

SUMMARY: The proposed rule repeal eliminates obsolete rules regarding the Comprehensive Health Improvement Projects.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule repeal will not result in additional regulatory costs. Because the proposed rule repeal is technical in nature and does not substantively change what is required by existing statutes, there will be no significant economic impact; the overall reduction in administrative rules will, however, have a positive economic impact by streamlining the operation of government.

SPECIFIC AUTHORITY: 385.103(2)(f) FS.

LAW IMPLEMENTED: 385.103 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED IN THE F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet W. Baggett, Medical/Health Care Program Analyst, 4025 Esplanade Way, Bureau of Chronic Disease Prevention, Room 130T, Tallahassee, FL 32399-1744

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-8.001 Definition.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History--New 8-31-87, Amended 4-25-96. Formerly 10D-97.003, Repealed.

64F-8.002 Minimum Requirements.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History--New 8-31-87, Amended 4-25-96. Formerly 10D-97.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet W. Baggett, Medical/Health Care Program Analyst, Bureau of Chronic Disease Prevention

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan Allen, Program Administrator, Bureau of Chronic Disease Prevention

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5BER01-1
RULE TITLE: Citrus Canker Eradication

NOTICE OF WITHDRAWAL/CANCELLATION

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 33, August 17, 2001, Florida Administrative Weekly, has been withdrawn/cancelled.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.001
RULE TITLE: Premium Tax; Rate and Computation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12B-8.001, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly on July 6, 2001 (Vol. 27, No. 27, pp. 3112-3115). These changes are in response to written comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

A technical revision based on these comments changes the word "difference" in sub-subparagraph (3)(a)2.a. of Rule 12B-8.001, F.A.C., to "different." Two other changes based on comments from the Committee were addressed by revising sub-sub-paragraph b. of Rule 12B-8.001(3)(a)2., F.A.C., and sub-paragraph 1. of Rule 12B-8.001(3)(d), F.A.C. to read as follows:

b. For example, a Florida corporate income tax return for tax year ending August 31, 2000, is due, without extension, on December 1, 2000. Since the Florida corporate income tax return is due on or before December 31, 2000, the insurer should include the amount of tax due on the return in computation of the corporate income tax and emergency excise tax credit on its 2000 insurance premium tax return, the 2000 DR-908, which is due March 1, 2001. If, however, the insurer extended the due date of the Florida corporate income tax return to June 1, 2001, and did not file and pay the return on or before December 31, 2000, the amount of tax due on the return is included in the computation of the corporate income tax and emergency excise tax credit on its 2001 insurance premium tax return, the 2001 DR-908, which is due March 1, 2002. For example, if the insurer paid intangible personal property tax (IPPT) February 1, 1995, on intangible assets managed or controlled in Florida on January 1, 1995, the amount paid should be claimed as a credit against its 1995 insurance premium tax (IPT) which was due March 1, 1996. However, if the insurer paid IPPT February 1, 1995, on intangible assets managed or controlled in Florida on January 1, 1994, the amount paid should be claimed as a credit against its 1994 IPT which was due March 1, 1995. In this situation, an amended 1994 IPT return must be filed provided the insurer had previously filed its original 1994 IPT return.

(d) Community Contribution Tax Credit.

1. Who May Claim the Credit. Any taxpayer who has received prior approval from the ~~Department of Community Affairs, through June 30, 1994, or the Governor's Office of Tourism, Trade, and Economic Development, subsequently,~~ for its community contribution to any revitalization project undertaken by an eligible sponsor, shall be allowed a credit of 50 percent of the contribution. The total annual credit under this section applied against the tax due under s. 624.509, F.S., or s. 624.510, F.S., for a calendar year, may not exceed \$200,000. The valuation of the contribution determined by the Governor's Office of Trade, Tourism, and Economic Development shall be used in the computation of the credit.

~~a. The valuation of the contribution determined by the Department of Community Affairs through June 30, 1994, or the Governor's Office of Trade, Tourism, and Economic Development, subsequently, shall be used in the computation of the credit. In instances of fraud, the Director of the Department of Revenue has the authority to redetermine the value of the contribution.~~

~~b. To qualify for the credit under the program expiring June 30, 1994, the insurer must have its community contribution approved by the Department of Community Affairs, and have completed the transfer of the asset by that date.~~

~~c. Beginning July 1, 1995, the program is reinstated pursuant to s. 624.5105, F.S., as amended, and will be administered by the Governor's Office of Trade, Tourism, and Economic Development.~~

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-57
RULE CHAPTER TITLE: Railroad Safety Standards and Clearance Requirements
RULE NO.: 14-57.003
RULE TITLE: Railroad Safety Standards and Clearance Requirements

NOTICE OF CHANGE

Notice was published in Florida Administrative Weekly, Vol. 27, No. 26, June 29, 2001, Pages 2990-2993.

SUMMARY OF CHANGE: There was no request for a hearing and no hearing was conducted. However, based upon a review by the Joint Administrative Procedures Committee, the following changes are being made:

1. Edition of the Code of Federal Regulations: In addition to adding Code of Federal Regulations citations not previously included, some of the cited safety standards and clearance requirements were updated since the previous amendment. Section (1) is revised to include a reference to the October 1, 2001, edition of the Code of Federal Regulations citations as follows:

“(1) This rule adopts the federal minimum safety standards for track, freight car, and locomotive inspections prescribed by 49 C.F.R. Parts 213, 214, 215, 216, 217, 218, 219, 220, 221, 223,

225, 228, 229, 230, 231, 232, 233, 234, 236, 238, 239, and 240, as printed in the annual edition of Title 49, Code of Federal Regulations, dated October 1, 2000, and the federal minimum safety standards for the transportation of hazardous material by rail as prescribed by 49 C.F.R. Parts 171, 172, 173, 174, 178, 179, and 180, as printed in the annual edition of Title 49, Code of Federal Regulations, dated October 1, 2000, as ~~part of the~~ rules of the Florida Department of Transportation; and prescribes reasonable requirements governing clearances above, beside, and between railroad tracks in the State of Florida. If a later version of an individual part is subsequently issued and adopted by the Florida Department of Transportation, that individual part will include the effective date of the revised standard.”

2. 14-57.003(5)(e)1. and 2.: The Joint Administrative Procedures Committee reviewing attorney questioned what appeared to be a contradiction between paragraphs 1. and 2. These are revised as follows:

“(e) Applicability Application.

1. The clearances prescribed in this rule shall apply to building structures or facilities constructed or relocated adjacent to any tracks prior ~~therein described subsequent~~ to September 17, 1953, and to all tracks therein.

2. The clearances prescribed in this rule shall ~~do~~ not apply to the extension of tracks or the adjacent buildings, structures, or facilities provided the track or buildings or structure or facility to be extended was constructed prior to September 17, 1953.”

3. 14-57.003(6): The Joint Administrative Procedures Committee reviewing attorney asked that the “applicable federal regulations” be specifically identified. The following change is made to address that concern:

“(6) Penalties. Failure to comply with the provisions of this rule chapter will result in a penalty in accordance with Section 351.35(2), Florida Statutes, as provided for in applicable federal regulations specified in Section 14-57.003(1) and incorporated by reference under Sections 14-57.003(3) and (4).”

METROPOLITAN PLANNING ORGANIZATIONS

Orlando Urban Area

RULE NO.: 35I-1.012
RULE TITLE: Procedures for MPO Public Involvement

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 24, page 2827 of the June 15, 2001 issue of the Florida Administrative Weekly. In response to comments received from the Joint Administrative Procedures Committee, the following changes have been made to the proposed text of Rule 35I-1.012, F.A.C.

~~(4) In accordance with Continuing the provisions set forth in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and the 1998 Transportation Efficiency Act for the 21st Century (TEA-21), the MPO will follow requires all Metropolitan Planning Organizations to establish a public involvement process in conjunction with the overall transportation planning process occurring within its their respective urban areas. The Orlando Urbanized Area MPO shall have a policy to ensure that the requirements and criteria established under the TEA 21 legislation are met.~~

Specific Authority 163.01 FS. Law Implemented 339.175 FS. History—New 1-23-95, Amended 1-5-97, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was originally published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (12). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

- (1) through (4) No change.
- (5) Chapter 40C-4, F.A.C., environmental resource permits:
 - (a) through (d) No change.
 - (e) Chapter 40C-40, F.A.C., standard ~~general~~ environmental resource permits:
 - (f) through (k) No change.
 - (6) through (13) No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.021	Definitions
40C-4.041	Permits Required
40C-4.051	Exemptions
40C-4.091	Publications Incorporated by Reference
40C-4.301	Conditions for Issuance of Permits
40C-4.302	Additional Conditions for Issuance of Permits
40C-4.331	Modification of Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3, of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-4.021 Definitions.

Specific Authority 373.044, 373.113, ~~373.413~~, 373.414, ~~373.418~~ FS. Law Implemented 373.019, 373.403, 373.413, 373.414, 373.416, 373.418, 373.426, ~~403.813(2)~~ FS. History—New 1031-77, Formerly 161-4.02, 40C-4.02, Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 9-25-91, 2-27-94, 10-3-95, _____.

40C-4.041 Permits Required.

- (1) No change.
- (2) The District issues ~~four~~ **three** types of environmental resource permits: conceptual approval permits, individual permits, standard permits, and general permits.

(a) No change.

(b) An individual, standard, or general permit is required prior to the construction, alteration, operation, maintenance, abandonment or removal of a surface water management system which:

1. through 8. No change.

(c) A ~~general~~ permit will be issued for specific classes of surface water management systems which satisfy the thresholds and conditions of Chapters 40C-40 or 40C-400, F.A.C. Standard ~~general~~ permits are issued pursuant to chapter 40C-40, F.A.C. Noticed general permits are issued pursuant to Chapter 40C-400, F.A.C. A standard or general permit may authorize the construction, alteration, operation, maintenance, abandonment, or removal of a system.

(d) Projects which do not qualify for ~~general~~ permits under the provisions of Chapters 40C-40 or 40C-400, F.A.C., may qualify for an individual permit under Chapter 40C-4, F.A.C. An individual permit may authorize the construction, alteration, operation, maintenance, abandonment or removal of a system.

(3) No change.

(4)(a) The Governing Board may designate specific geographic areas within which ~~individual or general~~ permits shall be required for the construction, alteration, operation, maintenance, removal, or abandonment of any systems with threshold volumes and areas different from those specified in Subsection (2)(b) above.

(b) through (c) No change.

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~, ~~373.406~~, ~~373.413~~, ~~373.4136~~, ~~373.414~~, 373.415, ~~373.416~~, 373.418, ~~380.06(9)~~ FS. Law Implemented ~~373.083~~, 373.118, ~~373.406~~, ~~373.409~~, 373.413, 373.4135, ~~373.4136~~, 373.414, 373.415, 373.416, ~~373.418~~, 373.426, ~~380.06(9)~~ ~~373.429~~ FS. History—New 1-31-77, Formerly 161-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0-041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, _____.

40C-4.051 Exemptions.

Specific Authority 373.044, 373.113, ~~373.171, 373.413,~~ 373.414, 373.415, ~~373.416,~~ 373.418 FS. Law Implemented 373.406, 373.413, ~~373.414,~~ 373.415, 373.416, 373.418, 373.426, 403.813(2) FS. History--New 1-31-77, Formerly 161-4.05, 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11091, 9-25-91, 5-17-94, 10-3-95, 11-25-98, 7-8-01,_____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective _____ ~~7-8-01.~~

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, ~~373.171, 373.413,~~ 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(~~2~~), 373.461(~~3~~) FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9) FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C- 4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01,_____.

40C-4.301 Conditions for Issuance of Permits.

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

(a) through (k) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History--New 1-31-77, Formerly 161-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.0301, Amended 8-11-91, 9-25-91, 9-16-92, 6-7-93, 10-3-95,_____.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in Section 40C-4.301, F.A.C., in order to obtain a standard ~~general~~, individual, or conceptual approval permit under this chapter or Chapter 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) through (d) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History--New 10-3-95, Amended_____.

40C-4.331 Modification of Permits.

(1) In addition to the modification of permits pursuant to Section 373.429, Florida Statutes, a request for modification of a valid permit may be made as set forth in this section, The request for modification shall be reviewed using the conditions for issuance in Sections 40C-4.301 and 40C-4.302, F.A.C.

(a) By formal application on District form number 40C-4.900(1), and will be reviewed using the same review and public notice procedures as new applications; or

(b) By letter that describes the proposed modification, provided that the requested modification does not cause any of the following circumstances to occur:

1. through 5. No change.

6. Result in more than 10% or 0.5 ± acre, whichever is less, of total additional mitigated impacts to wetlands and other surface waters per permit modified.

7. through 8. No change.

9. Reduce the financial responsibility mechanisms provided to ensure the continued construction and operation of the system in compliance with permit requirements, except in accordance with specific permit conditions that provide for a reduction in such financial responsibility mechanisms; ~~or~~

10. Result in a net reduction in the area of a conservation easement or mitigation area which was previously permitted; or

~~11.40.~~ Otherwise, substantially alter the system design or permit conditions.

(2) through (4) No change.

Specific Authority 373.044, 373.113, ~~373.171,~~ 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426, 373.429 FS. History--New 2-20-77, Amended 12-26-77, Formerly 161-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89,_____.

APPLICANT'S HANDBOOK: MANAGEMENT AND STORAGE OF SURFACE WATERS

1.5 Types of Rules

The District has implemented six (6) sets of rules to regulate surface water management systems: Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems); Chapter 40C-40, F.A.C., (Standard ~~General~~ Environmental Resource Permits); Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria); Chapter 40C-42, F.A.C., (Environmental Resource Permits: Regulation of Stormwater Management Systems); Chapter 40C-44, F.A.C., (Environment Resource Permits: Regulation of

- Agricultural Surface Water Management Systems); and 40C-400, F.A.C., (Noticed General Environmental Resource Permits).
- 1.5.2 Chapter 40C-40, F.A.C., provides for a shortened permitting procedure for surface water management systems which are relatively small-scale (see section 3.3 of this Handbook for a description of thresholds) and which meet the criteria established in Chapter 40C-4, F.A.C. These types of permits are known as “standard ~~general~~ environmental resource permits.”
 - 3.0 Activities Requiring a Permit
 - 3.2 Permits Required

An ~~individual or general~~ permit must be obtained for any stormwater management system, dam, impoundment, reservoir, appurtenant work or works which exceed the thresholds listed in section 3.3 of this Handbook. Such permit is to be obtained as:

 - 3.3.1 A ~~general or individual~~ permit is required prior to the undertaking of any activity described in section 3.2 if such activity:
 - 3.3.2 A standard ~~general~~ environmental resource permit is issued for a specific class of surface water management systems which meet the criteria specified in Chapters 40C-4, 40C-40, and 40C-41, F.A.C. (if applicable), and this Handbook, and which:
 - 3.5 Conceptual Approval Permits
 - 3.5.1 through 3.5.4 No change.
 - 3.5.5 Phases within a conceptually approved project shall be processed as standard ~~general~~ permits provided:
 - (a) through (c) No change.
 - 4.2 Forms and Instructions
 - 4.2.1 The application form including the required site and system design information for an individual and standard ~~general~~ environmental resource permit under Chapters 40C-4 and 40C-40, F.A.C., respectively, has been adopted as a rule in subsections 40C-4.900(1), and 40C-40.900, F.A.C. A copy of this application form is included in Appendix B of this Handbook. This form must be used to apply for a permit to construct, maintain,

alter, remove, or abandon a system pursuant to these respective chapters. An application to operate a system is made automatically with an application for construction, maintenance, removal, or alteration. Information regarding operation of the system must be included in the permit application submittal.

- 4.3 Permit Processing Fee
 - 4.3.1 A non-refundable permit processing fee as specified by Chapter 40C-1, F.A.C., is required for the processing of each permit application ~~for individual, general or conceptual approval permits~~ or for a permit modification, and must be submitted concurrently with the filing of an application or the notice of intent. An application or notice submitted without the fee will not be considered complete (see subsections 5.3.2 and 6.3.2).
- 6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits
 - 6.1 Procedures Required
 - 6.1.1 The District is required to follow certain procedural guidelines set forth in Chapter 120, F.S., the Administrative Procedures Act and Chapters 28-101 through 28-110, F.A.C., the Uniform Rules of Procedure. These guidelines provide rules of procedure and public visibility for all District activities which affect the public; this includes the scheduling of meetings, establishment of rules and criteria, and the procedures to be followed in reviewing and acting on permit applications. Additionally, the District has adopted Chapter 40C-1, F.A.C. (Organization and Procedure) which describes the District’s organization and clarifies the specific procedures of the St. Johns River Water Management District. The District has also adopted Chapter 40C-40, F.A.C., setting forth procedures for the processing of standard ~~general~~ permits and section 40C-1.1013, F.A.C., setting forth procedures for the processing of noticed general permits.
 - 6.1.2 This section provides a brief overview of the procedures which the District will follow in receiving, processing, and acting on a standard general permit application or notification of intent to undertake an activity under the provisions of a noticed general permit. It is not a substitute for

Chapter 120, F.S., or Chapters 28-106, 28-107, 40C-1, 40C-40 or 40C-400, F.A.C.; but is rather to be considered a brief explanation of District procedure which conforms to Chapters 120, F.S., and Chapters 28-106, 28-107, and 40C-1, F.A.C.

6.2 Standard ~~General~~ Permits

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

6.2.2 These requirements are:

(a) and (b) No change.

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

6.3 Initial Receipt of a Standard ~~General~~ Permit Application

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

6.3.2 District staff will then conduct a review of the application for a standard ~~general~~ permit to determine that all necessary information is included. If the application does not contain all of the required information or fee, the necessary additional information or fee will be requested from the permittee within 30 days of receipt of the application by the District. The application is then reviewed and evaluated using the criteria discussed in Part II of this Handbook.

6.4 Request for Additional Information Regarding a Standard ~~General~~ Permit

6.4.1 The first step of this review process is to determine whether all the technical data needed for a complete review of the application has been provided. In those cases where the information

contained in the submitted application for a standard ~~general~~ permit is not complete, the District staff will request that the additional information be supplied and will inform the permittee as to the reason that such information is required. Such requests for additional information will be accompanied by citation to a specific rule pursuant to section 373.417, F.S.

6.4.2 If the standard ~~general~~ permit application is determined to be incomplete, the District will request the necessary additional technical information within 30 days after the receipt of the application. The District will take action on the application within 30 days after the requested information has been received.

6.5 Staff Evaluation of Standard ~~General~~ Permit

6.5.1 Once the standard ~~general~~ permit application is complete, the staff will begin technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

6.5.2 The final staff evaluation will include a determination that the described system either meets the criteria for obtaining a standard ~~general~~ permit or that it apparently does not. If a standard ~~general~~ permit application apparently does not meet those criteria, then the application will be processed as an application for an individual permit and the applicant will be so notified, and provided a written explanation of the need for an individual permit.

6.5.3 Within 30 days after a standard ~~general~~ permit application is complete, the District staff will issue the ~~general~~ permit or notify the applicant that the permit application is upgraded to individual status.

6.5.4 For those systems which meet the District criteria, a standard ~~general~~ permit will be issued.

6.5.5 Notification to Public for Input Regarding Standard ~~General~~ Permits

At the time that the District has received a standard ~~general~~ permit application, it will provide public notice that the application has been filed. Such public notice will be sent by regular mail to those persons who have previously filed a written request for notification of pending applications within the affected area.

~~Notice of receipt of an application for a standard general permit will be posted in the District headquarters and in each permitting office.~~

For the District staff to properly evaluate any information which interested persons may submit, these persons should contact the District within 14 days of notification as soon as possible after receiving notice of the application if they have questions, comments, or information regarding the proposed system.

6.5.6 Objections Regarding Standard ~~General~~ Permits

A substantial objection as defined in section 6.2.4 will automatically cause the application for a standard ~~general~~ permit to be considered an application for an individual permit. Substantial objections must be filed with the District within 14 days of notification posting of the notice of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is published if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit must be followed. No additional fee will be required for standard ~~general~~ permit applications which are upgraded to individual status as a result of objections as described above.

7.2 Master drainage plans

- 7.2.1 An applicant may apply for and receive a standard ~~general~~ or individual permit for its existing or proposed master drainage plan for a project area.
- 7.2.2 Such application will be processed in accordance with the procedures established for standard ~~general~~ and individual permits.
- 7.2.3 After issuance of an individual permit for a master drainage plan, subsequent activities within the master drainage plan which are conducted in accordance with the requirements of 40C-40.302(1), F.A.C., and which would

ordinarily require an individual permit, may be authorized under the provisions of a standard ~~general~~ permit.

- 7.2.4 Subsequent activities which would ordinarily require an individual permit and which significantly differ from the approved master drainage plan will require an individual permit.

8.0 Criteria for Evaluation

8.1 Purpose

The criteria which are explained in this part are those which have been approved by the Governing Board for use by District staff in evaluating environmental resource permit applications pursuant to Chapters 40C-4, 40C-40, and 40C-41, F.A.C. The criteria are used in evaluating applications for individual, standard ~~general~~, and conceptual approval permits. The staff recommendation on permit approval for any permit will be based upon a determination of whether the system meets the criteria for evaluation.

8.2 Source of Criteria

The criteria for evaluation have been developed from guidelines established in Chapter 373, F.S. (Water Resources Act of 1972); Chapter 403, F.S., (Environmental Control); Chapter 62-40, F.A.C. (State Water Policy); and Governing Board policy as stated in Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems), Chapter 40C-40, F.A.C., (Standard ~~General~~ Environmental Resource Permits), Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria), Chapter 40C-42, F.A.C., (Environmental Resource Permits: Regulation of Stormwater Management Systems), Chapter 40C-44, F.A.C., (Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems), this Handbook, and through permitting decisions of the Governing Board., Copies of Chapter 373, F.S., (abridged), Chapters 40C-4, 40C-40, 40C-41, and 40C-400, F.A.C., are contained in the appendices in Part IV of this Handbook.

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

9.1.1 In order to obtain an individual, standard ~~general~~, or conceptual environmental resource permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of a surface water management system:

10.1 Section 40C-4.302, F.A.C., Conditions

10.1.1 In addition to the conditions set forth in section 9, in order to obtain a standard ~~general~~, individual, or conceptual approval permit an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

11.0 Basin Criteria

11.3.5 Standard for Riparian Wildlife Habitat

The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

(a) The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

1. The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;
2. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

~~11.4.4~~
11.4.5

3. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of the northernmost crossing of the Little Wekiva River with S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

11.3.6 Local Government Notification for Wekiva River Protection Area

The District shall not issue a conceptual approval, individual, or ~~standard general~~ permit for a proposed surface water management system located wholly or partially within the Wekiva River Protection Area, as defined in Section 369.303(9), F.S., until the appropriate local government has provided written notification that the proposed activity is consistent with the local comprehensive plan and is in compliance with land development regulation in effect in the area where development will take place. The applicant proposing such a system must submit to the District form no. 40C-41.063(4), entitled "Local Government Notification", after it has been completed and executed by the local government. This form is hereby incorporated by reference and is available upon request from the St. Johns River Water Management District, Post Office Box 1429, Palatka, Florida 32178-1429. Permit applications for systems within the Wekiva River Protection Area shall be processed by the District staff pursuant to the time frames established in Section 120.60, F.S., and any District rule regarding permit processing, except that any agency action to approve or approve with conditions shall not occur until the Local Government Notification has been received by the District.

Off-site Land Preservation as Mitigation in the Econlockhatchee River Hydrologic Basin.

Mitigation in the Econlockhatchee River Hydrologic Basin must offset any adverse impacts of the system to the functions provided by the Econlockhatchee River Riparian Habitat Protection Zone and wetlands outside this zone, to aquatic and wetland dependent species. Subsection 16.1.6 of this Handbook allows for consideration of innovative mitigation proposals. Mitigation within the Econlockhatchee River Hydrologic Basin may include the off-site preservation of lands. The lands proposed for preservation must be regionally significant or provide unique fish and wildlife habitat. For the purposes of this section the land to be preserved must be located entirely within the Econlockhatchee River Basin as designated in section 40C-41.023, F.A.C., and the applicant must propose to convey the land in fee simple to the St. Johns River Water Management District or a mutually acceptable designee. At the option of the District, a perpetual conservation easement or other acceptable legal instrument may be conveyed to the District or a mutually acceptable designee in accordance with section 704.06, F.S. All of the following requirements will apply to off-site land preservation proposals within the Econlockhatchee River Basin:

- (a) Prior to proposing off-site land preservation, the applicant must demonstrate that alternatives for avoiding adverse impacts to the functions provided by the Riparian Habitat Protection Zone and wetlands outside the zone have been evaluated, and that to the maximum extent practicable, adverse impacts to these functions have been avoided.
- (b) As a part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the standard described in paragraph 11.4.34(a) by providing a functional analysis, as described in paragraph 11.4.34(b), of the proposed impacts within the Riparian Habitat Protection Zone and the benefits of the proposed preservation area. If adverse impacts occur to wetlands, then as part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the criteria described in section 12.3 subsection 10.7.4.

(c) The range of appropriate ratios to be used to determine credit for preservation will depend upon the functional analysis of impacts and benefits. The suitability of this mitigation option, the specific ratios applicable, credits to be assigned, and the use of these credits will be determined on a case-by-case basis based on site specific information.

12.2.2 Fish, Wildlife, Listed Species and their Habitats

As part of the assessment of the impacts of regulated activities upon fish and wildlife, the District will provide a copy of all notices of applications for standard ~~general~~, individual, and conceptual approval permits which propose regulated activities in, on or over wetlands or other surface waters to the Florida Game and Fresh Water Fish Commission for review and comment. In addition, the District staff may solicit comments from the Florida Game and Fresh Water Fish Commission regarding other applications to assist in the assessment of potential impacts to wildlife and their habitats, particularly with regard to listed wildlife species. Where proposed activities have a potential to impact listed marine species, the District will provide a copy of the above-referenced types of applications to the Department of Environmental Protection.

12.2.3.6 Historical and Archaeological Resources

In reviewing and balancing the criterion regarding historical and archaeological resources in paragraph 12.2.3(f), the District will evaluate whether the regulated activity located in, on, or over wetlands or other surface waters will impact significant historical or archaeological resources. The applicant must map the location of and characterize the significance of any known historical or archaeological resources that may be affected by the regulated activity located in, on or over wetlands or other surface waters. The District will provide copies of all conceptual, individual and standard ~~general~~ permit applications to the Division of Historical Resources of the Department of State and solicit their comments regarding whether the regulated activity may adversely affect significant historical and archaeological resources. The applicant will be required to perform an archaeological survey and to develop and implement a plan, as necessary to

demarcate and protect the significant historical or archaeological resources, if such resources are reasonably expected to be impacted by the regulated activity.

12.2.8 Cumulative Impacts

Pursuant to paragraph 12.1.1(g), an applicant must provide reasonable assurances that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 12.1.1(c) and by evaluating the impacts to functions identified in subsection 12.2.2. If an applicant proposes to mitigate these adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, then the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface waters, and consequently, the condition for issuance in paragraph 12.1.1(g) will be satisfied. The drainage basins within the District are identified on Figure 12.2.8-1.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface waters, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then aAn applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

- (a) projects which are existing or activities regulated under Part IV, Chapter 373 which are under construction or projects for which permits or determinations pursuant to Section 373.421 or 403.914 have been sought.
- (b) activities which are under review, approved, or vested pursuant to section 380.06, or other activities regulated under Part IV, Chapter 373 which may reasonably be expected to be located within wetlands or other surface waters, in the same drainage basin, based upon the comprehensive plans, adopted pursuant to

Chapter 163, of the local governments having jurisdiction over the activities, or applicable land use restrictions and regulations.

Only those activities listed in paragraphs (a) and (b) which have similar types of impacts (adverse effects) to those which will be caused by the proposed system will be considered. (All citations in paragraphs (a) and (b) refer to provisions of Florida Statutes.)

The cumulative impact evaluation is conducted using an assumption that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications.

12.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 12.3.8. If unacceptable cumulative impacts are expected to occur, based on an evaluation conducted in accordance with subsection 12.2.8, the applicant may propose mitigation measures as provided for in sections 12.3-12.3.8. ~~Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 12.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within that drainage basin.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-40.011	Policy and Purpose
40C-40.031	Implementation
40C-40.042	Standard Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Surface Water Management Systems
40C-40.112	Standard Permit Application
40C-40.302	Conditions for Issuance of Permits
40C-40.321	Duration of Permit
40C-40.351	Revocation of Permits
40C-40.381	Limiting Conditions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-40.011 Policy and Purpose.

(1) This chapter grants standard ~~general~~ environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. This chapter sets forth the requirements for qualifying for a standard ~~general~~ permit and the conditions under which it may be exercised. Surface water management systems which are non-exempt, which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40C-400, F.A.C., and which do not qualify for a standard ~~general~~ permit under this chapter, are required to obtain individual permits under the provisions of Chapter 40C-4, F.A.C. The District may require an individual permit application for any surface water management system for which an application has been filed under this chapter which may not conform to the provisions of this chapter, or Chapter 373, F.S., or for which a substantial objection has been received.

(2) For applications for standard ~~general~~ permits which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing and issuing these permits. Any individual listed in subsection 40C-40.011(3), F.A.C., can act on behalf of the Director or Assistant Director of a permitting office.

(3) For applications for standard ~~general~~ permits which are received and reviewed by the Headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, and the Assistant Directors of the Department of Resource Management as its agents for the purposes of reviewing and issuing these permits.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426, FS. History-New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, _____.

40C-40.031 Implementation.

(1) This rule specifies the effective dates for standard ~~general~~ environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

(2) No change.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426, FS. History-New 12-7-83, Amended 2-27-94, 10-3-95, _____.

40C-40.042 Standard ~~General~~ Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Surface Water Management Systems.

(2) No construction, operation, maintenance, alteration, abandonment or removal of a surface water management system shall be commenced until the permittee receives a standard ~~general~~ permit from the District.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 120.60, 373.083, 373.118, 373.413, 373.416, 373.426, FS. History-New 12-7-83, Amended 2-27-94, 10-3-95, _____.

40C-40.112 Standard ~~General~~ Permit Application.

(1) To apply for a standard ~~general~~ permit, the applicant must submit form 40C-4.900(1) to the District. The applicant shall submit five copies of the application, construction plans, and any supporting documents describing the proposed system.

(2) A complete application for a standard ~~general~~ permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with water quality standards, unless the permit is issued pursuant to the net improvement provision in paragraph 373.414(1)(b), F.S., or the permit specifically states otherwise.

(3) If a standard ~~general~~ permit application involves activities located in, on, or over wetlands or other surface waters, then, within three business days of receipt of the application, the District shall forward a copy to the appropriate office of the U.S. Army Corps of Engineers unless specifically authorized by the Corps to do otherwise.

Specific Authority 373.044, 373.113, ~~373.118~~ FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426, FS. History-New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, _____.

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard ~~general~~ permit under this chapter, the permittee must give reasonable assurance that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) This rule specifies the effective dates for standard ~~general~~ environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

(2) through (3) No change.

~~(4) Threshold condition paragraph (2)(b) shall not apply to a residential development that meets the following:~~

~~(a) All residential lots are 5 acres or greater in size and each lot has an area of uplands outside the 100 year floodplain that is sufficient to construct a residence without necessitating filling of wetlands or the 100 year floodplain, other than filling ditches that were constructed in uplands or filling for the driveway; and~~

~~(b) Deed restrictions are placed upon each lot that require that the residence, onsite sewage disposal system and all associated residential improvements, except for the driveway, be constructed in uplands and outside the 100 year floodplain.~~

~~(4)(5) Threshold conditions in subsection (2) shall not apply to the following:~~

(a) Phases within a project that has a valid conceptual approval permit provided:

1. The proposed activity is consistent with the conceptual approval permit;

2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); ~~and~~

3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system;- and

4. The amount of wetland impacts authorized by each standard permit issued under this subsection shall not exceed 10 acres.

(b) Phases within a project that has a valid individual permit for a master drainage plan provided the proposed activity does not significantly differ from the master drainage plan.

~~(5)(6)~~ Notwithstanding the threshold conditions of subsection (2), a standard ~~general~~ permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities.

1. For the purposes of this requirement, an application is complete when the applicant has submitted all information required on application form 40C-4.900(1) and has submitted all information requested by District staff in timely requests for additional information;

2. This ~~general~~ permit is not authorized for projects where the applicant has submitted a written request to begin processing the permit application in accordance with section 373.4141, Florida Statutes;

(b) through (e) No change.

(f) The District must not have received any ~~timely~~ submitted substantial objections (as defined in subsection 6.2.4 of the Applicant’s Handbook: Management and Storage of Surface Waters) to the associated individual environmental resource permit application, unless all such objections are withdrawn at the time this permit is ~~issued~~ requested.

Specific Authority 373.044, ~~373.118~~, 373.406, 373.414, 373.418 FS. Law Implemented ~~373.019~~, 373.083, ~~373.118~~, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History–New 12-7-83, Amended 9-25-91, 1-6-93, 10-3-95, 1-11-99,_____.

40C-40.321 Duration of Permit.

Unless revoked or otherwise modified, the duration of the standard ~~general~~ permit for construction, operation, maintenance, alteration, abandonment, or removal of a surface water management system is:

Specific Authority 373.044, 373.113,~~373.118~~ FS. Law Implemented 373.083, ~~373.118~~, 373.413, 373.416, 373.426 FS. History–New 12-7-83, Amended 2-27-94, 10-3-95,_____.

40C-40.351 Revocation of Permits.

Violations of this chapter may result in the revocation or suspension of the ~~general~~ permit in whole or part in accordance with the provisions of Section 373.429 and Chapter 120, Florida Statutes, and Chapter 40C-1, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083, 120.60, 373.429 FS. History–New 12-7-83, Amended_____.

40C-40.381 Limiting Conditions.

The ~~general~~ permits authorized in this chapter shall be subject to the following limiting conditions:

(1) No change.

(2) The ~~general~~ permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(3) For ~~general~~ permits authorizing incidental site activities, the following limiting conditions shall also apply.

(a) through (b) No change.

~~(c)1-~~ The permittee shall proceed in an expeditious fashion to obtain the individual environmental resource permit.

~~(d)2-~~ Unless revoked or modified the duration of a ~~general~~ permit authorizing incidental site activities shall be 60 days.

Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.117, 373.406, 373.413, 373.414, 373.416, 373.418, 373.419, 373.423, 373.426 FS. History–New 12-7-83, Amended 2-27-94,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-41.063
RULE TITLE: Conditions for Issuance of Permits
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3 of the January 19, 2001, issue of the Florida Administrative Weekly.

40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin, the following standards and criteria are established:

(a) through (d) No change.

(e) Standard for Riparian Wildlife Habitat

1. The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

a. The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of the northernmost crossing of the Little Wekiva River with S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

Specific Authority 373.044, 373.113, ~~373.171~~, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-42.022	Permits Required
40C-42.0225	Exemptions From Permitting for Stormwater Management Systems
40C-42.026	Specific Design and Performance Criteria
40C-42.029	Monitoring and Operational Maintenance Requirements
40C-42.091	Publications Incorporated by Reference
40C-42.900	Forms and Instructions

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the St. Johns River Water Management District is making the following changes to Chapter 40C-42, F.A.C., which was originally published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

40C-42.022 Permits Required.

Specific Authority 373.044, 373.113, ~~373.118~~, ~~373.406~~, ~~373.414~~, ~~373.418~~, ~~373.171~~ FS. Law Implemented ~~373.118~~, ~~373.406~~, 373.413, ~~373.414~~, 373.416, ~~373.418~~, ~~373.426~~ FS. History—New 9-25-91, Amended 4-11-94, 11-22-94.

40C-42.0225 Exemptions From Permitting for Stormwater Management Systems.

Specific Authority 373.044, 373.113, ~~373.414~~, ~~373.418~~, ~~373.171~~, ~~373.413~~ FS. Law Implemented 373.413, ~~373.414~~, 373.416, ~~373.418~~, ~~403.812~~ ~~403.813(2)~~ FS. History—New 9-25-91, Amended 3-21-93, 10-3-95.

40C-42.026 Specific Design and Performance Criteria.

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~, ~~373.406~~, ~~373.414~~, 373.418 FS. Law Implemented ~~373.118~~, ~~373.406~~, 373.413, ~~373.414~~, 373.416, ~~373.418~~, ~~373.426~~, 403.813 FS. History—New 4-1-86, Amended 9-25-91, 3-21-93.

40C-42.029 Monitoring and Operational Maintenance Requirements

(1) The operation and maintenance entity is required to provide for periodic inspections of the stormwater management system to insure that the system is functioning as designed and permitted. If specified below or by permit condition, ~~t~~The entity shall submit inspection reports to the District, certifying that the stormwater management system is operating as designed. In addition, the entity will state in the report what operational maintenance has been performed on the system. The reports shall only be required for those systems which are subject to operation phase permits pursuant to subsection 40C-42.028(1), F.A.C., after the effective date of this rule adoption, unless indicated otherwise in a permit. The reports shall be submitted to the District as follows unless otherwise required by a permit condition:

(b) Other Systems. Any other type of stormwater management system shall be inspected by the operation and Maintenance entity once within two years after the completion of construction and every two years thereafter to insure that the system is functioning as designed and permitted. If a required inspection reveals that the system is not functioning as designed and permitted, then within 14 days of that inspection the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

(2) All permits issued pursuant to this chapter prior to (effective date) are hereby modified to reflect the requirements in paragraph (1)(b) above and to remove any condition requiring the submittal of inspection reports for retention, underdrain, wet detention, dry detention, swales and wetland stormwater management systems. All other conditions of these permits shall remain in effect unless revoked or modified by the District.

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~, ~~373.406~~, 373.414, ~~373.416~~, 373.418, ~~403.877~~ FS. Law Implemented ~~373.117~~, 373.118, ~~373.406~~, 373.413, 373.414, 373.416, 373.418, ~~373.426~~ FS. History—New 9-25-91, Amended 3-21-93, 4-11-94.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I "Policy and Procedures", Part II, "Criteria for Evaluation", and Part III "Operation and Maintenance", of the document entitled

“Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective 1-11-99.

APPLICANT’S HANDBOOK SECTION:

1.5 Summary of District Surface Water Management System Rules

The District has implemented several different rules that regulate surface water management systems:

- Chapter 40C-4, F.A.C. (Environmental Resource Permits: Surface Water Management Systems)
- Chapter 40C-40, F.A.C. (Standard ~~General~~ Environmental Resource Permits)
- Chapter 40C-41, F.A.C. (Environmental Resource Permits: Surface Water Management Basin Criteria)
- Chapter 40C-42, F.A.C. (Environmental Resource Permits: Regulation of Stormwater Management Systems)
- Chapter 40C-44, F.A.C. (Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems)
- Chapter 40C-400, F.A.C. (Noticed General Environmental Resource Permits)

1.5.2 Chapter 40C-40, F.A.C.

Chapter 40C-40, F.A.C., provides for a shortened permitting procedure for surface water management systems which are relatively small-scale (see section 3.3 of the Applicant’s Handbook: Management and Storage of Surface Waters for a description of thresholds) and which meet the criteria established in Chapter 40C-4, F.A.C. These types of permits are known as standard ~~general~~ environmental resource permits.

1.5.3 Chapter 40C-41, F.A.C.

Chapter 40C-41, F.A.C., establishes criteria which must be met for systems within specified geographic areas of special concern. These criteria are in addition to the ones established in Chapters 40C-4, 40C-40, and 40C-42, F.A.C., are applicable to individual, standard ~~general~~, and conceptual approval environmental resource permits and environmental resource stormwater permits.

1.5.4 Chapter 40C-42, F.A.C.

Chapter 40C-42, F.A.C., provides for the regulation of stormwater management systems associated with projects which are above the thresholds explained in section 3.3 of this handbook. It establishes procedures which are to be followed in obtaining a permit and contains the criteria which must be met in order to obtain

a permit. These types of permits are known as either individual or standard ~~general~~ environmental resource stormwater permits.

8.2 Source of Criteria

The criteria for evaluation have been developed from guidelines established in:

- Chapter 403, F.S., (Environmental Control)
- Chapter 62-25, F.A.C., (Regulation of Stormwater Discharge)
- Chapter 62-40, F.A.C., (State Water Policy)
- Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems)
- Chapter 40C-40, F.A.C., (Standard ~~General~~ Environmental Resource Permits)
- Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria)
- Chapter 62-3, F.A.C., (Water Quality Standards)
- Chapter 62-302, F.A.C. (Surface Water Quality Standards)

40C-42.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from:

Department of Resource Management
 St. Johns River Water Management District
 P.O. Box 1429
 Palatka, Florida 32178-1429.

(6) Exceptions Report for Stormwater Management Systems Out of Compliance, form number 40C-42.900(6), adopted (effective date).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-400.447	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 3 of the January 19, 2001 issue of the Florida Administrative Weekly.

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

(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

(a) through (f) No change.

(g) Ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch and must not diminish permitted stormwater treatment capacity. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three year period.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:
40E-41 Surface Water Management Basin and Related Criteria

RULE NOS.: RULE TITLES:
40E-41.343 Application of Part IV
40E-41.360 Permit Thresholds
40E-41.363 Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which proposed rule was published in Vol. 27, No. 27, page 3119; Vol. 27, No. 28, page 3232; and Vol. 27, No. 29, page 3346 of the July 6, July 13, and July 20 issues of the Florida Administrative Weekly, respectively.

In response to comments received from the Joint Administrative Procedures Committee, changes have been made to proposed Rule 40E-41.343; subsection (2) of Rule 40E-41.360; and subsection (1) of Rule 40E-41.363 set forth in proposed Part IV of Chapter 40E-41, F.A.C., as follows:

40E-41.343 Application of Part IV.

All projects located within the WPA, WPAB, or adjacent to the Protective Levees which require permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301 and 40E-4.302, ~~or and/or~~ Rule

40E-40.302, F.A.C., as applicable, (Environmental Resource Permits Conditions for Issuance) and 40E-41.363 (Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History--New _____.

40E-41.360 Permit Thresholds.

(1) All systems proposed within the boundaries of the WPA shall require an individual permit.

~~(2) As provided for in Rule 40E-40.011(2), the District shall require an individual permit application for any system proposed within the WPAB or adjacent to the Protective Levees that does not comply with the provisions of this part; is harmful to the water resources of the District; is not consistent with the overall objectives of the District; is contrary to the provisions of Chapter 373, F.S.; or which is of heightened public concern.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History--New _____.

40E-41.363 Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.

(1) In order to obtain a permit under this part, an applicant must provide reasonable assurance that the proposed activities will meet the requirements of this section; not be harmful to the water resources; and be consistent with the purposes and objectives set forth in Rule 40E-41.320, F.A.C. ~~not be inconsistent with the objectives of the District; or otherwise restrict, interfere with, or limit accomplishment of the Water Preserve Area objectives.~~

(2) through (10) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-7.004 Approval of Training Programs

SECOND NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly and a previous Notice of Change published in Vol. 27, No. 18, May 4, 2001 F.A.W. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) shall read as follows:

(1) Each registered training program provider shall apply for approval of a training program. The application must be submitted on a Board-approved form DBPR/BCAI/16, B.C.A.I. Training Program Approval Application, effective _____, with instructions, which is hereby incorporated by reference, copies of which may be obtained from the Board office. The application for approval shall indicate the length of the program in hours, and shall include a copy of the program syllabus.

Subsections (2) through (9) no change from the Notice of Change published May 4, 2001.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.007 RULE TITLE: Standard of Care for Office Surgery

NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of a public hearing to be held on the above-referenced rule on September 21, 2001 at 1:00 p.m., at the Tampa Airport Hilton, 2225 Lois Avenue, Tampa, Florida. This public hearing is being held in response to a request received from the Florida Osteopathic Medical Association on August 17, 2001. The rule was originally published in Vol. 27, No. 31, of the August 3, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.500 RULE TITLE: Negative Drug Formulary

NOTICE OF PUBLIC HEARING

The Board of Pharmacy hereby gives notice of a public hearing to be held on the above-referenced rule on September 14, 2001, at 1:00 p.m. – 3:00 p.m., at The Collins Building, 107 West Gaines Street, 1st Floor, 134 Administrative Services, Video Conferencing Room (across from the cafeteria), Tallahassee,

Florida. This public hearing is being held in response to two requests received from DuPont Pharmaceutical Company and Florida Chapter American College of Cardiology. The rule was originally published in Vol. 27, No. 30, of the July 27, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

School Psychology

RULE NOS.:	RULE TITLES:
64B21-502.001	Continuing Education
64B21-502.004	Continuing Education Credit Guidelines
64B21-502.005	Initial Licensure Period

SECOND NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, in accordance with subparagraph 120.54(3)(d)1., FS, announces changes to rule amendments proposed to Rule Chapter 64B21-502, F.A.C. The rule amendments were originally noticed in the May 25, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 21, and were followed by a Notice of Change in the August 3, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 31. The present change is in response to comments provided by the Joint Administrative Procedures Committee. The changed rule will read as follows:

64B21-502.001 Continuing Education.

(+) Every applicant for renewal of licensure shall demonstrate evidence of having obtained thirty (30) contact hours of continuing education credit earned during each biennial renewal period. One (1) of the thirty (30) hours must be on domestic violence consistent with Section 456.031, F.S. The licensee shall retain for four (4) years certificates of attendance or other records to document the completion of the continuing education requirement. The Department will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met.

~~(2) The Department may grant provider approval for programs relating to the profession for which license renewal is sought.~~

Specific Authority ~~420.53(4); 490.007(2); 490.0085;~~ 490.015 FS. Law Implemented 490.007(2), 490.0085, 456.031 FS. History—New 4-13-82, Amended 11-27-83, 2-21-85, Formerly 21U-502.01, Amended 12-26-91, 6-24-92, Formerly 21U-502.001, 61E9-502.001, Amended _____.

64B21-502.004 Continuing Education Credit Guidelines.
No change.

64B21-502.005 Initial Licensure Period.
No change.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 396, MONEY BAGS
RULE NO.: 53ER01-54

SUMMARY OF THE RULE: This emergency rule relates to the Florida Lottery Instant Game 396, "MONEY BAGS," for which Lottery retailers will begin selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-54 Instant Game Number 396, MONEY BAGS.

(1) Name of Game. Instant Game Number 396, "MONEY BAGS."

(2) Price. MONEY BAGS tickets sell for \$1.00 per ticket.

(3) MONEY BAGS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning MONEY BAGS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any MONEY BAGS lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) Determination of Prize Winners. A ticket having a "MONEY" symbol in the play area shall entitle the claimant to the corresponding prize shown below it. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$250, \$1,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a MONEY BAGS lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(7) The value, number of prizes, and odds of winning in Instant Game Number 396 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	NUMBER OF WINNERS IN 42 POOLS OF 240,000 TICKETS		ODDS
		PER POOL		
\$1 + \$1	\$2	1,209,600		1 in 8.33
\$2	\$2	336,000		1 in 30.00
\$1 + \$1 + \$2	\$4	235,200		1 in 42.86
\$5	\$5	201,600		1 in 50.00
(\$1 x 6) + \$4	\$10	134,400		1 in 75.00
\$5 + \$5	\$10	67,200		1 in 150.00
\$5 + \$5 + \$5	\$15	67,200		1 in 150.00
\$5 + \$5 + \$5 + \$5 + \$5	\$25	33,600		1 in 300.00
\$25	\$25	8,568		1 in 1,176.47
\$5 x 7	\$35	2,058		1 in 4,897.96
\$10 x 5	\$50	840		1 in 12,000.00
\$25 x 4	\$100	294		1 in 34,285.71
\$250 x 4	\$1,000	15		1 in 672,000.00
\$1,000	\$1,000	5		1 in 2,016,000.00
		5		1 in 2,016,000.00

(8) The overall odds of winning any prize in Instant Game Number 396 are 1 in 4.39.

(9) For reorders of Instant Game Number 396, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for MONEY BAGS instant tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4100.

(11) By purchasing a MONEY BAGS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 25.115(1) FS. History--New 8-20-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 20, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 393, KEY WEST TREASURES
RULE NO.: 53ER01-55