

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.001	Title
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2009 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2009 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code
69A-60.006	Manufactured and Prototype Buildings
69A-60.007	Enforcement of the Florida Fire Prevention Code

PURPOSE AND EFFECT: The purpose is to promulgate the triennial update of the Florida Fire Prevention Code as directed by Section 633.202(1), F.S.

SUBJECT AREA TO BE ADDRESSED: The Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.104, 633.202, 633.204, 633.206, 633.208, 1013.12 FS.

LAW IMPLEMENTED: 633.104, 633.202, 633.204, 633.206, 633.208, 1013.12 FS.

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

DATE AND TIME: Thursday, January 23, 2014, 9:00 a.m. (THE MEETING OF THE FLORIDA FIRE CODE ADVISORY COUNCIL WILL ALSO BE HELD.)

PLACE: Ocean Center, Room 103C, 101 N. Atlantic Avenue, Daytona Beach, Florida 32118

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: Casia Sinco, (850)413-3620 or Casia.Sinco@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Casia.Sinco@myfloridacfo.com

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

Section II

Proposed Rules

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-1.021	Definitions
40E-1.602	Permits Required
40E-1.603	Application Procedures for Processing Permit Applications or Notices of Intent
40E-1.6065	Consideration of Intended Agency Decision on Permit Applications
40E-1.607	Permit Application Processing Fees
40E-1.6107	Transfer of Surface Water Management, or Water Use, or Wetland Resource Permit
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern
40E-1.659	Forms and Instructions

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protect water resources.

SUMMARY: Specifically, the proposed rules: 1) update rule references; 2) clarify procedures for specific types of permit applications; 3) clarify that all right of way staff recommendations and recommendations for denial of all permit applications are considered by the Governing Board; 4) replace old forms with new ones; 5) reformat the fee table so that it is easier to read; 6) conform the permit types to those proposed in Rule 40E-2.071, F.A.C.; and 7) incentivize the online submission of applications for Noticed General Permits by reducing the application fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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.

Small businesses who are consumptive use permittees and applicants will benefit from the consistency and simplification of permit categories and experience cost savings.

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: The benefits to costs over a five year implementation period will result in a cumulative nominal savings of \$862,740 and discounted cumulative savings of \$825,139.

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

RULEMAKING AUTHORITY: 218.075, 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 373.4131, 373.4136, 373.416, 380.051, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.60, 218.075, 373.079, 373.083, 373.085, 373.106, 373.107, 373.109, 373.113, 373.116, 373.171, 373.229 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2133 or (561)682-2133, email:

smemberg@sfwmd.gov, or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-2, ~~40E-3~~, 40E-4, ~~40E-20~~, ~~40E-40~~, 40E-41, ~~and~~ 40E-61, ~~and~~ ~~40E-400~~, F.A.C.:

(1) through (5) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 668.003, 668.004, 668.50 FS. History—New 10-1-06, Amended 10-23-12,_____.

40E-1.602 Permits Required.

Unless expressly exempt by statute or District rule, permits must be obtained from the District prior to commencement of the following activities:

(1) A water use individual or general permit pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., must be obtained prior to use or withdrawal of water or dewatering activities;

(2) through (11) No change.

Rulemaking Authority 373.044, 373.113, 373.4131, 373.4135 FS. Law Implemented 120.60, 373.085, 373.106, Chapter 373 Parts II and IV FS. History—New 9-3-81, Formerly 16K-1.06, Amended 7-26-87, 5-11-93, 10-3-95, 4-1-96,_____.

40E-1.603 Application Procedures for Processing Permit Applications or Notices of Intent.

(1) No change.

(a) No change.

(b) If the District determines that the application is incomplete, the District shall request the information needed to complete the application within 30 days of its receipt. ~~For individual water use permits, and standard general water use permits, The applicant shall have 90 days from receipt of a timely request for additional information to submit that information to the District.~~

(c) through (e) No change.

(2) No change.

(3)(a) Agency action on all other individual permits and standard permits shall occur within 90 days of receipt of a complete application, including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.

(b) An authorization to proceed for ~~noticed standard~~ general water use permits in Chapter 40E-20, F.A.C., shall occur within ~~30 60~~ days of receipt of a complete notice of intent, ~~unless a notice that the project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District within 30 days. If notice that the proposed project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail by the District to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit if the requested activity is not covered by the noticed general permit rule including receipt of all requested information and correction of any error or omission of which the applicant was timely notified.~~

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.4131, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06, Amended 12-1-11, 10-23-12,_____.

40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

(1) No change.

(2) The District shall consider the application for a standard right of way occupancy or works of the district permit at its next regularly scheduled Governing Board meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S. The District shall also consider all permit applications that staff recommends for denial, the District shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or water use permit application at its next available regularly scheduled Governing Board regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) In no case shall agency action be taken later than 60 days after the application for a conceptual approval or individual environmental resource permit, or later than 90 days ~~after for~~ an individual water use permit, right of way occupancy, or works of the district permit, is declared complete unless waived by the applicant or stayed by the filing of a petition for an administrative hearing. The permit applicant may voluntarily waive the timeline for governing

action on the permit application in Section 120.60, F.S., in order to resolve any outstanding issues, including third party objections, regarding the project.

(4) In no case shall agency action be taken later than 60 days after the application for a conceptual approval, or individual environmental resource permit is declared complete, or later than 90 days after an application for a right of way occupancy, works of the district, or an individual water use permit is declared complete unless waived by the applicant or stayed by the filing of a petition for an administrative hearing. The permit applicant may voluntarily waive the timeline for governing action on the permit application in Section 120.60, F.S., in order to resolve any outstanding issues, including third party objections, regarding the project.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60, 373.079, 373.083, 373.107, 373.109, 373.116, 373.4131, 668.003, 668.004, 668.50 FS. History—New 7-2-98, Amended 6-12-00, 10-1-06, 10-23-12,_____.

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit or are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)

PERMIT APPLICATION PROCESSING FEES FOR WATER USE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-2 ~~AND 40E-20~~, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

Category	Amount	Greater than 15 mgm through 30 mgm	\$1,000
<u>Individual Permit, except Mining/Dewatering</u>		Greater than 30 mgm through 300 mgm	\$2,000
<u>Up to 3 million gallons per month (mgm)</u>	<u>\$350</u>	Greater than 300 mgm	\$3,200
<u>Greater than 3 mgm through 15 mgm</u>	<u>\$1000</u>	<u>Noticed General Standard Water Use Permit</u>	
Individual Public Water Supply with a duration less than 20 years		<u>Maximum monthly allocation through Aquifer Storage and Recovery</u>	
Maximum monthly allocation:		<u>Application filed electronically at</u>	<u>\$100</u>
Greater than 15 million gallons per month (mgm)	\$2,700	<u>www.sfwmd.gov/ePermitting</u>	<u>\$350</u>
through 30 mgm		<u>million gallons per month (Minor)</u>	
Greater than 30 mgm through 300 mgm	\$5,500	<u>Application filed by other means</u>	<u>\$350</u>
Greater than 300 mgm	\$7,000	<u>Greater than 3 mgm through 15 mgm (Major)</u>	<u>\$1,000</u>
Individual Public Water Supply with a duration of <u>at least</u> 20 years		<u>Short term Dewatering</u>	<u>\$500</u>
Maximum monthly allocation:		Aquifer Storage and Recovery: (cost added to the applicable use type listed above)	\$1,000
Greater than 15 million gallons per month (mgm)	\$4,200	(cost added to the applicable use type listed above)	\$1,000
through 30 mgm		Permit Transfer to Another Entity Pursuant to Rules 40E-0.107 and 40E-2.351, F.A.C.	\$300
Greater than 30 mgm through 300 mgm	\$8,500	<u>General Permit by Rule</u>	<u>no fee</u>
Greater than 300 mgm	\$11,500	(2) through (7) No change.	
Individual Irrigation with a duration less than 20 years	\$1,000	Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, _____.	
Individual Irrigation with a duration of <u>at least</u> 20 years			
Maximum monthly allocation:			
Greater than 15 mgm through 30 mgm	\$1,600		
Greater than 30 mgm through 300 mgm	\$3,400		
Greater than 300 mgm	\$5,600		
Individual Mining/ (Dewatering)			
Maximum monthly allocation:			
<u>Up to 15 mgm</u>	<u>\$500</u>		
Greater than 15 mgm through 30 mgm	\$1,800		
Greater than 30 mgm through 300 mgm	\$3,250		
Greater than 300 mgm	\$4,000		
Individual Industrial with a duration less than 20 years			
Maximum monthly allocation:			
Greater than 15 mgm through 30 mgm	\$1,400		
Greater than 30 mgm through 300 mgm	\$2,750		
Greater than 300 mgm	\$3,500		
Individual Industrial with a duration of <u>at least</u> 20 years			
Maximum monthly allocation:			
Greater than 15 mgm through 30 mgm	\$2,000		
Greater than 30 mgm through 300 mgm	\$3,650		
Greater than 300 mgm	\$5,600		
Individual Diversion and Impoundment with a duration less than 20 years			
Maximum monthly allocation:			
Greater than 15 mgm through 30 mgm	\$1,400		
Greater than 30 mgm through 300 mgm	\$2,750		
Greater than 300 mgm	\$3,500		
Individual Diversion and Impoundment with a duration of <u>at least</u> 20 years			
Maximum monthly allocation:			
Greater than 15 mgm through 30 mgm	\$2,000		
Greater than 30 mgm through 300 mgm	\$3,950		
Greater than 300 mgm	\$6,200		
Independent Secondary User of a Diversion and Impoundment with a duration of <u>at least</u> 20 years			
Maximum monthly allocation:			

District environmental resource and water use permitting requirements:

(a) No permit and no coordinated agency review participation by the District is required for the water uses exempted by Rule 40E-2.051 (Exemptions), F.A.C., or identified in Rule 40E-2.061, F.A.C.

(b) No change.

(3) The following coordinated agency review procedures apply to projects which require permits pursuant to Chapters 40E-2 ~~or 40E-20~~ (Consumptive Use), 62-330 and 40E-4 (Environmental Resource), F.A.C.:

(a) through (f) No change.

Rulemaking Authority 373.044, 373.113, 373.4131, 380.051 FS. Law Implemented 373.4131, 380.051, 668.003, 668.004, 668.50 FS. History—New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11, 10-23-12,_____.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District's rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436:

Form No.	Date	Title
0186	09-12	State of Florida Water Well Contractor's Application, incorporated by reference in subsection 40E-3.038(3), F.A.C.
13760188-QCROP	40-12	Report of Planting and Harvest of Seasonal Crops Form Report of Planting and Harvest of Seasonal Crops , incorporated by reference in <u>Rule subsection 40E-2.091(6), F.A.C.</u>
13770188-QMON	40-12	Water Quality Report Form Quarterly Report of Monitoring Requirements , incorporated by reference in <u>Rule subsection 40E-2.091(5), F.A.C.</u>
13780188-QMQ	40-12	Water Use Pumpage Report Form Quarterly Report of Withdrawals Pumps , incorporated by reference in <u>Rule subsection 40E-2.091(4), F.A.C.</u>
0188-QASR	40-12	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells , incorporated by reference in subsection 40E-2.091(2), F.A.C.
0188-QMQF	40-12	Quarterly Report of Withdrawals from Wells and Surface Water , incorporated by reference in subsection 40E-2.091(3), F.A.C.

0188-QBWDR	40-12	Quarterly Report of Bulk Water Delivered and Received , incorporated by reference in subsection 40E-2.091(4), F.A.C.
0445	40-12	Mining/Dewatering Permit Application , incorporated by reference in subsection 40E-2.101(3), F.A.C.
13790645-W01	40-12	Water Use Permit Application Form , incorporated by reference in <u>Rule paragraph 40E-2.101(4)(a), F.A.C.</u>
1380		<u>Water Use Permit Application Supplemental Form A – Agricultural Use</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
1381		<u>Water Use Permit Application Supplemental Form B – Commercial/Industrial Use</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
1382		<u>Water Use Permit Application Supplemental Form C – Landscape/Recreation Use</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
1383		<u>Water Use Permit Application Supplemental Form D – Dewatering Use</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
1384		<u>Water Use Permit Application Supplemental Form E – Public Supply Use</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
1386		<u>Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
1387		<u>Flow Meter Accuracy Calibration Report Form</u> , hyperlink, incorporated by reference in Rule 40E-2.091, F.A.C.
1388		<u>Alternative Method Calibration Report Form</u> , incorporated by reference in Rule 40E-2.091, F.A.C.
1389		<u>Crop (Freeze) Protection Form</u> , incorporated by reference in Rule 40E-2.091, F.A.C.
1391		<u>Notice of Intent to Use a Water Use Noticed General Permit</u> , incorporated by reference in Rule 40E-2.101, F.A.C.
0645-G60	40-12	Table A Descriptions of Wells , incorporated by reference in paragraph 40E-2.101(1)(b), F.A.C.
0645-G61-1	40-12	Table B Description of Surface Water Pumps , incorporated by reference in paragraph 40E-2.101(1)(c), F.A.C.

0645-G61-2	10-12	Table C Description of Culverts, incorporated by reference in paragraph 40E-2.101(1)(d), F.A.C.
0645-G65	10-12	Table D Crop Information, incorporated by reference in paragraph 40E-2.101(1)(e), F.A.C.
0645-G74	10-12	Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E-2.101(1)(f), F.A.C.
0645-G69	10-12	Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E-2.101(1)(g), F.A.C.
0645-G70	10-12	Table H Projected Water Use (For Per Capita Greater than 200 GPD), incorporated by reference in paragraph 40E-2.101(1)(h), F.A.C.
0645-G71	10-12	Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E-2.101(1)(i), F.A.C.
0645-G72	10-12	Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E-2.101(1)(j), F.A.C.
0645-G73	10-12	Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E-2.101(1)(k), F.A.C.
0779	01-01	Application for a Works of the District Permit, incorporated by reference in subsection 40E-63.091(9), F.A.C.
0889	12-11	Certification of Waiver of Permit Application Processing Fee, incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C.
1045	11-10	Application for a C-139 Basin Works of the District Permit, incorporated by reference in subsection 40E-63.430(2), F.A.C.
62-532.900(1)	10-10	State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, incorporated by reference in subsection 40E-3.101(1), F.A.C.
62-532.900(2)	10-10	State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C.
Rulemaking Authority 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12,_____.		

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, P.E., Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-2.011	Policy and Purpose
40E-2.041	Permits Required
40E-2.061	No-Notice General Permit by Rule
40E-2.071	Noticed General Permits and Individual Permits
40E-2.091	Publications Incorporated by Reference
40E-2.101	Content of Application
40E-2.301	Conditions for Issuance of Permits
40E-2.321	Duration of Permit
40E-2.331	Modification of Permits
40E-2.381	Limiting Conditions

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protect water resources.

SUMMARY: Specifically, the proposed amendments: 1) require a single noticed general permit for contiguous properties unless served by separate withdrawal facilities; 2) grant a general permit by rule for the use of water for cooling/heating systems, a use that previously required a water use permit; 3) set forth circumstances under which the water use would likely qualify for such a general permit as well as specify those criteria under which an applicant must apply for an individual permit; 4) replace old water use forms with new ones; 5) incorporate provisions from Chapter 40E-20, F.A.C.; 5) conform to the water Resource Implementation Rule on minimum flows and levels; 6) provide for modifications of permits by letter for certain types of projects or activities; and 7) facilitate implementation of the recent amendments to Section 373.236(5), F.S.

In addition, the proposed amendments rename the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District” to “Water Use Permit Applicant’s Handbook For Use Within the South Florida Water Management District” and fulfill the goals of CUPCon to streamline the CUP application and compliance process as well as to make it easier for applicants/consultants that work in multiple WMD jurisdictions. The Applicant’s Handbook will contain a consistent order of appearance as well as contain consistent criteria on several topics, such as water conservation and 10-year compliance reports.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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.

Small businesses who are consumptive use permittees and applicants will benefit from the consistency and simplification of permit categories and experience cost savings.

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: The benefits to costs over a five year implementation period will result in a cumulative nominal savings of \$862,740 and discounted cumulative savings of \$825,139.

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

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

LAW IMPLEMENTED: 373.042, 373.0421, 373.079, 373.083, 373.103(1), 373.109, 373.118, 373.196, 373.1501, 373.1502, 373.203, 373.216, 373.219, 373.223, 373.224, 373.229, 373.2295, 373.232, 373.233, 373.236, 373.239, 373.244, 373.249, 373.250, 373.470 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk’s Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov, or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.011 Policy and Purpose.

(1) through (2) No change.

(3) The purpose of this chapter is to set forth the conditions for issuance for all water use permits and establish requirements for the various types of permits available under this chapter.

(4)(3) Additional rules relating to water use are found in Chapters 40E-5, F.A.C. (Artificial Recharge), Chapter 40E-8, F.A.C.; (Minimum Flows and Levels (MFLs)), Chapter 40E-10, F.A.C. (Water Reservations), Chapters 40E-20, F.A.C. (General Water Use Permits), 40E-21, F.A.C. (The Water Shortage Plan), 40E-22, F.A.C.; (Regional Water Shortage Plans), and 40E-24, F.A.C. (Mandatory Year-Round Landscape Irrigation Conservation Measures).

(5)(4) Standards for the construction, repair and abandonment of water wells are found in Chapters 40E-3, F.A.C. (Water Wells).

(6) If an application for any proposed water use does not meet the provisions of this chapter for a general permit or evidence indicates the potential for harm, the District will provide the permit applicant with the option to either withdraw the general permit application or supply the additional information and, if applicable, the fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. The criteria in the “Applicant’s

Handbook for Water Use Permit Applications within the South Florida Water Management District.” incorporated by reference in Rule 40E-2.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-2.301, F.A.C., are satisfied.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216, 373.249 FS. History—New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91, 8-1-02, 8-31-03, 7-2-09, 10-23-12, _____

40E-2.041 Permits Required.

(1) No change.

(2) The District issues water use permits in two forms, individual water use permits and general water use permits. ~~An individual~~ water use permit may be obtained by meeting the requirements of this chapter. ~~Chapter 40E-20, F.A.C., provides the requirements for qualifying for a general water use permit.~~

(3) No change.

(4) A water user seeking a noticed general permit shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented as separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either a) share the same irrigation infrastructure or b) are operated as a common enterprise. However, when multiple use classifications, as set forth in Rule 40E-21.651, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate noticed general permits.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.103(1), 373.219, 373.244 FS. History—New 9-3-81, Formerly 16K-2.03(1), (2), Amended 10-23-12, _____.

40E-2.061 ~~No Notice~~ General Permits by Rule.

Certain specified uses have been determined to be reasonable-beneficial, not interfering with existing legal uses and consistent with the public interest pursuant to Section 373.223, F.S. The Board hereby grants a Ggeneral water use Ppermit by Rrule for all non-exempt to each person that does not otherwise require a consumptive uses of water permit, within the District that satisfy the following criteria:

(1) General Permit by Rule for Landscape Irrigation to use, withdraw, or divert water at a Ssingle Ffamily Dwelling or Duplex –

(a) The Board hereby grants a general permit to each person for the use, withdrawal, or diversion of water at a single family dwelling or duplex including, but not limited to, home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from a single on-site withdrawal facility, such as a private irrigation well or surface water diversion, for each single family dwelling or

duplex, provided that landscape irrigation is conducted in accordance with Chapters 40E-21 and 40E-24, F.A.C., or with any approved variance, and that the amount of water used is limited to only that necessary for efficient utilization.

(b) When reclaimed water is available, the use of a private irrigation well or surface water diversion for home lawn and ornamental irrigation is not authorized under this section. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection at the property boundary.

(c) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to subsection 40E-2.331(4), F.A.C.

(2) General Permit by Rule for Short-Term Dewatering – The filing of an application for a permit under this rule is not required.

(a) The Board hereby grants a general permit for the use of water in conjunction with short-term dewatering operations, such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or aquifer performance tests; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, provided the following criteria are met:

1. Has a maximum daily pumpage of less than 5 million gallons (MG) and a maximum total project pumpage of less than 100 MG over a 180-day period.

2. Will retain all discharge on the project site unless associated with an aquifer performance test;

3. Will not dewater to a depth below 0.0 feet NGVD within 1,000 feet of saline water, except when dewatering water with a chloride concentration of greater than 1,000 milligrams per liter;

4. Will not occur within 100 feet of a wastewater treatment plant rapid-rate land application system permitted under Part IV of Chapter 62-610, F.A.C.;

5. Will not occur within 1,000 feet of a known landfill or contamination; and,

6. Will not occur within 1,000 feet of a freshwater wetland unless dewatering activities are completed within 60 days.

(b) In proceeding with general permit by rule for dewatering, the permittee acknowledges that the dewatering operation is subject to the Permit Conditions in Section 5.0 of the Applicant’s Handbook, including responsibility for mitigating any harm that may occur as a result of the dewatering to existing legal uses, off-site land uses, or natural resources.

(c) Linear projects, such as roads, utilities, or pipelines, may qualify for multiple general permits by rule. The

dewatering activity for these projects may have a rolling 180-day duration, in which the dewatering operation at the end of each 180-day period occurs more than 1 mile from the location at the beginning of each 180-day period.

(3) General Permit by Rule for Closed-Loop Systems – When reclaimed water is available, the use of a private irrigation well or surface water diversion for home lawn and ornamental irrigation is not authorized under this section. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection at the property boundary.

(a) The Board hereby grants a general permit by rule for the use of water for cooling/heating systems for swimming pools and air conditioning units provided the following criteria are met:

1. The withdrawal and discharge points are on property legally controlled by the permittee;

2. The water is discharged to the same source, aquifer, or permeable zone from which it is withdrawn;

3. The discharge or injection has been permitted by the Department;

4. The water has no contact or mixing with other water sources, additives, and chemicals.

(b) In proceedings with a general permit by rule for closed-loop systems, the permittee acknowledges that the use is subject to the Permit Conditions in Section 5.0 of the Applicant's Handbook, including responsibility for mitigating any harm that may occur as a result of the withdrawals to existing legal uses, off-site land uses, or natural resources.

(c) The permittee shall not utilize the withdrawal facility associated with this general permit by rule for any other type of consumptive use.

(4) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to subsection 40E-2.331(4), F.A.C.

(5) This no notice general permit by rule does not apply to domestic uses of water, such as water used for household purposes of drinking, bathing, cooking, sanitation, or other indoor uses, at single family dwellings and duplexes, which are addressed by subsection 40E-2.051(1), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223 FS. History—New 3-15-10, Amended _____.

40E-2.071 Noticed General Permits and Individual Permits.

The use of water, which does not qualify for a general permit by rule, qualifies for a noticed general permit if the use:

(1) Does not withdraw from the following sources:

(a) Surface water from the C-23, C-24, or C-25 Canals;

(b) Surface water from the L-1, L-2, or L-3 Canals;

(c) Surface water within the Lake Istokpoga/Indian Prairie Canal System depicted in Figures 21-20 and 21-21, Chapter 40E-21, F.A.C.;

(d) Surface or groundwater within the Picayune Strand or Fakahatchee Estuary, groundwater indirectly from the Picayune Strand or Fakahatchee Estuary or any canal identified in Figure 3-6 of the Applicant's Handbook, or surface water indirectly from any canal identified in Figure 3-6 of the Applicant's Handbook;

(e) Surface water from the Lower East Coast Everglades Waterbodies, the North Palm Beach County/Loxahatchee River Watershed Waterbodies, or the integrated conveyance system identified in Figures 3-1 and 3-2 of the Applicant's Handbook;

(f) Surface water from the protected canal reaches identified in Figure 3-1 in Chapter 40E-10, F.A.C.;

(2) Satisfies the following facility restrictions:

(a) Is from facilities having a cumulative withdrawal capacity of less than 1,000,000 GPD;

(b) Is from groundwater wells less than eight (8) inches in diameter; and,

(c) Is from surface water facilities which have a cumulative intake diameter less than six (6) inches;

(3) Has a cumulative average daily use of less than 100,000 GPD on an annual basis, unless the location and volume criteria in subsection (4), below, is applicable;

(4) Meets the following location and volume criteria, as applicable:

(a) Withdraws groundwater from the Lower Tamiami aquifer within the area depicted in Figure 2-1 and has an annual average allocation of less than 10,000 GPD;

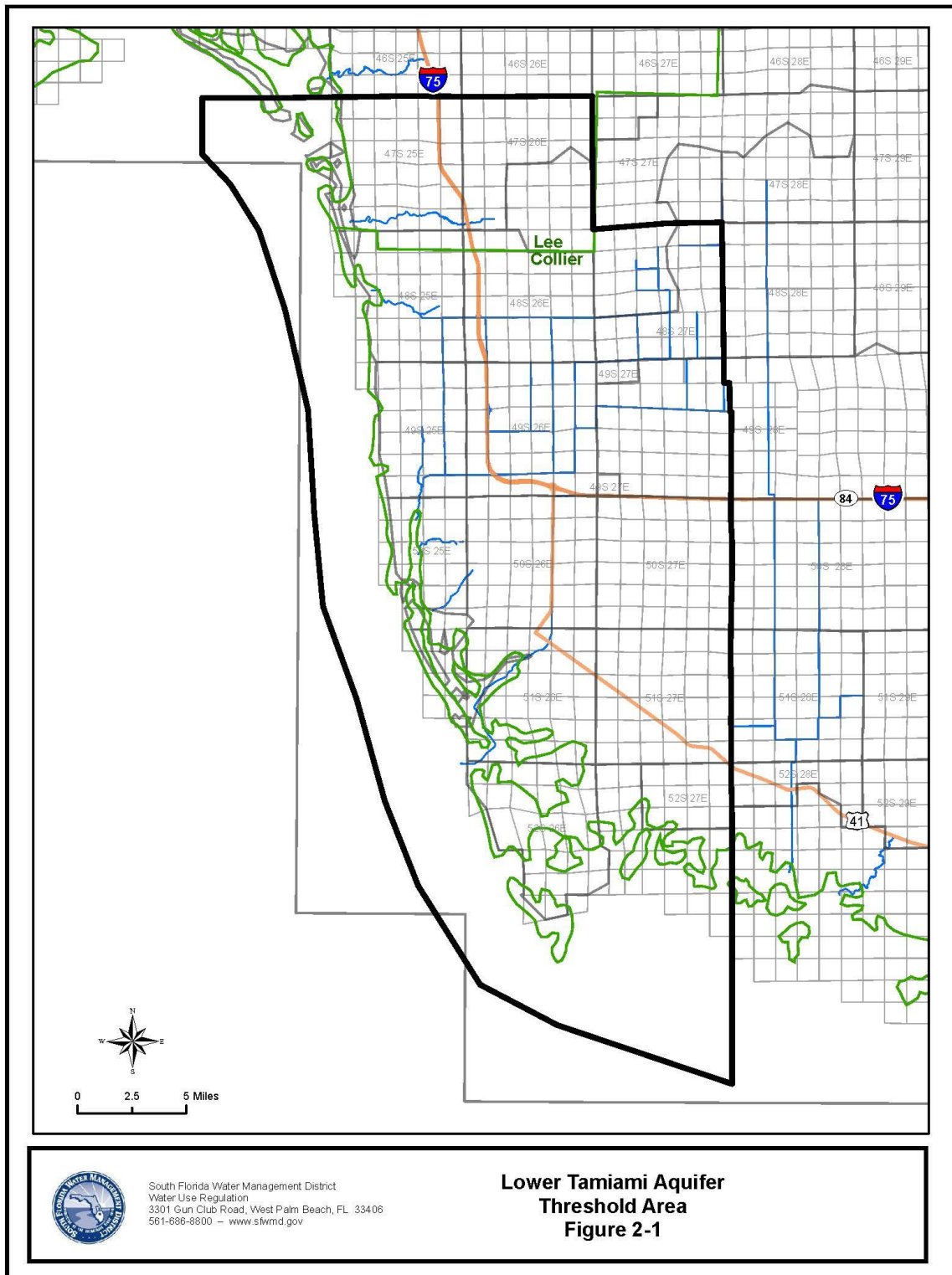
(b) Withdraws groundwater from the Sandstone aquifer within the area depicted in Figure 2-2 and has an annual average allocation of less than 10,000 GPD;

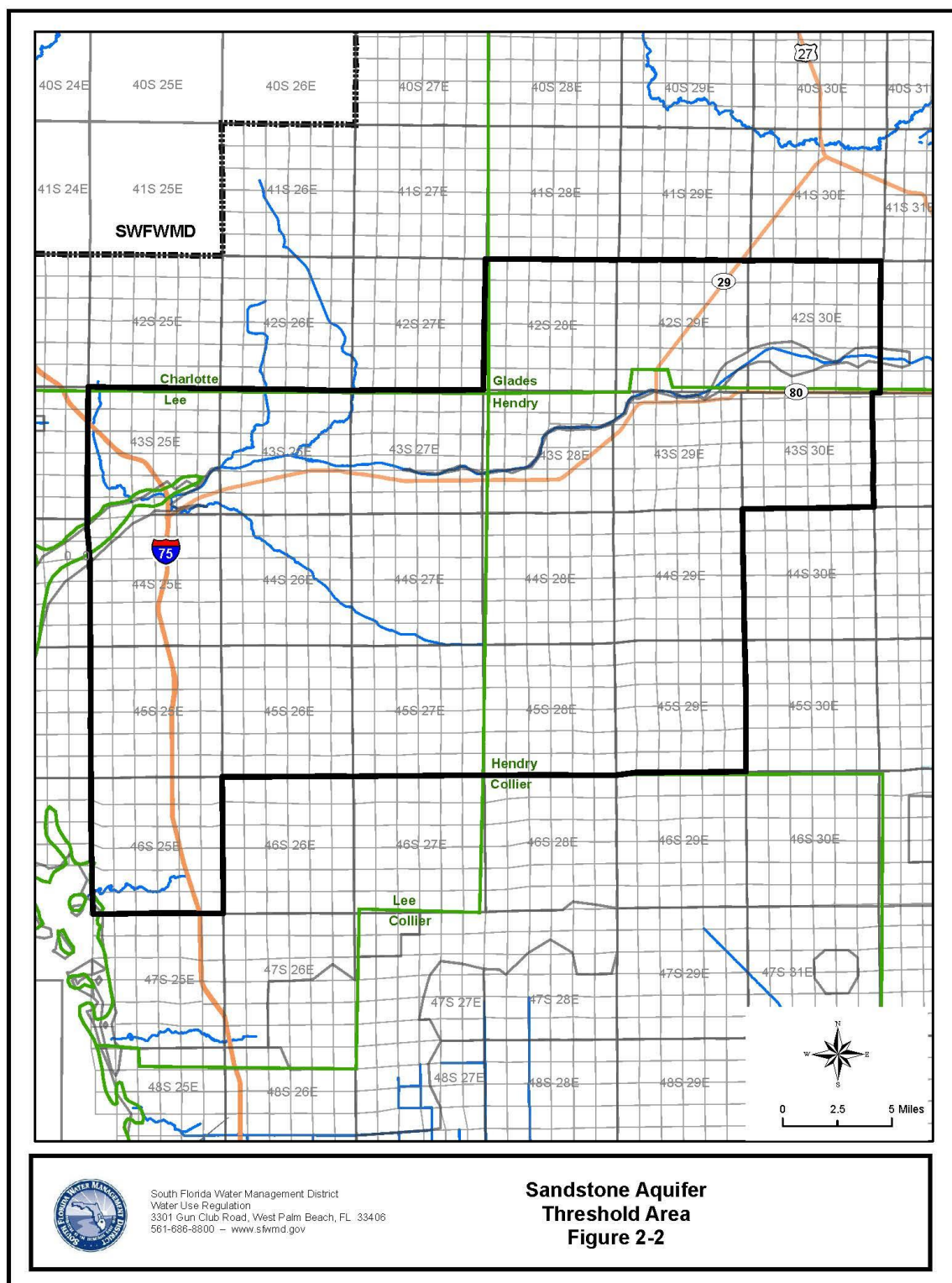
(c) Withdraws groundwater from the Mid-Hawthorn aquifer within the area depicted in Figure 2-3 and has an annual average allocation of less than 10,000 GPD; or,

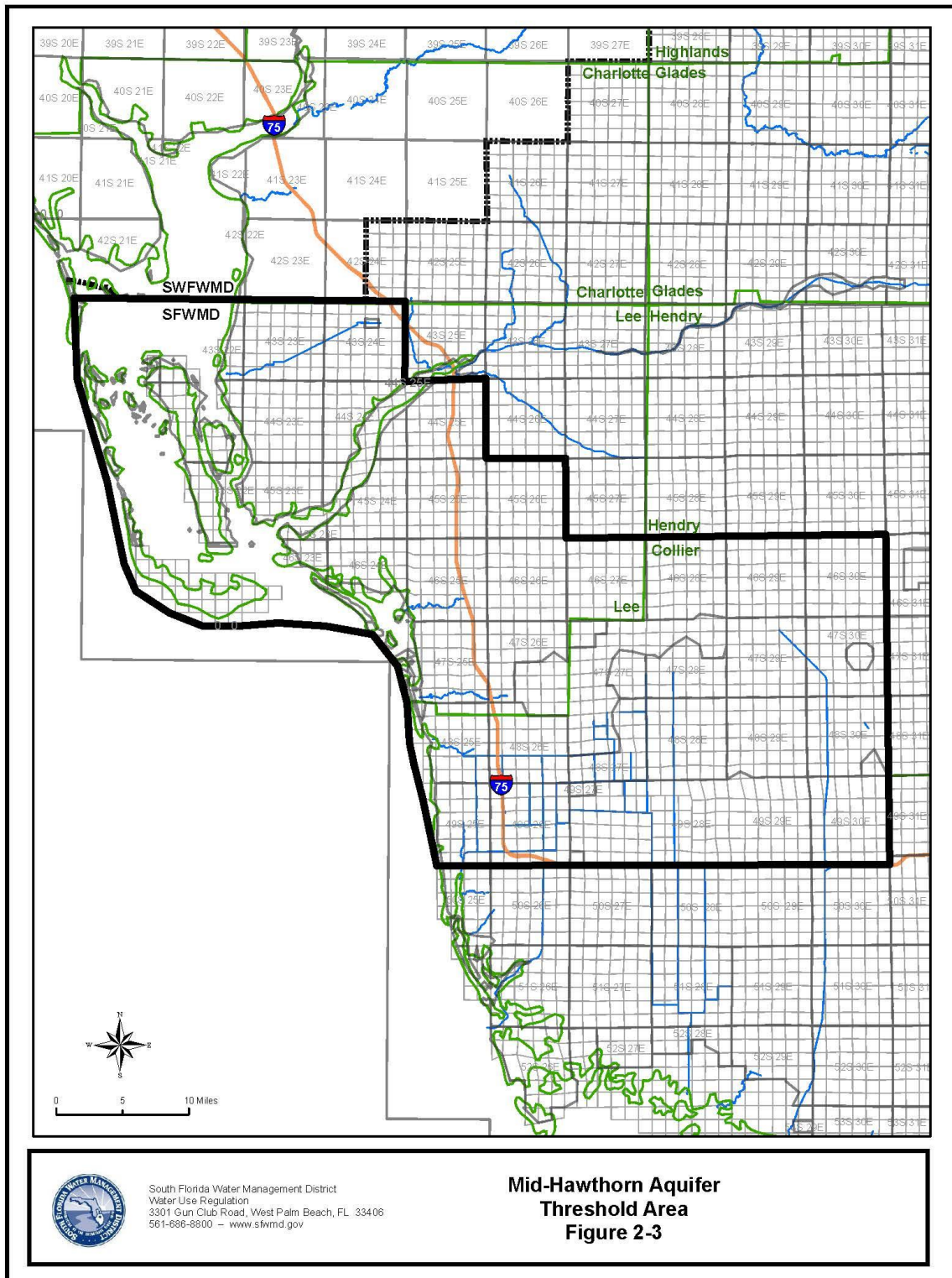
(d) Withdraws water for irrigation purposes within the South Dade County Water Use Basin depicted in Figure 21-11, Chapter 40E-21, F.A.C., and has an annual average allocation of less than 300,000 GPD, regardless of the facility restrictions in subsection (2), above; and,

(5) Is consistent with requirements of any applicable mandatory reuse zones.

An individual permit is required for all non-exempt uses that do not qualify for a general permit. Diversion and impoundment uses do not qualify for a general permits and must apply for an individual permit. Dewatering uses that do not qualify for a general permit by rule must apply for an individual permit.







Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223 FS. History—New

40E-2.091 Publications Incorporated by Reference.

(1) The “Applicant’s Handbook Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 23, 2012,” <http://www.flrules.org/Gateway/reference.asp?No=Ref-01630>, is incorporated by reference herein. ~~and requires the use of the following forms, which are also incorporated by reference herein: Form 0188 QMQ, Quarterly Report of Withdrawals, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01564>, (referenced in Section 4.1);~~

(2) The Applicant’s Handbook requires the use of the following forms, which are hereby incorporated by reference: Form 0188 QASR, Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01565>, (referenced in Section 4.1);

(a) Form No. 0188 QBWDR, Quarterly Report of Bulk Water Delivered and Received, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01567>, referenced in Subsection 4.1; Form No. 1389, Crop (Freeze) Protection Form, hyperlink, referenced in Subsection XXXX;

(b) Form No. 1378, Water Use Pumpage Report Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01566>, referenced in Subsection 4.1;

(c) Form No. 1377, Water Quality Report Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01568>, referenced in Subsection 4.2;

(d) Form No. 1376, Report of Planting and Harvest of Seasonal Crops Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01569>, referenced in Subsection 5.2.2; and,

(f) Form No. 1387, Flow Meter Accuracy Calibration Report Form, hyperlink, referenced in Subsection 5.2.2; and,

(g) Form No 1388, Alternative Method Calibration Report Form, referenced on Subsection 5.2.2.

(3) Subsections 62-40.416(7) and (8), F.A.C., need hyperlink, effective _____, are incorporated by reference. Form 0188 QMQF, Quarterly Report of Withdrawals from Wells and Surface Water Pumps, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01566>, (referenced in Section 4.1);

(4) Form 0188 QBWDR, Quarterly Report of Bulk Water Delivered and Received, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01567>, (referenced in Section 4.1)

~~(5) Form 0188 QMON, Quarterly Report of Monitoring Requirements, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01568>, (referenced in Section 4.2);~~

~~(6) Form 0188 QCROP, Report of Planting and Harvest of Seasonal Crops, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01569>, (referenced in Section 5.2.3);~~

(4) The “Applicant’s Handbook Basis of Review for Water Use Permit Applications within the South Florida Water Management District” and forms incorporated therein are available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561) 682-6436.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, _____.

NOTE: THE PROPOSED AMENDMENTS TO THE APPLICANT’S HANDBOOK ARE AVAILABLE FOR VIEWING AT www.sfwmd.gov/rules.

40E-2.101 Content of Application.

(1) ~~Except in those circumstances detailed in subsection (5) below, a~~Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District’s Service Centers. The addresses and phone numbers of the District’s Service Centers are online at www.sfwmd.gov, “Locations”.

~~(a) The application, Form No. 0645 W01, Water Use Permit Application, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01570>, shall include the following forms, if applicable:~~

~~(b) Form No. 0645 G60, Table A Description of Wells, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01571>, for permits with wells;~~

~~(c) Form No. 0645 G61 1, Table B Description of Surface Water Pumps, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01572>, for permits with pumps;~~

~~(d) Form No. 0645 G61 2, Table C Description of Culverts, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01573>, for permits with irrigation culverts;~~

~~(e) Form No. 0645 G65, Table D Crop Information, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01574>, for agricultural permits;~~

~~(f) Form No. 0645 G74, Table E Water Received From or Distributed to Other Entities, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01575>, for public water supply permits;~~

~~(g) Form No. 0645 G69, Table F Past Water Use & Table G Projected Water Use, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01576>, for public water supply permits;~~

~~(h) Form No. 0645 G70, Table H Projected Water Use, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01577>, for public water supply permits;~~

~~(i) Form No. 0645 G71, Table I Water Treatment Method and Losses, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01578>, for public water supply permits;~~

~~(j) Form No. 0645 G72, Table J Aquifer Storage and Recovery, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01579>, for public water supply permits; and~~

~~(k) Form No. 0645 G73, Table K Water Supply System Interconnections, October 2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01580>, for public water supply permits.~~

(2) The application for all water use permits shall contain:

~~(a)(4)~~ The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.;

~~(b)(m)~~ The information required in Section 373.229(1), F.S.; and

~~(c)(n)~~ Information sufficient to show that the use meets the criteria and conditions established in Rule 40E-2.301, F.A.C.; and

~~(d)(2)~~ The application forms, as specified below, ~~must be~~ signed by the applicant or the authorized agent of the applicant.

(3) Application for an Individual Water Use Permit shall be made using Form No. 1379, Water Use Permit Application, Month year, hyperlink. Applicants shall also submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

(a) Form No. 1380, Water Use Permit Application Supplemental Form A – Agricultural Use, Month, year, hyperlink.

(b) Form No. 1381, Water Use Permit Application Supplemental Form B – Commercial/ Industrial Use, Month, year, hyperlink.

(c) Form No. 1382, Water Use Permit Application Supplemental Form C, Landscape/Recreation Use, Month, year, hyperlink.

(d) Form No. 1383, Water Use Permit Application Supplemental Form D, Dewatering Use, Month, year, hyperlink.

(e) Form No. 1384, Water Use Permit Application Supplemental Form E – Public Supply Use, Month, year, hyperlink.

(f) Form No. 1386, Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use, Month, year, hyperlink.

(4) Application for a Noticed General Water Use Permit shall be made using Form No. 1391, Notice of Intent to Use a Water Use Noticed General Permit, Month year, hyperlink.

(5) The filing of an application is not required to qualify for a General Permit by Rule, provided the criteria in Rule 40E-2.061, F.A.C., are satisfied.

(6)(4) The forms identified in subsections (3)(4) and (4)(3) above are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History—New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, 8-1-02, 10-23-12,_____.

40E-2.301 Conditions for Issuance of Permits.

(1) No change.

(a) through (g) No change.

(h) For uses with a recommended maximum allocation which exceeds 100,000 GPD or uses within a mandatory reuse zone, mMakes use of a reclaimed water source in accordance with the criteria contained in the “Applicant’s Handbook Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C.

(i) Is in accordance with any the established minimum flows or and levels and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S. provisions in Chapter 373, F.S., this chapter and Chapter 40E 8, F.A.C.; and

(j) through (k) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Applicant’s Handbook

~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., are met.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09,_____.

40E-2.321 Duration of Permit.

General Duration Provision. When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance for the requested 20 year permit duration; or otherwise, permits may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided. This determination will be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the “Applicant’s Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C. Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History—New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, 4-23-07, 2-13-08,_____.

40E-2.331 Modification of Permits.

(1) through (3) No change.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. No change.

2. Does not modify the existing permit expiration date, except ~~when: that~~

a. When the permit duration is based upon the current lease expiration date, the permit duration shall be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321, F.A.C.; or,

b. A public water supply permittee achieves demonstrable savings attributable to implementation of its water conservation plan beyond that required by Subsection 2.3.2.F.1 of the Applicant’s Handbook; or,

c. A permittee complies with the extension provisions of Section 373.236(5), F.S.; or,

d. The permit duration is based upon a proposed “start” date for dewatering, the permit duration shall be extended by letter modification to one year from the new “start” date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321, F.A.C.; or,

3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, does not withdraw water reserved under Chapter 40E-10, F.A.C., or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Applicant’s Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C.; and

4. through 6. No change.

(b) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.223, 373.229, 373.239 FS. History—New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, 2-13-08, 7-2-09, 3-15-10, 10-23-12,_____.

40E-2.381 Permit Limiting Conditions.

The District shall impose on any permit granted under this chapter such reasonable ~~standard and special~~ permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Applicant’s Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Applicant’s Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit, as applicable.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.079, 373.083, 373.219(1) FS. History—New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 4-23-07, 2-13-08, 10-23-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, P.E., Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:

40E-3.011	Policy and Purpose
40E-3.021	Definitions
40E-3.040	Scope of Part I
40E-3.051	Exemptions
40E-3.301	Conditions for Issuance of Permits
40E-3.451	Emergency Authorization

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protect water resources.

SUMMARY: The proposed amendments delete references to repealed Chapter 40E-30, F.A.C., and Chapter 40E-20, F.A.C., which is proposed for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse 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 not been prepared by the agency.

The proposed amendments are non-substantive and have no impact on small business.

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: The proposed amendments are non-substantive and do not meet the threshold.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.119, 373.171 FS.

LAW IMPLEMENTED: 373.019, 373.103(1), 373.106, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk's Office, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.011 Policy and Purpose.

(1) The purpose of Chapter 40E-3, F.A.C., is to implement the duties and responsibilities of the South Florida Water Management District (District) under Part III, Chapter 373, F.S., and those responsibilities and duties delegated to the District by the Department of Environmental Protection (Department) to regulate the location, construction, repair, or abandonment of water wells and the licensing of water well contractors. It is the policy of the Governing Board that these rules are reasonably necessary to insure the protection and management of water resources and the health, safety, and general welfare of the people of this District.

(2) Additional District rules relating to water wells are found in Chapters 40E-5, (Artificial Recharge), and 40E-2, (Consumptive Use), and ~~40E-30, F.A.C. (General Permits for Wells).~~

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05,_____.

40E-3.021 Definitions.

When used in this chapter:

(1) through (3) No change.

(4) “Consumptive Use Permit” or “Water Use Permit” means a Water Use Permit issued under Chapter 40E-2 ~~or 40E-20~~, F.A.C.

(5) through (19) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, 9-26-12,_____.

40E-3.040 Scope of Part I.

The rules in this part relate to the permitting requirements applicable to the construction, repair or abandonment of wells. Unless expressly exempt by statute or this rule, all wells must be permitted prior to construction, repair or abandonment and must be constructed, repaired or abandoned by a licensed water well contractor. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Surface Water Management), ~~Chapter 40E-20 (General Water Use Permits)~~ or Chapter 40E-40 (General Surface Water Management Permits).

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.316, 373.326, 373.342 FS. History—New 1-1-85, Amended_____.

40E-3.051 Exemptions.

(1) The following wells are exempt from Rule 40E-3.041, F.A.C.:

(a) through (d) No change.

~~(e) In addition, a well which satisfies the requirements of Chapter 40E-30, F.A.C., is exempt from the provisions of Rules 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.501, 40E-3.512, and 40E-3.351, F.A.C.~~

(2) These exemptions do not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Environmental Resource

Permits), ~~Chapter 40E-20 (General Water Use Permits)~~ or Chapter 40E-40 (Environmental Resource Standard General Permits), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended 3-16-05,_____.

40E-3.301 Conditions for Issuance of Permits.

(1) No change.

(2) A water use permit, if applicable, under Chapter 40E-2 ~~or 40E-20~~, F.A.C., must have already been obtained. If a water use permit has not been obtained, an application for a consumptive use permit must be submitted concurrently with the well construction application and must also be approved by the District prior to issuance of the well construction permit.

(3) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History—New 1-1-85, Amended 3-16-05,_____.

40E-3.451 Emergency Authorization.

(1) No change.

(2) Emergency permits may be applied for and issued orally. Mere carelessness or lack of planning on the part of the applicant, contractor or driller will not constitute sufficient cause for the issuance of an emergency permit. If Chapter 40E-2 ~~or 40E-20~~, F.A.C., also applies to the well, an emergency permit may be issued only if, in addition to qualifying under subsection (1) above, an application for a consumptive use permit has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the consumptive use permit.

(3) No change.

Rulemaking Authority 373.044, 373.119, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 7-2-98, 3-16-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, P.E., Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS**South Florida Water Management District****RULE NOS.: RULE TITLES:**

40E-5.011 Policy and Purpose

40E-5.041 Permits Required

40E-5.301 Conditions for Permit Issuance

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protect water resources.

SUMMARY: The proposed amendments delete references to Chapter 40E-20, F.A.C., which is proposed for repeal, and rename the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" to "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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 not been prepared by the agency.

The proposed amendments are non-substantive and have no impact on small business.

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: The proposed amendments are non-substantive and do not meet the threshold.

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

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.106(1) FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk's Office, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:**40E-5.011 Policy and Purpose.**

(1) No change.

(2) It is the intent of the District to consolidate permits issued pursuant to this chapter with consumptive uses regulated under Chapter 40E-2 ~~or 40E-20~~, F.A.C., when such permit is required. Thus, if water is obtained from a regulated surface or ground water source, authorization under this Chapter shall be issued in conjunction with the associated consumptive use permit. If a consumptive use permit for the project is not required pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., (e.g., the recharge water is reclaimed waste water), a separate permit shall be obtained pursuant to this chapter.

(3) through (4) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Amended 8-14-03, _____.

40E-5.041 Permits Required.

(1) Unless expressly exempt by law or District rule, a permit is required pursuant to this chapter to operate an artificial recharge system. The permit applicant shall provide

reasonable assurances that the proposed activity meets the criteria set forth in Rule 40E-5.301, F.A.C. In the event the project also requires a consumptive use permit pursuant to Chapter 40E-2 or 40E-20, F.A.C., demonstration of reasonable assurances required under Rule 40E-5.301, F.A.C., shall be made in conjunction with application for such permit and a consolidated permit will be issued.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(1), Amended 8-14-03, _____.

40E-5.301 Conditions for Permit Issuance.

In order to obtain a permit, permit renewal, or permit modification pursuant to this chapter, an applicant must give reasonable assurances that the proposed diversion of water to be introduced into an aquifer and the impact of introducing and recovering the water from an aquifer:

(1) through (2) No change.

(3) Satisfies the criteria contained in the “Applicant’s Handbook Basis of Review for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C.; and

(4) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 8-14-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:

40E-8.011 Purpose and General Provisions
40E-8.421 Prevention and Recovery Strategies
40E-8.431 Consumptive Use Permits

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals

include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protect water resources.

SUMMARY: The proposed amendments delete references to Chapter 40E-20, F.A.C., which is proposed for repeal, and rename the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” to “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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 not been prepared by the agency.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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Office, 1(800)435-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-8.011 Purpose and General Provisions.

(1) through (3) No change.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., Section 3.9 of the “Applicant’s Handbook Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rules 40E-2.091 and ~~40E-20.091~~, F.A.C., the water shortage plan implementation provisions specified in Rules 40E-8.441, 40E-21.531, and 40E-21.541, F.A.C., and Part III of Chapter 40E-22, F.A.C., are inseparable components of the MFLs established in Rules 40E-8.321 and 40E-8.331, F.A.C. The District would not have adopted the MFLs set forth in Rules 40E-8.321 and 40E-8.331, F.A.C., for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules. If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to

address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

(5) No change.

Rulemaking Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History—New 9-10-01, Amended 4-1-03, 1-19-06, 10-23-12,_____.

40E-8.421 Prevention and Recovery Strategies.

(1) At the time of adoption of this rule, the existing flow or level for certain specified water bodies is below, or within 20 years is projected to fall below, the applicable MFL. For this reason, Section ~~373.709~~ ~~373.0361~~, F.S., requires regional water supply plans to contain recovery and prevention strategies, including water resource development and water supply development projects that are needed to achieve compliance with MFLs during the planning period. The implementation of such projects will allow for the orderly replacement or enhancement of existing water sources with alternative supplies in order to provide sufficient water for all existing and projected reasonable-beneficial uses, consistent with Section 373.0421, F.S.

(a) through (b) No change.

(c) The rules implementing water resource protection tools, including Chapters 40E-2, 40E-8, ~~40E-20~~, 40E-21, 40E-22, F.A.C., and the “Applicant’s Handbook Basis of Review for Water Consumptive Use Permits Within the South Florida Water Management District”, incorporated by reference in Rules 40E-2.091 and ~~40E-20.091~~, F.A.C., identify the specific factors and conditions that will be applied and considered in implementing the conceptual model. Due to the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, and economic considerations that will be faced when implementing these rules, it is critical to apply such criteria flexibly and to reserve for the governing board the ability to implement water resource protection and allocation programs considering all of the District’s missions under Chapter 373, F.S., and to balance water supply, flood protection, resource protection and water quality protection needs. Implementation of the recovery and prevention strategies will be achieved in compliance with the assurances to consumptive users and to natural systems contained in the LEC Plan and the LWC Plan.

(d) through (f) No change.

(2) No change.

(3) Biscayne Aquifer. The LEC Plan contains an approved prevention strategy for the Biscayne Aquifer pursuant to Section 373.0421, F.S., which consists of the following:

(a) No change.

(b) Apply conditions for permit issuance in Chapter 40E-2 ~~or 40E-20~~, F.A.C., to prevent the harmful movement of saltwater intrusion up to a 1-in-10 year level of certainty;

(c) through (e) No change.

(f) through (5) No change.

(6) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent.

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable, consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the Lower East Coast Regional Water Supply Plan (LEC Plan), the Comprehensive Everglades Restoration Plan (CERP), and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2, ~~40E-20~~, 40E-21, F.A.C., and the “Applicant’s Handbook Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rules 40E-2.091 ~~and 40E-20.091~~, F.A.C., including Section 3.2.1.E. regarding Restricted Allocation Areas for Lower East Coast Everglades Waterbodies and North Palm Beach County/Loxahatchee River Watershed Waterbodies, shall apply to consumptive use direct and indirect withdrawals from surface and groundwater sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) through (g) No change.

(7)through (8) No change.

Rulemaking Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 4-23-07, 10-14-08, 10-23-12,_____.

40E-8.431 Consumptive Use Permits.

(1) Consumptive use permit applications that propose to withdraw water directly or indirectly from a MFL water body, that meet the conditions for permit issuance in Part II of Chapter 373, F.S., (including implementing rules in this chapter, Chapter 40E-2, F.A.C., the “Applicant’s Handbook for Water Use Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C. ~~Water Use Basis of Review, and Chapter 40E-20, F.A.C.~~, as applicable), and are consistent with the approved recovery and prevention strategies under Section 373.0421, F.S., will be permitted. Consumptive use permit applications will be reviewed based on the recovery and prevention strategy approved at the time of permit application review.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History—New 9-10-01, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:

40E-10.011 Policy and Purpose

40E-10.031 Water Reservations Implementation

40E-10.051 Water Reservation Areas: Upper East Coast Planning Area

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protect water resources.

SUMMARY: The proposed amendments delete references to Chapter 40E-20, F.A.C., which is proposed for repeal, and rename the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” to “Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov, or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-10.011 Policy and Purpose.

The purpose of this chapter is to define the quantity, location and timing of waters reserved from allocation for the protection of fish and wildlife pursuant to Section 373.223(4), F.S., for specified water bodies. Water reservations are implemented in the water use program pursuant to Chapters 40E-2 and 40E-20, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History—New 7-2-09, Amended.

40E-10.031 Water Reservations Implementation.

(1) Applicants for consumptive use permits shall meet the requirements of this rule by providing reasonable assurances that Rules 40E-2.301 and ~~40E-20.301~~, F.A.C., and Section 3.11 of the “Applicant's Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Management District”, incorporated by reference in Rules 40E-2.091 and ~~40E-20.091~~, F.A.C., are met.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History—New 7-2-09, Amended 3-18-10, .

40E-10.051 Water Reservation Areas: Upper East Coast Planning Area.

North Fork of the St. Lucie River, as defined in subsection 40E-10.021(3), F.A.C.:

(1) No change.

(2) Reservations contained in this Rule and the criteria contained in section 3.11.2 of the “Applicant’s Handbook ~~Basis of Review~~ for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., shall be revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information and concurrent with the approval specified in subsection (1), above.

Notwithstanding the above, presently existing legal uses for the duration of a permit existing on March 18, 2010 are determined to be not contrary to the public interest pursuant to Section 373.223(4), F.S.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History—New-3-18-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.010	Review of General Water Use Permit Applications
40E-20.011	Policy and Purpose
40E-20.061	Delegation of Authority Pertaining to General Water Use Permits
40E-20.091	Publications Incorporated by Reference
40E-20.101	Content of General Water Use Permit Applications
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.321	Duration of General Water Use Permits
40E-20.331	Modification of General Water Use Permits
40E-20.351	Transfer of General Water Use Permits
40E-20.381	Limiting Conditions

PURPOSE AND EFFECT: The Florida Department of Environmental Protection is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the

water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for the applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protects water resources.

SUMMARY: The District is transferring relevant portions of this Chapter, which govern general water use permits, to Chapter 40E-2, F.A.C. Therefore, the rules identified above are proposed for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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 not been prepared by the agency.

These rules are proposed for repeal. Therefore, there is no adverse impact on small business.

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: The rules are proposed for repeal and therefore do not meet the threshold.

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

RULEMAKING AUTHORITY: 120.54(5), 120.60, 373.044, 373.083, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.036, 373.042, 373.0421, 373.103(1), 373.103(4), 373.118, 373.171, 373.1501, 373.1502, 373.219, 373.223, 373.229, 373.2295, 373.239, 373.470 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk's Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov, or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.010 Review of General Water Use Permit Applications.

General Water Use permit applications are processed pursuant to the provisions of Section 120.60, F.S., and Chapters 40E-1 and 28-106, F.A.C.

Rulemaking Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended 8-14-02, 10-23-12, Repealed.

40E-20.011 Policy and Purpose.

(1) ~~The rules in this chapter authorize issuance of general permits for water use for certain specified uses which have been determined by staff review to be reasonable beneficial, not interfering with existing legal uses and consistent with the public interest pursuant to Section 373.223, F.S. The purpose of this chapter is to set forth the conditions for issuance for all general permits in Rule 40E 20.301, F.A.C., and establish requirements for the various types of general permits available under this chapter in Rule 40E 20.302, F.A.C. Persons conducting uses or withdrawals that are not exempt pursuant to Rule 40E 2.051, F.A.C., and do not qualify for a general water use permit under this chapter are required to obtain individual permits pursuant to Chapter 40E 2, F.A.C.~~

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

~~Rule 40E 20.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E 20.301, F.A.C., are satisfied.~~

Rulemaking Authority 373.044, 373.083, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS. History—New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07, 2-13-08, Repealed.

40E-20.061 Delegation of Authority Pertaining to General Water Use Permits.

~~The Governing Board delegates to the Executive Director the authority to issue general water use permits under this chapter pursuant to Section 373.118, F.S. The Executive Director hereby executes such delegated authority through the Chief and supervisors of the Bureau that reviews water use permit applications.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118 FS. History—New 8-14-02, Amended 10-23-12, Repealed.

40E-20.091 Publications Incorporated by Reference.

~~The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” <http://www.flrules.org/Gateway/reference.asp?No=Ref 01629>, and associated forms incorporated by reference in Rule 40E-2.091, F.A.C., are applicable and reference throughout this chapter.~~

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.171, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, Repealed.

40E-20.101 Content of General Water Use Permit Applications.

(1) ~~Except in those circumstances detailed in subsection (4) below, an application for a General Water Use permit shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District’s Service Centers. The addresses and phone numbers of the District’s Service Centers are online at www.sfwmd.gov, “Locations.” Water Use Permit Application, Form No. 0645 W-01, which is incorporated by reference in subsection 40E 2.101(1), F.A.C., shall be filed with the District prior to commencement of any use of water authorized in this chapter. The application for all General Water Use Permits shall contain:~~

(a) ~~The appropriate permit application processing fee required by Rule 40E 1.607, F.A.C.;~~

(b) ~~The information required in subsection 373.229(1), F.S.;~~

~~(c) Information sufficient to show the use meets the criteria and conditions established in Rules 40E 20.301 and 40E 20.302, F.A.C.; and~~

~~(d) Completed application forms, as specified below, signed by the applicant or the authorized agent of the applicant.~~

~~(2) Applicants for a Standard General Water Use Permit under subsection 40E 20.302(1), F.A.C., shall submit Form No. 0645-W01, Water Use Permit Application, incorporated by reference in paragraph 40E 2.101(1)(a), F.A.C., and shall include the following forms, if applicable:~~

~~(a) Form No. 0645-G60, Table A Description of Wells, incorporated by reference in paragraph 40E 2.101(1)(b), F.A.C., for permits with wells;~~

~~(b) Form No. 0645-G61-1, Table B Description of Surface Water Pumps, incorporated by reference in paragraph 40E 2.101(1)(c), F.A.C., for permits with pumps;~~

~~(c) Form No. 0645-G61-2, Table C Description of Culverts, incorporated by reference in paragraph 40E 2.101(1)(d), F.A.C., for permits with irrigation culverts;~~

~~(d) Form No. 0645-G65, Table D Crop Information, incorporated by reference in paragraph 40E 2.101(1)(e), F.A.C., for agricultural permits;~~

~~(e) Form No. 0645-G74, Table E Water Received From or Distributed to Other Entities, incorporated by reference in paragraph 40E 2.101(1)(f), F.A.C., for public water supply permits;~~

~~(f) Form No. 0645-G69, Table F Past Water Use & Table G Projected Water Use, incorporated by reference in paragraph 40E 2.101(1)(g), F.A.C., for public water supply permits;~~

~~(g) Form No. 0645-G70, Table H Projected Water Use, incorporated by reference in paragraph 40E 2.101(1)(h), F.A.C., for public water supply permits;~~

~~(h) Form No. 0645-G71, Table I Water Treatment Method and Losses, incorporated by reference in paragraph 40E 2.101(1)(i), F.A.C., for public water supply permits;~~

~~(i) Form No. 0645-G72, Table J Aquifer Storage and Recovery, incorporated by reference in paragraph 40E 2.101(1)(j), F.A.C., for public water supply permits; and~~

~~(j) Form No. 0645-G73, Table K Water Supply System Interconnections, incorporated by reference in paragraph 40E 2.101(1)(k), F.A.C., for public water supply permits.~~

~~(a) Part RC 1A Administrative Information for Water Use Permit Applications, and~~

~~(b) Part RC 1W Application for a Water Use permit (all Standard General Water Use Permits) or Part RC 1G Application for a General Water Use Permit (Standard General Water Use Permits with recommended maximum allocations < 3 million gallons per month).~~

~~(3) Applicants for a Dewatering Water Use General Permit under subsection 40E 20.302(2), F.A.C., shall electronically file or file with the District Form 0445, Mining/Dewatering Permit Application, incorporated by reference in subsection 40E 2.101(3), F.A.C.~~

~~(4) Applicants are not required to file an application to qualify for a No Notice Short Term Dewatering Permit, if the conditions of Rule 40E 20.301 and subsection 40E 20.302(3), F.A.C., are satisfied.~~

~~Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History—New 8-14-02, Amended 8-31-03 (2), 8-31-03 (3), 10-23-12, Repealed _____.~~

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

~~(1) In order to receive a general permit, permit renewal, or permit modification under this chapter, an applicant must provide reasonable assurances that the proposed water use:~~

~~(a) Will not cause harmful saline water intrusion;~~

~~(b) Will not harm offsite land uses;~~

~~(c) Will not cause harm to wetlands or other surface waters;~~

~~(d) Will not cause pollution of the water resources;~~

~~(e) Is otherwise a reasonable beneficial use as defined in subsection 373.019(13), F.S., with consideration given to the factors set forth in subsection 62 40.410(2), F.A.C.~~

~~(f) Will not interfere with presently existing legal uses;~~

~~(g) Is in accordance with Section 373.2295, F.S., concerning interdistrict transfer of groundwater and Section 373.223(3), F.S., concerning water transport and use of groundwater or surface water across county boundaries.~~

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

~~(i) Is in accordance with the established minimum flows and levels (MFL) and implementation provisions in Chapter 373, F.S., Chapters 40E 2 and 40E 8, F.A.C.; and~~

~~(j) Is consistent with Sections 373.016, 373.1501, 373.1502 and 373.036, F.S., and otherwise is consistent with the public interest as prescribed by Chapter 373, F.S., and this chapter.~~

~~(k) Will not withdraw water reserved under Chapter 40E 10, F.A.C.~~

~~(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable~~

assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-20.091, F.A.C., are met.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.1501, 373.1502, 373.223, 373.229, 373.2295, 373.470 FS. History—New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, 7-2-09, 9-26-12, 10-23-12, Repealed _____.

40E-20.302 Types of General Water Use Permits.

(1) ~~Standard General Water Use Permit~~—The use of water, which does not exceed a recommended maximum allocation of 15 million gallons per month (MGM), except as stated below, shall qualify for a Standard General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., are met. There are two types of Standard General Water Use Permits, as follows:

(a) ~~Minor Standard General Water Use Permit~~, authorizes allocations of three (3) million gallons per month or less; and

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

(2) ~~Dewatering General Water Use permit~~—The use of water in conjunction with short term dewatering operations such as well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or in conjunction with a short term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E 20.301, F.A.C., and the following requirement is met:

The proposed dewatering operation will not exceed a maximum of ten million gallons per day, with a maximum of eighteen hundred (1800) million gallons total pumpage and will not exceed a total duration of one year for the entire project.

(3) ~~No Notice Short Term Dewatering General Water Use Permit~~—The use of water in conjunction with short term dewatering operations, such as well pointing, utility construction, lake construction, exploratory testing, and other

minor uses; or aquifer performance tests; or in conjunction with a short term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a No Notice Short Term Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E 20.301, F.A.C., and the following requirement is met:—

(a) The proposed dewatering operation will not exceed a maximum of five (5) million gallons per day, with a maximum of one hundred (100) million gallons total pumpage and will not exceed a total duration of 90 days for the entire project, except for linear construction projects, such as roads, utilities, and pipelines, which may have a rolling 90 day duration in which the dewatering operation at the end of each 90 day period occurs more than 1 mile from the location at the beginning of each 90 day period.

(b) ~~To demonstrate compliance with paragraph 40E-20.301(1)(k), F.A.C., all water shall be retained on site.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07, 2-13-08, 7-2-09, Repealed _____.

40E-20.321 Duration of General Water Use Permits.

(1) ~~The duration of general water use permits shall equal the time period for which sufficient data is available to provide reasonable assurances that the conditions for permit issuance will be met, the time period for which the permit applicant demonstrates legal control, or the applicable general permit expiration date in subsections (2) through (5), whichever occurs first.~~

(2) ~~The duration of the general water use permit authorized in subsection 40E 20.302(1), F.A.C., shall not exceed the following time periods:~~

(a) ~~For uses with a maximum monthly allocation less than 3 million gallons per month (mgm), authorized by a Minor Standard General Water Use Permit, the period shall not exceed 20 years.~~

(b) ~~For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), authorized by a Major Standard General Water Use Permit, the period shall be based on the provisions in Rule 40E 2.321, F.A.C., and the applicable provisions in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E 20.091, F.A.C.~~

(3) ~~The duration of the general permit authorized in subsection 40E 20.302(2), F.A.C., shall not exceed one (1) year from the date of issuance.~~

~~(4) The duration of the general permit authorized in subsection 40E 20.302(3), F.A.C., shall not exceed ninety (90) days after commencing dewatering.~~

~~(5) The duration of a general permit issued for a Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities will correspond with the termination of the water use activities under the plan or the applicable general permit expiration date, whichever occurs first.~~

~~(6) Extension of time shall be granted by the District under circumstances that could not be reasonably foreseen and that are outside the control of the permittee, as determined by District staff.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History—New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03, 4-23-07, 2-13-08, 10-23-12, Repealed.

40E-20.331 Modification of General Water Use Permits.

~~(1) A permittee shall apply to the District for approval of any modification of an unexpired general water use permit pursuant to Section 373.239, F.S., and Rule 40E 1.609, F.A.C.~~

~~(2) Applications for modification except for modifications issued pursuant to subsection (3) shall contain the information required in Rule 40E 20.101, F.A.C., will be evaluated using the conditions and requirements specified in Rules 40E 20.301 and 40E 20.302, F.A.C., and will be subject to the limiting conditions specified in Rule 40E 20.381, F.A.C. Modifications shall be approved if the conditions and requirements in Rules 40E 20.301 and 40E 20.302, F.A.C., are met.~~

~~(3)(a) Modification of an existing general water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:~~

~~1. Does not exceed the applicable general permit allocation limitations in Rule 40E 20.302, F.A.C.;~~

~~2. Does not result in a requested permit duration which exceeds the expiration date of the existing permit, except that when the permit duration is based upon the current lease expiration date, the permit duration may be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to subsection 40E 20.321(2), F.A.C.;~~

~~3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, does not withdraw water reserved under Chapter 40E 10, F.A.C., or does not~~

~~otherwise raise issues requiring a Staff determination of whether harm to the water resources would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E 20.091, F.A.C.;~~

~~4. Does not change the permitted withdrawal source; and~~

~~5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S..~~

~~6. Does not allow more cumulative days and time to conduct landscape irrigation pursuant to Chapter 40E 24, F.A.C., for those permits classified as landscape irrigation use.~~

~~(b) The time frames set forth in Rule 40E 1.603, F.A.C., shall apply to the processing of applications for letter modifications.~~

Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03, 4-23-07, 2-13-08, 7-2-09, 3-15-10, Repealed.

40E-20.351 Transfer of General Water Use Permits.

~~A permittee must comply with the requirements of Rule 40E 1.6107, F.A.C., in order to obtain a permit transfer to a new permittee. If the permit transfer is in conjunction with an application for permit modification, the permit shall be transferred at the time of permit modification if all applicable permit transfer criteria are met.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 12-1-82, Amended 4-20-94, 8-14-02, Repealed.

40E-20.381 Limiting Conditions.

~~Staff shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” incorporated by reference in subsection 40E 20.091(1), F.A.C., shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, shall be in the permit.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 4-23-07, 2-13-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: RULE TITLES:

40E-24.011 Policy and Purpose

40E-24.101 Definitions

40E-24.201 Year-Round Landscape Irrigation Conservation Measures

PURPOSE AND EFFECT: The Florida Department of Environmental Protection is leading a statewide effort (referred to as CUPCon) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The CUPCon goals include: 1) making the consumptive use permitting program less confusing for the applicants; 2) treating applicants equitably statewide; 3) providing consistent protection of the environment; 4) streamlining the process; and 5) incentivizing behavior that protects water resources.

SUMMARY: The proposed amendments delete references to Chapter 40E-20, F.A.C., which is proposed for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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 not been prepared by the agency.

The proposed amendments are non-substantive and have no impact on small business.

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: The proposed amendments are non-substantive and do not meet the threshold.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS.

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

DATE AND TIME: January 9, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk's Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov, or Jennifer Bokankowitz, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions, contact Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406 (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-24.011 Policy and Purpose.

(1) This chapter comprises the Mandatory Year-Round Landscape Irrigation Conservation Measures within the boundaries of the ~~South Florida Water Management District~~ (District). These mandatory conservation measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency

and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Water savings achieved by public and private water supply utilities through conservation may be used to extend the availability of all water sources to meet future demands and defer the need for additional capital investment in alternative water supplies, subject to compliance with Chapters 40E-2 ~~and 40E-20~~, F.A.C. Local governments are encouraged to implement these conservation measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to Chapters 40E-2 ~~and 40E-20~~, F.A.C., provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These conservation measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to two days per week except as specified herein. Users are encouraged to apply no more than 3/4-inch to 1-inch of water per week on their lawns and landscapes and only as needed to supplement rainfall. However, provisions have been made in this chapter to allow landscape irrigation three days per week in designated counties to address utility operational, health, and safety and landscape concerns.

(2) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History—New 6-12-03, Amended 3-15-10,_____.

40E-24.101 Definitions.

When used in this chapter:

(1) through (2) No change.

(3) “Consumptive Use Permit (CUP)” means a permit issued pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., authorizing the consumptive use of water.

(4) through (13) No change.

(14) “User” means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2 ~~or 40E-20~~, F.A.C., or uses from individual wells or pumps.

(15) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History—New 6-12-03, Amended 3-15-10,_____.

40E-24.201 Year-Round Landscape Irrigation Conservation Measures.

(1) The year-round landscape irrigation conservation measures contained in this chapter are applicable to all users as defined in subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C., unless indicated otherwise herein. These conservation measures apply to all water sources, except that the use of reclaimed water, which may or may not be supplemented from another source, is allowed anytime. In addition to the requirements of this section, all permitted users under Chapters 40E-2 ~~and 40E-20~~, F.A.C., are required to maintain compliance with all CUP conditions and terms, including those designed to require the implementation of water conservation practices.

(2) through (7) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History—New 6-12-03, Amended 3-15-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria C. Clemente, Water Use Bureau Chief, Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012 and Notice of Additional Workshops on April 30, 2013

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-9.012 Taking of Wildlife on Airport Property

PURPOSE AND EFFECT: The purpose and effect of this rule revision is to amend language making the rule easier to understand and implement.

SUMMARY: The rule became effective in July 2010. In implementing the rule, staff and airport personnel and consultants have found some of the language unclear or difficult to interpret. Minor revisions are proposed to clarify that eggs as well animals may be taken as provided for in the rule, and that the rule applies to airports with a military bird/animal aircraft strike hazard plan as well as airports with a FAA approved wildlife hazard management plan. The revised rule also adds a provision that wildlife nests may be destroyed when wildlife and eggs are no longer present. Stakeholders reviewed the amended rule and had no concerns.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse 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 not been prepared by the agency.

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: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

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: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Thomas Eason, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:**68A-9.012 Taking of Wildlife on Airport Property.**

Any airport may take wildlife on airport property for the purpose of ensuring aircraft and human safety in accordance with this rule. An airport or other entity owning or operating an airport as defined in Section 330.27(2), F.S., or their officers, employees, contractors (or employee of a contractor) or member of the airport's governing body as referenced in

Section 379.2293(5), F.S., may carry out the activities specified in this rule. Notwithstanding the provisions of this section, the executive director or a designee may issue permits authorizing the take of additional species of wildlife, additional methods of take or alternative forms of disposition and transportation for justifiable purposes pursuant to Rule 68A-9.002, F.A.C., provided authorizations shall be denied or revoked upon reasonable conclusion that the requested or permitted activity would be detrimental to fish and wildlife resources or public health and safety.

(1) The taking and disposition of species, including eggs, regulated by the United States Departments of Interior or Commerce in 50 C.F.R. §10.13 (Migratory Birds), 50 C.F.R. § 17.11 and §17.12 (Threatened and Endangered Species), 50 C.F.R. §22 (Bald Eagle), 50 C.F.R. §223.102 and §224.102 (Marine Species), is allowed pursuant to appropriate federal permit or other federal authorization. No additional Commission authorization is required.

(2) The following paragraphs control the take of black bears and species described in Chapter 68A-27, F.A.C., except species described in subsection (1):

(a) Any of these species may be harassed by persistent, non-injurious disturbance without physical capture or direct handling to disperse wildlife when the wildlife poses an imminent threat to aircraft and human safety.

(b) Any of these species and their eggs may be otherwise taken when:

1. The wildlife poses an imminent threat to aircraft and human safety; and

2. A situation requires an emergency response which does not allow time for paragraph (2)(a); or

3. Attempts using paragraph (2)(a) have been documented as unsuccessful and when:

a. The airport is implementing a Federal Aviation Administration approved wildlife hazard management plan or military bird/animal aircraft strike hazard plan; and

b. The airport has made habitat management alteration that has eliminated or significantly reduced hazardous wildlife attractants on airport property.

(c) Wildlife burrows, including burrowing owl and gopher tortoise burrows, within the safety area as defined in 14 C.F.R. § 139.5 may be destroyed after or while all existing burrowing owls and gopher tortoise(s) within the burrows are flushed or live captured.

(d) Wildlife nests may be destroyed when wildlife and eggs are no longer present or have been taken as authorized in subsection (1) or (2).

(3) through (7) No change.

(8) Any take that kills wildlife described in subsection (2) shall be reported by the airport. An Airport Wildlife Incident Report (Form FWC-AWIR 01-201306-2010, herein incorporated by reference) must be submitted to the Commission within 5 business days. The form is available at MyFWC.com and must be submitted to the Protected Species Permit Coordinator, 620 S. Meridian Street, Mail Station 2A, Tallahassee, FL 32399-1600 or by email at AirportIncidents@myFWC.com.
Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-27-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Thomas Eason, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-51.002 Licensure by Examination
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 205, October 21, 2013 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NOS.: RULE TITLES:
73A-2.003 Certification for the Retention of Major League Baseball Spring Training Baseball Franchises
73A-2.004 Decertification and Decertification Review for the Retention of Major League Baseball Spring Training Baseball Franchises
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 237, December 9, 2013 issue of the Florida Administrative Register. This correction is to properly reference the subject rule titles.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.201 Child Registration Procedures; Application; Parent Orientation Session

NOTICE IS HEREBY GIVEN that on November 13, 2013, the Office of Early Learning, received a petition for Temporary Waiver of paragraph 6M-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by the Early Learning Coalition of North Florida, 2450 Old Moultrie Road, Suite 103, St. Augustine, FL 32086.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Margaret O'Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, email: Maggi.Parker@oel.myflorida.com.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.201 Child Registration Procedures; Application; Parent Orientation Session

The Office of Early Learning hereby gives notice: on December 4, 2013, the Office of Early Learning issued an Order granting the Early Learning Coalition of Orange County a temporary variance from Rule 6M-8.201, F.A.C. The petition for temporary waiver was received by the Office on September 24, 2013. Notice of receipt was published in the Florida Administrative Register, Vol. 39, No. 189 on September 27, 2013. No public comment was received. The Order grants variance from paragraph 6M-8.201(4)(c), F.A.C.,

which provides requirements for conducting parent orientation sessions for parents registering their child for the VPK program. The Office determined that the variance will permit the coalition to use resources in a more efficient manner while assuring that parents have ample opportunity to register an eligible child in the VPK program.

A copy of the Order or additional information may be obtained by contacting Judy Jones, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399 or by email at Judy.Jones@oel.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 3, 2013, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Joji Yogurt located in Sunrise. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks and share the dishwashing area located within an adjacent business under a different ownership.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice that the petition filed by Robert W. Moody, Jr. on October 25, 2013, seeking a variance or waiver from Rule 61G4-16.005, Florida Administrative Code, has been

withdrawn. The Notice of Petition was published in Vol. 39, No. 212, of the October 30, 2013, issue of the Florida Administrative Register.

A copy of the Order or additional information may be obtained by contacting Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Friends of Mission San Luis announces a public meeting to which all persons are invited.

DATE AND TIME: December 19, 2013, 4:00 p.m., Finance and Investment Committee Meeting

PLACE: Mission San Luis, 2100 W Tennessee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee members will discuss financial reports, vendor contracts, budget and other friends' business.

A copy of the agenda may be obtained by contacting: Diane.Ogorzaly@DOS.myflorida.com or (850)245-6388.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing (Formerly 1C)

The Department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2013, 9:00 a.m.

PLACE: Embassy Suites Orlando North, 225 Shorecrest Dr., Altamonte Springs, FL 32701, (407)834-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a correction/clarification to a previously published meeting notice. The original meeting notice, published in the December 2 edition of the Florida Administrative Register (Vol. 39, No. 232), did not properly specify that this meeting is a quarterly meeting of the Private Investigation, Recovery, and Security Advisory Council (PIRSAC).

A copy of the agenda may be obtained by contacting: Brandee Jones, (Brandee.Jones@FreshfromFlorida.com).

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: December 17, 2013, 4:30 p.m. – 6:30 p.m.

PLACE: Best Western Hotel, 4660 Salisbury Road, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 416501-4, otherwise known as I-95 Interchange with SR-202 (J.T. Butler Blvd.) Operational Improvements. The project proposes to reduce congestion at the I-95 interchange with SR-202 (J.T. Butler Blvd.) with the following changes: construct new free flow ramp from I-95 southbound to JTB eastbound; construct a new free flow ramp from JTB westbound to I-95 northbound; widen JTB from Philips Highway to Belfort Road to six lanes; construct a new signal at the intersection of JTB and I-95 northbound off-ramp to accommodate a JTB westbound left-turn movement; convert Salisbury Road south of JTB to a two-way roadway; close the right-turn lane from JTB westbound to Salisbury Road North; close the median opening on JTB between Philips Highway and Bonneval Road; construct a sound wall on I-95 right of way adjacent to Windsor Falls condominiums and Coventry Park apartments, and on JTB right-of-way adjacent to Midtowne communities. This hearing is being held in accordance with Federal Executive Orders 11990 and 11988. As of November 25, 2013, project documents will be available for your review during normal business hours at the Southeast Regional Library, 10599 Deerwood Park Blvd., Jacksonville, FL 32256 and the Florida Department of Transportation Urban Office, 2198 Edison Avenue, Jacksonville, FL 32204. Persons wishing to submit a written statement may do so at the hearing or mail them to the address provided no later than December 27, 2013. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874. 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).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The North Florida Regional Water Supply Partnership Stakeholder Advisory Committee (the Advisory Committee) is a committee of stakeholders selected by the St. Johns River Water Management District and the Suwannee River Water Management District in consultation with the Florida Department of Environmental Protection, to advise these agencies on issues affecting water supplies in both water management districts. The Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 16, 2013, 1:00 p.m.

PLACE: Florida Gateway College, Wilson S. Rivers Library and Media Center, 149 SE College Place, Building 200, Room 102, Lake City, FL 32025

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the Advisory Committee described above. The purpose of the meeting is to hear updates and discuss Prevention and Recovery Strategies planned for the Lower Santa Fe River and the Ichetucknee River and Priority Springs MFLs. An opportunity for public comment will be provided near the end of the meeting.

NOTE: One or more members of the Governing Board from each of the water management districts named above may attend and participate in the meeting of the Advisory Committee.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Julie Green, 4049 Reid Street, Palatka, FL 32177, (386)329-4240, email: jgreen@sjrwmd.com or by visiting the North Florida Regional Water Supply Partnership website at www.northfloridawater.com.

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: Vanessa Fultz, Communications/Creative Services Specialist, Suwannee River Water Management District, (386)362-1001. 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).

For more information, you may contact: Julie Green, (386)329-4240, email: jgreen@sjrwmd.com

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: Wednesday, December 18, 2013, 10:00 a.m.

PLACE: South Florida Water Management District, B-1 Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Public Meeting to discuss regulatory matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at:

Lower West Coast Service Center, 2301 McGregor Blvd., Fort Myers, FL 33901;

Okeechobee Service Center, 3800 NW 16th Boulevard, Okeechobee, FL 34972;

Orlando Service Center, 1707 Orlando Central Parkway Suite 200, Orlando, FL 32809.

The meeting will also be webcast.

Agendas are available 7 days prior to the meeting date. You may obtain a copy of the agenda by going to our website at: www.sfwmd.gov:

Hold mouse over the "Topics" tab, scroll down to "Permits" and click.

Under "Upcoming Events" on the right-hand column, click the "Monthly Regulatory Meetings" link.

or by subscribing to ePermitting/eNoticing: www.sfwmd.gov/epermitting.

For additional information, you may also call our information line at (561)682-6207 or Florida toll-free, 1(800)432-2045, ext. 6207.

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's Office, (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: District Clerk's Office, (561)682-2087.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 18, 2013, 9:00 a.m. – 11:00 a.m.

PLACE: 1(888)670-3525, participant code: 887-372-1397; limited public seating is available in Room 338D of the Bob Martinez Center, 2600 Blair Stone Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Ecological Risk workgroup of the Contaminated Media Forum is holding a teleconference to discuss developing a framework for an ecological risk assessment guidance document for Florida.

A copy of the agenda may be obtained by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503. 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).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 18, 2013, 2:30 p.m. – 4:30 p.m.

PLACE: 1(888)670-3525, participant code: 395-187-4435; limited public seating is available in Room 338D of the Bob Martinez Center, 2600 Blair Stone Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Direct Exposure, Institutional Control/Engineering Control and Leachability workgroup of the Contaminated Media Forum is holding a teleconference to discuss exposure and leachability concerns for contaminants in soil and the need for institutional and engineering controls under different circumstances.

A copy of the agenda may be obtained by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503. 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).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 19, 2013, 1:00 p.m. – 3:00 p.m.

PLACE: 1(888)670-3525, participant code: 887-372-1397; limited public seating is available in Room 338D of the Bob Martinez Center, 2600 Blair Stone Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The 62-777 and Cleanup Target Levels workgroup of the Contaminated Media Forum is holding a teleconference to review and evaluate changes in the science of toxicology over the last several years and the consequences of those changes with regard to cleanup target levels and guidance for development of alternative exposure scenarios.

A copy of the agenda may be obtained by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503. 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).

DEPARTMENT OF HEALTH

Board of Optometry

The Board of Optometry announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 20, 2013, 7:00 a.m., meet me number 1(888)670-3525, participant code 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Mears, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the website at: <http://www.floridasoptometry.gov/meeting-information/>.

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: Sherra W. Mears. 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).

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

The Department of Children and Families announces public meetings to which all persons are invited.

DATES AND TIMES: January 16, 2014, 9:00 a.m.; April 17, 2014, 9:00 a.m.; July 17, 2014, 9:00 a.m., and October 16, 2014, 9:00 a.m.

PLACE: United Way of Charlotte County, 17831 Murdock Circle, Suite A, Port Charlotte, Florida 33948

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Circuit 20 Charlotte County Community Alliance.

A copy of the agenda may be obtained by contacting: Circuit 20 Client Relations at (239)895-0286.

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: Circuit 20 Client Relations at (239)895-0286. 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).

For more information, you may contact: Circuit 20 Client Relations at (239)895-0286.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Families announces public meetings to which all persons are invited.

DATES AND TIMES: January 27, 2014, 12:00 Noon; March 17, 2014, 12:00 Noon; May 19, 2014, 12:00 Noon; July 21, 2014, 12:00 Noon; September 15, 2014, 12:00 Noon, and November 17, 2014, 12:00 Noon

PLACE: Collier County Government Complex, Building L, 5th Floor, 3315 Tamiami Trail East, Naples, Florida 34112

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Circuit 20 Collier County Community Alliance.

A copy of the agenda may be obtained by contacting Circuit 20 Client Relations at (239)895-0286.

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: Circuit 20 Client Relations at (239)895-0286. 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).

For more information, you may contact Circuit 20 Client Relations at (239)895-0286.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Families announces public meetings to which all persons are invited.

DATES AND TIMES: February 14, 2014, 10:00 a.m.; May 9, 2014, 10:00 a.m.; August 8, 2014, 10:00 a.m., and November 14, 2014, 10:00 a.m.

PLACE: Hendry County Department of Health, 1140 Pratt Boulevard, LaBelle, Florida 33975

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Circuit 20 Hendry/Glades County Community Alliance.

A copy of the agenda may be obtained by contacting Circuit 20 Client Relations at (239)895-0286.

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 Circuit 20 Client Relations at (239)895-0286. 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).

For more information, you may contact Circuit 20 Client Relations at (239)895-0286.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Families announces public meetings to which all persons are invited.

DATES AND TIMES: January 24, 2014, 8:30 a.m.; April 25, 2014, 8:30 a.m.; July 25, 2014, 8:30 a.m., and October 24, 2014, 8:30 a.m.

PLACE: Joseph P. D'Alessandro Office Complex, 2295 Victoria Avenue, Room 307, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Circuit 20 Lee County Community Alliance.

A copy of the agenda may be obtained by contacting: Circuit 20 Client Relations at (239)895-0286.

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: Circuit 20 Client Relations at (239)895-0286. 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).

For more information, you may contact Circuit 20 Client Relations at (239)895-0286.

DEPARTMENT OF FINANCIAL SERVICES

The Florida Department of Financial Services, Division of Information Systems announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 18, 2013, 2:30 p.m.

PLACE: Larson Building, 200 E. Gaines St., Room 116, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fifth meeting of the User Experience Task Force created in Section 2, Chapter No. 2013-054, Laws of Florida. The purpose of the meeting is to discuss the User Experience Task Force Work Plan Schedule and deliverables.

A copy of the agenda may be obtained by contacting: Angela Burroughs, Florida Department of Financial Services,

Division of Information Systems, 200 E. Gaines St., Tallahassee, Florida 32399, (850)413-3184.

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: Angela Burroughs, Florida Department of Financial Services, Division of Information Systems, 200 E. Gaines St., Tallahassee, Florida 32399, (850)413-3184. 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).

For more information, you may contact: Angela Burroughs, Florida Department of Financial Services, Division of Information Systems, 200 E. Gaines St., Tallahassee, Florida 32399, (850)413-3184.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 19, 2013, 1:30 p.m.

PLACE: Department of Business & Professional Regulation, Professions Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of November 21, 2013 minutes, Finance Committee Report, Operational Committee Report, General meeting items requiring Board action, and NSRC Updates and Informational Items.

A copy of the agenda may be obtained by contacting: Robin Tucker at (850)717-0072 or via email at Robin.Tucker@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting Robin Tucker at (850)717-0072 or by email at Robin.Tucker@nsrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

WORKFORCE FLORIDA

The Workforce Florida announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2014 (new date), 10:00 a.m. – 2:00 p.m. EST or conclusion of business

PLACE: Workforce Florida, 1580 Waldo Palmer Lane, Suite 1, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The meeting originally scheduled for December 17, 2013 has been postponed to January 9, 2014. Meeting of the Employer-Sponsored Benefits Study Task Force, appointed by the Florida Legislature (H.B. 655), to analyze employment benefits and the impact of state preemption of the regulation of such benefits.

A copy of the agenda may be obtained by contacting: www.workforceflorida.com.

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 Kim Yablonski at (850)414-8297. 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).

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

5J-17.052 Minimum Technical Standards: Specific Survey, Map, and Report Requirements

NOTICE IS HEREBY GIVEN that the Department of Agriculture and Consumer Services, Division of Consumer Services, Board of Professional Surveyors and Mappers has issued an order disposing of the petition for declaratory statement filed by Michael J. Sweeney, individual on September 10, 2013. The following is a summary of the agency's disposition of the petition:

The Petition was granted. The Declaratory Statement states that based on the language in sub-subparagraph 5J-17.052, (2)(b)2.d., F.A.C., the field work of Firm "B" is under the direct control and supervision of the licensed surveyor for Firm "A" and therefore every boundary monument set shall be

identified with a durable marker or cap bearing the license number of Firm "A." When Firm "A" has subcontracted with Firm "B" to perform the field work under the supervision of the licensed surveyor for Firm "A," the licensed surveyor for Firm "A" may not sign and seal the survey map but then use a boundary marker cap stamped with the LB number for Firm "B."

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Tracy J. Sumner, Board Counsel, Board of Professional Surveyors and Mappers, Division of Consumer Services, Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Tallahassee, FL 32301, (850)410-3834.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Jean Mesler, In Re: Isla Merita Homeowners' Condominium Association II, Inc., Docket No. 2013042936, on October 15, 2013. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement where the parties dispute the facts; or to interpret an association's ambiguous governing documents.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice 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

JACKSONVILLE PORT AUTHORITY INVITATION FOR BIDS

IHI CRANE #1516 BOOM TIP REPAIR
TALLEYRAND MARINE TERMINAL
JAXPORT PROJECT NO.: 003.2044.178
JAXPORT CONTRACT NO.: MC-1422R

Sealed bids will be received by the Jacksonville Port Authority until 2:00 p.m. (EST), Wednesday, January 8, 2014, at which time they shall be opened in the Public Meeting Room of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida, for IHI Crane #1516 Boom Tip Repair.

All bids must be submitted in accordance with specifications and drawings for Contract No. MC-1422R, which may be examined in the Procurement Department of the Jacksonville Port Authority, located on the second floor of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida 32206. (Please telephone (904)357-3017 for information).

A MANDATORY PRE-BID CONFERENCE AND SITE VISIT WILL BE HELD ON TUESDAY, DECEMBER 17, 2013, AT 9:00 A.M. (EST), IN THE PUBLIC MEETING ROOM, FIRST FLOOR OF THE PORT CENTRAL OFFICE BUILDING LOCATED AT ADDRESS STATED ABOVE.

IF YOU PLAN TO ATTEND, YOU MUST CALL (904)357-3017 TO HAVE YOUR NAME ADDED TO THE SHUTTLE BUS ROSTER. THE SHUTTLE BUS WILL TAKE BIDDERS AFTER THE MEETING TO THE TALLEYRAND MARINE TERMINAL TO VIEW THE CRANE EQUIPMENT. THIS IS A RESTRICTED TERMINAL AND YOU MUST BE ON THE BUS ROSTER TO ENTER THE TERMINAL.

ATTENDANCE BY A REPRESENTATIVE OF EACH PROSPECTIVE BIDDER IS REQUIRED. A BID WILL NOT BE ACCEPTED FROM ANY BIDDER WHO IS NOT REPRESENTED AT SUCH CONFERENCE.

IT IS MANDATORY THAT THE BIDDER SHALL ACKNOWLEDGE THE INCLUSION OF ALL ADDENDA ON THE BID FORM, FORM FB. ACKNOWLEDGEMENT SHALL BE MADE BY INITIALS AND DATE. FAILURE TO ACKNOWLEDGE ALL ADDENDA SHALL RESULT IN REJECTION OF THE BID.

PLEASE

VISIT

[HTTP://WWW.JAXPORT.COM/ABOUT/PROJECTS.CFM](http://www.jaxport.com/about/projects.cfm)
OR CALL THE PROCUREMENT DEPARTMENT AT (904)357-3017 PRIOR TO THE BID OPENING TO DETERMINE IF ANY ADDENDA HAVE BEEN RELEASED ON THIS CONTRACT.

Bid and contract bonding are required.

This project will be funded 50/50 with a State of Florida grant and JPA funds.

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 Hospital Beds and Facilities batching cycle with an application due date of September 4, 2013:

County: Sumter Service District: 3
CON # 10196 Decision Date: 12/6/2013
Decision: D

Applicant/Facility: HealthSouth Rehabilitation Hospital of Sumter/Lake Co., LLC

Project Description: Establish a 50-bed comprehensive medical rehabilitation hospital

Approved Cost: \$0

County: Sumter Service District: 3
CON # 10197 Decision Date: 12/6/2013
Decision: D

Applicant/Facility: The Villages Tri-County Medical Center, Inc./The Villages Regional Hospital

Project Description: Establish a 30-bed comprehensive medical rehabilitation unit

Approved Cost: \$0

County: Duval Service District: 4-1
CON # 10198 Decision Date: 12/6/2013
Decision: A

Applicant/Facility: Shands Jacksonville Medical Center, Inc./UF Health Jacksonville North

Project Description: Establish a 92-bed acute care hospital in zip code 32218

Approved Cost: \$.00

County: Volusia Service District: 4
CON # 10199 Decision Date: 12/6/2013
Decision: A

Applicant/Facility: Select Specialty Hospital - Daytona Beach, Inc.

Project Description: Establish a 34-bed long-term care hospital within a hospital at Florida Hospital Memorial Medical Center

Approved Cost: \$7,188,806.00

County: Polk Service District: 6
CON # 10200 Decision Date: 12/6/2013
Decision: A

Applicant/Facility: Kindred Hospitals East, LLC

Project Description: Establish a 29-bed long-term care hospital within a hospital at Heart of Florida Regional Medical Center

Approved Cost: \$9,217,403.00

County: Martin Service District: 9
CON # 10201 Decision Date: 12/6/2013
Decision: A

Applicant/Facility: Treasure Coast Behavioral Health, LLC

Project Description: Establish a seven-bed adult psychiatric hospital in Martin County

Approved Cost: \$11,173,001.00

County: Broward Service District: 10
CON # 10202 Decision Date: 12/6/2013
Decision: D

Applicant/Facility: East Florida Healthcare, LLC

Project Description: Establish a 100-bed acute care hospital in zip code 33328

Approved Cost: \$0

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

State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

Clay County Utility Authority (CCUA), Florida

The Florida Department of Environmental Protection (DEP) has determined that the CCUA's project involving construction of a 135 million gallon reclaimed water reservoir at the Mid-Clay WWTF site and constructing pumping and piping improvements at the Fleming Island WWTF to enable pumping reclaimed water to the Mid-Clay reservoir and upgrades to the treatment facilities will not adversely affect the environment. The total estimated project cost is \$6,607,125. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8372 or emailing to Pankaj.Shah@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program

NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE

Cocoa Beach, Florida

The Florida Department of Environmental Protection (DEP) has determined that the City of Cocoa Beach's project involving Infiltration/Inflow Improvements consisting of sewer and manhole rehabilitation for the sanitary sewer system and Stormwater Improvements consisting of landscape bioswales, underground exfiltration pipes and pervious pavers will not adversely affect the environment. The total estimated project cost is \$7,553,745. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400, calling (850)245-8372 or emailing Pankaj.Shah@dep.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Economic Self-Sufficiency Program

Notice of Temporary Assistance for Needy Families (TANF)
Caseload Reduction Credit Report

NOTICE OF TEMPORARY ASSISTANCE FOR
NEEDY FAMILIES (TANF) CASELOAD
REDUCTION CREDIT REPORT

Based on guidance from the Department of Health and Human Services, notice is hereby given of the submission of this report for FFY 2014 using FFY 2013 caseload data as the comparison year. The caseload reduction credit is an adjustment to the State's minimum TANF work participation requirement. To receive a copy of the report: email katie_bohnett@dcf.state.fl.us, call (850)717-4645, or write ACCESS Florida Headquarters, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700. The Department is providing the public an opportunity to comment on the estimates and methodology used to complete the estimates and will accept written comments on this report through 5:00 p.m. on Friday, January 10, 2014, submitted to the above email or mail address. We will consider any comments received, forward them to the federal agency, and amend the report if necessary.

Section XIII

Index to Rules Filed During Preceding Week

RULES FILED BETWEEN DECEMBER 2, 2013 AND DECEMBER 6, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Library and Information Services

1B-2.011	12/5/2013	12/25/2013	39/191	
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Division of Elections

1S-2.029	12/5/2013	12/25/2013	39/176	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-1.09431	12/3/2013	12/23/2013	39/206	
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DEPARTMENT OF CORRECTIONS

33-601.800	12/4/2013	12/24/2013	39/210	
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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-1.0085	12/5/2013	12/25/2013	39/215	
64B3-5.0011	12/5/2013	12/25/2013	39/215	
64B3-9.001	12/5/2013	12/25/2013	39/215	
64B3-9.002	12/5/2013	12/25/2013	39/215	
64B3-9.004	12/5/2013	12/25/2013	39/215	

Board of Massage

64B7-25.001	12/4/2013	12/24/2013	39/201	
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Board of Medicine

64B8-8.009	12/3/2013	12/23/2013	39/214	
64B8-54.002	12/2/2013	12/22/2013	39/205	

Board of Osteopathic Medicine

64B15-12.005	12/2/2013	12/22/2013	39/189	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Physical Therapy Practice

64B17-2.001	12/4/2013	12/24/2013	39/189	
64B17-8.001	12/4/2013	12/24/2013	39/189	
64B17-9.001	12/4/2013	12/24/2013	39/189	

Division of Environmental Health

64E-5.101	12/6/2013	12/26/2013	39/77	39/207
64E-5.1115	12/6/2013	12/26/2013	39/77	39/207
64E-5.1317	12/6/2013	12/26/2013	39/77	39/207
64E-5.1419	12/6/2013	12/26/2013	39/77	39/207
64E-5.1420	12/6/2013	12/26/2013	39/77	39/207
64E-5.1501	12/6/2013	12/26/2013	39/77	
64E-5.1502	12/6/2013	12/26/2013	39/77	
64E-5.203	12/6/2013	12/26/2013	39/77	39/207
64E-5.204	12/6/2013	12/26/2013	39/77	39/207
64E-5.206	12/6/2013	12/26/2013	39/77	
64E-5.210	12/6/2013	12/26/2013	39/77	39/207
64E-5.213	12/6/2013	12/26/2013	39/77	39/207
64E-5.216	12/6/2013	12/26/2013	39/77	39/207
64E-5.304	12/6/2013	12/26/2013	39/77	39/207
64E-5.306	12/6/2013	12/26/2013	39/77	39/207
64E-5.307	12/6/2013	12/26/2013	39/77	39/207
64E-5.313	12/6/2013	12/26/2013	39/77	39/207
64E-5.315	12/6/2013	12/26/2013	39/77	39/207
64E-5.326	12/6/2013	12/26/2013	39/77	39/207
64E-5.330	12/6/2013	12/26/2013	39/77	39/207
64E-5.331	12/6/2013	12/26/2013	39/77	39/207
64E-5.344	12/6/2013	12/26/2013	39/77	39/207
64E-5.350	12/6/2013	12/26/2013	39/77	39/207
64E-5.351	12/6/2013	12/26/2013	39/77	39/207
64E-5.6011	12/6/2013	12/26/2013	39/77	39/207
64E-5.607	12/6/2013	12/26/2013	39/77	39/207
64E-5.609	12/6/2013	12/26/2013	39/77	39/207

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
64E-5.614	12/6/2013	12/26/2013	39/77	39/207	DEPARTMENT OF FINANCIAL SERVICES				
64E-5.6251	12/6/2013	12/26/2013	39/77		Division of Consumer Services				
64E-5.626	12/6/2013	12/26/2013	39/77	39/207	69J-8.001	12/6/2013	12/26/2013	39/174	
64E-5.627	12/6/2013	12/26/2013	39/77	39/207	69J-8.002	12/6/2013	12/26/2013	39/174	
64E-5.629	12/6/2013	12/26/2013	39/77	39/207	69J-8.003	12/6/2013	12/26/2013	39/174	
64E-5.630	12/6/2013	12/26/2013	39/77	39/207	69J-8.004	12/6/2013	12/26/2013	39/174	39/208
64E-5.632	12/6/2013	12/26/2013	39/77	39/207	69J-8.005	12/6/2013	12/26/2013	39/174	
64E-5.633	12/6/2013	12/26/2013	39/77	39/207	69J-8.006	12/6/2013	12/26/2013	39/174	39/208
64E-5.6412	12/6/2013	12/26/2013	39/77	39/207	69J-8.007	12/6/2013	12/26/2013	39/174	
64E-5.6422	12/6/2013	12/26/2013	39/77	39/207	69J-8.008	12/6/2013	12/26/2013	39/174	39/208
64E-5.643	12/6/2013	12/26/2013	39/77	39/207	69J-8.009	12/6/2013	12/26/2013	39/174	
64E-5.645	12/6/2013	12/26/2013	39/77	39/207	69J-8.010	12/6/2013	12/26/2013	39/174	
64E-5.649	12/6/2013	12/26/2013	39/77	39/207	69J-8.011	12/6/2013	12/26/2013	39/174	
64E-5.650	12/6/2013	12/26/2013	39/77	39/207	<hr/>				
64E-5.652	12/6/2013	12/26/2013	39/77	39/207	LIST OF RULES AWAITING LEGISLATIVE				
64E-5.653	12/6/2013	12/26/2013	39/77	39/207	APPROVAL PURSUANT TO CHAPTER 2010-279,				
64E-5.654	12/6/2013	12/26/2013	39/77	39/207	LAWS OF FLORIDA				
64E-5.655	12/6/2013	12/26/2013	39/77	39/207	DEPARTMENT OF HEALTH				
64E-5.656	12/6/2013	12/26/2013	39/77	39/207	Division of Emergency Medical Operations				
64E-5.660	12/6/2013	12/26/2013	39/77	39/207	64J-2.006	7/12/13	*****	39/29	
64E-5.661	12/6/2013	12/26/2013	39/77	39/207	DEPARTMENT OF FINANCIAL SERVICES				
64E-5.662	12/6/2013	12/26/2013	39/77	39/207	Division of Worker's Compensation				
64E-5.663	12/6/2013	12/26/2013	39/77	39/207	69L-7.020	10/24/11	*****	37/24	37/3
64E-5.810	12/6/2013	12/26/2013	39/77	39/207	<hr/>				