte species, or as “living true stony coral community,” or as “attached macro marine algae community”), and the presence of any Johnson's seagrass also shall be specifically noted. Percent cover estimates shall be based on either stem count or canopy cover standard methodologies published in vegetation monitoring literature, such as J. Braun-Blanquet, *Plant Sociology: The Study of Plant Communities* (Hafner Publishing, New York 1972).

2. Height of resources — The average mature height, for the general waterbody, of each of the resources identified in subparagraph (6)(b)1., above, shall be provided. Alternatively, where the average mature height of the resources for the waterbody is not known, the height of the tallest resource specimen shall be reported (to the nearest centimeter) for each different community type within the footprint where the floating vessel platform or floating boat lift is to be located. For macrophyte resources, the height shall be determined by combing with fingers the blades of each macrophyte species vertically up along a meter stick, and measuring the composite or average height of the blades.

(7) Permittees are advised of the following requirements:

(a) They need to obtain a Works of the District permit for the floating vessel platform or floating boat lift from the applicable water management district where required under Chapter 40B-4, 40D-6, or 40E-6, F.A.C.

(b) All in-water activities associated with construction or replacement of a floating vessel platform or floating boat lift, and all vessel operation within a manatee “No Entry Zone” or a “Motorboat Prohibited Zone” must be in compliance with Chapter 68C-22, F.A.C.

(8) The notice to use this general permit (Sections A and B of Form 62-343.900(1)) must contain an attached statement from the applicant certifying that the applicant contacted the county and applicable municipal local government with jurisdiction over the dock or seawall to which a floating vessel platform or floating boat lift is to be attached, and the county and municipal local government verified that the applicant's floating vessel platform or floating boat lift will not be located in an area where the local government has issued an authorization prohibiting boat mooring or defining a boat mooring area.

(9) This general permit does not place additional limits or restrictions on the construction, operation, and maintenance of floating vessel platforms and floating boat lifts that otherwise are exempt under Section 403.813(1), F.S.

Figure 1, Critical Habitat for Johnson's seagrass (*Halophila johnsonii*) within the Indian River Lagoon north and south of the Sebastian Inlet Channel See existing Rule 62-330.428, F.A.C.

Figure 2, Critical Habitat for Johnson's seagrass (*Halophila johnsonii*) within the Indian River Lagoon near the Ft. Pierce Inlet See existing Rule 62-330.428, F.A.C.

Figure 3, Critical Habitat for Johnson's seagrass (*Halophila johnsonii*) within the Indian River Lagoon along the western shoreline of Hutchinson Island north of the St. Lucie Inlet See existing Rule 62-330.428, F.A.C.

Figure 4, Critical Habitat for Johnson's seagrass (*Halophila johnsonii*) within Hobe Sound along the western shoreline of Jupiter Island See existing Rule 62-330.428, F.A.C.

~~Figure 5, Critical Habitat for Johnson's seagrass (Halophila johnsonii) on the south side of Jupiter Inlet See existing Rule 62-330.428, F.A.C.~~

~~Figure 6, Critical Habitat for Johnson's seagrass (Halophila johnsonii) north of Bingham Island in central Lake Worth Lagoon See existing Rule 62-330.428, F.A.C.~~

~~Figure 7, Critical Habitat for Johnson's seagrass (Halophila johnsonii) within Lake Worth, near Boynton Inlet in Boynton Beach See existing Rule 62-330.428, F.A.C.~~

~~Figure 8, Critical Habitat for Johnson's seagrass (Halophila johnsonii) within Lake Wyman in Boca Raton See existing Rule 62-330.428, F.A.C.~~

~~Figure 9, Critical Habitat for Johnson's seagrass (Halophila johnsonii) within a portion of Biscayne Bay See existing Rule 62-330.428, F.A.C.~~

Rulemaking Authority 373.026(7), 373.043, 373.044, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1), 403.813(1), 403.814(1) FS. Law Implemented 253.04, 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.813(1), 403.814(1) FS. History—New 8-4-05, Formerly 62-341.428, Amended \_\_\_\_\_.

62-330.431 General Permit for Installation of Riprap.

(1) A general permit is hereby granted to any person to install ~~installing~~ riprap at the toe of an existing vertical seawall, provided:

~~(a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimensions;~~

~~(a)(b) At~~ At the toe of an existing vertical seawall, provided ~~the~~ The slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than eight feet;

~~(c) There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments;~~

~~(d) Neither the distance nor the use of the riprap shall interfere with navigation;~~

~~(e) There is no filling or dredging associated with the placement of riprap other than the riprap material itself;~~

~~(f) There shall be no filling of submerged grassbeds;~~

~~(g) The amount of wetland area filled shall not exceed 100 square feet; and~~

~~(h) There shall be no filling of coral communities.~~

(b) At an individual, private residential single-family property that is not part of a larger plan of common development, provided:

1. The slope of the riprap is no steeper than two horizontal to one vertical, and the horizontal distance from the existing mean high water or approximate ordinary high water is no more than 8 feet;

2. Riprap is not placed along a length of shoreline of more than 100 linear feet, and is not combined as part of any other use of this general permit on the same parcel of land.

(2) This general permit shall be subject to the specific conditions as follows:

~~(a) Installation of the structure does not obligate the Department to approve any subsequent request to dredge for navigational access;~~

The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimension, and there are no reinforcing rods or other similar protrusions in the concrete rubble;

(b) There is no filling of submerged grassbeds or coral communities;

(c) The amount of wetland area filled shall not exceed 100 square feet; and

~~(d)(b) There is shall be~~ no backfilling to obtain useable upland, or to straighten an otherwise sinuous shoreline, or to and

~~(e) There shall be no filling or backfilling to reclaim land lost by avulsion or erosion.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.431, Amended \_\_\_\_\_.

62-330.437 General Permit for the Installation of Fences.

A general permit is hereby granted to ~~any person~~ install ~~installing~~ a fence in wetlands or other surface waters; under all of the following conditions:

~~(1) The fence shall not be located except~~ in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting; ~~provided:~~

~~(1) The structure shall not block navigation, create a navigational hazard, impede the natural flow of water by itself or through the accumulation of debris;~~

(2) The No fence shall extend a distance of no more than 25 feet waterward into the be installed into open water waters (areas of water bodies not supporting emergent vegetation) of any navigable river, stream, canal, or tributary thereof, a distance of more than 25 feet or no more than 20 twenty percent of the width of the open water, whichever is less. "Open water" means any portion of the waterway that is devoid of emergent vegetation;

(3) In a lake, the and no fence shall extend no more than 15 feet waterward of the landward extent of any lake, including contiguous wetlands;

~~(4)(3)~~ The fence ~~shall will~~ be constructed of wire attached to posts ~~rising which project~~ at least two feet above the mean ~~high water, the mean~~ annual flood, or the ordinary high water elevation of the waterway; ~~and~~

~~(5)(4)~~ In navigable waters and all lakes, the ~~top of the fence posts structure~~ shall be ~~adequately~~ marked with reflectors visible from ~~all both~~ directions ~~so as to prevent the fence from being a navigational hazard, paralleling the shoreline; and~~

~~(5)~~ Dredging or filling performed shall be limited to that necessary to install individual fence posts.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.437, Amended \_\_\_\_\_.

62-330.439 General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings, and Bridges of Artificial Waterways.

(1) A general permit is ~~hereby~~ granted to any person for the purpose of constructing or maintaining a culverted driveway or roadway crossing, or bridge of an artificial waterway, provided:

(a) through (b) No change.

(c) The size and number of the culvert(s) shall be adequate to pass normal high water stages of the artificial water body being crossed. In no instance shall the culvert(s) provide a smaller cross-sectional area or hydraulic discharge capacity than any upstream culvert;

(d) through (e) No change.

(f) The top width of the driveway, roadway, or bridge shall not exceed 75 feet, the toe to toe width shall not exceed 100 feet, and the side slopes shall not be steeper than two ± horizontal to one ± vertical; ~~and~~

~~(g) Clean fill used for the crossing must be obtained from uplands or from a dredge site which is in compliance with the permitting requirements of Part IV of Chapter 373, F.S., as applicable;~~

~~(h) There shall be no additional dredging, filling, or construction activities, except as exempted from regulation under Part IV, Chapter 373, F.S., and those directly involved in the construction or maintenance of the proposed crossing or bridge; and~~

(i) renumbered (g) No change.

(2) This general permit shall be subject to the following specific conditions:

~~(a) The permittee shall stabilize fill areas and waterway banks disturbed by the activity by revegetation or riprap within 72 hours of completion of construction to prevent erosion, siltation or turbid runoff into wetlands and other surface waters; and~~

~~(2)(b)~~ If dewatering or channel flow diversion is performed, ~~all~~ temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs ~~and no siltation, erosion or turbid discharges into wetlands or other surface waters occur in violation of state water quality standards~~. Any temporary works shall be completely removed and all areas upstream and downstream from the crossing shall be restored to grades, elevations, and conditions existing ~~which existed~~ before construction.

(3) This general permit shall apply only to a maximum of two crossings on a given parcel of property, with a minimum distance of 500 feet between crossings. ~~Maintenance shall be allowed at any and all existing structures meeting the specifications of this general permit.~~

(4) This general permit shall not apply if relocation:

~~(a) Relocation~~ of all or part of the artificial waterway is required; ~~or~~

~~(b) Dredging or filling activities are required, other than for the proposed culvert crossing, except as exempted from regulation under Part IV, Chapter 373, F.S.~~

(5) This general permit does not authorize any road construction or alteration connecting to a crossing ~~authorized by this general permit.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.439, Amended \_\_\_\_\_.

62-330.443 General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Bridge Alteration, Placement, Replacement, Removal, Maintenance, and Operation.

(1) A general permit is ~~hereby~~ granted to the Florida Department of Transportation, counties, and municipalities to conduct the activities described below:

(a) The alteration, placement, replacement, removal, modification, or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.50 acre ~~(2023 square meters or 0.2 hectares)~~. Placement of bridges shall occur only as part of existing maintained roadways; and

(b) Channel clearing and shaping, not to exceed a combined total of 0.5 ~~acre~~ acres ~~(2023 square meters or 0.2 hectares)~~ of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or water from the spoil deposition area into wetlands or other surface waters is prohibited.

(2) This general permit shall be subject to the following specific conditions:

~~(a) In addition to compliance with the notice provisions of subsection 62-343.090(1), F.A.C., within 90 days following completion of construction, the permittee will notify by letter the Department office to which notice was originally given of the date construction activities were completed;~~

~~(a)(b) No dredging of access or work channels is authorized by this general permit;~~

~~(b)(e) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;~~

~~(c)(d) All fill placed in wetlands, other than fill on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original wetland elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "clear zones," as described in Chapter 3, *Roadside Design Guide* (American Association of State Highway and Transportation Officials dated October 1988), revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. During the five-year period following the initial planting or restoration of the site, these areas shall be maintained to ensure planted or naturally recruited native wetland species are surviving and growing, and that the areal coverage of exotic and invasive species constitutes less than 10% areal coverage. These wetland areas shall be maintained, and planted as necessary to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within the clear zones, that are disturbed by fill shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within 18 months of completion of construction, and forested wetlands other than forested wetlands in clear zones that are disturbed by fill shall have achieved a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction. A maintenance plan must be developed implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non native vegetation must be controlled such that it does not constitute more than 10 percent of the areal cover in any stratum at any time for the five year period following the initial planting or restoration of the site;~~

~~(d)(e) Hydraulic openings of bridges constructed under paragraph (1)(a) above shall be sufficient to prevent downstream scour, increased downstream water velocities, and increased flood elevations on the property of others;~~

~~(e)(f) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in Chapter 2 of the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5C, (March~~

26, 2004) M16590.5A, June 6, 1994, incorporated by reference herein (URL), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. and in no circumstance shall placement or replacement of a bridge result in a reduction of horizontal and vertical navigational clearances;

~~(g) Horizontal and vertical clearances for replacement bridge structures shall meet or exceed those of the bridge being replaced;~~

~~(h) Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity;~~

~~(i) The fill areas and the banks of the water body shall be stabilized with vegetation or riprap within seven days following completion of slope construction. This stabilization is considered a construction priority and completed fill slopes in wetlands and other surface waters shall not remain unstabilized while other construction continues;~~

~~(j) This general permit does not authorize the use of dredged material for roadway construction;~~

~~(k) The permittee shall use erosion and sediment control best management practices, including turbidity curtains or similar devices, in strict adherence to these practices as described in Chapter 6, *The Florida Development Manual: A Guide to Sound Land and Water Management* (Florida Department of Environmental Regulation, 1988), incorporated by reference herein to prevent violations of state water quality standards;~~

~~(l)(t) This general permit authorizes dredging and filling for the replacement, modification, or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement or modification of a bridge that includes changes in the configuration of the bridge and fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 62-330, F.A.C. Part IV of Chapter 373, F.S., as applicable, before the start of construction; and~~

~~(g)(m) This general permit does not authorize replacement or modification of bridges or approaches that which involve the construction of additional traffic lanes, except that any single-lane bridge may be widened to two travel lanes, provided the bridge widening does not exceed that reasonably necessary to match the existing travel lane alignment of a two-lane road.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.443, Amended \_\_\_\_\_.

62-330.447 General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities ~~within~~ ~~Within~~ Existing Rights-of-Way or Easements.

(1) A general permit is ~~hereby~~ granted to the Florida Department of Transportation, counties, and municipalities to conduct the activities described below.:

(a) The extension of existing culverts and crossing approaches ~~that are authorized under a separate permit or exemption under Part IV of Chapter 373, F.S., as applicable,~~ to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1,000 ~~1000~~ cubic yards (~~765 cubic meters~~) in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acre ~~acres~~ (~~1012 square meters or 0.1 hectare~~) at any one culverted crossing. The 1,000 ~~1000~~ cubic yardage (~~765 cubic meters~~) limitation shall be separately applied to excavation and deposition of material.:

(b) Relocation, recontouring, widening, or reconstruction of existing highway drainage ditches through uplands provided the floor elevation of the ditch is not deepened below the original design elevation and provided that the work does not cause a change in the hydrology of any wetlands which are connected to or which are adjacent to the ditch.:

(c) Culvert placement, replacement and maintenance associated with existing roadways, ~~in streams with an average discharge of less than 10 cubic feet per second (0.28 cubic meters per second) at the culvert location or streams draining less than 10 square miles (25.9 square kilometers),~~ provided that construction does not cause scour in the downstream waters or increase the velocity of the water downstream, does not reduce existing flood conveyance of the stream for the 100-year flood flow and does not reduce existing flood storage within the 10-year flood plain. The material excavated or deposited as fill shall not exceed 1,000 ~~1000~~ cubic yards (~~765 cubic meters~~) in wetlands and other surface waters. The cross sectional area of the culvert shall not be reduced, unless the reduced cross section provides an equal or greater discharge capability. In the case of a culvert replacement installed as a wildlife crossing, the cross sectional area shall not be reduced.:

(d) Construction of temporary bypass lanes and stream channel diversions necessary to complete projects detailed in paragraph (c) above, provided the area used for the temporary bypass lanes and temporary diversion is restored to its previous contours and elevations.:

(e) Channel clearing and shaping, not to exceed a combined total of 0.5 acre ~~acres~~ (~~2023 square meters or 0.2 hectares~~) of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of structures authorized by paragraph (c) above, where the spoil material is used on an upland portion of the project or is

deposited on a self-contained, upland spoil site. Escape of spoil material and return water from the spoil deposition area into wetlands or other surface waters is prohibited.:

(f) Repair of existing concrete bridge pilings by the construction of pile jackets, provided that the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards (~~229 cubic meters~~) of dredging or 300 cubic yards (~~229 cubic meters~~) of filling per project. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, proper turbidity control measures shall be employed as necessary to prevent violations of state water quality standards.

(g) Ditch or canal bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch or canal. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three-year period.

(h) Roadway safety activities, such as installation of call boxes, sidewalks, guard rails, signs, poles, and mast arms within existing right-of-way that incur no more dredging or filling than 500 square feet per activity, provided the total impact to wetlands or other surface waters does not involve more than 0.5 acre.

(2) This general permit shall be subject to the following specific conditions:

~~(a) The permittee shall use erosion and sediment control best management practices, including turbidity curtains or similar devices, in strict adherence to these practices as described in Chapter 6, The Florida Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation, 1988) to prevent violation of state water quality standards;~~

~~(b) Immediately following completion of slope construction, the fill areas and any disturbed banks of wetlands or other surface waters shall be stabilized with vegetation or riprap to prevent erosion. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues;~~

~~(c) In addition to complying with the notice provisions of subsection 62-343.090(1), F.A.C., at least 90 days prior to commencement of construction, the permittee shall provide written notification to the Department office to which the prior notice was given of the date the permitted construction~~

~~activities are planned to begin and within 90 days following completion of construction, the permittee shall provide written notification to the office of the Department that received the original notice to use the general permit of the date construction activities are completed;~~

~~(a)(d)~~ The permittee shall limit stream channel relocation to streams which have an average discharge of 10 cubic feet per second ~~(0.28 cubic meters per second)~~ or less. The length of relocated channels or those significantly altered shall be limited to 200 feet ~~(61 meters)~~ per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability; and

~~(e)~~ renumbered (b) No change.

(c) Activities under this general permit must not diminish existing stormwater treatment, attenuation, or conveyance capacity.

~~(d)(3)~~ This general permit does not authorize the construction of additional traffic lanes. Activities that Systems which require additional traffic lanes must first obtain an a general or individual environmental resource permit under this chapter Part IV of Chapter 373, F.S., as applicable, before the start of construction.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.447, Amended \_\_\_\_\_.

62-330.448 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.4145, 373.418, 403.805(1), 403.813(1)(t) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.4145, 373.416, 373.418, 373.419, 403.813(1)(t) FS. History—New 2-22-07, Amended 10-1-07, Formerly 62-341.448, Repealed \_\_\_\_\_.

62-330.449 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Airport Airside Stormwater Management Systems.

(1) A general permit is granted to the owner of a public or private airport for the construction, alteration, abandonment, removal, operation, and maintenance of stormwater management systems that serve permanently-paved airside activities, which, for the purposes of this rule, are defined as those components of an airport used for aircraft taxiing, landing, takeoff, loading, unloading, service materials storage and service equipment parking.

(2) The stormwater management systems shall be:

(a) Designed such that the stormwater nutrient loading does not exceed the stormwater nutrient loading from natural vegetative communities. The calculation of such loadings shall

be done using the methodology and data set forth in the Statewide Airport Stormwater Best Management Practices Manual. ("Airside BMP Manual") Florida Department of Transportation—Aviation Office (March 6, 2013), incorporated by reference herein (URL). A copy may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(b) Constructed, altered, operated, and maintained such that the runoff from airside activities drains directly to pervious areas that employ one or more of the following applicable structural Best Management Practices (BMPs):

1. Overland flow, as described in Section 605.a of the Airside BMP Manual.

2. Dry retention basin, as described in Section 605.b of the Airside BMP Manual.

3. Swales, as described in Section 605.c of the Airside BMP Manual.

(c) This general permit is only authorized for use where post development site conditions comply with the criteria set forth above.

(3) The projects in subsection (2), above, must also be constructed, operated, and maintained to comply with the following design criteria and performance standards:

(a) There shall be no dredging or filling in wetlands or other surface waters other than those within existing stormwater management systems.

(b) Discharges cannot adversely affect the conveyance capacity of receiving waters, and cannot increase flooding of off-site property or to property not owned by the permittee, based on the design storm specified for the site locale.

(4) Stormwater management systems serving airside areas that consist of underdrains, wet detention systems, other retention methods, and/or alternative treatment systems do not qualify for authorization under this general permit.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New \_\_\_\_\_.

62-330.450 General Permit for Construction, Alteration, and Operation of Urban Infill and Redevelopment Activities in Conformance with the Conceptual Approval Permit in Rule 62-330.056, F.A.C.

A general permit is issued that authorizes construction, alteration, operation, and maintenance of urban infill and redevelopment projects contemplated by a conceptual approval permit issued under Rule 62-330.055, F.A.C., provided all the following conditions are met:

(1) The activities must be within a community redevelopment area created under Part III of Chapter 163, F.S., or an urban infill and redevelopment area designated under Section 163.2517, F.S., that is the subject of a conceptual approval permit issued under Rule 62-330.055, F.A.C.



(2) The notice of intent to use this general permit must include one set of construction plans and calculations prepared by a registered professional that:

(a) Depict all stormwater management features, all existing and proposed impervious areas, all existing and proposed pervious areas, and the land uses within the site of the proposed activities.

(b) Demonstrate a reduction of loading of pollutants, as identified in the conceptual approval permit, under the existing and proposed conditions at the site of the proposed activities.

(c) Constitute a design consistent with the terms and conditions of the conceptual approval permit, including an identification of the owner and operator of the stormwater management systems, and a demonstration of acceptance of such responsibility by that owner or operator.

(d) Identify the specific location within the urban infill and redevelopment area where activities are proposed, including any areas within or connected to the development area that have been or will be set-aside for preservation, or where construction otherwise is not to occur.

(3) The Agency shall have 30 days upon receipt of the notice to respond as to whether the plans and calculations are in substantial compliance with the conceptual approval permit. If they are, construction of that portion of the site addressed by those plans may commence. If the Agency determines that the plans and calculations are not in substantial compliance with the conceptual approval permit, the Agency shall, within 30 days of receipt of the notice, inform the applicant of the inconsistencies, the measures needed to address those inconsistencies, and that verification of qualification to use the general permit is denied without prejudice. The applicant may resubmit a notice to use this general permit once those inconsistencies have been addressed. Construction of the projects that are the subject of the original notice shall not commence until the permittee has resubmitted a revised notice and obtained verification that the activities qualify for the general permit.

(4) Construction must be performed in compliance with the terms and conditions of the conceptual approval permit.

(5) As part of reviewing the qualification to use this general permit, the Agency will verify the number of debits that must be made to the ledger of target pollutant loads (mass per acre) if the activities included in the notice are constructed, and will debit that amount from the master ledger approved in the conceptual approval permit.

(6) Within 30 days of completion of construction, the registered professional shall submit certification that construction was completed in substantial conformance with the plans and calculations that were submitted in the verified qualification to use this general permit.

(7) This general permit authorizes construction of the above authorized projects within a duration of five years from verification of qualification; operation and maintenance of the authorized system shall be the responsibility of the owner and operator for the life of the project or activity.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New \_\_\_\_\_.

62-330.451 General Permit to Counties, Municipalities, and other Agencies to Conduct Stormwater Retrofit Activities.

(1) A general permit is granted to counties, municipalities, state agencies and water management districts to construct, operate and maintain stormwater retrofit activities as authorized below for improving existing surface water and stormwater systems. This general permit may be used in conjunction with exempt activities.

(2) Types of stormwater retrofit activities authorized under this general permit are:

(a) Construction or alteration that will add additional treatment or attenuation capacity and capability to an existing stormwater management system;

(b) The modification, reconstruction, or relocation of an existing stormwater management system or stormwater discharge facility;

(c) Stabilization of eroding banks, and installation of structures such as gabions to limit sidebank erosion; or

(d) Excavation or dredging to remove sediments or other pollutants that have accumulated in existing surface waters as a result of stormwater runoff and stormwater discharges, provided the material removed is not deposited in existing wetlands or other surface waters.

(3) Stormwater retrofit activities shall not:

(a) Be proposed or implemented for the purpose of providing the water quality treatment or flood control needed to serve new development or redevelopment; or

(b) Include a dam that has more than 50 acre-feet of storage capacity if the dam is more than five feet high, nor a dam having a height of ten or more feet, regardless of storage capacity. Height is measured from the top of the dam to the natural bed of the stream or watercourse at the downward toe of the dam, or from the lowest elevation of the outside limit of the dam to the maximum elevation of the dam.

(4) There is no limit to the acreage of stormwater retrofit activities in artificial waters. Work in wetlands and non-artificial surface waters shall be limited to no more than 0.5 acre.

(5) A stormwater quality retrofit activity must result in at least one of the following:

(a) Addition of treatment capacity to an existing stormwater management system such that it reduces stormwater pollutant loadings to receiving waters;

(b) Addition of treatment or attenuation capability to an existing developed area when either the existing stormwater management system or the developed area has substandard stormwater treatment and attenuation capabilities, compared to what would be required for a new system requiring a permit under Part IV of Chapter 373, F.S.; or

(c) Removal of pollutants generated by, or resulting from, previous stormwater discharges.

(6) A water quantity retrofit project proposed to reduce existing flooding problems must be designed in such a way that the project does not:

(a) Result in a net reduction in water quality treatment provided by the existing stormwater management system;

(b) Increase discharges of untreated stormwater entering receiving waters;

(7) The project must be designed, constructed, and implemented so that it will be implemented as a complete, stand-alone project within the construction phase duration of a general permit, and such that it will not at any time during its construction or operation:

(a) Cause or contribute to any water quality violations;

(b) Contribute to any existing violation if it discharges pollutants into waters where existing ambient water quality does not meet water quality standards for those pollutants. In such a case, the project must include measures that will cause a net improvement in the receiving waters for those pollutants in accordance with Section 373.414(1)(b)3., F.S.;

(c) Adversely affect the value of functions provided to fish and wildlife by wetlands or other surface waters;

(d) Adversely affect the hydroperiod of wetlands on adjacent lands or the hydroperiod of other wetlands upstream, downstream, or adjoining to the work area under subsection (4), above;

(e) Cause or contribute to increased flooding of adjacent lands or cause new adverse water quantity impacts to receiving waters;

(f) Add or increase any chemical treatment;

(g) Be operated by pumps or other mechanical or adjustable features;

(h) Adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(8) The entity conducting this general permit must conduct at least one pre-notice meeting with Agency staff having responsibility for the review of the proposed activities. The notice required in Rule 62-330.402, F.A.C., shall include materials reflecting the recommendations of the Agency discussed during that meeting, and demonstrating compliance with the above, including a certification by a registered professional that the proposed activity will meet the criteria specified above. Such certification shall include appropriate design analyses, pollutant loading analyses, modeling and

other engineering calculations, drawings, specifications and other information to support, describe, verify, and document the registered professional's certification.

(9) Nothing in this general permit will preclude a county or municipality from obtaining and implementing a Basin Management Action Plan with water quality credits for activities performed under this authorization.

(10) Within 30 days after completion of construction, a registered professional shall submit certification that construction was completed in substantial conformance with the plans and calculations that were submitted in the notice to use this general permit.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History--New \_\_\_\_\_.

62-330.453 General Permit for Installation, Maintenance, Repair, and Removal of Underground Utility Lines Cable, Conduit, or Pipeline.

(1) A general permit is hereby granted for the installation, maintenance, repair, and removal of underground utility lines, cable, conduit, or pipeline transmitting that transmit electricity, communication signals, potable water, raw water, reclaimed water, domestic wastewater, propane gas or natural gas.

(2) For the purposes of this general permit:

(a) "Directional drilling" means the linear or curvilinear, excavation of a tunnel or conduit, in any direction, through the use of drilling equipment that can change direction during excavation; this also includes borehole reaming and pulling following primary drilling.

(b) "Jack-and-bore" means the linear, primarily lateral excavation of a tunnel, typically between excavated subgrade pits, through use of drilling equipment and encasement which is advanced under mechanical force, and includes similar methods commonly termed as "microtunneling."

(c) "Frac-out" means any release of drilling fluid or slurry which results in above-grade discharge of drilling fluid or slurry or significant loss of such fluid or slurry into the surrounding parent material.

~~(3)~~(2) This general permit is limited as follows subject to the following special conditions:

(a) No work occurs within Outstanding Florida Waters, Aquatic Preserves, or Class I waters;

(b) The installation of conduit or pipeline to drain wetlands or other surface waters is not authorized;

(c) Prior to work, existing pipelines shall be evacuated of substances which, if released, could result in a violation of state water quality standards;

~~(d)~~(a) The maximum width of the disturbed corridor in wetlands shall not exceed 30 feet. ~~The maximum width of the excavated trench shall not exceed eight feet, with temporary spoil storage banks not to exceed ten feet in width;~~

~~(e)(b)~~ The total area of forested wetland disturbance shall not exceed 0.5 acre ~~acres of forested wetlands~~ per ten miles of cable, conduit, or pipeline;

(f) Minor above-grade improvements may be constructed in uplands under this general permit, but shall be limited to vents, valves, meter assemblies, relays, junction boxes, pads or similar structures that are directly connected to the utility line, do not create discharges, and which cumulatively comprise no more than 100 square feet of impervious surfaces per mile of utility line.

(g) Installation, maintenance, repair, and removal activities performed via trenching or methods other than directional drilling or jack-and-bore, are subject to the following special conditions:

1. The maximum width of the excavated trench shall not exceed eight feet, with temporary spoil storage banks not to exceed ten feet in width;

(c) renumber 2. No change.

~~(d) Maintenance trimming or removal of trees in wetlands will be conducted only within the impacted areas authorized under this general permit and only as necessary to perform repairs on the cable, conduit, or pipeline;~~

~~3.(e) Trenching in surface waters shall be limited to This general permit does not authorize construction in surface waters other than wetlands, artificial waters, and residential canal systems;~~

~~(f) There shall be no net placement of permanent fill resulting from the activities authorized by this general permit;~~

~~(g) There shall be no dredging or filling in wetlands to access the work areas authorized by this general permit, except for temporary mats. All temporary mats shall be removed within thirty days after completion of the installation of the line within the wetland portion of the project;~~

~~(h) The works authorized by this general permit shall not impede the flow of water in wetlands or other surface waters, except for a maximum period of 30 days during construction, provided that the impeded flow does not cause flooding and shall not adversely affect the wetlands or other surface waters;~~

(i) renumber 4. No change.

(h) Installation, maintenance, repair, and removal conducted using directional drilling or jack-and-bore methods are subject to the following special conditions:

1. The maximum outside diameter of the cable, conduit or pipeline, including encasement, shall not exceed 24 inches;

2. A minimum of depth of cover, equal to the greater of either five feet, or five times the maximum encased diameter of the utility line to be installed, shall be maintained between the top of the utility line and casing and the soil surface or submerged bottom of any wetland or waterbody being crossed.

3. All work areas associated with directional drilling or jack-and-bore activities, including entrance and exit pits, drill rigs, tanks, pumps, drilling fluid mixing and settling pits, dewatering systems and staging areas for pipe, cables, and drill string, shall be located within uplands.

4. The use of drilling fluids shall not cause or contribute to a violation of state ground water quality criteria and standards, as defined in 62-520, F.A.C.

5. The permittee shall, at least 48 hours prior to commencement of any directional drilling or jack-and-bore activities, submit to the agency the name, as registered with the Florida Department of State, and all-hours telephone contact information of all contractors responsible for drilling and for containment and cleanup in the event of a drilling fluid frac-out or spill;

6. Contractor shall, at all times during directional drilling activities, maintain appropriate equipment and materials in a readily-accessible location and condition, to effectively contain and clean up a drilling fluid frac-out or spill;

7. The permittee or the permittee's contractor shall, at all times during directional drilling activities, ensure that appropriately-trained personnel monitor downhole equipment position, drilling fluid circulation and pressures, and actively monitor the entire utility line route for surface frac-out of drilling fluids;

8. Drilling activities shall be discontinued and the drilling fluid or slurry shall be contained using appropriate methods as soon as possible, in the event of a drilling fluid frac-out or spill. Removal of drilling fluid or slurry from wetlands and other surface waters shall be initiated and completed in the most expeditious manner practicable. Removed drilling fluid shall be contained or disposed of in an appropriate upland location. Any frac-out or spill of drilling fluid into wetlands or other surface waters shall be reported to Agency staff within 24 hours following detection of the spill or frac-out.

~~(j) This general permit does not authorize the installation of conduit for draining wetlands or other surface waters;~~

~~(k) Pre-construction ground elevations and the contours of all disturbed soils, including vehicle ruts in wetlands and other surface waters, shall be restored within 30 days of completion of line installation. Restored grades shall be stabilized within 72 hours following completion of elevation and contour restoration to minimize erosion;~~

~~(l) Vehicle usage in wetlands and other surface waters shall be conducted so as to minimize tire rutting and erosion impacts;~~

~~(m) For purposes of this general permit, vehicular access in wetlands and other surface waters shall be limited to existing roads, trails, rights of way or easements, and to other previously disturbed corridors where they exist;~~

~~(n) This general permit shall not apply in Outstanding Florida Waters, Outstanding National Resource Waters, Aquatic Preserves, or Class I waters; and~~

~~(e) During the initial clearing event and when conducting subsequent normal maintenance activities, the permittee shall eradicate all Brazilian pepper (*Schinus terebinthifolius*), Australian pine (*Casuarina* spp.), and punk tree (*Melaleuca quinquinerva*) from the wetland portions of the utility right of way.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.453, Amended \_\_\_\_\_.

62-330.455 General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters.

(1) A general permit is hereby granted to ~~construct~~ any person constructing an aerial or piling-supported pipeline, cable, or conduit crossing of a waterbody artificial waterways (including man-made canals and drainage ditches as defined in Section 403.803, F.S.) and natural water bodies, where the width of such waterways or waterbodies is having a width of no greater than 25 feet, provided:

(a) The crossing is not located in, on, or over Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting if the pipeline or conduit conveys petroleum. ~~For the purposes of this section, aerial pipeline, cable, and conduit crossings include pipelines, cables, and conduits transporting potable water, raw non-wastewater, including: well water and reservoir water, reclaimed water, domestic wastewater, phosphate matrix slurry, phosphatic clay or sand tailings, recirculated water from beneficiation processes, or other substances which, if leaked, could contaminate drinking water supplies or result in closure of shellfish harvesting waters propane gas, natural gas; electrical power cables and conduits that are not subject to the provisions of Sections 403.52-539, F.S.; and telephone and other electronic communication cables and conduits;~~

(b) ~~No~~ There shall be a minimum clearance of five feet between the pipeline, cable or conduit and the elevation of the mean or ordinary high water line, and no pipeline, cable, or conduit shall be lower than existing crossings of the waterbody pipeline, cable or conduit structures in the area;

(e) The structure shall not create a navigational hazard or impede the natural flow of water;

(d) Dredging shall be restricted to that quantity necessary for actual installation of the support piles, and no fill other than the support piles shall be placed within wetlands or other surface waters, and any disturbance of the side slopes of the waterway shall be stabilized with native vegetation;

(c)(e) Work to activities for the install installation of the aerial crossing shall be restricted to a width of no more than thirty feet on each side of the crossing alignment. In cases

where multiple pipes, cables or conduits are to be installed along the same alignment the thirty-foot width shall commence from the outermost pipes, cables or conduits. For the purposes of this general permit, no more than three pipes shall be placed along a given alignment, and in no case shall the total disturbance area exceed 75 feet in width; and

~~(f) Construction techniques necessary for the installation of the aerial pipeline, cable or conduit, including the transport and placement of materials, shall not disturb the adjacent bottoms of the waterbody or adversely affect water quality.~~

(2) This general permit shall be subject to the following specific conditions:

(a) ~~Any pipeline, or conduit transporting authorized materials, other than propane gas, natural gas, potable water or raw non wastewater, shall be subject to the following spill prevention design criteria:~~

1. ~~Double piping (pipe within a pipe) constructed in such a manner that any leakage from the inside pipe into the outside pipe shall be conveyed to spill detention areas constructed in areas outside of wetland or other surface waters; and~~

2. ~~Pressure sensitive devices designed to detect any leak shall be installed proximal to the aerial crossing and shall be designed to allow both visual and audible detection; and~~

~~(d)(b)~~ The Agency Department shall be notified within 24 hours of any leak or failure of any of the pipes associated with the aerial crossing.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.455, Amended \_\_\_\_\_.

62-330.457 General Permit for Subaqueous Utility Crossings of Artificial Waterways.

(1) A general permit is hereby granted to any person constructing, repairing or replacing a subaqueous utility crossing of artificial waters and residential canal systems, waterways (which are defined for purposes of this rule as residential canal systems and all other bodies of water that have been totally excavated from uplands, and which do not overlap wetlands or other surface waters at the location of the crossing and which were not created as a part of a mitigation plan) provided:

(a) The crossing work is not located in ~~Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting if the utility line conveys petroleum, domestic wastewater, phosphate matrix slurry, phosphatic clay or sand tailings, recirculated water from beneficiation processes, or other substances which, if leaked, could contaminate drinking water supplies or result in closure of shellfish harvesting waters;~~

~~(b) The crossing~~ Such construction shall be limited only to non-navigable watercourses or to those waterways in which navigation can be maintained at all times without the necessity of constructing temporary berms, dikes, or dams, or removing or relocating turbidity control devices to allow boat passage. Customary navigation through the waterway shall be maintained at all times during installation;

(c) No dredging or filling shall be conducted in wetlands or other surface waters, ~~which are located landward of the top of the banks of the an artificial waterway.~~ Dredging and back filling of littoral zones and wetland vegetation growing on the side slopes of the artificial waterway is authorized ~~may be performed only as is reasonably necessary to install the subaqueous utility line crossing and restore the banks to their original design specifications;~~

~~(d) There shall be no dewatering or construction of temporary berms or dikes;~~

(e) renumber (d) No change.

~~(e)(f)~~ The maximum width of the area disturbed by equipment during construction shall be no more than 30 feet wide;

(f) Temporary or permanent spoil disposal sites shall be located exclusively on uplands and shall be sited, designed, and managed to have the capacity to retain all dredged material;

(g) All previously excavated contours are restored with onsite native backfill, coarse sand, or clean, non-toxic rock bedding or cap material, as appropriate, within 72 hours following installation of the utility line.;

~~(h) This general permit shall only authorize utility installations extending from bank to opposite bank on a particular waterway. The placement of utility lines paralleling the watercourse alignment is not authorized; and~~

~~(i) Placement of the utility line shall not result in a navigational hazard. Customary navigation through the waterway shall be maintained at all times during installation.~~

(2) This general permit shall be subject to the following specific conditions:

~~(a) Measures shall be taken to prevent violations of state water quality standards during and after construction arising from the work, such as the use of turbidity curtains, staked filter cloth, and staked hay bales. Where turbidity curtains, filter cloth, hay bales, and similar structural measures are not sufficient to contain turbid runoff, additional measures, such as restricting work to periods of low flow and dry season months, shall be taken to ensure that construction can be performed in a manner which will not violate state water quality standards;~~

~~(b) All erodible ground areas and slopes disturbed during construction shall be revegetated with sod, mulch, seed, or wetland species or otherwise stabilized within 72 hours after installation of the utility line and at any other time as necessary to prevent violations of state water quality standards in wetlands or other surface waters;~~

~~(c) Temporary or permanent spoil disposal sites shall be located exclusively on uplands and shall be sited or designed to prevent violations of state water quality standards in wetlands or other surface waters;~~

~~(d) The utility crossing shall be designed in accordance with generally recognized practices of sound engineering; and~~

~~(e) Signs shall be installed and maintained at conspicuous locations to identify the alignment and type of the utility line within wetlands or other surface waters.~~

(2) Installation, maintenance, repair, and removal conducted using directional drilling or jack-and-bore methods under this general permit are subject to the following special conditions.

(a) The maximum outside diameter of the cable, conduit or pipeline, including encasement, shall not exceed 24 inches.

(b) A minimum of depth of cover, equal to the greater of either five feet, or five times the maximum encased diameter of the utility line to be installed, shall be maintained between the top of the utility line and casing and the soil surface or submerged bottom of any wetland or waterbody being crossed.

(c) All work areas associated with directional drilling or jack-and-bore activities, including entrance and exit pits, drill rigs, tanks, pumps, drilling fluid mixing and settling pits, dewatering systems and staging areas for pipe, cables, and drill string, shall be located within uplands.

(d) The use of drilling fluids shall not cause or contribute to a violation of state ground water quality criteria or standards, as defined in Chapter 62-520, F.A.C.

(e) At least 48 hours prior to commencement of any directional drilling or jack-and-bore activities, the permittee shall submit to the agency the name, as registered with the Florida Department of State, and all-hours telephone contact information of all contractors responsible for drilling and for containment and cleanup in the event of a drilling fluid frac-out or spill.

(f) The permittee or the contractor shall, at all times during directional drilling activities, maintain appropriate equipment and materials in a readily-accessible location and condition, to effectively contain and clean up a drilling fluid frac-out or spill;

(g) The permittee or the permittee's contractor shall, at all times during directional drilling activities, ensure that appropriately-trained personnel monitor downhole equipment position, drilling fluid circulation and pressures, and actively monitor the entire utility line route for surface frac-out of drilling fluids.

(h) Drilling activities shall be discontinued and the drilling fluid or slurry shall be contained using appropriate methods as soon as possible, in the event of a drilling fluid frac-out or spill. Removal of drilling fluid or slurry from wetlands and other surface waters shall be initiated and completed in the most expeditious manner practicable. Removed drilling fluid shall be contained or disposed of in an appropriate upland location.

Any frac-out or spill of drilling fluid into wetlands or other surface waters shall be reported to Agency staff within 24 hours following detection of the spill or frac-out.

(3) For purposes of this general permit, utility crossings or lines include: crossings and lines transporting potable water, raw non wastewater, including well water and reservoir water or domestic wastewater, propane gas, natural gas; electric power cables and conduits that are not subject to Sections 403.52-539, F.S.; and telephone and other electronic communication cables and conduits.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.457, Amended \_\_\_\_\_.

62-330.458 General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities.

(1) A general permit is provided in subsection 403.814(6), F.S., for the construction of power lines and electrical support structures by electric utilities ~~Definitions~~. Terms used in this general permit shall have the meanings specified below:

(a) through (f) No change.

(g) “Siting board” means the Governor and Cabinet as provided in Section ~~403.503(8)~~ ~~403.503(6)~~, F.S.;

(h) No change.

(2) Activities conducted under this general permit shall comply with subsection 403.814(6), F.S., and the following additional conditions. ~~A general permit is provided for the construction of power lines and electrical support structures by electric utilities, provided the following provisions are met:~~

(a) ~~The shoreline of forested wetlands is interpreted to be the mean or ordinary high water line. The project is not covered by a certification issued under Part II of Chapter 403, F.S.;~~

(b) ~~All permanent fill shall be at grade. Fill shall be limited to that necessary for electrical support structures, including towers, poles, and guy wires, stabilizing backfill necessary for the aforementioned structures and at grade access roads limited to a width of 20 feet;~~

(c) ~~Access and work areas may be cleared to the ground, including removal of stumps as necessary; however, such clearing shall be limited to the following:~~

1. ~~A linear access area of up to 25 feet wide between electrical support structures;~~

2. ~~An access area of up to 25 feet wide from the edge of the power line right of way to electric support structures; and~~

3. ~~Work areas around the electrical support structures, towers, poles, and guy wires;~~

(b)(d) ~~Vegetation in wetlands under the conductor and up to 20 feet on either side of the outermost conductor may be cut or removed by hand or by mechanized equipment to a height no lower than the soil surface. Any mechanized equipment that~~

~~is used to cut or remove vegetation shall be of a type and be operated so as to minimize soil compaction. Except for Brazilian pepper (*Schinus terebinthifolius*), Australian pine (*Casuarina* spp.), and punk tree (*Melaleuca quinquinerva*), clearing in the remainder of the project right of way within wetlands shall be limited to selective clearing of vegetation which has an expected mature height of 14 feet or more. During construction and while conducting normal maintenance activities, the permittee shall eradicate all Brazilian pepper, Australian pine, and *Melaleuca* from the wetland portion of the right of way. During the initial clearing event, and during subsequent maintenance cycles, EPA approved herbicides may be used on the following:~~

1. through 2. No change.

3. ~~Any specimen of Nuisance and~~ exotic vegetation within the right-of-way;

(c)(e) ~~Not more than 15 acres of forested wetlands may be cleared to the ground within each ten mile section of the project, whether or not filling activities occur within the wetlands. In sections where filling activities, as defined in subsection 62-330.021(10) and (14), F.A.C., occur, not more than 4 acres of forested wetland may be cleared to the ground within each 10 mile section of the project, with no more than one impact site exceeding 0.5 acres per ten mile section. The one impact site which may exceed 0.5 acres shall not exceed 2.0 acres. Areas that are dominated (90 percent or greater aerial coverage) by exotic species shall not be included in the acreage calculation of clearing to ground of forested wetlands. The ten mile sections shall be measured from the beginning of the project to the terminus of the project, or vice versa, and the sections shall not end in a wetland. In cases where the section does end in a wetland, the Department shall designate the closest landward edge of the wetland shall be as the section terminus;~~

(f) ~~Erosion and turbidity control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. The applicant shall submit to the Department, along with the notice of intent to use this general permit, a narrative that documents the applicant will use erosion and turbidity control methods that are consistent with generally accepted industry practice;~~

(d)(g) ~~Diversion and impoundment of surface waters shall be limited to incidental diversion during construction, and diversion which occurs around support structures, towers, guy wires, and poles;~~

(h) ~~The proposed construction and clearing shall be conducted in a manner that does not adversely affect threatened or endangered species. The applicant shall submit to the Department, along with the notice of intent to use this general permit, a narrative summary of surveys that have been performed on the existence and potential existence of threatened and endangered species within and adjacent to the project, and the expected effects on these species; and~~

~~(i) The proposed construction and clearing shall not result in a permanent change to existing ground surface elevation.~~

~~(3) The clearing of vegetation in wetlands to construct new power lines that do not require the placement of structures in wetlands or other dredge or fill activities in wetlands or other surface waters, does not require an individual or general permit.~~

~~(4) This general permit shall not apply to any portion of a project located in forested wetlands located within 550 feet from the mean or ordinary high water line of a wetland or other surface water designated as an Outstanding Florida Water or Outstanding National Resource Water.~~

~~Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.620, Amended \_\_\_\_\_.~~

62-330.459 General Permit for Relocation of Aerial Electric and Communication Lines Associated with Road Improvement Projects.

(1) A general permit is hereby provided for use by electric and communication utilities to relocate aerial transmission and distribution lines, including utility poles and associated bases and anchoring devices within or adjacent to the rights of way of existing roadways.

(2) This general permit applies only to relocation projects necessitated by widening or improvement of existing roads. Documentation of the road widening or improvement that necessitates the relocation shall be submitted at the time the notice to use this general permit is submitted to the Agency Department.

(3) No change.

(4) This general permit is subject to the following special conditions:

(a) The relocation of the poles shall be either within the existing or proposed road right-of-way or within ten feet adjacent to the existing or proposed road right-of-way;

(b) There shall be no above grade access roads, and no permanent placement of fill in wetlands or other surface waters for access roads or other purposes, other than the utility poles, associated bases, and anchoring devices;

~~(c) There shall be no dredging or filling in wetlands or other surface waters to access the pole installation site except for the placement of temporary mats. All temporary mats shall be removed within thirty days after removal or replacement of the utility poles, associated bases, and anchoring devices;~~

~~(d) The installation of the utility pole(s) and associated anchoring devices shall not interfere with navigation or impede the flow in wetlands or other surface waters;~~

~~(e) Except for the permitted structure, pre-construction ground elevations and the contours of all disturbed soils, including vehicle ruts in wetlands and other surface waters~~

~~shall be restored within 30 days following completion of line installation. Restored grades shall be stabilized within 72 hours following completion of elevation and contour restoration to minimize erosion;~~

~~(f) Vehicle usage in wetlands and other surface waters shall be conducted so as to minimize tire rutting and erosion impacts;~~

~~(g) The use of water jets is not authorized except for those which are a pre engineered part of the pole. Water for the jets shall be recirculated on site or discharged in a self-contained upland;~~

~~(h) In open surface waters, this general permit shall apply only where there is sufficient depth to allow access by shallow draft floating vessels (e.g., barges or rafts) without altering bottom contours, disturbing submerged grassbeds, prop dredging, or causing a violation of state water quality standards for turbidity, or where work can be accomplished from an upland location;~~

~~(c)(i) The Work proposed construction shall not impact any living stony coral, soft coral, macro-marine algae community, or submerged grassbeds;~~

~~(j) For purposes of this general permit, vehicular access in wetlands and other surface waters shall be limited to existing roads, trails, rights-of-way or easements, and to other previously disturbed corridors where they exist;~~

~~(d)(k) The clearing of wetland vegetation shall be limited to 0.5 acre acres per 10 miles of transmission or distribution line, unless the clearing of vegetation is addressed in a previously issued permit under pursuant to Part IV, Chapter 373, F.S., which authorized the road widening or improvement;~~

~~(l) This general permit does not apply to the installation of transmission or distribution line structures that require permanent fill pads or permanent access roads;~~

~~(m) This general permit shall not apply to relocation of a transmission line that requires or has received a certification issued under Part II of Chapter 403, F.S.; and~~

~~(n) During the initial clearing event and when conducting subsequent normal maintenance activities, the permittee shall eradicate all Brazilian pepper (*Schinus terebinthifolius*), Australian pine (*Casuarina* spp.), and punk tree (*Melaleuca quinquinerva*) from the wetland portions of the utility right-of-way.~~

~~Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.4137, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.621, Amended \_\_\_\_\_.~~

62-330.463 General Permit for Breaching Mosquito Control Impoundments and for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

(1) A general permit is hereby granted to any governmental mosquito control agency to construct and operate culverts and associated water control structures for the control of water levels in mosquito control impoundments, and to breach mosquito control impoundments, provided:

(a) The work construction or operation of the culvert and associated water control structure is done only to provide improved transport of tidal water and organisms between the impounded wetland and adjacent surface waters or between cells within existing mosquito control impoundments for the purpose of improving water quality and the quality of fish and wildlife values;

(b) The general permit does not authorize the construction or operation of culverts and associated water control structures for the purpose of facilitating aquaculture;

(b)(e) The work construction or operation of culverts and associated water control structures is not required as mitigation under Part IV of Chapter 373, F.S.;

(d) Access for the construction or operation of the culverts and associated water control structures does not require dredging or filling in wetlands or other surface waters or equipment access through wetlands;

(c)(e) Breaches, culverts, Culverts and associated water control structures shall be installed in locations that restore historic flow patterns, such as at or adjacent to historic locations of tidal creeks, and shall be located and operated such that state water quality standards for dissolved oxygen shall not be violated in the receiving waters outside the impoundment;

(f) renumber (d) No change.

(g) This general permit does not constitute authorization to enter upon the property of others to perform activities authorized by this permit; and

(e)(h) Culverts and This general permit does not authorize the construction of culverts or water control structures shall not be constructed in the locations of existing breaches of the impoundment dike.

(2) This general permit shall be subject to the following specific conditions:

(f)(a) Culverts and associated water control structures shall be made of a corrosion resistant material;

(g)(b) The diameter and invert elevation of the culverts and associated water control structures shall be sufficient to maintain flow and prevent scouring under expected hydrologic conditions; and

(g) Spoil material excavated during construction of the breaches shall be handled and deposited so as to prevent violations of state water quality standards for turbidity, and shall be contained in a self-contained upland disposal site; and

(i)(e) Within 72 hours after construction of each culvert and associated water control structure, and at any other time as necessary to prevent erosion, siltation and turbidity that causes violations of state water quality standards in wetlands or other surface waters, the Wetlands wetlands disturbed by construction shall be stabilized with indigenous wetland vegetation or clean riprap, and the uplands disturbed by construction shall be stabilized with vegetation, riprap, or other means.

(2)(3) The Agency Department shall send a copy of the notice to use this general permit to the Chairman of the Subcommittee on Managed Marshes which is established under Section 388.46, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.463, Amended

62-330.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.467, Repealed

62-330.475 General Permit for Minor Activities and Single-family Residential Activities in Isolated Wetlands.

(1) A general permit is hereby granted to construct, alter, maintain, operate, abandon, and remove the following for the construction, alteration, maintenance, operation, abandonment and removal of the following minor activities systems:

(a) Piling supported structures of less than 1,000 square feet over wetlands or other surface waters, other than those which are not designated Outstanding Florida Waters;

(b) Piling supported structures up to of less than 500 square feet over wetlands or other surface waters in an Outstanding Florida Waters Water;

(c) Up to The dredging or filling of less than 100 square feet of dredging or filling in wetlands or other surface waters;

(d) Less than 4,000 square feet of impervious surface in uplands that is subject to vehicular traffic such as roads, parking lots and driveways, and less than 9,000 square feet total of impervious surface in uplands. However, this paragraph shall not apply within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C 41.063(3)(e)1., F.A.C., or in any Area of Critical State Concern;



~~(d)(e)~~ Maintenance dredging of up to fifty cubic yards or less of material from wetlands or other surface waters, provided that the dredged material is placed in uplands, and turbidity control measures are employed to prevent return water from causing a violation of state water quality standards; or

~~(e)(f)~~ A single family residence, and proposed by the applicant, as long as it is not part of a larger plan of common development, including the associated residential improvements (such as a driveway, garage and an on-site sewage disposal system), provided:

1. The land on which the work is to occur is not part of a larger plan of common development;

2.1. The notice required in Rule 62-330.402, F.A.C., includes documentation that ~~This paragraph shall not apply to property which was part of a tract of land that was not divided into two or more parcels after July 1, 1994;~~

3.2. Work occurs only in uplands or in ~~This paragraph shall not apply to construction or alteration in surface waters other than isolated wetlands that are or any wetlands not within~~ in an Area of Critical State Concern or within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C-41.063(3)(e)1., F.A.C.;

4.3. Wetland impacts shall be eliminated except where unrestricted uplands are insufficient to support the residence and associated residential improvements. "Unrestricted uplands" are uplands that are not restricted by easement, deed restriction, local government regulation, setback, or similar restriction which would prevent construction there. Uplands are not considered restricted until all available variance or waiver procedures have been exhausted.

5. Wherever possible, structures in isolated wetlands should be built on pilings to minimize fill in wetlands.

6. No more than 4,000 square feet of isolated wetlands are dredged or filled; and no more than 6,000 square feet of isolated wetlands are cleared (this includes the area dredged or filled for the residence and associated residential improvements). Dredging and filling of isolated wetlands shall be limited to only those areas required for siting the portions of the residence and associated residential improvements which cannot be sited in uplands because there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which the residence and associated residential improvements can be located. Applicants are encouraged to construct structures that must be located in isolated wetlands on pilings to minimize the area of isolated wetlands filled for the residence and associated residential improvements. On-site sewage disposal systems shall be constructed in uplands unless there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which such disposal system can be located. For the purposes of this paragraph, "unrestricted area of uplands" means an area of uplands which is not restricted by

~~easement, deed restriction, local government regulation, or similar restriction which would prevent the activities authorized under this paragraph (e) and which is configured such that all or part of the residence and associated residential improvements can be constructed in the uplands. An area of uplands will only be considered restricted if all available variance or waiver procedures have been exhausted; and~~

~~4. The total area of dredging or filling in isolated wetlands for the residence and associated residential improvement shall not exceed 4000 square feet; and the total area of clearing in wetlands (including the dredging and filling for the residence and associated residential improvements) shall not exceed 6000 square feet on the contiguous property owned by the applicant.~~

~~(2) In order to qualify for Persons proposing to use this general permit, an applicant must provide, as part of the notice required in Rule 62-330.402, F.A.C., reasonable assurance that the proposed activity system:~~

~~(a) Does not significantly impede navigation and does not entail the construction of a structure for the launching or mooring of a boat when navigational access to the structure does not currently exist;~~

~~(b) through (c) renumbered (a) through (b) No change.~~

~~(c)(d) Does not adversely impact aquatic or wetland dependent listed species; and~~

~~(d)(e) Does not cause the drainage of wetlands; and~~

~~(f) Is not located in, on or over a coral community, macro-marine algae or submerged grassbed community. For the purposes of this general permit, macro-marine algae community shall not include algae unattached to the bottom, nor shall it include algae growing landward of the mean high water line or growing as an epiphyte on woody plants.~~

~~(3) Persons wishing to qualify for this general permit must file a notice, describing the proposed activities and providing plans and other information necessary to evaluate the potential for adverse impacts from the proposed activities. Any person proposing a system described in paragraph (1)(f) above, shall submit tax parcel information or other documentation, sufficient to establish that the property is not part of a tract of land that was divided into two or more parcels after July 1, 1994. The Agency Department will provide written notification to the person proposing to use this general permit applicant whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice. The proposed activity shall not be commenced until the Agency Department has provided written notice that the applicant qualifies for the general permit.~~

~~(4) A determination that an activity qualifies for a general permit General Permit for a minor activity applies only to the site specific activity, location, method of construction or operation of the authorized project, activity and the other design and operation features of the authorized activity.~~

(5) This general permit shall not be applicable on any parcel of property which has been the subject of the successive filing of notices under this ~~general permit section~~ within a three-year period where the combination of activities to be conducted ~~pursuant thereto~~ exceed the thresholds in this rule Rule 62-330.475, F.A.C.

(6) The provisions of (1)(e) do not supersede the exemption ~~set forth in Section subsection~~ 403.813(1)(q), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.475, Amended.

62-330.476 General Permit for Private Single-Family Residences ~~within~~ Within Jupiter Farms, Palm Beach County.

(1) A general permit is ~~hereby~~ granted for the construction, alteration, maintenance, operation, abandonment, and removal of single-family residences and associated on-site residential improvements within the wetlands and other surface waters in Jupiter Farms, Palm Beach County, as identified below. This includes the construction, alteration, maintenance, operation, abandonment, and removal of culverts or bridges over non-navigable drainage or irrigation ditches to provide access to the residence.

(2) This general permit is limited as follows:

(a) No change.

(b) Only one, single-family residence is authorized per parcel or lot. However, this shall not preclude additional living areas, such as “mother-in-law,” ~~maid,~~ and guest quarters that are part of the primary residence or other structures authorized under subsection 62-330.476(4), F.A.C.;

(c) through (f) No change.

(3) To implement mitigation that will offset impacts from the construction of residences within the above-described sections, persons wishing to use this general permit shall pay Palm Beach County, as described below, an amount calculated as “X” times \$4,000, where “X” equals the number of acres of wetlands or other surface waters that will be subject to construction, alteration, maintenance, or operation activities authorized herein, rounded to the nearest 0.01 acre (up to 0.75 acre).

(a) Initially these monies shall be applied to the Palm Beach County Department of Environmental Resources Management South Loxahatchee Slough Wetland Restoration Fund to implement the restoration, enhancement and long-term management of 237 acres of impacted wetlands within a 780-acre undeveloped parcel known as the South Loxahatchee Slough Restoration Project (SLSRP), in accordance with the Memorandum of Understanding between the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, Jacksonville District, and ~~the~~ Palm Beach County Board of County Commissioners through its Department of Environmental Resources Management

Regarding Mitigation for Jupiter Farms and Palm Beach Country Estates, dated August 26, 2002, (URL) which is herein adopted and incorporated by reference; a copy of this MOU may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. These wetlands are located south of PGA Boulevard, north of the Bee Line Highway, and west of the eastern leg of the C-18 Canal. This site is acknowledged to have the capability of providing 151.9 acre-credits of mitigation for wetland impacts within the above-described sections of Jupiter Farms;

(b) No change.

(4) For the purposes of this general permit, “associated on-site residential improvements” include ~~projects~~ activities that are directly associated with a private single-family residence on the property, such as: a driveway, garage, on-site sewage treatment and disposal systems, wells, utility services (water, electricity, telephone, cable, and gas), recreation structures, sheds, barns, stables and animal pens, walkways, boardwalks, lawns, fences, pools, ponds, and gardens. To be authorized under this general permit, such associated on-site residential improvements must be constructed concurrently with construction of an individual single-family residence, or after such residence has been lawfully constructed, and must conform to all the conditions and criteria of this general permit. For purposes of this general permit, associated on-site residential improvements shall not include docks, piers, boat ramps, or other structures designed to provide boating access in, on, or over surface waters, and also shall not include improvements used in whole or part for commercial agriculture or aquaculture operations.

(5) In addition to the general conditions of Rule 62-330.405, F.A.C., and the other limiting conditions of this general permit, the following specific conditions shall also apply:

(a) through (c) No change.

~~(d) The permittee shall implement soil stabilization, erosion, and sediment control best management practices during construction and at any other time when soil surfaces are disturbed such that the activities authorized under this general permit will not cause a violation of state water quality standards.~~

(e) renumbered (d) No change.

(6) No change.

(7) This general permit shall not be applicable on any parcel or lot that has been the subject of a prior filing of a notice under this section when the combination of activities to be conducted pursuant to the prior and pending notices exceeds the thresholds of this general permit. However, use of this general permit does not preclude the use of other permits or exemptions that may be applicable on the parcel or lot, except that the ~~general permit~~ Noticed General Permit under Rule 62-330.475, F.A.C., shall not be used with this general permit.

Rulemaking Authority 373.026, 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 2-19-03, Amended 11-3-04, Formerly 62-341.476, ~~Amended~~.

62-330.477 General Permit for Single Family Residential Lots ~~within~~ ~~Within~~ the Indian Trail Water Control District.

(1) through (4) No change.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418 FS. History—New 4-3-96, Formerly 62-341.630.

62-330.483 General Permit to the Department and Water Management Districts to Conduct Minor Activities.

A general permit is ~~hereby~~ granted to the Department and Water Management Districts to conduct the activities described below:–

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement or alteration of the structure; and channel and bank stabilization, including riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 ~~acre~~ ~~acres~~ for any one structure;–

(2) Canal bank and bottom stabilization necessary to repair erosion damage and restore previously existing canal configurations. Authorized repair methods include placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles or other similar stabilization materials. The distance to be restored or repaired shall not exceed ~~2,000~~ ~~2000~~ feet at any one location along canal banks and 500 feet along canal bottoms;–~~and~~

(3) No change.

(4) When the activity under this general permit is to be conducted by the Department ~~within the geographical area of the Northwest Florida Water Management District~~, the Department shall provide the notice and any ~~processing~~ fee required by ~~paragraph 62-346.090(2)(b)~~, F.A.C., to the ~~appropriate~~ District; ~~and the District shall process the notice as provided in subsection 62-346.090(2)~~, F.A.C.

(5) When the activity under this general permit is to be conducted by ~~a water management district~~ ~~the Department within the geographical area of the Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, or South Florida Water Management District~~, the ~~District~~ ~~Department~~ shall provide the notice and any required fee to the appropriate ~~Department office~~ ~~District~~ which shall process the notice according to ~~Rules 40B-400.483, 40C-400.483, 40D-400.483, or 40E-400.483, F.A.C., as applicable, and according to any related procedural rules of the District.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.4145, 373.416, 373.418 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.483, ~~Amended~~.

62-330.485 General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement.

(1) A general permit is ~~hereby~~ granted to the Department and ~~Water Management~~ Districts for the construction, alteration, operation, maintenance, removal and abandonment of ~~projects~~ ~~systems~~ to implement Department or District environmental restoration or enhancement projects.

(2) ~~In order to qualify for this general permit, The~~ the environmental restoration or enhancement project must comply with any one of the following procedures:

(a) The project is part of a Surface Water Improvement and Management Plan developed pursuant to Section 373.453, F.S., ~~that is reviewed by the Department and approved by a water management district in accordance with Section 373.456, F.S.;~~

(b) The project is approved by the ~~Water Management~~ District Governing Board or the Secretary of the Department after conducting at least one public meeting; or

(c) The project is wholly or partially funded by the Department through the Ecosystem Management and Restoration Trust Fund pursuant to Section 403.1651, F.S., or the Water Resource Restoration and Preservation Act pursuant to Section ~~403.0615~~ ~~403.0165~~, F.S.

~~(3) This general permit shall be subject to the following specific conditions:~~

~~(a) A project under this general permit shall not significantly impede navigation; and~~

~~(b) All erodible ground areas and slopes disturbed during construction shall be revegetated with sod, mulch, seed, wetland species, or otherwise appropriately stabilized within 72 hours after completion of the activity authorized under this general permit and at any other time as necessary to prevent violations of state water quality standards.~~

~~(3)(4)~~ When the activity ~~under this general permit~~ is to be conducted by the Department ~~within the geographical area of the Northwest Florida Water Management District (District)~~, the Department shall provide the notice and any processing fee required by ~~paragraph 62-346.090(2)(b), F.A.C., to the appropriate District, and the District shall process the notice as provided in subsection 62-346.090(2), F.A.C.~~

~~(4)(5)~~ When the activity ~~under this general permit~~ is to be conducted by ~~a District the Department within the geographical area of the Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, or South Florida Water Management District~~, the ~~District~~ Department shall provide the notice and any required fee to the appropriate ~~Department office District~~ which shall process the notice according to Rules 40B-400.485, 40C-400.485, 40D-400.485, or 40E-400.485, F.A.C., as applicable, and according to any related procedural rules of the District.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.485, Amended \_\_\_\_\_.

62-330.487 General Permit to the Department and Water Management Districts to Change Operating Schedules for Water Control Structures.

(1) A general permit is hereby granted to the Department and ~~Water Management~~ Districts to change the operating schedules for existing water control structures that are owned or operated by the Department or ~~Water Management~~ District when such changes are for environmental restoration or enhancement.

(2) The ~~Department or the~~ District Governing Board, ~~as applicable~~, shall hold at least one public meeting concerning the proposed operating schedule prior to its approval.

~~(3)~~ When the activity under this general permit is to be conducted by the Department ~~within the geographical area of the Northwest Florida Water Management District (District)~~, the Department shall provide the notice ~~and any fee required by paragraph 62-346.090(2)(b), F.A.C., to the appropriate District, and the District shall process the notice as provided in subsection 62-346.090(2), F.A.C.~~

~~(4)~~ When the activity under this general permit is to be conducted by ~~a District the Department within the geographical area of the Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, or South Florida Water Management District~~, the ~~District~~ Department shall provide the notice and any required fee to the appropriate ~~Department office District~~ which shall process the notice according to Rules 40B-400.487, 40C-400.487, 40D-400.487, or 40E-400.487, F.A.C., as applicable, and according to any related procedural rules of the District.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.487, Amended \_\_\_\_\_.

62-330.488 General Permit to Governmental Entities for Certain Public Use Facilities at Public Natural Areas.

(1) A general permit is granted to governmental entities to construct, operate, and maintain public use facilities on public natural areas. For purposes of this rule, “public natural areas” are predominantly undeveloped lands owned by the governmental entity and that are dedicated and managed for the preservation, restoration and maintenance of those lands. The public use facilities authorized by this permit are a parking lot or parking area and an at-grade access road, not to exceed a total size of 2 acres of impervious surface located entirely in uplands; at-grade access trails located entirely in uplands; restroom buildings and open-air shelters located entirely in uplands; pile-supported boardwalks having a maximum width of 6 feet; and pile-supported observation platforms, any of which shall not exceed 120 square feet in size.

(2) The facilities and work must comply with the following:

(a) No fill shall be placed in, on, or over wetlands or other surface waters, except pilings for pile-supported boardwalks and observation platforms. All structures located in, on, or over wetlands and other surface waters shall be sited and constructed to minimize wetland impacts and the removal of trees having a diameter at breast height of 4 inches or greater. To minimize shading of wetland vegetation, all pile-supported boardwalks and observation platforms located in, on, or over wetlands and other surface waters shall be elevated at least two feet above mean high water for tidal waters, at least two feet above seasonal high water for non-tidal waters, or four feet above ground surface, whichever is greater. The total area pile-supported structures over wetlands and other surface waters shall not exceed 10,000 square feet.

(b) All stormwater flow from the impervious surfaces shall sheet flow into uplands. Impervious surfaces shall be no more than one percent of the total acreage of the public natural area, not to exceed a total size of 2 acres of impervious surface. If pervious or semi-impervious surfaces or materials are used, the maximum area of roads, parking lots, parking areas and trails shall not exceed 2 acres, regardless of the total acreage of the public natural area. Water quality treatment shall be provided for the first inch of runoff from the impervious and semi-impervious surfaces.

(c) Impervious surfaces subject to vehicular traffic shall be constructed a minimum of 75 feet from any wetland or other surface water. Buildings and shelters shall be constructed a minimum of 25 feet away from any wetland or other surface water.

(d) Piling supported structures may not be located over coral, seagrasses or other submerged aquatic vegetation.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418 FS. History–New \_\_\_\_\_.

62-330.490 General Permit for the Reclamation of Eligible Phosphate Lands Mined Before July 1, 1975.

(1) A general permit is granted to all owners of lands mined or disturbed by the severance of phosphate before July 1, 1975, whose reclamation program application has been approved by the Department’s Office of Mining and Minerals Regulation, providing the reclamation program:

(a) Is wholly or partially funded by the Department through the Non-mandatory Land Reclamation Trust Fund pursuant to Chapter 378, Part I, F.S.; and

(b) Has an approved detailed non-mandatory land reclamation design plan that meets the standards and criteria in Chapter 62C-17, F.A.C.

(2) All work shall be in accordance with the approved non-mandatory land reclamation program and all provisions of Chapter 62C-17, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 378.034, 378.035 FS. History–New \_\_\_\_\_.

62-330.491 Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.426 FS. History–New 9-4-05, Formerly 62-341.491, Repealed \_\_\_\_\_.

62-330.492 ~~Noticed~~ General Permit for Prospecting for Limestone Sand, and Peat.

A general permit is ~~hereby~~ granted for prospecting for limestone, sand, and peat provided that all of the following conditions are met:

(1) through (2) No change.

(3) Prospecting in wetlands must meet the following conditions:

(a) No activities shall be conducted in Outstanding Florida Waters, Aquatic Preserves, Class I waters, Class II waters, waters which are classified by the Florida Department of Agriculture and Consumer Services as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting in Rule 5L-1.003, F.A.C., or wetlands used by endangered or threatened species designated in ~~Rule~~ Rules 68A-27.003, F.A.C. (September 19, 2012) and 68A-27.004, F.A.C., which is incorporated by reference herein

(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02572>), or 50 Code of Federal Regulations, Section 17.12, (October 1, 2011), which is incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02575>). Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. For purposes of this permit, a wetland is used by endangered or threatened species if reasonable scientific judgment indicates that the wetland provides habitat in which endangered or threatened species engage in activities such as resting, feeding, breeding, nesting or denning.

(b) through (c) No change.

(d) Prospecting lines shall be aligned to minimize wetland impacts and avoid the ~~clearing of wetland trees having 4 inches or greater diameter at breast height destruction of mature wetland trees~~ to the greatest extent practicable.

(e) through (g) No change.

(h) Turbidity and erosion control measures such as earthen berms, hay bales, temporary swales, filter cloth, turbidity screens, and temporary seeding, sodding, and mulching shall be utilized, as necessary, to prevent violation of state water quality standards beyond the limits of the prospecting line.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History–New 9-4-05, Formerly 62-341.492, Amended \_\_\_\_\_.

62-330.493 General Permit to Perform Prospecting Activities for Phosphate Minerals.

(1) A general permit is ~~hereby~~ provided for any person engaged in or proposing to engage in the mining of phosphatic ore ~~within the boundaries of the Department’s Northeast and Southwest Districts as described in Rule 62-101.020, F.A.C.~~, to perform prospecting activities for phosphate minerals within ~~certain portions of~~ wetlands and other surface waters except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting, provided:

(a) “Prospecting activities” shall be defined as ~~those activities that are considered~~ normal and reasonably necessary ~~in order~~ to retrieve core samples of subsurface geologic sediments for the specific purpose of locating, mapping and determining the quantities and quality of any phosphorus bearing strata or deposits;

(b) ~~Vehicles utilized in prospecting activities shall be of a type generating minimum ground pressure in order to minimize rutting and other environmental impacts, or the disturbed area along each prospecting line shall be restored to original contours upon completion of the prospecting activities along that specific alignment. In areas within forested~~

wetlands, the permittee shall choose alignments which will reduce the destruction of mature wetland trees to the greatest extent practicable;

(b)(e) Disturbance along any portion of the prospect line within herbaceous wetlands shall be no wider than 25 feet, along any portion of the prospect line and disturbance within the forested wetlands shall be no wider than 15 feet within forested wetlands along any portion of the prospect line, except at the immediate site of the drill hole, where disturbance shall not exceed 25 feet in width and no activities regulated by the Department associated with prospecting shall occur outside the 15-foot and 25-foot limits, respectively;

(d) An individual prospecting line shall not extend into wetlands or other surface waters more than one-third (1/3) of the width of the landward extent extend of the wetland or other surface waters involved, unless prospecting is conducted by hand carried drilling devices in which case full penetration of the wetland or other surface waters shall be allowed, except as restricted by paragraph (1)(f). When hand carried drilling devices are used all drilling tailings shall be returned to the drill hole and no spoil shall be left on the surface;

(e) No change.

(f) A minimum interval of 300 660 feet shall exist between individual parallel prospecting lines and minimal distance of 300 330 feet shall be maintained between the alignment of the prospecting line or lines and opposing sides of wetlands and other surface waters. When hand carried drilling devices are to be used for total penetration of the wetland or other surface waters, the minimal interval of 300 330 feet between prospecting lines shall apply;

(g) No debris or spoil shall be mechanically placed outside of the 15-foot or 25-foot width allowed, respectively, above; and

(h) The disturbed area along each prospecting line within herbaceous wetlands shall be replanted with native wetland species that are indigenous to adjoining wetlands unless evidence exists that natural revegetation has covered 33 percent of the disturbed ground area within one growing season. If herbaceous plants are planted, they shall be planted at a density to achieve 33 percent cover by herbaceous wetland species within one growing season. The disturbed area along each prospecting line within forested wetlands shall be replanted with indigenous native wetland tree species at a rate to achieve survival and growth of 400 trees per acre, and the permittee shall institute maintenance activities to ensure the survival of the planted indigenous native wetland trees. The disturbed area along each prospecting line within forested wetlands also shall be replanted with indigenous native wetland herbaceous species in the same manner as for the herbaceous wetlands described above. The restored sites shall be maintained free of any new growth of *Schinus terebinthifolius* (Brazilian pepper), *Melaleuca quinquenervia* (punk tree), and *Casuarina* spp. (Australian pine), and The

restored site shall also be managed so that in a manner which precludes *Typha* spp. (cattails) does not attain from manifesting vegetative dominance.

(2) This general permit is subject to the following specific condition:

(2) A person wishing to use utilize this general permit shall submit to the office of the Department to which the prior notice was originally given, an annual schedule of proposed prospecting activities within the prospect areas including location maps, aerial photographs showing the proposed prospecting lines, and approximate commencement and completion dates for the activities planned for each prospect area. The annual schedule, or modifications to the annual schedule, must be submitted at least thirty days prior to the commencement of the proposed activity. Where practicable, the annual schedule should be filed with the office of the Department to which the original notice was given no later than June 1 for the fiscal year July 1 through June 30.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.610, Amended \_\_\_\_\_.

62-330.494 General Permit for Temporary Dragline Crossings of Waterways for Mining Activities.

(1) A general permit is hereby provided for any person engaged in or proposing to engage in the mining of a phosphatic ore within the boundaries of the Department's Northeast and Southwest Districts as described in Rule 62-101.020, F.A.C., for the construction of temporary dragline crossings within certain wetlands and other surface waters, except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department for shellfish harvesting, provided:

(a) No change.

(b) Only clean sand fill or temporary mats shall be used to construct utilized in the construction of the crossing;

(c) through (d) No change.

(e) The top width of the fill shall not exceed 150 feet and the toe to toe width of the fill shall not exceed 200 feet and the side slopes shall be no steeper than three 3 horizontal to one 1 vertical, and the lateral limits of disturbance of the wetlands shall be no more than 20 feet on each side of the fill;

(f) through (g) No change.

(2) This general permit shall be subject to the following specific conditions:

(a) No change.

(b) A person wishing to use utilize this general permit shall submit to the Department office to which the original notice was given, an annual schedule of proposed temporary

dragline crossing areas including location maps, aerial photographs with proposed temporary dragline crossings, typical drawings, and approximate commencement and completion dates for the activities planned. Additionally, the plans shall include proposed restoration procedures for each temporary dragline crossing. The annual schedule, or modifications to the annual schedule, must be submitted, together with the required documentation, at least thirty days prior to the commencement of the proposed activity. Where practicable, the annual schedule and documentation should be filed with the Department no later than June 1 for the fiscal year July 1 through June 30.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.611, Amended \_\_\_\_\_.

#### 62-330.495 General Permit for Low Water Crossings for Mining Activities.

(1) A general permit is ~~hereby~~ provided for any person engaged in or proposing to engage in the mining of a mineralized non-metallic ore to move equipment and vehicles, excluding dredges, through and across wetlands or other surface waters during periods of low water, except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting, provided:

(a) No change.

(b) The maximum water depth along the crossing shall not exceed two feet during the time the crossing is ~~used~~ utilized;

(c) Vegetative debris shall not be deposited within wetlands and other surface waters;

(d) No change.

(e) The distance between crossings of an individual wetland or other surface waters shall be at least ~~5,000~~ 5000 feet, except at sites where a documented four-wheel vehicular access exists, in which case crossings may be at a spacing of ~~2,500~~ 2500 feet.

(2) This general permit shall be subject to the specific conditions as follows:

(a) The person wishing to ~~use~~ utilize this general permit shall locate crossings at sites that will cause the least environmental impact. The permittee shall coordinate with the appropriate Department office;

(b) No change.

(c) A person wishing to ~~use~~ utilize this general permit shall submit to the appropriate Department office, an annual schedule of proposed low water crossing sites including location maps, aerial photographs with proposed low water crossing sites, typical drawings, and approximate

commencement and completion dates for the activities planned. Additionally, the plans shall include proposed restoration procedures for each low water crossing. The annual schedule, or modifications to the annual schedule, must be submitted, together with the required documentation, at least 30 days prior to the commencement of the proposed activity. The annual schedule and documentation shall be filed with the Department no later than June 1 for the fiscal year July 1 through June 30.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.612, Amended \_\_\_\_\_.

#### 62-330.496 General Permit for Dry Borrow Pits of Less than Five Acres.

A general permit is granted for the construction, operation, maintenance, reclamation, or abandonment of a minor borrow pit for excavation of sand and other soil materials provided that all of the following conditions are met:

(1) The area of excavation for the borrow pit shall be less than 5 acres, when measured at the natural land surface grade of the pit.

(2) The final excavated depth of the borrow pit shall not be any deeper than the seasonal high water level.

(3) The borrow pit shall be constructed entirely in uplands for the purpose of using the borrow materials as appropriately permitted, authorized or as exempted.

(4) Borrow pits authorized under this permit must meet the following conditions:

(a) Does not authorize the construction of or maintain any embankment above the natural land surface grade as a part of this work to construct the pit and remove the soil materials.

(b) No above-grade roads shall be constructed as access to the pit area.

(c) Does not impact wetlands.

(d) Does not penetrate any water table condition, surficial aquifer, aquatard or karst materials.

(e) Adequate internal side slopes shall be maintained to prevent erosion or sloughing.

(f) The pit area shall be protected at all times by adequate fencing and gating structures to limit access and provide for safety.

(g) Applicants are advised that a borrow pit that is operated as a mine, as defined in section 2 of Volume I, will be subject to the mine reclamation requirements under Part III of Chapter 378, F.S. (2012).

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), ~~373.4131~~, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New \_\_\_\_\_.

62-330.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History--New 9-4-05, Formerly 62-341.500, Repealed \_\_\_\_\_.

62-330.501 General Permit for Temporary Agricultural Activities within the South Florida Water Management District.

(1) A general permit is granted to any property owner for temporary agricultural activities within the South Florida Water Management District, provided all the following criteria are met.

(a) Agricultural activities shall be horticultural and limited to seasonal crops. Seasonal crops are harvested in one growing season, which shall not exceed one year.

(b) This permit is valid only for activities in existing improved or semi-improved pastures or fields that have been cultivated within the last five years. For purposes of this section, improved or semi-improved pastures are lands that have been cleared of native plants by mechanical means.

(c) For purposes of this section, the project area and scope is defined as both farmed and detention areas. In order to qualify for a permit under this section, the project area shall not exceed 320 contiguous acres.

(d) The project outfall structure must be located more than 1 mile from Outstanding Florida Waters.

(e) No works or farming activities shall occur within 50 feet of a wetland as defined in Section 373.019 (27), F.S. (2012). If wetlands are located within the project area, a minimum 50-foot undisturbed buffer must be maintained around the wetland;

(f) Pump rates shall not exceed a volume of 2 inches per day at a rate of 37.7 gallons per minute per acre of farmed area. Pump on/off elevations shall be within 2.5 feet of natural ground within the farmed area. All surface water discharges shall be into detention areas.

(g) Water levels in the detention areas shall not exceed a depth of 1.5 feet above natural ground within the detention area.

(h) Water quality and attenuation requirements shall be met by establishing detention areas at a minimum of fifteen percent of the farmed area.

(i) If wetlands are located within a detention area, then the control elevation of the detention area shall be set at the wetland edge elevation. If no wetlands are located within a detention area, then the control elevation shall be set at natural ground elevation.

(j) Control structures shall be sized according to the following list depending on the project size.

<u>Project Size</u>	<u>Control Structure</u>
<u>0-25 acres</u>	<u>6" riser and 12" pipe equivalent</u>
<u>26-65 acres</u>	<u>12" riser and 12" pipe equivalent</u>
<u>66-105 acres</u>	<u>18" riser and 18" pipe equivalent</u>
<u>106-145 acres</u>	<u>24" riser and 24" pipe equivalent</u>
<u>146-185 acres</u>	<u>30" riser and 30" pipe equivalent</u>
<u>186-225 acres</u>	<u>36" riser and 36" pipe equivalent</u>
<u>226-265 acres</u>	<u>42" riser and 42" pipe equivalent</u>
<u>266-305 acres</u>	<u>48" riser and 48" pipe equivalent</u>
<u>306-320 acres</u>	<u>54" riser and 54" pipe equivalent</u>

(k) The minimum setback between the project edge and the property boundary line shall be 50 feet for all projects.

(l) Discharges shall be to the existing pre-project surface water conveyance pathway. Existing sheetflow, if any, shall be maintained through the use of a spreader swale.

(m) Detention area dikes shall be constructed with a top elevation of 3.5 feet above the control elevation with a minimum 5 foot top width and side slopes of two horizontal to one vertical.

(n) Internal farm ditches shall be no deeper than 3 feet below natural ground elevation (excluding sump areas for pump placement which shall not be deeper than 6 feet below natural ground elevation).

(o) External perimeter berms of the farmed areas shall not exceed 2 feet in height.

(p) Farming areas must be laid out in a manner that will not block or impede off-site flows.

(q) Access to the fields shall be accomplished by existing roads. Roads into or on the project are not part of this authorization.

(2) The entity must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions. At a minimum the best management plan must include the following best management practices.

(a) Application equipment shall be properly calibrated and in good repair.

(b) Pesticides and fertilizers shall be stored in a secure, contained location, protected from rainfall. Fertilizers and pesticides shall not be stored together.

(c) All mixing and loading operations shall be conducted away from wells, ditches and wetlands.

(d) Pesticide containers shall be rinsed as soon as they are empty. Containers shall be disposed of in accordance with directions on the label.



(e) Equipment shall be used that directs chemicals only to a designated target area. Overspray or application into ditches and wetland buffer areas shall be avoided.

(f) Spills shall be cleaned up as soon as possible.

(g) Equipment shall be cleaned and rinsed away from ditches and wetland buffers.

(h) A soil or leaf analysis shall be used to determine fertilizer application requirements.

(i) Apply seed and mulch or use other methods to stabilize the disturbed areas outside of the planted area within 14 days from the completion of planting.

(j) Install silt fences around wetland buffer areas prior to construction.

(k) Install silt fences, hay bales or equivalent downstream of outfall structure during construction.

(3) The duration of this permit shall not exceed three years. No more than two years of the permit duration shall be dedicated to the planting and harvesting of crops. The remainder of the duration of the permit must be dedicated to fallow time. At the end of the growing season specified in the permit, all works shall be removed from the site and the site returned to the condition that existed prior to permit issuance. The site shall remain fallow the following year. Within 30 days of the permit expiration, the permittee shall provide written notification to the South Florida Water Management District that the project has been restored to conditions that existed prior to permit issuance.

Rulemaking Authority 373.044, 373.113, 373.118, 373.4131 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.4131, 373.416, 373.418, 373.423 FS. History—New \_\_\_\_\_.

62-330.505 General Permit to the U.S. Forest Service for Minor Works within National Forests.

(1) A general permit is hereby granted to the U.S. Forest Service to conduct the works described below:

(a) No change.

(b) Dock construction, replacement and maintenance for docks of up to 1,000 4000 square feet of surface area over wetlands and other surface waters in Outstanding Florida Waters and Outstanding National Resource Waters, subject to restrictions listed in Sections 403.813(1)(b) and (d), F.S.

(2) The U.S. Forest Service or its contractors shall utilize turbidity control measures while dredging or filling within wetlands and other surface water to prevent violations of state water quality standards.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.495, Amended \_\_\_\_\_.

62-330.550 General Permit for Construction, Operation and Maintenance of Nonproduction-related Agricultural Facilities.

(1) A general permit is granted for the construction, operation, maintenance, alteration or abandonment of minor systems serving any of the following, provided the activities comply with all of the conditions set forth below.

(a) Seasonal or year-round stands and markets selling exclusively or primarily produce and other farm or nursery products grown on-site.

(b) Farm worker housing and ancillary facilities.

(c) Truck loading and staging areas for transporting farm or nursery products grown on-site.

(d) Nonresidential farm buildings and structures used solely for agricultural purposes and located on a farm or on land that is an integral part of an ongoing farm operation.

(e) Roadway and vehicle parking facilities integral to an activity authorized under this general permit.

(2) This general permit is subject to the following limitations:

(a) Total cumulative building, driveways, parking lot and other impervious and semi-impervious surfaces will not exceed 20% of the total land area, up to four acres. This limitation excludes impervious and semi-impervious areas directly related to agricultural production.

(b) No activities will occur in, on or over wetlands or other surface waters.

(c) The activities will not use new surface water drainage facilities larger than one 24-inch diameter pipe or its hydraulic equivalent.

(d) The activities will not use new drainage pumps or other operable structures for stormwater management.

(e) Finished building floors for residential structures will be above the 100-year flood elevation.

(f) All discharge and project runoff locations, excluding runoff from access driveways, will maintain a minimum 75-foot vegetated buffer. This vegetated buffer must include a 25-foot perpetually undisturbed buffer, upland of any wetlands, other surface waters, and drainage ditches.

(g) Impervious and semi-impervious surfaces, excluding access driveways, will maintain a 25-foot vegetated buffer from property boundaries.

(h) Permitted activities are not conducted within the geographic limits of an existing permit issued under Part IV of Chapter 373, F.S.

(3) This general permit is not available if the proposed activities, considered separately or in combination with other activities conducted under this permit, exceed or will exceed any of the limitations in subsection (2) above.

(4) The activities undertaken using this permit shall be taken into account in determining the post-development conditions for any subsequent exemption or permitting decision that includes the same project area.

Rulemaking Authority 373.044, 373.113, 373.118, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.414, 373.416, 373.419 FS. History—New

62-330.600 General Permit for the Construction of Artificial Reefs.

(1) A general permit is hereby provided for the construction of an artificial reef by any person, provided:

(a) No change.

~~(b) The material shall be free of soils, oils and greases, debris, litter, putrescible substances or other pollutants;~~

(c) through (d) renumbered (b) through (c) No change.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall conduct a survey of the bottom of the waterbody on which the reef is to be built and shall submit the survey to the ~~Agency Department~~ with the notice required in Rule 62-330.402 subsection 62-343.090(1), F.A.C., demonstrating that the bottom does not have submerged grassbed communities, shellfish or other hardbottom communities, or corals;

(b) through (d) No change.

(e) The size of the boundaries within which the artificial reef is to be deposited shall not exceed 1/4 nautical mile on any side;

(f) No change.

(g) The permittee shall notify the National Ocean Service, National Oceanic Oceanographic and Atmospheric Association, U.S. Department of Commerce, Rockville, Maryland, and the Florida Fish and Wildlife Conservation Commission (FWC), Division of Marine Fisheries Management, via e-mail at artificialreefdeployments@myfwc.com of the precise location of the reef within 30 days of placement of the reef material.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.600, Amended

62-330.602 General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities.

A general permit is hereby provided to any person installing or maintaining intake and discharge pipes associated with marine bivalve facilities, provided the marine bivalve facility has a valid industrial wastewater general permit, pursuant to Rule 62-660.821, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.602, Amended

62-330.630 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.

(1) A general permit is hereby granted to the U.S. Army Corps of Engineers for the construction, alteration, operation, and maintenance of systems to implement environmental restoration or enhancement projects activities. In order to qualify for this general permit, the decision documents for the environmental restoration or enhancement activity must have been coordinated through the process described in Section III of the *Interagency Coordination Agreement for Civil Works Projects, Florida Department of Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District* (February 28, 2006), ~~which is hereby adopted and~~ incorporated by reference herein (URL). Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. In addition, the environmental restoration or enhancement activity must be funded or conducted by the U.S. Army Corps of Engineers, and be authorized under the following documents, which are incorporated by reference herein:

(a) Section 204 of the Water Resources Development Act (WRDA) of 1992, as amended through January 24, 2002 (Beneficial Uses of Dredged Material), and any subsequent amendment by a WRDA through [effective date], (https://www.flrules.org/Gateway/reference.asp?No=Ref-02583) which is hereby adopted and incorporated by reference;

(b) Section 206 of the Water Resources Development Act of 1996, as amended through January 24, 2002 (Aquatic Ecosystem Restoration), as amended by a WRDA through [effective date] which is hereby adopted and incorporated by reference (https://www.flrules.org/Gateway/reference.asp?No Ref-02595); or

(c) Section 1135 of the Water Resources Development Act of 1986, as amended through January 24, 2002 (Project Modifications for Improvement of the Environment), as amended by a WRDA through [effective date], (https://www.flrules.org/Gateway/reference.asp?No=Ref-02596); which is hereby adopted and incorporated by reference.

(d) Section 101(8) of WRDA 1992 (Kissimmee River Restoration), as amended by a WRDA through [effective date], (URL); or

(e) The Army Corps Federal portion of any project approved as part of the “Estuaries and Clean Waters Act of 2000” (Title I, PL 106-457) (ERA), Section 102(3), 104(a), and 110(b) and amended by Section 5017 of WRDA 2007, and any

subsequent amendment by a WRDA through [effective date], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02600>).

(2) The following shall not be eligible for this general permit; copies of the materials incorporated by reference below may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.:

(a) through (c) No change.

(d) Activities that adversely affect animal species that are listed as endangered, threatened or of special concern in Rule 68A-27.003, ~~68A-27.004~~, or Rule 68A-27.005, F.A.C., (September 19, 2012), which is incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02601>), or 50 Code of Federal Regulations, Section 17.12, (October 1, 2011), and plant species listed in 50 Code of Federal Regulation 17.12, when such plants are located in a wetland or other surface water;

(e) Activities that involve the use of flocculating agents such as polymers and alum;

(f) renumber (e) No change.

~~(f)(g)~~ Activities requiring a permit under Section 373.1502, F.S., or authorized under Section Sections 206 or 528 of the Water Resources Development Act of 1996, Public Law 104-303 (Critical Restoration Projects), October 12, 1996, which is incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02602>);

~~(g)(h)~~ Activities authorized under Section 101(8) of the Water Resources Development Act of 1992, Public Law 102-580, (October 31, 1992), which is incorporated by reference herein (URL); or

~~(h)(i)~~ Activities conducted in association with Kissimmee, Everglades; or Lake Okeechobee restoration.

(3) Prior to submittal of the notice to the agency to use this general permit as required and described in paragraph (5)(a), the environmental restoration or enhancement activity must be included in a Feasibility Report, Reevaluation Report, Letter Report or other equivalent Federal environmental decision document that has been reviewed by the state of Florida. Documentation that the state has found the environmental restoration or enhancement activity to be consistent with the Florida Coastal Management Program must be submitted with the notice to use this general permit. It is not necessary that the report types cited above be considered final or approved by the Corps.

(4) Activities under this This general permit are shall be subject to the following additional provisions and limitations. The activities:

(a) Shall ~~Activities authorized under this general permit shall~~ not be available for use as future mitigation credit for a separate activity that requires a permit under Part IV of Chapter 373, F.S. (2012), a water quality certification, or a coastal zone consistency concurrence;

(b) ~~Must~~ ~~The activity must~~ be conducted in a manner that will not adversely affect the value of functions provided to fish and wildlife by wetlands or other surface waters;

(c) ~~Must~~ ~~The activity must~~ not cause adverse flooding to on-site or off-site property, ~~must not cause~~ adverse impacts to existing surface water storage or conveyance capabilities, ~~must not cause~~ adverse secondary impacts to the water resources, ~~adverse impacts to must not adversely impact~~ the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S. (2012), ~~must not cause~~ adverse impacts to a Works work of the District established pursuant to Section 373.086, F.S. (2012), or adverse effects to and must not adversely affect properties outside the area to be enhanced or restored;

(d) ~~Must~~ ~~The activity must~~ be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable special basin and geographic area criteria established in Chapters 40C-41 or 40E-41, F.A.C.

(e) ~~Must~~ ~~The activities must~~ not be for the primary purpose of providing or enhancing recreation or other public uses of the lands that are enhanced or restored under this general permit, ~~although such~~. ~~However, nothing in this general permit shall prohibit~~ areas that are enhanced or restored are not prohibited from being made available for compatible public recreation activities. However, the construction, alteration, operation, removal, maintenance, or abandonment of public recreational facilities, such as parking lots, roads, trails, boardwalks, docks, piers, observation decks, kiosks, and visitor's centers, or any project surface water management system serving those facilities, are not authorized under this general permit, and must be authorized in accordance with Part IV of Chapter 373, and Chapters 253 and 258, F.S. (2012), prior to their construction and use.

~~(f) The activity must not violate the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C., including the 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 Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. Appropriate measures shall be used to control runoff and discharges from the site, such as stabilization of disturbed sediments and soils, and effective deployment and maintenance of turbidity and silt control devices during all phases of construction, and as necessary during operation and maintenance of the system.~~

(5)(a) The notice required in Rule 62-330.402, F.A.C., shall be supplemented with U.S. Army Corps of Engineers must file a notice, using Form 62-343.900(1), describing the proposed activities and providing plans and other information

necessary to evaluate whether the activities qualify under the terms and conditions of this general permit, which shall specifically also include:

1. No change.
2. Documentation of the approved federal authorization under which funding is expected; and
3. Copies of the environmental documents that have been developed as part of the early coordination process described in Section III of the *Interagency Coordination Agreement for Civil Works Projects, Florida Department of Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District*, dated February 28, 2006, incorporated by reference in subsection (1), above; and

4. Should the Corps' contractors propose to use flocculating agent such as polymers or alum to consolidate sediments in situ or to otherwise prevent potential water quality violations associated with the project design, the Corps shall coordinate with the agency in advance of submittal of the notice to use this general permit, and shall submit with the notice reasonable assurance that use of such flocculating agents is not likely to cause chronic or acute toxicity in violation of Chapter 62-302, F.A.C., as tested using, at a minimum, elutriate analysis on the specific sediments dredged from or deposited at the project site that require treatment.

5. Should the Corps' contractors identify that a mixing zone for turbidity is required to prevent potential water quality violations associated with the project, the Corps shall coordinate with the Agency in advance of submittal of the notice to use this general permit to discuss the methods proposed that will provide reasonable assurance that there will be no violation of the turbidity standards in Chapter 62-302, F.A.C., and, as applicable in Rule 62-4.242, F.A.C., outside of the limits established in subsection 62-4.244(5), F.A.C. When the Agency determines that such mixing zone will not cause adverse impacts to the water resources, the Corps will include in the notice to use this general permit a specific request for such a mixing zone and the methods that will be used to comply with its limitations. Projects that require a mixing zone in excess of that allowed under subsection 62-4.244(5), F.A.C., shall not qualify for this general permit.

(b) The Department will provide written notification to the U.S. Army Corps of Engineers whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice, or 30 days after submittal of any errors or omissions needed to correct the notice, as provided in Rule 62-330.402 subsection 62-343.090(1), F.A.C. The proposed activity shall not commence until the Department has provided the applicant with an affirmative, written confirmation that the proposed activity qualifies for this general permit.

(6) ~~The Corps is advised that authorization in accordance with Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., and the *Interagency Coordination Agreement*~~

~~for Civil Works, Florida Department of Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District (February 28, 2006), to use sovereignty submerged lands must be obtained from the Board of Trustees of the Internal Improvement Trust Fund prior to any construction authorized under this general permit.~~

Rulemaking Authority 373.026, 373.043, 373.044, 373.118, 373.406, ~~373.4131~~, 373.414(9) FS. Law Implemented 373.026, 373.043, 373.046, 373.118, 373.403, 373.413, ~~373.4131~~, 373.414(9), 373.416, 373.418, 373.419, 373.422, 373.423, 373.426 FS. History—New 12-5-06, Formerly 62-341.486, Amended \_\_\_\_\_.

62-330.631 General Permit to Governmental Entities for Limited Environmental Restoration or Enhancement Activities.

(1) A general permit is granted to governmental entities to construct, operate, alter, or maintain projects for environmental restoration or enhancement, subject to the limitations and conditions of this section. For purposes of this rule, “environmental restoration and enhancement” means activities conducted to improve the habitat value of wetlands or surface waters for fish and wildlife by eliminating harmful drainage, improving water quality, preventing erosion, stabilizing eroding shorelines, planting wetland vegetation, removing spoil, removing exotic and nuisance vegetation, providing structural habitat, and restoring dredged holes to elevations before they were dredged. The following activities are authorized:

(a) The restoration of an eroding shoreline or the enhancement of a disturbed or altered shoreline by planting appropriate native vegetation in accordance with the following:

1. Preparing grades and contours for planting with no net addition or removal of material.

2. Plantings shall consist of native wetland plant species obtained from commercially-grown stock that is native to the geographic area of the project.

3. All invasive and exotic plant species that occur along the shoreline within the project area are removed in conjunction with the planting.

4. If temporary wave attenuation is needed to protect and ensure survivability of the plantings, turbidity curtains shall be installed and maintained immediately waterward of, and parallel to, the planting area, but must be removed within three months after completion of planting.

5. If permanent wave attenuation is required to maintain shoreline vegetation, an oyster reef or riprap “breakwater” is authorized to be established concurrent with the planting, provided that:

a. The outer edge of the “breakwater” shall be located no more than 15 feet waterward of the mean or ordinary high water line and have a top height of one foot or less above mean or ordinary high water.

b. The “breakwater” shall be composed of riprap or natural oyster shell cultch such as clean oyster shell and fossilized oyster shell, or combination thereof. Oyster shell shall be packaged within biodegradable bags (i.e., coir fiber) or mesh bags, or securely attached to matting prior to placement in the water to prevent movement of shell out of the project area.

c. The “breakwater” shall have a minimum of three feet of tidal channel opening within every 20 linear feet of structure, so as to not substantially impede the flow of water, and shall not create a navigational hazard.

d. If the breakwater and plantings are located in front of an existing seawall or bulkhead, placement of clean fill for the sole purpose of planting wetland vegetation is authorized, provided that stabilizing riprap or an oyster reef “breakwater” supports the fill at no more than a 2 Horizontal:1 Vertical slope and the total area of fill is less than one acre.

(b) Placement of riprap or clean oyster shell, underlain with geotextile filter fabric, within 10 feet waterward of the mean or ordinary high water line of an eroding shoreline. Oyster shell shall be packaged within mesh bags, or securely attached to matting prior to placement in the water to prevent movement of shell out of the project area. Where the shoreline is undercut, sandbags or geotubes filled with sand or hardened concrete placed over geotextile fabric are authorized to prepare the slope for placement of the riprap or oyster shell.

(c) Backfilling, plugging, or installation of weirs within existing drainage ditches or swales, without piping, for the purpose of restoring the hydroperiod of wetlands or other surface waters, and/or the groundwater in uplands, within publicly-owned lands, provided the ditches to be filled are not connected to upstream offsite ditches or canals. Any proposed backfilling, plugging or weir installation shall be supported by a determination, signed and sealed by a registered professional, that such activities will not cause adverse flooding to off-site property.

(d) Scrape down of spoil islands to an intertidal elevation or a lower elevation at which light penetration is expected to allow for seagrass or other native submerged aquatic vegetation recruitment, provided the total area does not exceed 10 acres.

(e) Backfilling of existing dredge holes that are at least 5 feet deeper than surrounding natural grades to an elevation which is expected to allow for seagrass recruitment, with no displacement of highly organic sediments, provided the total area does not exceed 10 acres.

(f) Placement of rock riprap or clean concrete in existing dredge holes that are at least 5 feet deeper than surrounding natural grades to enhance habitat values, provided that placed rock or concrete does not extend to within 1 foot of surrounding natural grades, and the total area does not exceed 5 acres.

(g) Removal of exotic and nuisance species to allow for the activities listed in paragraphs (1)(a) through (d), above.

(2) To qualify for this general permit, the activity must comply with all the following:

(a) The project shall not be considered as mitigation for any other activity.

(b) The project shall not be located within an Aquatic Preserve.

(c) The project shall not include fill, placement of riprap, placement of any type of “breakwaters” over or within three feet of an area of greater than one percent coverage by emergent or submerged natural resources, or placement of fill material within smalltooth sawfish critical habitat [50 CFR section 226.218 (October 1, 2012), incorporated by reference herein; copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.] (URL). For purposes of this general permit, the term “emergent or submerged natural resources” includes freshwater and marine herbaceous and forested wetland vegetation, seagrass, coral, sponge, oyster beds, and other submerged aquatic vegetation.

(d) The governmental entity shall submit scaled and dimensioned project plans, signed and sealed by a registered professional, showing the entire project area and all proposed activities within the project area. In addition, project plan-view drawings shall be submitted showing the locations of all existing emergent and submerged natural resource communities, however, these community-depiction drawings are not required to be signed and sealed by a registered professional.

(e) Emergent or submerged natural resources, and other fresh water or marine ecological communities shall not be adversely affected and the ecology of such communities shall directly benefit from the authorized activity, as affirmatively agreed to by the Agency after review of the submitted notice and project plans. To facilitate this review, a pre-application meeting with the Agency must be held in advance of submitting notice to use this general permit.

(3) This general permit shall be subject to the following specific conditions.

(a) All disturbed areas, including intertidal slopes, shall be stabilized and re-vegetated with appropriate non-invasive, annual ground cover vegetation within 72 hours after completion of construction. Subsequently, the areas shall be planted and maintained as necessary to ensure that at least 33 percent cover of planted or naturally re-established native wetland or upland plant species within 18 months of completion of authorized work. The areas shall also be maintained free of exotic invasive species.

(b) Riprap material shall be clean limestone, granite, other native rock, or clean rebar-free concrete rubble measuring 1 foot to 3 feet in diameter.

(c) Except as otherwise allowed under this general permit, fill material used to backfill dredge holes or planting areas shall comply with the standard of not more than 10 percent of

the material passing through a number 200 standard sieve and containing no more than 10 percent organic content, and be free of contaminants that cause violations of state water quality standards.

(d) All disturbed areas above mean low water, including intertidal slopes shall be stabilized and re-vegetated with appropriate native vegetation within 72 hours after completion of construction. The areas shall be maintained and planted as necessary to ensure at least a 33 percent cover of planted or naturally re-established native wetland or upland plant species within 18 months of completion of authorized activities. The areas shall be maintained free of exotic invasive and nuisance species such as *Casuarina* spp., *Ludwigia peruviana*, *Lygodium* spp., *Melaleuca quinquenervia*, *Sapium sebiferum*, *Schinus terebinthifolius*, and nuisance amounts of *Typha* spp.

(e) Turbidity shall be monitored at least twice daily during construction. Monitoring records shall be maintained and available for inspection by the Agency for the period of in-water construction and an additional 90 days beyond in-water construction.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 FS. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) FS. History--New \_\_\_\_\_.

62-330.632 General Permit for the Restoration, Establishment and Enhancement of Low Profile Oyster Habitat.

(1) A general permit is hereby provided for the construction, restoration, and enhancement of low profile oyster habitat (LPOH), subject to the following:

(a) The total footprint of the LPOH is one quarter acre in size or less as verified by GPS or boundary survey;

(b) The work shall be conducted by persons having expertise designing and implementing oyster habitat restoration activities and that the person will carefully supervise all persons responsible for installing the LPOH;

(c) The LPOH will not be inconsistent with a management plan approved by a federal, state, regional and/or local agency, that already addresses oyster habitat, wetland vegetation, submerged resources, water quality, navigation, or fishing and recreational values of the waterbody, including any adopted aquatic preserve management plan that may exist under Chapter 18-20, F.A.C.;

(d) The LPOH shall not be part of a mitigation proposal or be used as mitigation to offset impacts from other projects;

(e) The LPOH is not regulated under Section 597.03, F.S., and is not intended to serve any aquaculture function; and

(f) The LPOH will not adversely affect existing natural resources or resource activities within or adjacent to the footprint of the proposed LPOH footprint.

(2) The notice required in Rule 62-330.402, F.A.C., shall include documentation, statements, or demonstrations that the above limitations will be met, together with the following:

(a) An explanation of the overall ecological benefit to be achieved by the LPOH;

(b) Documentation that the person using this general permit has authorization from the landowner, other than the State of Florida, to conduct activities on their land; if located on state-owned submerged land, such documentation does not need to be provided with the notice -- the authorization to conduct the LPOH activity on state-owned submerged lands will be a component of the Department's evaluation of qualification to use the general permit;

(c) An environmental resource survey of the bottom of the waterbody throughout the LPOH area, including an additional 100 foot-wide perimeter surrounding the LPOH area demonstrating that:

1. The LPOH area, including the 100 foot-wide perimeter area, does not have other live native shellfish except as provided in paragraph (3)(d), below, nor submerged grassbeds, clam beds, hardbottom, coral, or macroalgae communities;

2. The LPOH will not affect an archaeological, cultural, or historical resource area regulated under Chapter 267, F.S.;

3. The LPOH will not have any work conducted in within 100 meters of actively nesting wading bird colonies or within 180 meters of actively nesting mixed tern/skimmer colonies;

4. The LPOH will not be constructed within:

a. 100 feet of the near bottom edge of a federally maintained channel, where near bottom is defined as the design edge of the established channel closest to the project not including the slope, without written approval from the entity responsible for channel maintenance;

b. 100 feet from the outside edge of any designated channel marked in accordance with Section 327.40 F.S. without written approval from the entity responsible for channel maintenance;

c. Any channel traditionally used for navigation;

d. 100 feet of any dock or overwater structure without notice to the current property owner;

e. Any other designated management zone that requires approval to conduct activities unless written approval is received from the managing agency; or

f. Any previously permitted mitigation areas; and

(d) Agreement that the activity will comply with the additional conditions of subsection (3), below.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-330.405 F.A.C., and the following specific conditions:

(a) The LPOH shall be installed, restored, or enhanced using only clean, sediment free culture materials (cultch) that does not contain deleterious substances that have the potential to leach into surface waters. Cultch shall consist of:

1. Recycled shell that has been quarantined for a minimum of three months;

2. Fossil shell;

3. Limerock consisting of a minimum of 20 percent calcium carbonate by volume, with 90 percent of the limerock being no more than six inches in diameter; or

4. Concrete material in which at least 90 percent of the concrete material is no more than 6 inches in diameter. Concrete shall not be used for a LPOH located in an aquatic preserve designated under Chapter 18-20, F.A.C. (March 8, 2012).

(b) Culch shall be firmly fixed on the substrate and contained in such a way as to prevent movement away from the LPOH footprint, through use of designs such as bagged shell, loose culch surrounded and contained by bagged shell, or shell securely fixed to aquaculture grade mesh material.

(c) LPOH materials shall not be indiscriminately dumped, and shall not be placed outside of the total footprint limits.

(d) The LPOH may consist of placement of culch in locations where no oyster reef currently exists, or restoration of an existing degraded oyster reef to its historic height. Culch shall not be placed on top of substrate with greater than five live oysters per square meter. Final elevation shall not exceed 18 inches above the existing bottom elevation in locations where no oyster reef currently exists. In existing oyster reef locations, if the historical oyster reef elevation is unknown, restoration shall not result in the placement of culch to an elevation height greater than the average elevation height of existing natural oyster reefs in the immediate vicinity of the LPOH area.

(e) The LPOH shall not cause harmful erosion or shoaling to adjacent submerged areas and shorelines.

(f) The LPOH shall avoid impacts to the fishing and recreational use of the waterbody, its aquatic and wetland dependent species, and its submerged resources.

(4) A minimum of 60 days prior to submittal of a notice required in subsection (2), the person proposing to use this general permit shall conduct at least one pre-notice meeting with the appropriate Agency staff to discuss the project design, implementation details, and any resource concerns. If the LPOH is included within an aquatic preserve designated in Chapter 18-20, F.A.C., the appropriate aquatic preserve manager, or their designee, shall be invited to the pre-notice meeting.

(5) Within 45 days but no less than 30 days prior to the submittal of the notice required in subsection (2) the person proposing to use this general permit shall:

(a) Publish a one-time notice in a newspaper of paid general circulation in the vicinity of the project location. The newspaper notice shall provide that any concerns about the LPOH shall be directed to the Department at the Department's contact address. An affidavit of publication shall be included with the notice required in subsection (2).

(b) Provide written notice to the appropriate Inland Navigation District, and any other special taxing district with authority to construct or maintain navigation channels within

the proposed LPOH. In counties where such districts do not exist, the same written notice shall be provided to the county or municipal agency with jurisdictional authority over inland navigation. A copy of each notice shall be included with the notice required in subsection (2).

(c) Provide written notice of the proposed LPOH to the Florida Fish and Wildlife Conservation Commission's Boating and Waterways Management Division. A copy of the notice shall be included with the notice required in subsection (2) above;

(d) Post readily visible notice of the proposed LPOH at the nearest public boat ramp to the LPOH site, unless prohibited by law. The notice should indicate the location of the LPOH and phone number of the appropriate agency to direct comments to on the proposed LPOH. A copy of the notice and boat ramp locations where the notice was posted shall be included with the notice required in subsection (2), above.

All of the above notices include georeferenced coordinates (latitude and longitude) for the LPOH site, or refer to an Internet site that includes a georeferenced map with coordinates of the LPOH site.

(6) Implementation of the activities authorized in this general permit shall not commence until the Department has confirmed compliance with the terms and conditions of this general permit. The Department will provide written notification whether the proposed activity qualifies for this general permit within 30 days of the Department's receipt of all the materials required above. The proposed activity shall not be commenced until the Department has provided written notice that the person proposing to use this general permit qualifies for the general permit. Any denial by the Department of qualification to use this general permit shall be made without prejudice for the submission of an individual application for the same or a modified LOPH.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 FS. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) FS. History—New \_\_\_\_\_.

#### 62-330.635 General Permit for Soil Remediation.

(1) A general permit is granted to conduct soil removal activities, including installation of wells and work in wetlands and other surface waters necessary to perform soil remediation as part of a Remedial Action Plan approved by the Department. This includes construction, alteration, operation, and removal of a temporary access road for access to conduct this work, subject to the following conditions.

(a) Removal of contaminated soil is limited to no more than a total of 5 acres of wetlands.

(b) Temporary fill and materials for equipment access shall be removed immediately following completion of the remediation work.

(c) Any wetland area affected by the work shall be restored to pre-construction wetland elevations within 30 days following completion of the work, using sediments consisting of the same soil textural material as the original pre-construction soil material that is also free of vegetated debris, rebar and any other solid waste materials.

(d) Any muck removed from wetlands for construction of temporary fill roads shall be stockpiled in uplands and used in restoring the affected area to wetland conditions and preconstruction wetland elevations, unless this material is required to be removed as part of the remediation plan.

(e) Within 7 days of completion of construction, all wetland areas shall be restored to pre-construction wetland elevations and re-vegetated with native wetland species endemic to adjoining, undisturbed wetlands or the underlying wetland community type historically occurring at the site. The restored wetland areas shall be maintained and planted as necessary to ensure that at least 33 percent cover of planted or naturally reestablished native wetland plant species is appropriate for the wetland community type within 18 months of completion of authorized work. Exotic invasive species, including but not limited to: *Schinus terebinthifolius*, *Melaleuca quinquenervia*, *Casuarina* spp., *Lygodium* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* shall be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

(i) In addition to compliance with the notice provisions of Rule 62-330.402, F.A.C., within 60 days following completion of construction, the permittee will notify the Agency by letter of the date construction activities were completed.

(j) All contaminated soils removed from the site shall be disposed of in an appropriate disposal facility, in accordance with the Remedial Action Plan approved by the Department.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.418, 376.3071 FS. History—New \_\_\_\_\_.

62-330.901 Noticed General Permit Forms.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414(9), 373.4145, 373.418 FS. Law Implemented 373.118, 373.406(5), 373.413, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 9-4-05, Amended 10-1-07, Formerly 62-341.900, Formerly 62-341.900, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mark Thomasson, Director  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 22, 2012

### Section III Notices of Changes, Corrections and Withdrawals

#### PUBLIC SERVICE COMMISSION

RULE NO.: 25-30.350  
RULE TITLE: Backbilling

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 71, April 11, 2013 issue of the Florida Administrative Register.

Docket No. 120246-WS

The Public Service Commission has made typographical corrections to Subsection (2) for Rule 25-30.350 to read:

(2) In the event of an overbilling, the utility shall refund the overcharge to the customer based on available records. If the commencement date of the overbilling cannot be determined, then an estimate of the overbilling shall be made based on the customer's past consumption.

### Section IV Emergency Rules

NONE

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-22.201  
RULE TITLE: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on April 8, 2013, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner's Name: Alvarado Condominium Association, Inc.

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.

The Petition has been assigned Tracking No. 13-4152.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298,



water.variances@watermatters.org. Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

---

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on April 8, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Valencia Osceola Campus, Bldg.4, Elevator #2. Petitioner seeks an emergency variance of the requirements of ASME A17.1S, Section 2.1.1.1.2, 2.1.1.2.2(d)(1)(2)&(3), 2.3.3.1, 2.7.1.1.2, 2.7.1.3.1, 2.7.8.1, 2.11.1.4, 2.11.19, 2.14.1.7.2, 2.14.1.7.3, 2.19.2, 2.19.2.1 and 2.21.4.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires partitions, hoistway enclosed and fire resistive, access doors with fire protection rating, floor levels, ropes and sheaves, access openings for cleaning of car and hoistway enclosures, gasketing of hoistway entrances, working platform or equipment not required shall not be located above the top of an elevator car, Devices that detect unauthorized access to the top of the car, protection against unintended car movement, and connections which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-112).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

---

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-815.013: Annual Reporting Requirement

The State of Florida Department of Environmental Protection hereby gives notice: that a Final Order granting a waiver from Rule 62-815.013, Florida Administrative Code, was issued on April 11, 2013. The petition was received on February 19, 2013, from the Manatee County Board of County Commissioners requesting a waiver from Rule 62-815.013, Florida Administrative Code, which requires that, following an acquisition of real property in which Preservation 2000 grant funds are used, the grant recipient (and title holder of the real property, if different than the grant recipient) submit annual reports providing specified information about the stewardship and use of the acquired real property. Notice of receipt of the petition was published in the Florida Administrative Register on March 1, 2013. No public comment was received. The Final Order (OGC No. 13-0820) granted the petition based on the

petitioner showing that the strict application of the rule would violate principles of fairness by treating the petitioner differently than similarly situated recipients of funds from other grant programs and that the purpose of the underlying statute, which is verification of compliance with the grant program, will be achieved by the petitioner through other means.

A copy of the Order or additional information may be obtained by contacting Kristen Coons, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000; (850)245-2862, kristen.coons@dep.state.fl.us.

---

## Section VI

### Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2013, 9:00 a.m.

PLACE: Moore Hall, Room 126, FSDB Campus, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Executive Session is to conduct an attorney/client session between the Board of Trustees and legal counsel pursuant to Section 286.011(8), Florida Statutes, regarding Traveler Elevator, Inc. v. FSDB. Present at the meeting: Damon Kitchen, Chris Wagner, Yolanda Rodriguez, Tom Zavelson, George McClure, Jeanne G. Prickett, Owen McCaul, Carol Ross, Terri Wiseman, and court reporter.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, at (904)827-2210, or at FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Dr. Jeanne G. Prickett, President, at (904)827-2210, or at FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Jeanne G. Prickett, President, at (904)827-2210, or at FSDB, 207 N. San Marco Avenue, St. Augustine, FL 32084.

DEPARTMENT OF EDUCATION

Division of Florida Colleges  
The Criminal Justice Standards and Training Commission, Region VI, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 5, 2013, 10:00 a.m.

PLACE: College of Central Florida, Building 1, Board Room, 3001 SW College Road, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of 2012-2013 expenditures to date and budget amendments.

A copy of the agenda may be obtained by contacting: College of Central Florida, ATTN: Steve Ash, 3001 SW College Road, Ocala, Florida 34474.

STATE BOARD OF ADMINISTRATION

The Florida Hurricane Catastrophe Fund announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2013, 9:00 a.m. (ET) to conclusion of the meeting.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to authorize the Florida Hurricane Catastrophe Fund to file a Notice of Proposed Rule for Rule 19-8.028, F.A.C., Reimbursement Premium Formula, and to authorize filing this rule for adoption if no member of the public timely requests a rule hearing. In addition, other general business may be addressed. The rule and incorporated forms reflecting the proposed amendments are available on the Florida Hurricane Catastrophe Fund website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf).

A copy of the agenda may be obtained by contacting: Not available.

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: Leonard Schulte, Florida Hurricane Catastrophe Fund, (850)413-1335, [leonard.schulte@sbafla.com](mailto:leonard.schulte@sbafla.com), P.O. Drawer 13300, Tallahassee, FL 32317-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-5.001: Interest Rate Limitation on Sale of Bonds of Governmental Units

19-5.0011: Limitations Not Applicable to Certain Bonds

19-5.002: Application

19-5.003: Limitations on Authorization of Interest Rate

19-5.004: Term of Authorization

19-5.005: Purpose of Authorization

The State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2013, 9:00 a.m. (ET) – conclusion of the meeting.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration of Florida will consider proposed amendments to the rules contained in Rule Chapter 19-5, and will be asked for permission to file a Notice of Proposed Rulemaking for these rules, and to file these rules for adoption and repeal, as applicable, if no member of the public timely requests a rule hearing. It was determined that all rule provisions in Chapter 19-5 can be consolidated and incorporated into Rule 19-5.001. Having all of the information regarding the procedures for applying for the authority to sell bonds at an interest rate in excess of the legal limitation in one rule makes the rule more user-friendly, makes it less likely the governmental unit will miss any required steps in the application process, and serves to eliminate any extraneous provisions. As such, the amendments are being proposed to consolidate, through amendment and repeal, all of the relevant provisions in Rule Chapter 19-5 into Rule 19-5.001. Rule 19-5.001 further is being amended to memorialize the informal review process conducted by the SBA's Executive Director after receipt of an application from a governmental unit requesting authority to sell bonds at an interest rate in excess of the maximum set by law. Provisions are being updated to ensure that it is clear that the review process does not differ depending on the amount of interest being requested. Provisions also are being updated to set forth the types of information that the Executive Director & CIO should consider in conducting the informal. Provisions also are being clarified to make it clear that the authorization to issue bonds at an interest rate in excess of the legal limitation expires 180 days after the authorization has been given. Statutory citations are being updated.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, (850)413-1253.

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: Ruth A. Smith, Office of the General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1182, ruth.smith@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Ruth A. Smith, Office of the General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1182, ruth.smith@sbafla.com.

---

#### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: April 25, 2013, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The Florida Public Service Commission Conference's Notice, Agenda, related documents, and contact information may be obtained from [www.floridapsc.com](http://www.floridapsc.com). Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via (800)955-8770 (Voice) or (800)955-8771 (TDD) Florida Relay Service.

\*Changes to this notice will be published at the earliest practicable time on the Commission's website.

---

#### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its Internal Affairs Meeting for April 25, 2013, to which all interested persons are invited.

DATE AND TIME: April 25, 2013, immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

Internal Affairs Agendas and Florida Public Service Commission's contact information may be obtained from [www.floridapsc.com](http://www.floridapsc.com). Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via (800)955-8770 (Voice) or (800)955-8771 (TDD) Florida Relay Service.

\*Changes to this notice will be published at the earliest practicable time on the Commission's Web site.

---

#### REGIONAL PLANNING COUNCILS

##### Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2013, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: [www.tbrpc.org](http://www.tbrpc.org).

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 4 days before the workshop/meeting by contacting: Mr. Avera Wynne, (727)570-5151, ext. 30. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Mr. Avera Wynne, (727)570-5151, ext. 30.

---

#### REGIONAL PLANNING COUNCILS

##### South Florida Regional Planning Council

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 6, 2013; 10:30 a.m.

PLACE: Murray E. Nelson Government & Cultural Center, 10205 Overseas Highway, Key Largo, FL 33037.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any Generally Consistent Comprehensive Plan Amendment Review received prior to the meeting; Any Generally Inconsistent Comprehensive Plan Amendment Review received prior to the meeting; Meeting on monthly Council business; Executive Committee Conference Call is scheduled on Wednesday at 2:00 p.m., one week prior to the Council Meeting to which all persons are invited. Call-in number (888)670-3525, conference code 2488435943 then #. Council Executive Committee and subcommittees may meet periodically before and following the regularly scheduled

Council meetings. Any party desirous of ascertaining schedules of such committee meetings should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact (954)985-4416.

#### WATER MANAGEMENT DISTRICTS

##### South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 25, 2013, 10:00 a.m.; Upper Lakes Region Land Assessment 2nd Meeting.

PLACE: SFWMD St. Cloud Field Station, 3800 Old Canoe Creek Road, St. Cloud, FL 34769

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** District staff shall provide information regarding the land assessment process and District lands within the Upper Lakes Region. The purpose of the land assessment is to take a comprehensive and detailed look at the District's land inventory to ensure that the present and future use of these lands will be utilized in the most effective manner to support the District's core mission requirements, and to comply with other important state policy objectives. Public input and comment will be received. More information about the process is available at [www.sfwmd.gov/landassessment](http://www.sfwmd.gov/landassessment).

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: District Clerk, (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Andrea Schluter, [aschlut@sfwmd.gov](mailto:aschlut@sfwmd.gov).

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Veterinary Medicine

The Board of Veterinary Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2013, 8:00 a.m.

PLACE: Bohemian Hotel, Celebration, 700 Bloom Street, Celebration, FL 34747, (888)249-4007

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: April 30, 2013, 7:00 p.m.

PLACE: Westmonte Recreation Center, 624 Bills Lane, Altamonte Springs, Florida 32714.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a public meeting to discuss and receive comments on the Wekiva River, Rock Springs Run, and Little Wekiva Canal Basin Management Action Plan (BMAP). The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary purpose of this meeting is to discuss and receive comments on the draft BMAP document prior to submission for adoption.

A copy of the agenda may be obtained by contacting: Kenneth Kuhl, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail at [Kenneth.Kuhl@dep.state.fl.us](mailto:Kenneth.Kuhl@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Kenneth Kuhl at (850)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

---

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 9, 2013, 6:00 p.m.

PLACE: DeSoto County Administration Building, Commission Meeting Room, 201 East Oak Street, Arcadia, FL 32466.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Forever land acquisition projects, new proposals, and ranking.

A copy of the agenda may be obtained by contacting: Office of Environmental Services, Hank Vinson at (850)245-2713, hank.vinson@dep.state.fl.us.

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: DeSoto County Administration Office, Lauri Jones at (863)993-4800 (THIS IS A CORRECTION TO THE PREVIOUS NOTICE). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

---

#### DEPARTMENT OF HEALTH

Board of Nursing

The Board of Nursing announces a public meeting to which all persons are invited.

DATE AND TIME: May 3, 2013, 8:30 a.m.

PLACE: Holiday Inn I-295, 11083 Nurseryfields Drive, Jacksonville, FL 32256; (904)854-8000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long Range Policy Planning and general board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

---

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 19, 2013, 10:00 a.m. – 12:00 Noon.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 6, Conference Room 235, Tallahassee, FL 32399-0700; (888)670-3525, participant code 2868250655.

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #04D13GC1 – Partnerships for Success (PFS) Grant: Mandatory Solicitation Conference – The purpose of this meeting is to discuss the ITN solicitation document to clarify any areas of misunderstanding or ambiguity. Attendance at the solicitation conference is not a prerequisite for acceptance of responses from individuals or firms.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, Adrian\_Williams@dcf.state.fl.us.

---

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 1, 2013, 11:00 a.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 6, Conference Room 235, Tallahassee, FL 32399-0700, (888)670-3525, participant code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #04D13GC1 – Partnerships for Success (PFS) Grant: Reply Opening and Review of Mandatory Requirements– The purpose of this meeting document the receipt, opening, and review of mandatory requirements of responses to ITN #04D13GC1.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, Adrian\_Williams@dcf.state.fl.us.

---

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 1, 2013, 3:00 p.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 6, Conference Room 235, Tallahassee, FL 32399-0700, (888)670-3525, participant code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #04D13GC1 - Partnerships for Success (PFS) Grant: Initial Meeting of Evaluators – The purpose of this meeting is to review the guidelines for evaluation and distribute the responses received to the Department’s evaluators.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, Adrian\_Williams@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 6, 2013, 10:00 a.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 6, Conference Room 235, Tallahassee, FL 32399-0700; (888)670-3525, participant code 2868250655.

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #04D13GC1 – Partnerships for Success (PFS) Grant: Debriefing Meeting of the Evaluators – The purpose of this meeting is to retrieve copies of all responses from the Department’s evaluators and to obtain and record their scores, which will be used to determine the short list for negotiations.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, Adrian\_Williams@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 17, 2013, 8:30 a.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 6, Conference Room 235, Tallahassee, FL 32399-0700; (888)670-3525, participant code 2868250655.

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #04D13GC1 - Partnerships for Success (PFS) Grant: Organizational Meeting of Negotiators – The purpose of this meeting is for the Department’s negotiators to discuss the upcoming negotiations with the shortlisted Respondents.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, Adrian\_Williams@dcf.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pest Control Enforcement Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 23, 2013, 10:00 a.m.

PLACE: Mid-Florida Education and Research Center UF-IFAS, 2725 Binion Road, Apopka, FL 32703, (407)884-2034.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss revisions to the scope of responsibilities for pest control certified operators in charge and the potential changes a revised scope of responsibility would have on the regulatory enforcement framework in Chapter 482, FS.

A copy of the agenda may be obtained by contacting Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 3125 Conner Boulevard, MS-C41, Tallahassee, FL 32399, (850)617-7997.

For more information, you may contact: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 3125 Conner Boulevard, MS-C41, Tallahassee, FL 32399, (850)617-7997.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Substance Abuse Program

The Department of Children and Families announces public meetings to which all persons are invited.

DATES AND TIMES: May 17, 2013, 9:00 a.m. - 5:00 p.m.; May 20-23, 2013, 9:00 a.m. - 5:00 p.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd, Bldg. 6, Conference Room 235, Tallahassee, FL 32399-0700, (888)670-3525, participant code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #04D13GC1 - Partnerships for Success (PFS) Grant: Individual Negotiation Meetings – The purpose of these meetings will be to negotiate with the shortlisted Respondents for the delivery of services outlined in the solicitation document.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, Adrian\_Williams@dcf.state.fl.us.

CITY OF TAMARAC

The City of Tamarac, Florida, gives notice of proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way.

FIRST READING TO BE HELD:

DATE AND TIME: Wednesday, April 24, 2013, 9:00 a.m.

PLACE: City of Tamarac Commission Chambers, 7525 NW 88th Ave., Tamarac, FL 33321

SUBJECT: The proposed ordinance amends the Tamarac City Zoning Code provisions regulating telecommunications towers and antennas to expressly address current industry practices with respect to installation of personal wireless service facilities in the public rights-of-way.

A copy of the proposed ordinance can be obtained by calling the City Clerk's Office at (954)597-3505 or by visiting City Hall during regular business hours.

---

**PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY**

The Financial Recovery Board of the Public Health Trust (the "FRB") announces a hearing to which all persons are invited.

DATE AND TIME: April 29, 2013, 4:15 p.m.

PLACE: Stephen P. Clark Center, Board of County Commission Chambers, Second Floor, 111 N.W. First Street, Miami, Florida 33128.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss general matters, including reports, and receive public comments regarding the implementation of Section 155.40, Florida Statutes, as amended by Chapter 2012-66, Laws of Florida.

A copy of the agenda may be obtained by contacting: Ivenette Cobb, email: ICobb@jhsMiami.org.

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: Ivenette Cobb, ICobb@jhsMiami.org or (305)585-6750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Matthew Pinzur, Associate Vice President, Communications and Outreach at (305)585-7136.

---

**OMNI COMMUNICATIONS**

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation District One announces a public information meeting and invites everyone to attend.

DATE AND TIME: May 2, 2013, 5:00 p.m. – 6:30 p.m.

PLACE: Imperial Wilderness Condos Clubhouse, 14100 Tamiami Trail East, Naples, FL 34114

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation is hosting a public information meeting on May 2, 2013 about design plans for roadway improvements to US 41 from CR 951 to Greenway Road in Collier County. The meeting is an informal open house from 5:00 p.m. to 6:30 p.m. at Imperial Wilderness Condos Clubhouse, 14100 Tamiami Trail East in Naples.

Design plans presently are under development to expand US 41 from two lanes to six lanes from CR 951 to Joseph Lane and to expand US 41 from two lanes to four lanes from Joseph Lane to Greenway Road. The department does not need to acquire land or property to build these improvements.

Project staff will be available at the upcoming meeting to discuss plans for these two segments, answer questions, and take your comments. People are invited to attend anytime between 5:00 p.m. and 6:30 p.m. There will be no formal presentation.

Additional information may be obtained by contacting the FDOT Senior Project Manager, Joseph Lauk at (863)519-2251, by e-mail to joe.lauk@dot.state.fl.us or by writing the Florida Department of Transportation, P.O. Box 1249, Bartow, FL 33831.

This public information meeting is to be held in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Robin Parrish, District One Title VI Coordinator, at (863)519-2675 or by e-mail at robin.parrish@dot.state.fl.us, at least seven (7) days prior to the hearing. If you are hearing or speech impaired, please contact us using the Florida Relay Service, (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

---

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by Evelyn Figueroa, the publisher of the Florida Prison Legal Journal on January 23, 2013. The following is a summary of the agency's disposition of the petition:

The Petition for Declaratory Statement was denied because it did not conform to the requirements set forth in Section 120.565, Florida Statutes, and subsections 28-105.002(4) and (5), Florida Administrative Code. Additionally, some of the questions raised in the Petition for Declaratory Statement were not appropriately addressed in a declaratory statement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting Janet Holmes, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice that on March 26, 2013, it received a Petition for Declaratory Statement filed by John Thomas Sweeney Jr., LMT. The petition seeks the agency's opinion as to whether Iontophoresis is within the scope of practice for a licensed massage therapist. The Board will address this petition at its next meeting.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress

Way, Bin # C06, Tallahassee, Florida 32399-3256. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice that on April 5, 2013, it received a Petition for Declaratory Statement filed by Diana Richardson, LMT. The petition seeks the agency's opinion as to the applicability of Chapter 480, F.S., as it applies to the petitioner. The petitioner is seeking clarification as to whether skin beautification services and body wrapping services are within the scope of practice for a licensed massage therapist. The Board will address this petition at its next meeting.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256. Comments on this petition should be filed with the Board of Massage Therapy within 14 days of publication of this notice.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE



**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**NONE**

**Section XII  
Miscellaneous**

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need**

**DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for the 1st 2013 Hospital Beds and Facilities batching cycle with an application due date of March 6, 2013:

County: Polk    Service District: 6

CON # 10181    Decision Date: 4/10/2013    Decision: W  
Applicant/Facility: Lakeland Regional Medical Center, Inc. d/b/a Lakeland Regional Medical Center .

Project Description: Establish a comprehensive medical rehabilitation unit of up to 32 beds.

Approved Cost: \$.00

County: Lee    Service District: 8

CON # 10184    Decision Date: 4/10/2013    Decision: W  
Applicant/Facility: Lehigh HMA, LLC d/b/a Lehigh Regional Medical Center.

Project Description: Construct an 88-bed replacement hospital.  
Approved Cost: \$.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Notice of Receipt of Applications for Permit Coverage under the State’s Generic Permit for MS4’s**

The Department announces receipt of the applications listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from Bay County. The application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms.

Kathleen Downey, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 2500), Tallahassee, FL 32399-2400.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On April 10, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Pedro Abad, L.P.N., License # PN 5199624. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

- 69J-8.001: Purpose
- 69J-8.002: Definitions
- 69J-8.003: Neutral Evaluator Coarse Approval
- 69J-8.004: Qualification and Certification of Neutral Evaluators
- 69J-8.005: Maintenance of a List of Neutral Evaluators
- 69J-8.006: Notice of Program
- 69J-8.007: Request for Evaluation
- 69J-8.008: Selection of Neutral Evaluator
- 69J-8.009: Evaluation Process
- 69J-8.010: Appointment of Department Employee for Consultation for Policyholder Not Represented by an Attorney
- 69J-8.011: Neutral Evaluator's Report

"DFS held a rule development workshop on April 9, 2013 on amending Rule 69J-8, F.A.C., Alternative Procedures for Resolution of Disputed Sinkhole Claims. DFS will continue to accept written comments on the rulemaking until 5:00 p.m. on April 23, 2013. Comments or requests for a draft of the rule may be submitted to Tasha Carter at (850)413-5800 or Tasha.Carter@myfloridacfo.com."

AREA AGENCY ON AGING FOR NORTH FLORIDA, INC.

Area Agency on Aging for North Florida, Inc. is seeking an individual to fill the position of Executive Director. This is a highly responsible professional position in social service administration and planning, intended to provide oversight of the area agency's services and administrative programs including the Aging and Disability Resource Center. The non-profit Agency serves a planning and service area that spans fourteen counties. Responsibilities also include close working relationships with the Department of Elder Affairs and the other ten Area Agencies on Aging in the state.

The preferred candidate must possess a college degree and have a minimum of seven years of administrative and managerial skills. Experience in the aging network is a plus.

There is no relocation assistance provided for this position. The starting salary range is \$70,000-\$80,000. Excellent benefits are included.

Please submit your resume and a cover letter to the Search Committee, Area Agency on Aging for North Florida, Inc. at 2414 Mahan Drive, Tallahassee, Florida 32308. Agency web address is [www.AAANF.org](http://www.AAANF.org). Deadline for applying is April 30, 2013. ADA/EOE

Section XIII

Index to Rules Filed During Preceding Week

**NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.**

---