

## Section II Proposed Rules

### DEPARTMENT OF CORRECTIONS

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Staff Housing – Definitions	33-208.501
Criteria for Assignment to Staff Housing	33-208.504
Staff Housing – Rent and Utilities	33-208.505
Staff Housing Agreement Form	33-208.506

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules is to correct staff titles responsible for making staff housing decisions, revise the list of staff to receive priority assignment to staff housing, clarify the process for approval of prerequisites, and to revise the staff housing agreement form.

**SUMMARY:** The proposed rules is correct staff titles responsible for making staff housing decisions, revise the list of staff to receive priority assignment to staff housing, clarify the process for approval of prerequisites, and revise the staff housing agreement form.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 20.315, 944.09, 945.025 FS.

**LAW IMPLEMENTED:** 20.315, 944.09, 945.025 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULES IS:**

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (6) No change.

(7) “Approving Authority”

(a) For institutions means the deputy secretary, chief of staff, directors ~~assistant secretaries~~, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, chief of staff, directors ~~assistant secretaries~~, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, Formerly 33-602.501, Amended 8-16-00, \_\_\_\_\_.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. Only the Secretary may alter these priorities based upon proof of an employee’s significant personal hardship or in the best interests of the Department.

1. Warden.

2. Assistant Warden.

3. Chief of Security ~~Correctional Officer~~.

4. Licensed Medical Representative, who is either a Physician, Clinical Associate or Medical Doctor, Registered Nurse ~~or Correctional Medical Technician-Certified~~.

5. Maintenance Representative, who is qualified to respond to varied maintenance emergencies.

6. Fire Chief or Firefighter Supervisor, where such position is authorized.

7. Senior or Supervising Chaplain ~~Food Service Director~~.

(b) No change.

(2) Mobile Home Spaces.

(a) No change.

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on the staff housing agreement, Form DC2-808A.

(c) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, 9-5-89, Formerly 33-26.004, Formerly 33-602.504, Amended 8-16-00, \_\_\_\_\_.

33-208.505 Staff Housing – Rent and Utilities.

The Department of Management Services (DMS) is required by law to approve all prerequisites and sales of goods and services, including staff housing and utilities, effective each July 1st. Once initially approved by DMS, each July 1st the chief of staff shall approve all prerequisites including staff housing and utilities. Any rent or utility charges approved for the Department of Corrections at fixed rates shall be paid by payroll deduction.

Specific Authority 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. Law Implemented 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. History--New 9-1-88, Formerly 33-26.005, Formerly 33-602.505, Amended 8-16-00, \_\_\_\_\_.

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC2-808A, for processing in compliance with the assignment criteria in Section 33-208.504 herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ August 16, 2000.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, Formerly 33-602.506, Amended 8-16-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Ball  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Termination of Staff Housing Assignment  
RULE NO.: 33-208.510  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and to revise a form incorporated by reference in the rule.

SUMMARY: The proposed rule revises form DC2-808C, Termination of Staff Housing Agreement, to delete the employee's social security number from the information provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.510 Termination of Staff Housing Assignment.

(1) Expiration.

(a) through (b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraphs (1)(a) 3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC2-808C, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office. Form DC2-808C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is \_\_\_\_\_ August 16, 2000. Expiration shall be effective at the end of the last day of the occupant's employment in the class series or at the institution.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, Formerly 33-602.510, Amended 8-16-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Ball  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLES: Legal Documents and Legal Mail  
RULE NOS.: 33-210.102  
Privileged Mail 33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the process for handling legal and privileged mail to provide for inspection of all mail in the inmate's presence to ensure that it contains no contraband.

SUMMARY: The proposed rule revises the process for handling legal and privileged mail to provide for inspection of all mail in the inmate's presence to ensure that it contains no contraband.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-210.102 Legal Documents and Legal Mail.

(1) through (5) No change.

(6) Processing of Legal Mail.

(a) All outgoing and incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no contraband forwarded unopened when it can be determined from the envelope that the correspondence is legal mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:

(a) Opened for inspection in the presence of the inmate. Only the signature and letterhead may be read, or

(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a person or agency listed in subsection (2). Mail identified as being a communication from an attorney to a client will not be opened unless articles other than mail are detected therein.

(c) If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (6) of this rule because it was being transmitted under the guise of legal mail. The inmate whom the mail was addressed shall receive a copy of the form letter.

(b) Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail and that it contains no contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (2) of this rule. If the outgoing mail contains contraband or is not legal mail, the inmate shall be subject to disciplinary action.

(7) through (15) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended \_\_\_\_\_.

33-210.103 Privileged Mail.

(1) No change.

(2) Processing of Privileged Mail.

~~(a)(2) All outgoing and incoming privileged mail shall be opened in the presence of the inmate to determine forwarded unopened when it can be determined from the envelope that the correspondence is privileged mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:~~

~~(a) Opened for inspection in the presence of the inmate. Only the signature and letterhead may be read, or~~

~~(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a public official, a governmental agency or a member of the news media. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (2) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.~~

(b) Inmates shall present all outgoing privileged mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is privileged mail and that it contains no contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (1) of this rule. If the outgoing mail contains contraband or is not privileged mail, the inmate shall be subject to disciplinary action.

(3) through (6) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Use of Force  
RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions relating to use of force in correctional institutions.

SUMMARY: The proposed rule describes in detail the process for videotaping uses of force and sets forth circumstances under which videotaping is not required, updates forms and clarifies requirements for completion of forms associated with use of force, clarifies the use of force investigation process,

and the medical examination process following a use of force, provides for use of special equipment and describes circumstances for use of such equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videotaped in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents if cell extraction or other uses of force are necessary. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(3) through (4) No change.

(5) The warden or duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or duty warden will be

notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization ~~F~~for Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is ~~hereby~~ incorporated by reference in subsection (19) of this rule. ~~Copies of this form may be obtained from any institution or from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 part I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by himself or herself. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 part I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are ~~hereby~~ incorporated by reference in subsection (19) of this rule. ~~Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is 2-7-00.~~

(7) The Authorization ~~F~~for Use of Force Report and the Institutions Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return on the next calendar day. Barring such an emergency, all reports must be typed and submitted to the warden or assistant warden within 1 working day (Monday through Friday) following the incident.

(8) The warden or assistant warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of statements from all involved staff and the statements of staff witnesses, inmate and staff and inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review summary to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (19) of this rule. The institutional inspector will ~~review the videotape(s) and associated documentation to ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, and refer it will be referred for investigation before final approval or disapproval.~~ Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee institutional inspector shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is ~~hereby~~ incorporated by reference in subsection (19) of this rule. Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.

(9) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an ~~Incident R~~report, Form DC6-210, pursuant to Section 944.35(5), ~~Florida S~~tatutes,

specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is ~~hereby~~ incorporated by reference in subsection (19) of this rule. Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization For Use Of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. ~~If an injury is claimed or found to exist,~~ Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (19)(45) of this rule.

(11) The use of electronic immobilization restraining devices, batons, or chemical agents, or specialty impact munitions within institutions shall be authorized only by the warden, or duty warden if the warden is not available. For purposes of this rule, the duty warden shall be an assistant warden, colonel, major of a work camp that is attached to a major institution, or a major of a work release center if so designated by the warden and regional director (taking into consideration the proximity of the work release center to the

institution) of a rank of correctional officer colonel or higher. The correctional officer major at the main unit can serve as duty warden at those institutions that do not have a correctional officer colonel. Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents, specialty impact munitions, or authorized electronic immobilization restraining devices shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents, specialty impact munitions, or electronic immobilization restraining devices.

(12) Batons, chemical agents, electronic immobilization devices, and specialty impact munitions shall not be used in inpatient mental health units (i.e., isolation management rooms, transitional care units, crisis stabilization units, and the corrections mental health institution) except when it appears reasonable necessary to:

(a) Prevent an inmate or inmates from taking control of the health unit, or to subdue a take-over of the health unit.

(b) Prevent an inmate or inmates from taking a hostage or to help free a hostage.

(c) Prevent an inmate or inmates from escaping.

(d) Stop an assault on staff or other inmates when other means of intervention are likely to be ineffective or pose a risk of injury to the intervening staff.

(13)(12) Use of electronic immobilization restraining devices.

(a) Electronic immobilization restraining devices authorized by the department include: shall be used primarily, but not exclusively, during transporting and supervision of inmates outside the institution.

1. Ultron II, handheld, which shall be issued primarily for the purpose of transportation and supervision of inmates outside the institution;

2. Ultron electronic shield, which shall be primarily used by force cell extraction teams; and

3. Electronic restraint belt, which is authorized for use for inmate court appearances and other transports of high profile or high-risk inmates.

(b) Electronic immobilization restraining devices shall only be used by officers who have successfully completed the Department of Corrections' authorized training for these devices.

(c) Electronic immobilization restraining devices shall be used in accordance with manufacturer's specifications and limitations.

(d) If possible, the shift supervisor shall be present when electronic immobilization restraining devices are used at the institution or facility.

(e) Where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization restraining device dangerous to that inmate's health.

(f) Handheld eElectronic immobilization restraining devices shall be issued to the unarmed officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The chief of security, or in his absence, the shift supervisor, shall determine the number of officers who will be issued firearms and electronic immobilization restraining devices during such trips.

(g) As soon as possible following each use of an electronic immobilization restraining device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. Mental health staff shall evaluate the inmate not later than the next work day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. S-2 is the mental health classification denoting mild impairment in the ability to meet the ordinary demands of living within general inmate housing (which includes segregation), which impairment is associated with an Axis I disorder (excluding substance use disorders) or symptoms thereof, schizotypal personality disorder, borderline personality disorder, or mental retardation. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing, with provision of mental health services.

2. S-3 is the mental health classification denoting moderate impairment in the ability to meet the ordinary demands of living within general inmate housing, due to the presence of an Axis I disorder (excluding substance abuse disorders), borderline personality disorder, or schizotypal personality disorder. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing with provision of mental health services. Clinical management of the disorder may require at least periodic administration of psychotropic medication, of which the inmate may exercise his or her right to refuse.

(h) In any case where electronic immobilization restraining devices are used, an Institutions Report of Force Used, Form DC6-230, use of force report shall be written and shall include:

1. What precipitated the use of the device; and

2. To what extent it was used and what results were derived from its use;

3. Color photos of the marks left by the device.

(i) Electronic ~~immobilization restraining~~ devices shall be stored and maintained in either the main arsenal or the control room mini-arsenal. The warden may authorize, in writing, the storage of one handheld unit and one shield ~~in the officer's station~~ in the confinement unit or close management unit. These devices shall be kept secured in a locked cabinet when not in use.

(j) All electronic ~~immobilization restraining~~ devices shall be accounted for in the same manner as firearms.

(k) There shall be no attempt to alter, tamper with, or repair any electronic ~~immobilization restraining~~ device. If a unit malfunctions or needs repair, it shall be sent to an authorized repair station. If a unit requires attention, it shall not be issued until repaired. If any electronic ~~immobilization restraining~~ device is dropped or knocked out of the hand, it shall be immediately tested to determine if it is damaged or is operating properly.

(l) Electronic immobilization devices shall not be utilized after the application of CN or CS chemical agents.

~~(14)(13)~~ Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. CS shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. CS shall not be used in conjunction with any electronic immobilization device.

3. CN – Chloroacetophene – A lacrimator agent that causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

a. CN projectiles, grenades and thermal foggers shall only be used for institutional disturbances and crowd control.

b. CN shall be authorized for use as set forth in a. above only until the expiration date of current stores, at which time CN is no longer authorized for use.

c. CN shall not be used in conjunction with any electronic immobilization device.

(b) No change.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden, or duty warden. Additionally, in accordance with paragraph (k) below, certified correctional staff will be designated by the warden to carry chemical agents and will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) through (f) No change.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of the Institutions Report of Force Used, Form DC6-230.

(h) No change.

(i) Chemical agents shall only be used when a use of force is necessary and when this level of force is the least likely to cause injuries to staff or inmates.

(j) All chemical agents shall be used with caution and in accordance with the manufacturer's instructions. The Material Safety Data Sheet (MSDS) for chemical agents shall be kept where chemical agents are located at the institution.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (19) of this rule. Staff designated by the Secretary of the Department ~~Shift supervisors, correctional officer sergeants, and other assigned internal security officers~~ shall be issued one three or four ounce dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, after being properly trained in chemical agent utilization. The chemical

agent dispenser which shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection (19) of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) ~~In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in section I of the Institutions Report of Force Used, Form DC6-230 use of force report. Individual chemical agent dispensers carried by staff will be weighed by staff as designated by the warden at the beginning and end of each shift. These inspections will be documented on Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, and any discrepancies shall be immediately reported. Form DC6-213 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-1500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the confinement or close management lieutenant or shift supervisor or person of higher rank shall be contacted for further instructions.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the warden or duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be counseled with concerning his behavior ~~ordered by staff to cease his actions.~~

a. If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by staff ~~these efforts fail, the shift supervisor shall order the disorderly inmate to cease his actions. The inmate will also be informed at this time and inform him~~ that chemical agents will be administered if he continues his disruptive behavior.

b. If the inmate continues his disruptive behavior, approximately three minutes after the order is given, staff are authorized to administer chemical agents in the form of no more than three one-second bursts. Staff are authorized to immediately utilize chemical agents if physical injury to staff or other inmates appears imminent.

c. If after approximately five minutes from the initial exposure the inmate still continues his disruptive behavior, staff are authorized to again administer chemical agents for no more than three one-second bursts.

d. If the second administration of chemical agents fails to control the inmate's disruptive behavior, medical staff shall again be consulted to assist in determining the next course of action. Additional actions include:

1. Medical or psychological intervention;

2. Additional administration of the same type or other type of chemical agent;

3. Use of electronic immobilization devices; and

4. Other uses of force as authorized by this rule.

~~e.b.~~ No change.

~~f.e.~~ Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or shift supervisor shall counsel with, issue the final order, and be present during the time of the final counseling period and the administering of chemical agents.

(n) Medical Requirements. All inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not



substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(o) No change.

(p) Inmates exposed to chemical agents shall be allowed and encouraged to shower and change both inner and outer wear after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal should be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor, if the inmate is in general population;

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement; or,

c. On Form DC6-229, by the close management lieutenant or shift supervisor, if the inmate is in close management. Form DC6-229 is incorporated by reference in Rule 33-601.800.

2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal.

(15) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects.

(a) Definitions:

1. Specialty Impact Munitions – Munitions designed to incapacitate, distract, and control a subject with less likelihood of life-threatening injury.

2. Rubber Ball Rounds – Multiple pellets fired from cartridges at the lower extremities of rioters, designed to inflict pain compliance.

3. Wooden Baton Rounds – Multiple wooden baton rounds fired from a 37-MM weapon, designed to be skip fired into the lower extremities of rioters to inflict pain compliance.

4. Skip Firing – The practice of firing specialty impact munitions 5-7 feet in front of rioters, thereby deflecting the munitions into the legs of the rioters.

5. Direct Firing – The practice of firing specialty munitions directly into a group of rioters, from a distance of greater than 20 feet with a target area of the waist or below.

(b) The following specialty impact munitions have been approved for use by the department:

1. 37-MM rubber ball pellet rounds.

2. 12 gauge rubber ball pellet rounds.

3. 37-MM wooden baton rounds.

(c) Selection and deployment of specialty impact munitions during a riot or disturbance shall be authorized by the ultimate commander and supervised by the rapid response or correctional emergency response team leader. For the purposes of this rule, the ultimate commander is the secretary or his designee at the central office level, the regional director or his designee at the regional level, or the warden or his designee at the institution level.

(d) Specialty impact munitions shall only be used after all other reasonable alternatives to regain control have been exhausted. They are intended to be used as an interim force response between the use of chemical agents and lethal force.

(e) Specialty impact munitions shall not be deployed in the direction of any individual at a distance of less than 10 feet, unless the threat justifies the escalation to deadly force.

(f) Storage of Specialty Impact Munitions.

1. Specialty impact munitions shall be stored and maintained in the main arsenal.

2. Specialty impact munitions shall not be mixed with lethal munitions. Weapons designated to deploy specialty impact munitions shall be marked in a manner to alert staff of their intended use.

3. All specialty impact munitions will be accounted for in the same manner as firearms and ammunition.

(g) After each use of specialty impact munitions, exposed inmates shall be examined by medical personnel.

(h) In any case where specialty impact munitions are deployed, an Institutions Report of Force Used, Form DC6-230, shall be filed in accordance with use of force procedures set forth in this rule.

(16)(14) Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) No change.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, ~~duty assistant~~ warden, chief of security or shift supervisor by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. Escape or apprehension of an identified escapee ~~for~~ self-defense;

2. Use of vehicle to gain unauthorized entry into or exit from a correctional institution in order to facilitate an escape ~~To prevent escape;~~

3. To prevent injury to a person including self-defense  
~~prevent injury to a person;~~ or

4. To quell a riot.

(c) The use of twelve gauge #6 steel turkeyshot is approved for use by the rapid response teams during riots and disturbances. It is intended to be fired from a distance in the direction of the rioters' lower extremities to inflict pain compliance to directions and orders. It is acknowledged that the #6 steel shot has the potential of inflicting a lethal injury, however, its use is considered a less lethal interim munition to be used prior to more lethal loads authorized by the department.

(c) through (e) renumbered (d) through (f) No change.

~~(g)(f)~~ Firearms shall not be discharged:

1. In any case where there is reason to believe that the life of an innocent bystander will be endangered by discharge of the firearm;-

2. From any moving vehicle unless such action is reasonably believed necessary to protect oneself or another from imminent death or great bodily harm;-

3. As a warning except during escapes, unless exceptional circumstances exist which would justify the firing of a warning shot;-

4. Until the employee is sure that an escape is occurring or has occurred and he is reasonably certain that the person to be fired upon is an escapee;-

5. Until the employee is sure of the target and what lies beyond;-

6. If an inmate is escaping and the officer is recapturing the inmate in a congested area;-

7. Except after all reasonable non-lethal alternatives have been exhausted; or

8. On the mere suspicion that a crime, no matter how serious, has been committed.

~~(h)(g)~~ No change.

~~(i)(h)~~ Because helicopters or other aircraft may be used during an escape or assault, the following policy shall apply:

1. through 7. No change.

8. If attempts to prevent inmates from boarding the aircraft ~~described in 7. above~~ fail and the aircraft leaves, the aircraft is not to be fired upon, unless the officer is returning fire as described in 7. above. Immediate notification should be made to law enforcement personnel and the Federal Aviation Administration giving departing flight directions and any other information necessary to identify the aircraft. Additional information on the escaped inmates, possible damage to the aircraft, and weapons used by persons in the aircraft should also be reported.

9. through 10. No change.

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

~~(17)(15)~~ Medical Attention Following Use of Force. Appropriate medical treatment shall be provided ~~immediately or,~~ in the case of a riot or other man-made or natural disaster, ~~as soon as possible,~~ if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force within one working day (Monday through Friday) to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record. ~~Forms DC4-701C and Form DC4-708 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is 2-7-00.~~

~~(18)(16)~~ Any violations of provisions of this section shall be subject to the penalties prescribed in Section 944.35, Florida Statutes.

(19) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC1-813, Use of Force File Checklist, effective

(b) DC2-802, Use of Force Log, effective 2-7-00.

(c) DC4-701C, Emergency Room Record, effective

(d) DC4-708, Diagram of Injury, effective 2-7-00.

(e) DC4-711A, Refusal of Health Services Affidavit, effective

(f) DC6-210, Incident Report, effective 2-7-00.

(g) DC6-213, Individual Chemical Agent Dispenser, effective 2-7-00.

(h) DC6-216, Chemical Agent Accountability Log, effective

(i) DC6-230, Institutions Report of Force Used, effective

(j) DC6-231, Institutions Report of Force Used Staff Supplement, effective 2-7-00.

(k) DC6-232, Authorization for Use of Force Report, effective 2-7-00.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Permit Application Processing Fees  
RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The purpose and effect of the rule is to update permit application processing fees.

SUMMARY: Modifications are made to the application processing fees for general water use permit applications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

TIME AND DATE: 8:30 a.m., March 14, 2002

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULE IS:

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 and 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
Individual Public Water Supply	
Maximum daily allocation	
Greater than 0.5+ million gallons per day (mgd) through 1 mgd	\$2700
Greater than 1 mgd through 10 mgd	\$5500
Greater than 10 mgd	\$7000
Individual Irrigation with a duration less than 20 years	\$1000
Individual Irrigation with a duration of 20 years	
Maximum daily allocation	
Greater than 0.5+ mgd through 1 mgd	\$1000
Greater than 1 mgd through 10 mgd	\$2500
Greater than 10 mgd	\$3500

Individual Mining (Dewatering)	
Maximum daily allocation	
Greater than 0.5 mgd through 1 mgd	\$1800
Greater than 1 mgd through 10 mgd	\$3250
Greater than 10 mgd	\$4000
Individual Industrial	
Maximum daily allocation	
Greater than 0.5+ mgd through 1 mgd	\$1400
Greater than 1 mgd through 10 mgd	\$2750
Greater than 10 mgd	\$3500
General	\$350
<u>Maximum Monthly Allocation</u>	
Less than 3 million gallons per month (mgm)	\$350
Greater than 3 mgm through 15 mgm	\$1000
Short-term Dewatering	\$500
Permit Transfer to Another Entity Pursuant to Rules 40E-1.611 and 40E-2.351, F.A.C.	\$300 <del>450</del>
Letter Modification to Individual Permit	no fee
Letter Modification to General Permit (2) through (6) No change.	no fee

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 373.109, 373.421(6)(b) 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, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Forms and Instructions  
 RULE NO.: 40E-1.659  
 PURPOSE AND EFFECT: The purpose and effect of the rule is to update references to forms and instructions.  
 SUMMARY: Dates of certain water use forms are updated.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.  
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 120.53, 373.044, 373.113 FS.  
 LAW IMPLEMENTED: 120.53, 373.113 FS.  
 A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 8:30 a.m., March 14, 2002  
 PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406  
 Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.  
 Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov) or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	<del>8-90</del> 12-01	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188	12-01	<u>Pumpage Report</u>

0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	<del>12-01</del> <del>7-87</del>	<del>Application for a Notice of Intent to Short-term Dewatering General Water Use Permit</del>
0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
0645	<del>12-01</del> <del>8-95</del>	<del>Water Use Permit Application</del>
0659	<del>3-94</del>	<del>Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties</del>
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881	8-95	Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification
0889	8-95	Certification of Waiver of Permit Application Processing Fee
0920	8-95	Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0938	8-95	Mitigation Construction Commencement Notice
0941	8-95	Environmental Resource Standards/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	8-95	Applicant Transmittal Form for Requested Additional Information

0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit

(2) No change.

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53, 373.113 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-2.011
Publications Incorporated by Reference	40E-2.091
Content of Application	40E-2.101
Conditions for Issuance of Permits	40E-2.301
Modification of Permits	40E-2.331
Limiting Conditions	40E-2.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUMMARY: The following topics in Chapter 40E-2 and the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District" are addressed: Content of Application, Conditions for Permit Issuance, Modification of Permits, Dewatering Permits, Permit (Limiting) Conditions, Use of Saline Water, Salt Water Intrusion, Restricted Allocation Areas – Upper East Coast Floridan Aquifer System, Monitoring Requirements, Pollution, and Basin Expiration Dates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.023, 373.042, 373.0421, 373.103(1), 373.185, 373.203, 373.216, 373.219, 373.249, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

TIME AND DATE: 8:30 a.m., March 14, 2002

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-2.011 Policy and Purpose.

(1) It is the policy of the District to control all water uses within its boundaries, pursuant to the provisions of Chapter 373, Florida Statutes, and Chapters ~~62-40~~ ~~47-40~~ and, Title 40E, F.A.C.

(2) The rules in this chapter implement the comprehensive water use permit system contemplated in part II of Chapter 373, Florida Statutes.

(3) Additional rules relating to water use are found in Chapter 40E-8 (Minimum Flows and Levels), Chapter 40E-20 (General Water Use Permits), Chapter 40E-21 (The Water Shortage Plan), Chapter 40E-22 (Regional Water Shortage Plans) and Chapter 40E-23 (Water Resource Caution ~~Critical~~ ~~Water Supply Problem~~ Areas).

(4) Standards for the construction, repair and abandonment of water wells are found in Chapter 40E-3 (Water Wells) and Chapter 40E-30 (General Permits for Water Wells).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216-249 FS. History—New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-17-91, \_\_\_\_\_.

40E-2.091 Publications Incorporated by Reference.

(+) The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~September 2001~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

~~(2) The document listed in subsection (1) is published by the District and is available from the District upon request.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 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, \_\_\_\_\_.

40E-2.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed with the District. The application shall contain:

(a) The following parts of Form 0645 ~~Surface Water Management Permit Applications and/or~~ Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659;

1. Part RC-1A Administrative Information for ~~Surface Water Management Permit Applications and/or~~ Water Use Permit Applications;

2. Part RC-1W Application for a Water Use Permit;

(b) The appropriate permit application processing fee required by Rule 40E-1.607;

(c) The information required in subsection 373.229(1), Florida Statutes; and

(d) Information sufficient to show that the use meets the criteria and conditions established in Rule 40E-2.301.

(2) The application must be signed by the applicant or the authorized agent of the applicant.

Specific 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, \_\_\_\_\_.

40E-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use ~~at the time the permit application is deemed complete:~~

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

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

(c) Will not cause environmental harm ~~adverse environmental impacts~~;

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

(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(13)(4), Florida Statutes, with consideration given to the factors set forth in Rule ~~subsection~~ 62-40.410, F.A.C.;

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

(g) Is in accordance with the Water Resource Implementation Rule on water transport pursuant to Rule subsection 62-40.422, F.A.C.;

(h) Makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Critical Water Supply Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available;

(i) Meets the established minimum flows and levels and implementation provisions in Chapter 373, F.S., this Chapter, and Chapter 40E-8, F.A.C.; and

(j) Is consistent with Sections 373.016, 373.036, Florida Statutes, and otherwise is consistent with the public interest as prescribed by Chapter 373 and this Chapter.

(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 —~~September 2001~~”, incorporated by reference in Rule 40E-2.091(~~+~~), are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236 FS. History—New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01,\_\_\_\_\_.

40E-2.331 Modification of Permits.

(1) A permittee shall apply to the District Board for approval of any modification of an unexpired permit pursuant to Section 373.239, F.S. and Florida Statutes. ~~The Executive Director shall initiate proceedings to modify a permit pursuant to Rule 40E-1.609, F.A.C.~~

(2) Applications for modification, except letter modifications issued pursuant to subsection (4), shall contain the information required in Rule 40E-2.101, will be evaluated using the criteria specified in Rule 40E-2.301 and will be subject to the limiting conditions specified in Rule 40E-2.381. Modifications shall be approved if criteria in Rule 40E-2.301 are met.

(3) Proposed increases in allocation will be treated as new uses to the extent the proposed allocation exceeds the existing allocation.

(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. Does not result in an increase in the amount of the permit allocation;

2. Does not modify the existing permit expiration date, except that 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;

3. Does not potentially interfere with any presently existing legal use of water, cause adverse environmental impacts, saltwater intrusion, pollution of the water resources, adverse impacts to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~October 1997~~”, incorporated by reference in Rule 40E-2.091(~~+~~); and,

4. Does not change the permitted withdrawal source(s) or use classification.

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.

(b) The timeframes set forth in Rule ~~40E-1.603~~ 40E-1.606 shall apply to the processing of letter modifications.

Specific Authority 373.044, 373.113 FS. Law Implemented 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,\_\_\_\_\_.

40E-2.381 Limiting Conditions.

The Board 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 “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~September 2001~~”, incorporated by reference in Rule 40E-2.091(~~+~~) shall be set forth 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 —~~September 2001~~”, shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219(1) FS. History—New 9-3-81, Amended 2-24-85, 7-31-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01,\_\_\_\_\_.

(The following represent proposed changes to the document entitled “Basis of Review for Water Use Permit Applications within the South Florida Water management District – December 2001” incorporated by reference in Rule 40E-2.091, F.A.C.)

The following changes are made to Chapter 2.0:

### 2.5 Dewatering

Dewatering activities that require a water use permit include withdrawals of water for construction activities, mining operations, and minor uses such as exploratory testing, short-term Remedial Action Plans, and aquifer performance tests. There are three types of District permits for dewatering projects, that are primarily based on the duration and volume of water associated with the project. As summarized in Table 2-3, two of the permits are for short duration dewatering projects and the other is for long-term projects. The dewatering duration for a project is considered by Staff to be the period of time necessary to complete all dewatering for the project. Staff will not issue multiple short-term dewatering permits for a single project or different phases of a project.

#### 2.5.1 "No-Notice" Dewatering Permits

"No-Notice" short-term dewatering permits apply to dewatering projects of less than 90 days with maximum daily pumpage of less than 5 million gallons per day and maximum total project pumpage of less than 100 million gallons, where all dewatering water is retained on the project site and there is no potential for resource harm. If a project does not qualify for a "No-Notice" permit, a Dewatering General Water Use Permit (Section 2.5.2) or a Dewatering Individual Permit (Section 2.5.3) must be obtained for the dewatering project. These permits are intended for projects of longer duration or larger dewatering pumpage, or for those projects where the potential for resource impact needs to be evaluated by District staff or off-site discharge of dewatering water is requested.

Proposed dewatering activities under the "No-Notice" permit must satisfy the following criteria, in addition to the Conditions of Issuance in 40E-20.301, F.A.C., and the "No-Notice" requirements in 40E-20.302(3), F.A.C.:

1. Will retain all discharge on the project site. No off-site discharge is authorized under "No-Notice" dewatering.
2. Will not dewater to a depth below 0.0 feet NGVD within 1000 feet of saline water, except when dewatering saline water, as defined in Chapter 1 of this Basis of Review.
3. Will not occur within 100 feet of a wastewater treatment plant percolation pond.
4. Will not occur within one mile of a known landfill or contamination.
5. Will not occur within 1000 feet of a wetland.

The applicant is not required to submit a permit application for dewatering activities, if the "No-Notice" criteria are met. In proceeding with "No-Notice" dewatering, the applicant acknowledges that the dewatering operation is subject to the Standard Permit Conditions in Section 5.1 of the BOR, 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.

Linear projects, such as roads, utilities, or pipelines, may qualify for multiple "No-Notice" permits. The dewatering activity for these projects 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.

#### 2.5.2 Dewatering General Water Use Permit

Dewatering General Water Use Permits, as described in Rule 40E-20.302(2), F.A.C., are for dewatering projects, which a) cannot meet the conditions of issuance and requirements for "No-Notice" permits, b) have a proposed duration of less than one year, and c) propose to pump less than 10 million gallons per day with a total project volume of less than 1800 million gallons.

A dewatering general water use permit application must be submitted to the District and Staff must issue the General Permit prior to the applicant beginning dewatering, unless portions of the project qualify for dewatering under the "No-Notice" permit described above. The applicant may elect to begin dewatering for a single period of only 90 days in areas of the project, which meet the "No-Notice" criteria, once an application for a Dewatering General Water Use Permit has been submitted to the District.

Permit applications for a Dewatering General Water Use Permit must:

(1) Provide reasonable assurances that the project will not cause harm to the resource, existing legal uses, offsite land uses, and wetland environments or cause harmful saline water intrusion or movement of pollutants, as described in Chapter 3 of this Basis of Review. If the potential for harm exists, the applicant shall redesign the dewatering activities, including recharge trenches or storage areas to offset the potential drawdown impacts of the proposed activity.

(2) Demonstrate that the requested allocations represent reasonable dewatering needs. These needs are generally demonstrated by providing information on the water budget for the operation, including all sources and losses of water utilized in the dewatering process. The water budget should demonstrate where and in what quantities water is generated to accomplish the dewatering, including any associated losses, and where and in what quantity water is stored, recharged, disposed, or reused. If processing of materials is associated with the dewatering, a separate water budget describing these activities is required. The water budget may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses.

(3) Identify the areal extent and depth of the proposed excavation, the depth of dewatering, and the areal extent of the drawdown of the Water Table aquifer associated with the proposed dewatering.

(4) Provide reasonable assurances that all dewatering water will be retained on the project site, unless the applicant demonstrates that it is not technically feasible to retain the



dewatering water onsite. If any offsite discharge is requested due to demonstrated technical infeasibility of on-site retention, the applicant must provide the following information with the permit application:

a. Documentation of authorization that allows the applicant to discharge directly into the receiving water body and/or adjacent lands, and a demonstration that the receiving water body or adjacent lands are capable of accepting the dewatering discharge;

b. An operational plan which demonstrates that the discharge to the receiving water body will meet all applicable State Water Quality standards prior to discharge;

c. An operational plan which demonstrates that the discharge to protected wetlands will not contain turbidity levels in violation of State Water Quality standards (must be less than 29 NTU above background levels) prior to discharge;

d. A monitoring plan which includes, at a minimum, proposed sampling locations and daily turbidity measurements of the discharge and background conditions in the receiving body and/or wetland; and

e. A contingency plan which includes procedures for ceasing dewatering operations and correcting the situation until monitoring demonstrates water quality standards are met.

(5) Provide reasonable assurances that fresh dewatering water will not be discharged to saline tidal waters, unless the applicant demonstrates that it is not technically feasible to prevent discharge to saline water and requests specific authority from the District for discharge. Saline dewatering water, as defined in this Basis of Review, may be discharged to tidewater.

(6) Provide an operational plan which describes how stormwater will be handled during dewatering operations.

Dewatering applications will be reviewed concurrently with Environmental Resource or Surface Water Management construction permit applications, and the dewatering application will not be considered complete until both applications are complete. An applicant may request that the dewatering permit include a later "start" date to coincide with the actual start of dewatering activities at the project. Staff will recommend a permit expiration date, based on the proposed "start" date.

Any temporary dewatering water holding areas must be constructed and operated using sound engineering practices to protect public health, safety, and welfare and, as necessary, dewatering activities must meet all applicable Environmental Resource or Surface Water Management criteria.

### 2.5.3 Long-Term Dewatering Individual Permits

Long-term dewatering individual permits apply to projects that exceed the thresholds and criteria described in Sections 2.5.1 and 2.5.2 above. These permits must be approved by the District Governing Board. Two types of individual dewatering permits are available from the District. For projects where all the dewatering activities are defined at the time of the permit

application, the applicant may apply for a "standard" Individual Permit. For long-term, multi-phased projects, with undefined activities or no contractor at the time of the permit application, the applicant may apply for a "master" Individual Permit.

Applicants for all individual dewatering permits must satisfy the conditions of issuance for Individual Permits (Rule 40E-2.301, F.A.C.), and may not commence dewatering prior to approval of the permit by the Governing Board. The applicant may elect to begin dewatering for a single period of only 90 days in areas of the project, that meet the No-Notice criteria specified in Section 2.5.1 of this Basis of Review, once an application for an Individual dewatering permit has been submitted to the District.

The applicant must provide the information required for the Dewatering General Permit, as specified in Section 2.5.2. In addition, the applicant shall provide estimates of the maximum monthly and annual dewatering withdrawals for the project and will be required to submit records of monthly withdrawals for each dewatering pump to the District. Due to the uncertainty and variability associated with dewatering withdrawals, Staff shall not specify maximum monthly or annual withdrawal volumes in the recommended permit conditions presented to the Governing Board.

#### A. "Standard" Individual Permits

The applicant shall specify all proposed dewatering activities for the project in terms of depth, duration, and areal extent of dewatering and proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm. The applicant may proceed with all dewatering activities once the permit has been approved by the Governing Board.

#### B. "Master" Individual Permits

Due to project uncertainties, the applicant may not be able to specify all aspects of the proposed dewatering activities at the time of the permit application. In order to receive a "master" dewatering permit, the applicant must meet all conditions of issuance and specify the depth, duration, and areal extent of dewatering, the proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm for "typical" dewatering activities for the project. In addition, the applicant shall provide an estimated project schedule showing dewatering activities and calculated estimated maximum monthly and annual dewatering withdrawals. After approval of the permit by the Governing Board, the applicant shall be required by limiting condition to supply site-specific dewatering plans for each proposed dewatering activity to the District for review and approval at least two weeks prior to dewatering. The applicant may not initiate dewatering prior to receiving written notification from District Staff, that the proposed dewatering activity is consistent with the "master" permit approved by the Governing Board.

TABLE 2-3  
Dewatering Permits

PERMIT REQUIRED	MAXIMUM DAILY PUMPAGE	TOTAL PROJECT PUMPAGE	DURATION	COMMENTS
"No Notice" Rule 40E-20.302 (3), F.A.C. BOR Section 2.5.1	5 MG	100 MG	Less than 90 Days	No potential for resource impacts No offsite discharge
General Permit 40E-20.302(2), F.A.C. BOR Section 2.5.2	10 MG	1800 MG	Less than 1 Year	Short-term permit for defined projects
Individual Permit 40E-2, F.A.C. BOR Section 2.5.3.A	No limitation	No limitation	Greater than 1 Year	Standard longer-term permit for defined projects
"Master" Individual Permit 40E-2, F.A.C. BOR Section 2.5.3.B	No limitation	No limitation	Greater than 1 Year	Permit for phased projects, projects with undefined activities, or no contractor at time of permit application

Applicants for an individual or general permit must demonstrate that the quantities applied for relate to reasonable dewatering needs. These needs are generally demonstrated by providing information on the water budget for the operation, including all sources and losses of water utilized in the dewatering process.

Applicants for dewatering uses must identify the areal extent and depth of excavation, the depth of dewatering and the hydraulic conductivity of the materials to be dewatered. The water lost in the actual dewatering process should also be identified through the development of a water budget. The water budget demonstrates where water is generated and in what quantities to accomplish the dewatering, including any associated losses, and where and in what quantities water is disposed of or reused. If processing of materials is associated with the dewatering, a separate water budget diagram describing these activities is preferred. The water budget may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses.

The following changes are made to Chapter 3.0

3.2.1 Restricted Allocation Areas.

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

A. Lake Istokpoga/Indian Prairie Canal System – No additional surface water will be allocated from District controlled surface water bodies over and above existing allocations. No increase in surface water pump capacity will be recommended.

B. C-23, C-24 and C-25 Canal System – No additional surface water will be allocated from, or direct connections to, District canals C-23, C-24 and C-25, or any connected canal systems that derive water supply from these District canals, over and above existing allocations, until District investigations show that additional water is available for allocation. No increases in surface water pump capacity will be recommended, for surface water pumps located on C-23, C-24 and C-25 for any use of water.

C. L-1, L-2 and L-3 Canal System – No additional surface water will be allocated from District canals L-1, L-2 and L-3 over and above existing allocations. No increase in surface water pump capacity will be recommended.

D. Floridan aquifer withdrawals – When the project site is located within the Eastern Okeechobee-Northwestern St. Lucie Basin, proposed withdrawals from the Floridan aquifer, in order to maintain positive head flowing conditions of existing Floridan aquifer wells, are limited to the volume of water equivalent to 1.5 inches per total property acreage per month. This area is depicted in Figure III-1 and described in Figure III-2). Generally, this criteria prevails unless the Applicant conducts and provides the results of a study, approved by District staff, which shows that withdrawals of greater than the volume of water equivalent to 1.5 inches per total property acreage per month will not adversely impair an existing legal users capability to obtain water from that source.

D.E. Pumps on Floridan Wells – No pump shall be placed on a flowing Floridan well in Martin or St. Lucie County, except under the following guidelines:

1. If the pump was in place and operational prior to March 2, 1974, and is still in place or a replacement pump with a similar capacity is in place, or

2. The proposed pump to be installed is a centrifugal pump installed for the purpose of increasing pressure in attached piping (e.g., drip or micro-jet irrigation systems) and not for the purpose of increasing flow over and above that flow which naturally emanates from the well. The determination of the appropriate pump capacity must occur after well construction and measurement of the actual natural flow rate. The Permittee shall notify District staff after well construction, for the purpose of determining existing flow rate. Prior to any pump installation, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method

of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to District Staff for review and approval, or

3. The Applicant conducts and provides the results of a study, approved by District staff, which shows that pump installation and subsequent withdrawals will not interfere with any presently adversely impair an existing legal user's, as defined in Section 3.7 of this Basis of Review, or capability to obtain water from that source

4. The proposed pump is installed to temporarily assist in producing the permitted allocation associated with freeze protection pursuant to Section 2.3.4 of this Basis of Review, or

5. The proposed pump is installed to temporarily assist in meeting allowable withdrawals for the duration of a water shortage declared pursuant to Chapter 40E-21, F.A.C.

### 3.4 Saline Water Intrusion.

A water use permit application will be denied is subject to denial if the application requests freshwater withdrawals that would cause harm to the water resources as a result of significant saline water intrusion. Harmful Significant saline water intrusion includes:

A. Withdrawals that result in movement of a saline water interface to a greater distance inland toward a freshwater source or vertically upward towards a fresh water source than has historically occurred as a consequence of seasonal fluctuations, or

B. Withdrawals that result in the upward movement of saline water more than one-third the distance separating the bottom of the screened or open hole interval of a production well from the historic position of the saline water interface within the aquifer. The historic position of the saline water interface shall be determined using the oldest water quality data representative of the site that predates the proposed water use. A sustained increase from background values of saline monitor wells with regard to dissolved chloride concentration. In order to provide reasonable assurances that harmful saline water intrusion will not occur, the Applicant shall demonstrate that:

1.A. A ground water divide (mound of fresh water) greater than one foot higher than the potentiometric head at the saline water source exists between the withdrawal point and the saline water source (defined by the location of the 250 mg/l isochlor); or The hydraulic gradient between the wellfield and saline water is such that a hydraulic gradient (mound of fresh water) less than one foot National Geodetic Vertical Datum (NGVD) exists between the wellfield and saline water source during the months of November through April.

2.B. A hydrologic analysis of groundwater flow demonstrates that there will be no net inflow of groundwater from the saline water source toward the withdrawal point; or- Monitoring wells within 800 feet of a production well reflect

chloride concentration increases at the base of the aquifer, indicating long term advancement of the saline water front toward the wellfield or within portions of the aquifer;

3.C. Other evidence shows saline water intrusion will not cause harm be a serious threat to the wellfield and water natural resource, if pumpage is allowed or increased.

Permitted withdrawals of saline water may cause limited saline water intrusion, but not to the extent of adversely affecting other existing legal uses of the water, the Applicant or the public health, safety, and general welfare. The Applicant, in the case of public water supply, must show that the saline water is capable of being treated, either through membrane filtration or by blending with a fresh water source, to meet potable drinking water standards.

Cumulative withdrawals from a fresh water aquifer may only occur in such a manner that a hydraulic barrier between the withdrawal facility or facilities and the source of saline water is maintained. This is accomplished through maintenance of a fresh water mound or ground water divide in the aquifer located between the source of saline water and the point of withdrawal at all times of the year. Staff will not recommend a newly proposed use for approval or an increase in allocation for an existing use under the following circumstances:

Should the Applicant's proposed withdrawals occur in an area where the saline water interface is unstable (as demonstrated by increases in measured chloride concentration levels within the influence of the proposed use), the applicant shall determine the cause of the saline movement and the extent of future movement through the duration of the permit and shall demonstrate that the proposed withdrawal will not cause harmful saline intrusion through the duration of the permit.

Withdrawals of fresh water must not result in significant upconing of saline water. Significant movement is defined as a movement of one-third of the original distance separating the bottom of the screened or open hole interval of a production well from the boundary of the saline water below it.

#### 3.4.1 Use of Saline Water.

The District encourages the use of the lowest water quality for the use intended, while also providing for the long-term protection of the water resources. The use of saline water is permitted by the District as a source of supply, including its use for public water supply through the use of desalination treatment and for irrigation purposes. The use of saline water may cause limited increases in salinity saline water intrusion, but not to the extent of interfering with any presently adversely affecting other existing legal uses of water, or otherwise harming water resources or the Applicant's proposed use Applicant, or the public health, safety and general welfare. In order to provide reasonable assurances that harmful increases in salinity will not occur, (The Applicant must demonstrate provide proof that:

A. The quality of the proposed source will be adequate for the intended use throughout the duration of the permit; the use of saline water will not prevent the Applicant from providing potable water with a finished dissolved chloride concentration no greater than 250 mg/l in the case of public water supply;

B. The proposed use will not cause harm to presently existing legal use of water as defined in section 3.7 of this Basis of Review; and

~~C.B. The proposed use of water will not cause harm to freshwater sources that come in contact with saline water as a result of the proposed use have an unmitigated adverse impact on existing legal or the ground and surface water and~~ Under the following conditions, the use of saline water will not be considered harmful to the receiving water body under this subsection:

i. The affected receiving water body is not a potential supply source due to its non-productive or low yielding nature;

ii. The saline source water will discharge directly to tide after use;

iii. The saline source water will be diluted to less than 200 mg/L chloride concentration prior to use; or

iv. The impacts of the saline water use are compatible with surrounding land uses and are consistent with the public interest.

C. The use is in the public interest.

Any use of saline water that comes into contact with fresh water as a result of the proposed use for irrigation purposes where the Water Table aquifer contains fresh water will require a detailed water quality monitoring program as a limiting condition of any permit issued.

The following changes are made to Chapter 4.0

#### 4.0 MONITORING REQUIREMENTS

~~Issuance of a Water use Permit is based on reasonable assurance provided by the Applicant that (1) withdrawals will not cause any unmitigated adverse impacts on harm to the water resources and existing legal users, (2) the use is reasonable-beneficial and (3) the use continues to be in the public interest. To ensure continuing compliance with the conditions of permit issuance, that these criteria are met after a permit is issued, monitoring and reporting activities shall be required as special limiting conditions of the permit pursuant to Section 5.0 of this Basis of Review. The details of all required monitoring plans shall be submitted by the Applicant for District review and approval as part of the water use permit application and shall be a condition of permit issuance. The permit will require implementation of the approved monitoring programs.~~

##### 4.1 Withdrawal Quantity.

Proper accounting for water use is essential to establish that the use is a reasonable-beneficial use of the resource and in the public interest. In addition, proper accounting of the various water uses enables the District to better estimate water use and to implement water shortage plans. ~~All Permittees are required~~

~~to monitor the quantity of water withdrawn or diverted from any supply source. Monitoring of actual pumpage or volume of water diverted provides a means to develop historical records in order to accurately project future reasonable and to assess impacts to the resource. Monitoring will also provides a means of accounting for the quantity of water pumped or diverted during a declared water shortage and will also allow for a means of comparing the amount of water withdrawn or diverted versus the quantity of water allocated through the permit.~~

All Permittees with a maximum monthly allocation of greater than 3.0 million gallons, or irrigation water users located within the South Dade County Water Use Basin (as designated in Figure 21-11, Chapter 40E-21, F.A.C.), with a maximum monthly allocation of greater than 15.0 million gallons, are required to monitor and report withdrawal quantities from each withdrawal facility or point of diversion. A reliable, repeatable water use accounting system must be identified to monitor water usage from all withdrawal facilities, in accordance with permit conditions. The District considers a reliable water use accounting method to be accurate within +/- 10 per cent of the actual flow. For pumped systems, acceptable water use accounting systems include direct and indirect methods such as flowmeters, or clocks which totalize pump operation, or fuel consumption. For non-pumped and gravity flow systems, acceptable direct methods include the use of rated water control structures. Acceptable indirect methods include the development of water diversion accounting systems that include the stage measurement of inside farm and outside farm canal water levels and the times of operation for each facility. Permit applicants must submit documentation of the water use accounting method and calibration method as a part of the any permit application. Prior to the use of any authorized facility, the approved water use accounting method must be operating and the initial calibration submitted to the District. Recalibration results for the water use accounting method shall be submitted to the District every five years from permit issuance.

Irrigation W~~ithdrawal quantities, separated by source, for each permitted withdrawal facility shall be calculated totalized on a monthly basis and reported to the District on a quarterly, unless otherwise conditioned on a greater frequency due to the potential for resource harm basis. Permittees, who are dependent on other sources of water supply, such as reclaimed water or water sale agreements to meet a portion of their demands, shall report the monthly totals supplied from all sources used, including those not contained in the permit, to the District. Daily pumpages, separated by source, for Industrial, Dewatering and Public Water Supply use classes shall be monitored and submitted to the District on a monthly basis. An applicant for specific irrigation uses located in areas of water resource concern, such as areas where the potential for saltwater intrusion or depletion of the aquifer exists or where the potential for environmental impacts or impacts to existing~~

legal uses exists, shall totalize pumpage on a daily basis from each withdrawal point and report the daily withdrawal quantities to the District on a monthly basis.

For special districts with withdrawal facilities that supply several individual users, the water use shall be monitored at the primary withdrawal facilities. Individual water users within the special district do not need to submit individual pumpage reports unless required by another water use permit. For those special districts in which water is passed through the project, the permittee may be required to report the volumes of water that flow out of the project if necessary to quantify the water consumed by the project.

#### 4.2 Saline Water Monitoring.

The purpose of saline water monitoring is to ensure that harmful saline water intrusion, whether lateral from a surface or groundwater saline source, vertical from an aquifer containing lower quality water, or a combination of both, does not occur significantly degrade the water quality of the aquifer. Saline water monitoring provides a means to establish historical trends in saline water movement. The District uses this information in evaluating present and future withdrawals and determining when corrective action should be taken, if sustained saline water movement is detected. Saline water monitoring is accomplished by routine sampling of the discharge water from production wells or from separate monitor wells. However, in areas of known saline water movement intrusion areas, separate monitor wells are required to be designed and constructed expressly for the purpose of saline water intrusion monitoring. The dissolved chloride ( $\text{Cl}$ ) concentration and the water level elevation, referenced to National Geodetic Vertical Datum, shall be measured sampled. Frequency of measurements sampling may be weekly, monthly, or quarterly, or otherwise, as appropriate and will be as identified in the permit limiting conditions.

Applicants shall submit a saline water monitoring program for review and approval when: Permittees shall implement a saline water monitoring (SALT) program when:

A. The withdrawal facility wellfield is within one mile of a brackish or saltwater body including canals and tidal creeks;:-

B. The withdrawal facility wellfield is located seaward of the 250 mg/l chloride line mapped at the base of the aquifer or located seaward of a line between two adjacent salinity control structures;:-

C. The land on which the withdrawal facility wellfield is located is between the Intracoastal Waterway and the Atlantic Ocean; between a tidal creek and the Gulf of Mexico; or between the Intracoastal Waterway and the Gulf of Mexico;:-

D. Non-potable saline water is located either above or below the producing zone by a distinct and definable confining layer;:-

E. A history of saline water intrusion or increasing chloride concentrations exists for either ground water or surface water in the vicinity of the withdrawal facility wellfield;:-

F. Staff evaluation indicates that, at projected withdrawal rates, saline water intrusion may occur to the extent that the existing treatment process will no longer be capable of producing potable water;:-

G. Staff evaluation indicates that, at projected withdrawal rates, saline water intrusion may occur in neighboring withdrawal facilities wellfields; or:-

H. Staff evaluation indicates ~~that the use of~~ saline water ~~for irrigation purposes~~ may come in contact with a fresh water source (per Section 3.4.1 of this Basis of Review) as a result of the proposed use ~~contaminate a potable aquifer.~~

Guidelines for establishing a saline water monitoring program, as well as sampling, sample handling, and analysis guidelines, are available from the District described in Part B, Section I, of this Manual.

#### 4.3 Pollution Source Monitoring.

The purpose of pollution source monitoring is to ensure that withdrawals do not cause harmful movement of pollutants into water resources that are not polluted constituents that would result in significant water quality degradation of the water resource to the extent that the water resource is harmed, or existing legal users are adversely impacted harmed, or the public interest is otherwise detrimentally affected. In order to effectively monitor a pollution source, separate monitor wells must be installed and monitored to evaluate withdrawal effects on movement of the pollution. The Applicant shall submit a pollution source monitoring program identifying chemical constituents, monitoring frequencies, and well construction details and locations to the District for review and approval when the project's withdrawals have the potential for a direct influence on a contaminant plume. ~~Production wells are not used as an effective means of detecting induced movement of a pollution source.~~

#### 4.4 Water Level Monitoring.

The purpose of water level monitoring programs is to ensure ~~that~~ existing legal uses, offsite land use, and water resources, ~~and associated environmental features are not harmed adversely impacted by lowered water levels withdrawals.~~ Applicants shall submit a water level monitoring program to the District for review and approval when: A water level monitoring program includes such indicators as water table levels, potentiometric surface levels, or monitoring of significant surface water bodies or environmentally sensitive wetland water bodies.

A. ~~Permittees shall be required to implement a ground water level monitoring program any time~~ A saline water monitoring program or a pollution source monitoring program is required (see Sections 4.2 and 4.3);:-

B. A wetland hydrobiologic Permittees shall be required to implement a ground water level monitoring program monitoring program is required (see Section 4.5); or when:

C. If insufficient data exists to define the drawdown resulting from withdrawals from ground water or surface water sources and to ensure that existing legal uses, offsite land use, water resources, and wetland and surface water functions are not harmed by withdrawals.

1. An environmental assessment monitoring program is required (see Section 4.5).

2. Insufficient data exist to define the cone of depression of the withdrawal, and there is reasonable cause to expect adverse impacts to existing legal use, offsite land uses, the water resources, or associated environmental features.

C. Monitoring of surface water levels shall be required if necessary to ensure that adverse impacts to the water resources and associated environmental features do not occur. Permittees shall be required to implement a surface water level monitoring program for surface water levels if:

1. Withdrawals from ground water sources potentially adversely impact surface water levels in nearby water bodies that support environmentally significant wetland systems. In such cases, the Permittee shall be required to monitor surface water levels.

2. Withdrawals from lakes that support environmentally significant wetland systems. In such cases, the Permittee shall be required to monitor lake levels.; or

3. Withdrawals potentially cause adverse impacts to water level-dependent vegetation or animal life in wetlands. In such cases, Permittees shall be required to monitor surface water levels.

#### 4.5 Wetland and Other Surface Waters Environmental Assessment and Monitoring.

Wetland Environmental monitoring shall be required to ensure that harm to wetland and other surface waters does not occur. for permits that potentially cause adverse impacts to environmental features associated with the water resources, of the District Monitoring to document environmental impacts shall consists of various types of data collection, such as including ground water and surface water levels, surface water quality, biological parameters, ground and aerial photography, rainfall, pumpage, and land cover assessments. Guidelines for establishing a wetland hydrobiologic monitoring program are available from the District. The Applicant shall submit a wetland hydrobiologic monitoring program to the District for review and approval when:

A. The impacts of the proposed use, either individually or cumulatively with other permitted users, produces drawdowns approaching the applicable drawdown criteria in Section 3.3.

The Permittee shall provide to the District information on the environmental features associated with the project site, including baseline hydrologic and biological data. During the term of the permit, the District may investigate the site or

implement its own monitoring program to assess impacts associated with the withdrawal. The details of the environmental monitoring program shall be identified during the application process as a condition for issuance of the permit or attached to the permit as a limiting condition.

The following changes are made to Chapter 5.0

#### 5.0 PERMIT CONDITIONS.

Water use permits shall be conditioned as necessary so that the use is consistent with the overall objectives of the program and are not harmful to the water resources of the area. There are two categories of permit conditions that will be applied to water use permits. Standard Conditions contain general information and operational constraints that apply to all uses of water. Special Conditions address project specific considerations that may vary among use classes, sources of supply and geographic locations.

Standard Conditions in all cases are automatically placed on all permits. Special Conditions are placed on permits pursuant to Section 5.2. This Section contains a list of standard conditions and examples of special conditions that are used when appropriate.

##### 5.1 Standard Permit Conditions.

A. This permit shall expire on (expiration date).

B. Application for a permit modification may be made at any time.

C. Use classification is (primary water use type and secondary water use types).

D. Source classification is: (source classification) and the water use basin is (water use basin).

E. Total annual allocation shall not exceed (recommended actual allocation).

Total maximum monthly allocation shall not exceed (recommended maximum monthly allocation).

Total maximum daily allocation shall not exceed (recommended daily allocation).

Maximum annual allocation from (a specific source) shall not exceed (the recommended maximum annual allocation by source).

Maximum monthly allocation from (a specific source) shall not exceed (recommended maximum monthly allocation by source).

Maximum daily allocation from (a specific source) shall not exceed (the recommended maximum daily allocation by source).

F. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by District orders issued pursuant to Chapter 40E-21, F.A.C.

G. Withdrawal facilities are:

H. Permittee shall mitigate, to the satisfaction of the District, harm to existing legal uses caused, in whole or in part, by the permittee's withdrawals. When harm occurs, or is imminent, the District will require the permittee to curtail withdrawal rates or mitigate the harm. Harm will be determined by the District and may include:

A) Reduction in surface or ground water levels that prevents an adjacent withdrawal facility from producing water, or

B) Induced movement of saline water or pollutants into a withdrawal facility to a degree that causes the water to be unsuitable for the use intended.

I. Permittee shall mitigate, to the satisfaction of the District, harm to existing off-site land use caused, in whole or in part, by the permittee's withdrawals. When harm occurs, or is imminent, the District will require the permittee to curtail withdrawal rates or mitigate the harm. Harm will be determined by the District and may include:

A) Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the authorized structures and facilities is impaired.

B) Land collapse or subsidence caused by reduction in water levels, or

C) Damage to crops and other types of vegetation caused by withdrawals that impair the operation of a seepage irrigation system.

J. Permittee shall mitigate, to the satisfaction of the District, harm to the natural resources caused, in whole or in part, by the permittee's withdrawals. When harm occurs, or is imminent, the District will require the permittee to curtail withdrawal rates or mitigate the harm. Harm will be determined by the District and may include:

A) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface.

B) Reduction in water levels that harm the hydroperiod of protected wetland environments.

C) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond.

D) Harmful movement of pollutants into the water resource, or

E) Significant damage to the natural system including damage to habitat for rare or endangered species.

K. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

L. Authorized representatives of the District, with advance notice to the permittee, shall be permitted to enter, inspect, and observe the permitted system to determine compliance with permit conditions.

M. Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.

N. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the permit and Chapter 40E-2, F.A.C.

O. Permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted activities are located. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, F.A.C.

P. Permittee shall notify the District in writing 30 days prior to any changes to the project that could potentially alter the reasonable demand reflected in the permitted allocation. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, large users agreements, or water treatment method. Permittee will be required to apply for a modification of the permit for any changes in permitted allocation.

~~A. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, Florida Administrative Code. The Applicant is advised that during a water shortage pumpage reports shall be submitted as required by Chapter 40E-21, Florida Administrative Code.~~

~~B. Source classification is:~~

~~Ground water or Surface water source name(s)~~

~~C. Permittee shall mitigate any adverse impact on existing legal uses caused by withdrawals. When adverse impacts occur, or are imminent, the District reserves the right to curtail withdrawal rates. Adverse impacts are:~~

~~1. Reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce water by 10% or greater;~~

~~2. Significant reduction in levels in an adjacent water body such as a lake, pond, or a canal system that impairs the ability to produce water by 10% or greater;~~

~~3. Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in a significant reduction in water quality, and~~

~~4. Change in water quality caused by the permittee that results in significant impairment or loss of use of a well or use of a water body.~~

~~D. Permittee shall mitigate any adverse impact on existing off-site land use as a consequence of withdrawals permitted herein. If increased withdrawals cause an adverse impact on existing land use, the district reserves the right to curtail future withdrawal rates. Adverse impacts are:~~

~~1. Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the water body is impaired;~~

2. Land collapse or subsidence caused by reduction in water levels; and

3. Damage to crops and other types of vegetation.

E. If adverse impacts occur to natural resources as a result of the Permittee's water withdrawals, the Permittee shall mitigate for such impacts. When adverse impacts occur, or are imminent, District reserves the right to curtail withdrawal rates. Examples of adverse impacts include:

1. Reduction in ground water levels that results in significant lateral movement of the fresh water/ salt water interface;

2. Reduction in water levels that adversely impact the hydroperiod of protected wetland environments;

3. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

4. Induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality, and

5. Significant harm to the natural system including damage to habitat for rare or endangered species

F. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.

G. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

H. Application for a permit modification may be made at any time.

I. Withdrawal facilities are: (list withdrawal facilities)

J. This permit shall expire on (date).

K. Annual allocation shall not exceed (recommended annual allocation):

Maximum monthly allocation shall not exceed (recommended maximum monthly allocation):

Maximum daily allocation shall not exceed (recommended maximum daily allocation):

L. Use classification is (primary water use type and secondary water use type):

M. The Permittee is advised that this Permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.

N. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the permit and Chapter 40E-2, F.A.C.

5.2 Special Permit Conditions.

A. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist – Water Use Compliance, Water Use Division (4320), P. O. Box 24680, West Palm Beach, FL 33416-4680 or by e-mail to wucomp@sfwmd.gov. This section describes Special Conditions which are added to the Standard Conditions pursuant

to Rule 40E-2.381. Other Special Conditions shall be placed in the permit as required by Rule 40E-2.381. Both the language and the application of any of the permit conditions listed below shall be modified if necessary to accommodate the specific circumstances of the project. The following are special conditions that are placed on water use permits as stated above.

5.2.1 Public Water Supply.

A. Permittee shall notify the District within 30 days of any change in service area boundary. If the change in the service area results in a change in demand that affects the allocation, the allocation shall be subject to modification.

B. Permittee shall implement the wellfield operating plan submitted in support of the permit application, as described in the District staff report.

C. Permittee shall implement the following wellfield operating plan:

D. Permittee shall determine unaccounted-for distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which unaccounted-for losses are calculated. Data collection shall begin within six months of Permit issuance. Reporting shall be submitted to the District on a yearly basis from the date of Permit issuance.

E. Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily/monthly inflow of water. The monthly total inflow to the treatment plant shall be reported to the District quarterly.

F. Within two years of permit issuance, the Permittee shall submit a long-term water supply plan to the District. Prior to (board date + 1 year), the Permittee shall submit to the District an outline of the proposed plan. At a minimum, the plan shall include consideration of resource protection, water supply alternatives, compliance with applicable wellfield protection ordinances, plans for water shortages or wellfield failures, and conservation measures to reduce overall demands.

G. The following elements in the Water Conservation Plan required by Section 2.6.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, must be implemented in accordance with the following approved implementation schedule:

A. Permittee shall submit to the District copies of the monthly "FDEP water treatment plant reports" showing daily wellfield pumpage. Reports shall be submitted monthly in the month following either the first month of pumpage or permit issuance.

B. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.



C. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to section 4.1.

D. ~~Permittee shall determine "unaccounted for" distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which "unaccounted for" losses are calculated. Data collection shall begin within six months of permit issuance. Loss reporting shall be submitted to the District on a yearly basis from the date of permit issuance.~~

E. ~~If the Permittee will not serve a new demand within the service area for which the annual allocation was calculated, the annual allocation shall then be subject to modification.~~

F. ~~Prior to (Board date + 6 months), Permittee shall develop and implement a "wellfield operating program". This program shall detail which wells are primary, secondary, standby (reserve), and any other aspects of wellfield management. The wellfield operating program, which may be submitted as a letter report, shall be submitted to District Staff prior to (Board date + 3 months).~~

G. ~~The Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily inflow of raw water.~~

H. ~~Prior to (permit expiration date), the Permittee shall evaluate long term water supply alternatives and submit a long term water supply plan to the District. Prior to (Board date + 1 year), the Permittee shall submit to the District an outline of the proposed plan. The assessment should include consideration of saline intrusion, wellfield protection, plans for compliance with applicable wellfield protection ordinances, expected frequencies and plans to cope with water shortages or well field failures, and conservation measures to reduce overall stresses on the aquifer.~~

I. ~~The Permittee shall notify the District of any change in service territory or area within 30 days of change in boundary.~~

J. ~~Prior to (Board date + 2 years, or upon permit renewal for existing Permittees), potable public water supply utilities are required to provide a study evaluating emergency water supply preparedness, including analysis of demand management measures, potential pumpage shifting and the feasibility of emergency interconnections for the purpose of supplying water on a short-term, emergency basis to adjoining utilities. The Permittee must provide the District with a copy of the study. As to emergency interconnects, the feasibility study must assess the technical, physical and economic ability of the Permittee to develop interconnecting pipes capable of delivering water to adjoining utilities to meet emergency, short-term water supply needs. (In the event of an interconnect being established, individual public water supply permit allocations will not address the emergency usage.) It is the policy of the District to encourage emergency interconnects~~

between adjoining public water supply utilities for the purpose of providing emergency water supply. Thus, where the feasibility study indicates emergency interconnects are possible, the District encourages the adjoining utilities to implement the same.

K. ~~The Water Conservation Plan required by criteria 2.6.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District - October 1997, must be implemented in accordance with the implementation schedule contained therein.~~

#### 5.2.2 Dewatering.

A. Prior to initial dewatering, the Permittee shall contact the District to allow for a site visit to verify:

(1) The water use accounting method used by the contractor and receive results of the calibration testing of the identified method.

(2) The location and design of the recharge trenches and on-site retention areas where dewatering water will be retained,

(3) The location of monitoring facilities, and

(4) Other appropriate site-specific issues related to the protection of the resource or other existing legal users.

Dewatering may commence upon written approval from the District that the preceding conditions have been satisfied as permitted.

A site visit can be scheduled by contacting:

B. All dewatering water shall be retained on the Permittee's land. Off-site discharge of dewatering effluent shall not be made.

C. Off-site discharge may be made via the facilities and conditions that follow:

D. Turbidity measurements of the dewatering water shall be made daily prior to discharge and submitted to the District weekly. If turbidity levels in the dewatering water exceed 29 NTU above background conditions in the receiving water body, the Permittee is required to cease dewatering operations and correct the situation until monitoring demonstrates turbidity standards are met.

E. Permittee shall not lower the water table below \_\_\_\_\_ feet NGVD, which is \_\_\_\_\_ feet below ground surface. The depth of the excavation shall not exceed \_\_\_\_\_ feet below ground surface.

F. Permittee shall construct the proposed recharge trenches prior to dewatering and maintain water levels during active dewatering operations within one foot of land surface. Obstructions and sediments within the recharge trenches shall be removed to increase effectiveness of the recharge system.

G. The excavation and associated dewatering facilities (such as impoundments and recharge trenches) shall be constructed using sound engineering practice. If the excavation or dewatering activities endangers the properties of adjacent owners (through erosion, side wall collapse, flooding, etc.), the Permittee shall cease operation until a method to prevent such

occurrences is found and instituted. The Permittee shall be responsible for finding and instituting methods to stop such occurrences.

H. Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.

I. Permittee shall be responsible for clearing shoaling, if the Permittee's dewatering operation creates shoaling in adjacent water bodies.

J. Permittee shall conduct dewatering activities in adherence to the following operating plan:

K. Following the dewatering operation, all dewatering facilities (such as impoundments, conveyances, and recharge trenches) shall be filled and regraded to ground elevation or to otherwise comply with the Environmental Resource Permit.

A. Maximum day pumpage for each pit shall not exceed \_\_\_\_\_ mgd. If the need to exceed the above withdrawal rate arises, the Permittee may submit, for District staff review, a request for a modification of this permit or the issuance of an emergency water use permit. If the need to exceed the specified maximum daily allocation arises as a consequence of unusual rainfall conditions, the Permittee shall notify District Staff of the need.

B. The borrow pit shall be constructed using sound engineering practice. If the excavation endangers the properties of adjacent owners (through erosion, side wall collapse, etc.), the Permittee shall cease operation upon notification by the District until a method to prevent such occurrences is found and instituted. If the excavation endangers the properties of adjacent owners (through erosion, side wall collapse, etc.), the Permittee shall be responsible for finding and instituting methods to stop such occurrences.

C. The Permittee is advised that this Permit does not relieve it of complying with all county, state, and federal regulations governing the operation, maintenance, and reclamation of the borrow pit.

D. Permittee shall establish and maintain a surveyed datum point from which water levels in the borrow pit can be referenced.

E. Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.

F. Permittee shall be responsible for clearing shoaling if the Permittee's dewatering operation creates shoaling in adjacent water bodies.

G. Permittee shall comply with turbidity and general water quality standards for surface discharge into receiving streams, as established by Chapter 17-3, Florida Administrative Code (F.A.C.).

H. Permittee shall not lower the water table below \_\_\_\_\_ feet NGVD which is \_\_\_\_\_ feet below ground surface. The depth of the pit shall not exceed \_\_\_\_\_ feet below ground surface.

I. Prior to installation of discharge facilities, the Permittee shall install and maintain in the receiving water body a staff gauge referenced to NGVD. The location of this gauge is subject to Water Use Division Field Staff approval based on site accessibility. If the gauge location is accessible by Staff it will be approved. District Staff will then establish a maximum receiving water elevation. Dewatering discharge from the project must cease when receiving water elevation exceeds this maximum level.

J. All dewatering water shall be retained either on the Permittee's land or adjacent areas to which the Permittee has an easement or similar legal right to discharge. Dewatering discharge shall not be allowed to drain to tidewater. Off-site discharge shall be made only through the following facilities:

K. Following the dewatering operation, recharge ditches shall be filled and regraded to natural ground elevation. Pre- and post-dewatering panoramic photographs shall be submitted delineating the restored area within 30 days of completion.

L. Water levels in the recharge ditch shall be maintained at an elevation of \_\_\_\_\_ feet NGVD.

M. Daily withdrawals, separated by each source as stated on the permit, shall be submitted to the District on a monthly basis. The water accounting method and means of calibration shall be stated on each report.

N. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

O. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with the approved water use accounting method(s) pursuant to Section 4.1:

#### 5.2.3 Irrigation

A. Landscape and golf course Permittees must comply with the water conservation plan requirements in section 2.3.1 of the Basis of Review for Water Use Permit Applications Within the South Florida Water Management District.

B. Landscape and golf course irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

a) Irrigation using a micro-irrigation system is allowed anytime.

b) Users whose average annual allocation is made up of 75% or greater volume of reclaimed water for irrigation may irrigate at anytime.

c) Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30-day period provided irrigation is limited to the amount

necessary for sod or plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60-day period.

d) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, recommended by the manufacturer or constituting best management practices, is allowed anytime within 24 hours of application.

e) Irrigation systems may be operated anytime for maintenance and repair purposes.

C. The allocation in this permit is for irrigation only, not the artificial maintenance of lake levels. The use of surface water lakes is for water quality treatment only. Therefore, the ratio of the number of gallons per day withdrawn from the groundwater wells to the number of gallons per day withdrawn from the surface water pumps shall not exceed 1:1 on a monthly basis.

A. Irrigation withdrawals from the reservoir system shall be made only through the permitted irrigation culvert structures. The use of pumps for surface water withdrawals from the reservoir system or withdrawals below the control elevation are prohibited.

B. The ratio of the number of gallons per day withdrawn from the proposed recharge well listed in "Table A" to the number of gallons per day withdrawn from the on-site pond pump listed in "Table B" shall not exceed 1:1 on an average monthly basis.

C. Landscape and Golf Course Permittees must comply with all water conservation plan requirements and the implementation schedule contained in the plan submitted pursuant to Section 2.3.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District - October 1997.

D. Landscape and Golf Course irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. Irrigation using micro-irrigation system is allowed anytime.

2. Users whose average annual allocation is made up of 75% or greater volume of reclaimed water for irrigation may irrigate at anytime.

3. Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30-day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60-day period.

4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer or constituting best management practices is allowed anytime within 24 hours of application.

5. Irrigation systems may be operated anytime for maintenance and repair purposes.

6. The use of water to protect golf course turf from heat and wind stress damage is allowed anytime.

E. Monthly withdrawals, separated by each source as stated on the permit, shall be submitted to the District on a quarterly basis. The water accounting method and means of calibration shall be stated on each report.

F. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

G. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) acceptable to the District.

#### 5.2.4 Industrial/Commercial

A. Industrial/Commercial Permittees must comply with The Wwater Ceonservation Pplan requirements in section required by criteria 2.4.1; of the Basis of Review for Water Use Permit Applications Within the South Florida Water Management District - October 1997, must be implemented in accordance with the implementation schedule contained therein.

B. Daily withdrawals, separated by each source as stated on the permit, shall be submitted to the District on a monthly basis. The water accounting method and means of calibration shall be stated on each report.

C. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

D. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1.

#### 5.2.5 Reclaimed Water Feasibility

A. Upon notification from the District of the availability of reclaimed water pursuant to Section 373.250, F.S., the Permittee shall determine (continue to investigate) the availability, cost, and feasibility of obtaining reclaimed water and actively participate in discussions and negotiations with potential suppliers of reclaimed water when the supplies become available.

B. Should reclaimed water become unavailable, the Permittee shall apply to the District for an emergency water use permit prior to temporarily increasing withdrawals above the permitted allocation.

C. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of

the allocation which is to be provided for by reclaimed water. Reclaimed water is considered available when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.

5.2.6 Water Level, Saline Water Intrusion, Contamination, and Wetland Hydrobiologic Monitoring and Data Collection  
When warranted, the following Special Condition shall be added to require monitoring to ensure the use of water authorized in the permit is not causing harm to the resource, the user, or other existing legal users:

A. Permittee shall implement the (water level, saline water intrusion, contamination, or wetland hydrobiologic) monitoring program described in the District staff report prepared in support of recommendation for permit issuance.

B. Permittee shall implement the following (water level, saline water intrusion, contamination, or wetland hydrobiologic) monitoring program:

5.2.6 Monitoring Data Collection

A. Prior to (Board date + 6 months), Permittee shall develop and implement a "Potentiometric Head Monitoring Program". A preliminary proposal shall be submitted to Staff for review and approval prior to (Board date + 3 months). Staff approval will be granted if the proposed monitoring well network will monitor the potentiometric head of the groundwater source(s) or adjacent zones potentially influenced as identified in the Impact Evaluation Summary of this staff report. In developing the program, the Permittee shall consider the number of wells, well localities, depth, method of well construction, types of screen, method of chloride analysis, and frequency of data collection.

B. Prior to (Board date + 6 months), Permittee shall develop and implement a "Surface Water/Wetland Monitoring Program". A preliminary proposal shall be submitted to Staff for review and approval prior to (Board date + 3 months). Staff approval will be granted if the proposed monitoring network will monitor the water level of the surface water source(s) or adjacent environmentally sensitive areas as identified in the Impact Evaluation Study. In developing the program, the Permittee shall consider the number of wells and/or staff gauges, well and/or gauge localities, depth of wells, method of well construction and/or gauge surveying, types of screen, method of chloride analysis, if required, and frequency of data collection.

5.2.6.1 Saline Water Intrusion

A. Prior to (Board date + 6 months), Permittee shall develop and implement a "Saline Water Intrusion Monitoring (SALT) Program". A preliminary proposal shall be submitted to Staff for approval prior to (Board date + 3 months). The purpose of this program shall be to:

1. Locate the saline water interface, and
2. Construct a monitoring well network that will monitor the movement and velocity of the saline water interface.

In developing the program, the Permittee shall include the number of wells, well localities, depth, method of well construction, types of screen, method of chloride analysis, and frequency of data collection.

B. Prior to (Board date + 6 months), Permittee shall implement an updated Saline Water Intrusion Monitoring (SALT) Program. A preliminary proposal to modify the existing SALT program shall be submitted to Staff for approval prior to (Board date + 3 months). Staff approval will be granted if the proposal successfully updates the existing monitoring network. In developing the program the Permittee shall consider well localities, depth, and method of well construction, types of screen, method of chloride analysis and frequency of data collection.

5.2.6.2 Pollution/Contamination Monitoring

Permittee shall establish a water quality monitoring program within one year (DATE) of permit issuance. In developing the program, the Permittee shall consider well localities, depth, method of well construction, types of screen, screened interval, methods of analysis, and frequency of data collection. A preliminary proposal shall be submitted to Staff for approval within six months of permit issuance.

5.2.7-6.3 Well Construction

A. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters 40E-3 and 40E-30, F.A.C.

B. If a proposed well location is different from a location specified in the application, the Permittee shall submit to the District an evaluation of the impact of pumpage from the proposed well location on adjacent existing legal uses, pollution sources, environmental features, the saline water interface, and water bodies one month prior to all new well construction. The Permittee is advised the proposed well locations and resulting impacts must be in compliance with all permitting criteria and performance standards in effect at that time.

C. Permittee shall submit to the District an updated Well Description Table (Table "A") within 90 days of completion of the proposed wells identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.

D. Permittee shall submit to the District an updated Well Description Table (Table "A") within six months of permit issuance, identifying which wells have been properly plugged and abandoned according to subsection 40E-3.531(3), F.A.C., and which wells are to be maintained as water level monitoring wells.

E. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapter 40E-3 or 40E-30, F.A.C.:

F. Permittee shall submit to the District a well survey that shall include the following: well cased depth, well total depth, and chloride ion concentration of the water in wells not having

this information listed in Well Description Table (Table "A"). This survey shall be submitted for the following wells within six months of permit issuance:

G. Within one month of new well construction, Permittee shall perform a step drawdown test. Prior to conducting the test, the Permittee shall submit a plan for the test to District staff for review and comment. Permittee shall submit step drawdown test information for the following wells to the District within one month of completion of the test. Information on performing step drawdown tests is available from the District.

H. Permittee shall perform an aquifer performance test on the proposed wells. Prior to conducting the test, the Permittee shall submit a plan for the test to District staff for review and comment. The test data for the following wells shall be submitted to the District within one month of completion of testing. Permittee shall submit the pumping rate, duration of test, and the drawdown at the end of the test. Information on performing aquifer performance tests is available from the District.

A. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapters 40E-3 and 40E-30, F.A.C.

B. If a proposed well location is different from a location specified in the application, the Permittee shall submit to the District an evaluation of the impact of pumpage from the proposed well location on adjacent existing legal uses, pollution sources, environmental features, the saline water interface, and water bodies one month prior to all new well construction. The Permittee is advised that the proposal must meet all permitting criteria in effect at the time of submittal, and that a formal modification of the permit shall be required if the withdrawals from the well location result in an environmental or resource impact significantly greater than that anticipated in the permit review process.

C. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters 40E-3 and 40E-30, F.A.C.

D. 1. The Permittee shall submit to the District an updated Table "A" prior to (Board date + 6 months), identifying which wells are to be properly plugged and abandoned according to subsection 40E-3.531(3), F.A.C., and which wells are to be maintained as water level monitoring wells.

2. The Permittee shall submit to the District an updated Table "A" within one month of completion of the proposed well[s] identifying the actual total and cased depths, pump manufacturer & model numbers, pump types, intake depths and type of meters.

E. Prior to (Board date + 60 days), the Permittee shall plug and abandon wells number (well nos.) in accordance with Chapters 40E-3 and 40E-30, F.A.C.

F. Permittee shall submit to the District a well survey, which shall include the following: well cased depth, well total depth, and chloride ion concentration of the water in wells not having this information listed in Table A. This survey shall be submitted prior to (Board date + 6 months).

G. Within one month of new well construction, Permittee shall perform a step drawdown test. Permittee shall submit this information to the District within one month of the test. (Information on performing step drawdown tests is available from the District.)

H. Permittee shall perform a specific capacity test on the proposed wells. This data shall be submitted to the District within one month of completion of testing. Permittee shall submit the pumping rate, duration of test, and the drawdown at the end of the test. Information on performing specific capacity tests is available from the District.

I. The Permittee is hereby notified that pursuant to Section 373.316, F.S., Upon repair or abandonment of any well in existence prior to July 1, 1973, such well shall be brought into compliance with the well construction requirements in Chapters 40E-3 or 40E-30, F.A.C.

#### 5.2.8-6.4 Flowing Floridan Aquifer Wells

A. Permittee shall submit to the District an artesian well survey ~~that~~ which shall include the following: well cased depth, well total depth, and chloride ion concentration of the water in each well. This survey shall be submitted for the following wells within six months of permit issuance: prior to (Board date + 6 months).

B. Prior to any permanent pump installation on Floridan aquifer wells in Martin or St. Lucie counties, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to the District for review and approval. Staff approval will be granted if the natural flow rate of the well is greater than that of the proposed pump. ~~In Martin and St. Lucie counties, the maximum installed capacity shall be that capacity at which the wells are capable of flowing in a free flowing mode relative to existing land elevation at the well site, Pumping equipment shall not be installed on any free flowing Floridan aquifer well as a means to regain or increase capacity.~~

C. Temporary pumps installed on Floridan aquifer wells in Martin or St. Lucie counties to increase flow for freeze protection withdrawals must be removed within 72 hours of the conclusion of the freeze event. Prior to the installation of a pump on a Floridan aquifer well in either Martin or St. Lucie County for the purpose of increasing pressure on the discharge side, rather than increasing flow, Permittee shall obtain, by written request, a flow verification determination by Water Use

~~Division Field Staff. Staff approval will be granted if the natural flow rate of the well is not less than that of the proposed pump.~~

~~D. A one-quarter inch brass valve shall be installed on the casing side of the well valve head of well No. \_\_\_\_\_. The brass valve shall be threaded into the casing and shall exhibit a female threaded end on the discharge side. The valve shall be kept in working order.~~

5.2.9 Water Use Accounting (for permits with maximum monthly allocations greater than 3 million gallons)

A. Prior to any withdrawals at the project, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1 of the Basis of Review for Water Use Permit Applications.

B. Every five years from the date of Permit issuance, the Permittee shall submit re-calibration data on each withdrawal facility.

C. Monthly withdrawals for each withdrawal facility shall be reported to the District quarterly. The water accounting method and means of calibration shall be stated on each report.

D. Permittees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the District. The water accounting method and means of calibration shall be stated on each report.

E. Permittee shall maintain records of the calibrated daily withdrawals from each withdrawal facility. These records shall be available for review upon request by District staff. Monthly withdrawals for each withdrawal facility shall be reported to the District quarterly. The water accounting method and means of calibration shall be stated on each report.

F. Daily withdrawals for each withdrawal facility shall be reported to the District on the following schedule. The water accounting method and means of calibration shall be stated on each report.

5.3 Specific Region Special Conditions

A. A “Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida, and the South Florida Water Management District”, which confirms tribal rights has been approved. Exercise of tribal rights in the future may impact allocations sought by the Permittee in future permit modifications and renewals.

B. The property which is the subject of this Permit is located in the area covered by Chapter 40E-63, F.A.C., (Works of the District within the Everglades). This special condition is intended to notify the Permittee that this property may be subject to additional or new permitting or water quality requirements as specified in Chapter 40E-63, F.A.C.

C. The Permittee shall be subject to all the stipulations agreed to in any executed landowner agreement reached between the Permittee, the District and the Seminole Tribe of Florida. Such stipulations may impact allocations sought by the Permittee in future Permit modifications and renewals.

D. Permittee and the Lake Worth Drainage District have previously entered into an interlocal agreement for mitigation of impacts. It is acknowledged and agreed by the Permittee that this modification of the permit shall be incorporated into and made part thereof the interlocal agreement.

E. Permittee may be responsible for mitigation to domestic uses, including but not limited to those shown in the District staff report for this permit, in the event that declining water levels result in domestic uses suffering a loss of water supply and the event is confirmed by District staff. Factors used in determining mitigation responsibility include, but are not limited to, water level monitoring data, local pumpages, and climatic conditions. Failure by the Permittee to mitigate any adverse impacts that occur as a result of the Permittee’s withdrawals, for which mitigation responsibility has been determined, will be considered a permit violation.

5.4 Surface Water Management

This is an existing project. An Environmental Resource or surface water management permit will be required prior to any change in land use or modification of the drainage system.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wm. Scott Burns, Director, Water Use Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-3.011
Definitions	40E-3.021
Implementation	40E-3.031
Delegation	40E-3.032
Agreements	40E-3.035
Rules and Publications Incorporated by Reference	40E-3.037
Violations of Contractor Licensing Requirements	40E-3.038
Penalties	40E-3.039
Enforcement	40E-3.0391
Scope of Part I	40E-3.040
Permits Required	40E-3.041
Exemptions	40E-3.051

Exceptions and Variances	40E-3.0511
Content of Application	40E-3.101
Conditions for Issuance of Permits	40E-3.301
Duration of Permits	40E-3.321
Suspension and Revocation	40E-3.341
Well Completion Report	40E-3.411
Emergency Authorization	40E-3.451
Inspection	40E-3.461
Scope of Part II	40E-3.500
Variances	40E-3.501
Construction Methods	40E-3.502
Location	40E-3.504
Casing and Liner Pipe Standards	40E-3.507
Well Construction Requirements	40E-3.512
Grouting and Sealing	40E-3.517
Well Seals	40E-3.521
Explosives	40E-3.525
Flowing Wells	40E-3.529
Abandoned Well Plugging	40E-3.531

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to modify and update the District's Well Construction Rules to reflect new policy development.

**SUMMARY:** Well Construction Permitting/Standards are revised.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 120.54(5), 120.60, 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.

**A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.**

**TIME AND DATE:** 8:30 a.m., March 14, 2002

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjeniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40E-3.011 Policy and Purpose.

(1) The purpose of Chapter 40E-3, Florida Administrative Code, (F.A.C.) is to implement the duties and responsibilities of the South Florida Water Management District, (District) under Part III, Chapter 373, Florida Statutes, (F.S.) and those responsibilities and duties delegated to the District by the Department of Environmental Protection Regulation, (Department) relative to regulating 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 ~~a reasonable necessity~~ to insure the protection and management of water resources and the health, safety, and general welfare of the people of this District.

(2) The rules in this chapter implement the regulation of wells through ~~and well-driller water well contractors and include~~ the following parts:

(a) Part I of this chapter establishes a permitting system for the location, construction, repair or abandonment of wells.

(b) Part II of this chapter establishes the minimum standards for the construction, repair or abandonment of wells.

(3) Additional rules relating to well construction are found in Chapters 40E-5, F.A.C. Florida Administrative Code (Artificial Recharge), 40E-2, F.A.C. (Consumptive Use), and 40E-30, F.A.C. (General Permits for Wells).

(4) Rules relating to Water Well Contractor Licensing and enforcement guidelines are found in Chapter ~~62-531~~ 47-531, F.A.C. (Water Well Contractors in Florida). ~~Florida Administrative Code adopted by reference in Rule 40E-3.037 (Governing Water Well Contractors in Florida).~~

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,\_\_\_\_\_.

40E-3.021 Definitions.

When used in this chapter:

(1) "Abandoned Water Well" means a well for which the use has been permanently discontinued. A well shall be deemed to be abandoned, if it is in a state of disrepair, such that its continued use for obtaining groundwater or disposing of water or liquid wastes is impractical.

(2)(+) "Annulus or Annular Space" means any artificially created void existing between a well casing or liner pipe and a borehole wall or the space between two casings or liner pipes.

~~(3)(2)~~ “Aquifer” means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells, ~~and springs, or surface water.~~

(4) “Bentonite” means a grout or chips, tablets, or pellets used for plugging or sealing water wells, consisting of high solids montmorillonite.

~~(5)(3)~~ “Casing Diameter or diameter of casing” means the nominal diameter of the largest permanent water bearing casing. For the purpose of this section, the diameter of the casing at the upper terminus will be presumed to be the diameter for the entire length, unless the well owner or contractor can demonstrate that the well has a smaller diameter permanent water bearing casing below the upper terminus largest inside diameter of the final casing.

(6) “Consolidated” means a stratum, which is cemented with a binding substance commonly derived from within the deposit containing that stratum.

(7) “Consumptive Use Permit” means a water use permit issued under Chapter 40E-2 and 40E-20, F.A.C.

(8) “Department” means the Florida Department of Environmental Protection (FDEP).

~~(9)(5)~~ “Dewatering” means the use of wells or other such equipment to temporarily lower a water level as may be necessary during construction activities.

(10) “Driller” means a licensed water well contractor or a person working under the direct supervision of a licensed water well contractor who actually constructs the well.

(11) “Driven Casing” means well casing installed by the percussion drilling method, where the well casing is driven into a borehole that is less than the nominal outside diameter of the casing.

~~(12)(6)~~ “Drive Shoe” means any device specifically designed, fabricated, and installed to protect the lower end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place in a well.

(13) “Field Log” means an accurate, written documentation of all construction activities needed to fill out well completion reports.

(14) “Filter Pack” means a siliceous sand or gravel that is uniformly graded, washed, and clean. It is placed in the annulus of the well between the borehole wall and the well screen.

~~(15)(7)~~ “Gang Well” means a system where two (2) or more water wells are coupled together with a common header or manifold.

~~(16)(8)~~ “Grout” means a mixture of water, and either Portland cement (American Concrete Institute Type I, American Concrete Institute Type II, Class H, American Concrete Institute Type III, or any other types of cement approved by the District) or Bentonite, and sand (not more than two parts of sand to one part of cement by weight), and other

additives listed under subsection 40E-3.021(13), Florida Administrative Code, or other additives approved by the District. Grout composition shall not exceed six (6) gallons of water per cubic foot of cement.

~~(17)(9)~~ “Inspection Port” means any opening not less than three-quarters (3/4) inch in diameter through which unobstructed access to the inside of the casing can be obtained for measuring water levels. Inspection ports shall be threaded openings temporarily sealed with a removable watertight plug.

(18) “Jetted Well” means a pipe with an attached well point or open-ended screen. The well is installed in unconsolidated formations by the washing action of a water jet.

~~(19)(10)~~ “Liner” means a metallic or nonmetallic pipe, which either is installed either within the outer casing to modify, improve, repair or protect the outer casing or is installed below and separate from the outer casing to seal off caving material which may be encountered in the open hole of the well.

~~(20)(11)~~ “Monitoring Well” or “Observation Well” means a well used primarily to monitor hydrologic parameters such as water levels or water quality.

~~(12)~~ “Neat Cement Grout” means grout without addition of sand but may include bentonite (not to exceed 5 lbs. per 93 lb. sack of cement), calcium chloride (not to exceed 3 lbs. per 94 lb. sack of cement) or retarder (not to exceed 1 lb. per 94 lb. sack of cement), or other admixtures approved by the District to reduce permeability or shrinkage, increase fluidity, adjust slurry weight and/or control set time. Neat cement ground composition shall not exceed six (6) gallons of water per cubic foot of cement.

(21) “Nominal” means the standard size of the well casing. Nominal, when referring to grouting of the annulus, means the average available void thickness between the telescoped well casing and the permanent well casing or the average available void thickness between the borehole and the outside wall of the well casing.

~~(13)~~ “Observation Well” means a well used primarily to observe the elevation of the water table of potentiometric surface of to observe water quality in the aquifer.

~~(14)~~ “Production Well” means a water well but specifically excludes a test hole, and observation well of a monitoring well.

(22) “Packer” means a device placed within a well casing that seals the joint between two pieces of casing, between the casing and the screen, between one formation or water bearing strata and another or between the formation and the casing.

~~(23)(15)~~ “Public Water Supply Well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, and 64E-8, F.A.C.

~~(24)(16)~~ “Public Water System” means a community or non-community system for the provision to the public of piped water for human consumption, if provided that such a system



has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, as set forth in Chapter 62-550, 62-555, and 62-560, F.A.C.

(25)(17) "Sand point Well" means any device, which is driven or washed into place in unconsolidated earth materials, and which consists of a pipe with an attached perforated metal tube or well screen designed to permit the passage of water.

(26) "Telescoped casing" means an interior well casing extending below and sealed within an exterior well casing.

(27)(18) "Test Hole" means any artificial temporarily cased or uncased hole in the ground drilled, bored, cored, washed, or jetted, for the intended use of which includes obtaining data for engineering, and/or for geophysical or geological exploration, and/or prospecting for minerals or products of mining or quarrying, and not for the purposes of either producing, disposing of, or searching for water.

(28) "Upper Terminus" means that portion of a well casing ending at land surface or within an approved depth below land surface. Land surface is considered to be the ground elevation of the finished grade at the well.

(29) "Water Test Well" means a water well whose purpose is obtaining data to determine aquifer properties or water quality. Water test wells are commonly drilled, in order to obtain hydrologic data prior to applying for a water use permit.

(30)(19) "Water Use Permit" means a permit issued under Chapter 40E-2 or 40E-20, F.A.C. Florida Administrative Code.

(31)(20) "Water Well" means a well as defined in Section 373.303(7), F.S., which includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water. This term does not include any well constructed for the purpose of obtaining or prospecting for oil, natural gas, or products of mining or quarrying, for disposing of oil brine or re-pressuring oil bearing or natural gas-bearing formations, for storing petroleum, natural gas or other products, or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes Florida Statutes.

(32)(4) "Water Well Contractor" means an individual who is responsible for the location, construction, repair, or abandonment of a water well and who is licensed under any person licensed by the Department, or a water management district, in accordance with Chapter 62-531 47-531, F.A.C. Florida Administrative Code, to and engaged in the business of construction, repair, or abandonment of wells.

(33)(21) "Well Casing" means a metallic or nonmetallic pipe installed in a borehole or driven to prevent caving, provide structural strength, seal off zones of poor water quality, or prevent the interchange of waters between aquifers.

(34)(22) "Well Completion" means termination of all well construction, repair or abandonment activities in accordance with Part II.

(35)(23) "Well Completion Report" means the form supplied or approved by the District, that is a form "0124" completed and signed by the licensed water well contractor and submitted to the District within 30 days of well completion person constructing the well in accordance with this chapter.

Specific 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 \_\_\_\_\_.

40E-3.031 Implementation.

The effective date for rules established in this chapter:

(1) For Rule 40E-3.037, October 1, 1984.

(2) For the remainder of the chapter, January 1, 1985.

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 10-1-84, Repealed \_\_\_\_\_.

40E-3.032 Delegation.

(4) The authority for general administration of Part 1 of Chapter 40E-3, Florida Administrative Code, is delegated to the Executive Director of the District. It is the policy of the Board that in making this delegation the Executive Director is authorized to may designate specific staff members to carry out various tasks but that overall supervision and responsibility shall rest with the Executive Director. The Executive Director is expressly authorized to issue permits under this chapter as provided in Section 373.342(1), F.S. Florida Statutes.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309(2), 373.339, 373.342 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) "Agreement between Lee County and South Florida Water Management District," dated January 9, 1985.

(2) "Agreement between Dade County and South Florida Water Management District," dated January 31, 1985.

(3) "Agreement between Collier County and South Florida Water Management District," dated February 5, 1985.

(4) "Agreement between the City of Cape Coral and South Florida Water Management District," dated October 10, 1986.

(5) "Agreement between the Martin County Health Department and South Florida Water Management District," dated June 12, 1998.

(6) "Agreement between the Osceola County Health Department and South Florida Water Management District," dated February 11, 1999.

(7) "Agreement between the St. Lucie County Health Department and South Florida Water Management District," dated April 13, 2000.

(8) "Agreement between the Hendry County Health Department and South Florida Water Management District," dated September 14, 2000.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New \_\_\_\_\_.

40E-3.037 Rules and Publications Incorporated by Reference Water Well Contractor Licensing.

The following Department rules and publications are incorporated by reference into this rule and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District.

(1) Well Contractor Licensing – Chapter 62-531 47-531, F.A.C., Florida Administrative Code, which requires the licensing of water well contractors and includes the Department’s Water Well Contractor Disciplinary Guidelines and Procedures Manual, April 1989 which is incorporated by reference at subsection 17-531.450(5), is adopted by reference and made part of this rule. The licensing program shall be administered and enforced by the District under the authority delegated to it by the Department of Environmental Protection.

(2) Construction of Water Wells – Chapter 62-532, F.A.C.

(3) Construction of Public Supply Water Wells – Chapter 62-555, F.A.C.

(4) Construction of Water Wells in Delineated Areas – Chapter 62-524, F.A.C.

(5) Drinking Water Systems – Chapter 64E-8, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 10-1-84, Amended 12-19-89, \_\_\_\_\_.

40E-3.038 Violations of Contractor Licensing Requirements.

(1) ~~Violations of contractor licensing requirements of this chapter are specifically listed at Rules 62-531.380, 62-531.450 and 62-531.500, Florida Administrative Code.~~

(2) ~~Actions which may be taken by the District upon determination that a violation has occurred are outlined in Chapter 62-531 and Rule 40E-1.612, Florida Administrative Code.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Repealed \_\_\_\_\_.

40E-3.039 Penalties.

Penalties for violation of this chapter shall be as provided by Chapter 373, Florida Statutes, and Chapter 62-531 47-531, F.A.C. Florida Administrative Code, which includes including the Water Well Contractors Disciplinary Guidelines and Procedures manual as adopted by the Department and delegated to the water management districts.

Specific Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.129, 373.308, 373.309, 373.333, 373.336 FS. History—New 1-1-85, Amended 12-19-89, \_\_\_\_\_.

40E-3.0391 Enforcement.

Once the District determines that a violation of ~~licensing provisions~~ of Chapter 40E-3, 62-531, 62-532, 62-550, 62-555, 62-524, or 64E-8, F.A.C. 47-531 Florida Administrative Code has occurred, the District may take enforcement action pursuant to Chapter 373, Florida Statutes, and applicable portions of Chapters 40E-1 and 62-531, F.A.C. Florida Administrative Code.

Specific Authority 373.044, 373.119, 373.136, 373.171, 373.333 FS. Law Implemented 373.119, 373.129, 373.306, 373.333, 373.336 FS. History—New 12-19-89, Amended \_\_\_\_\_.

PART 1 PERMITTING REGULATION OF WELLS

40E-3.040 Scope of Part 1.

~~This The rules in part sets forth relate to~~ the permitting requirements applicable to the construction, repair or abandonment of water wells. Unless expressly exempted by statute or this ~~chapter, 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 40-2 (Consumptive Use), Chapter 40E-4 (Surface Water Management), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (General Surface Water Management Permits).~~

Specific 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-3.041 Permits Required.

(1) Unless expressly exempted by Statute law or this chapter, District rule a well construction permit must be obtained from the District or delegated agency prior to the construction, repair or abandonment of any well within the District’s jurisdiction.

(2) A well construction permit must be obtained prior to the construction of any gang well, regardless of the size or depth of the individual wells comprising such gang well, for the purpose of procuring or obtaining water other than for dewatering.

(3) No test hole or water test well shall be converted to a water well until a well construction permit is obtained.

(4) No monitoring or observation well shall be converted to a production well until a well construction permit or modification thereof is obtained for each production well.

(5) A well construction permit is required prior to the construction of any public supply well.

(6) A well construction permit must be obtained from the District prior to the construction, repair, or abandonment of any water well in areas designated by the Department, pursuant to Chapter 62-524, F.A.C. All wells will require a permit under Chapter 62-524, F.A.C., from the entity to which the authority to issue a permit has been delegated.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.051 Exemptions.

The following wells are exempt from ~~Section 40E-3.041 Rules 40E-3.101 and 40E-3.201~~. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Environmental Resource Permits Surface Water Management), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (Environmental Resource Standard General Surface Water Management Permits).

(1) Existing wells exempted under subsection ~~The wells set forth in Section~~ 373.316, Florida Statutes.

(2) The wells exempted under subsection ~~excluded from the definition of “well” under Section~~ 373.303(7), Florida Statutes.

(3) ~~The wells set forth in Section 373.326(2), Florida Statutes, provided the provisions of Section 373.326(2), F.S., are satisfied and the well is constructed, repaired, or abandoned in accordance with the standards of this chapter and the well completion report is submitted in accordance with Rule 40E-3.411.~~

(3)(4) A well constructed solely for the purpose of a test hole, as defined in subsection 40E-3.021(27), F.A.C.

(4)(5) The construction, repair or abandonment of a water well with a casing diameter of less than six inches by a licensed water well contractor, excluding public water supply wells, provided a well completion report is submitted in accordance with Rule 40E-3.411, F.A.C. and provided that the well is constructed, repaired or abandoned in accordance with the standards of this chapter. This exemption from permitting requirements in 40E-3.041, F.A.C. does not apply to:

(a) Public water supply wells.

(b) Any wells constructed in an area delineated pursuant to Chapter 62-524, F.A.C.

(c) Any water wells within jurisdictions to which the District has delegated authority for water well construction permitting for all wells, pursuant to Rule 40E-3.035, F.A.C.

(5)(6) A well intended for use as an injection well, which has received a permit under Chapter 62-28, F.A.C. 47-28 Such wells are exempt from the construction standards in Part II provided the applicable standards of Chapter ~~62-28~~ 47-28 are met.

(6) A well drilled by a government agency only for research purposes.

(7) ~~Wells intended for monitoring purposes only which is part of an approved permit issued by the Department of Environmental Regulation.~~

~~(7)(8)~~ In addition, a wells which satisfies the requirements of Chapter 40E-30, F.A.C. is Part IV of this Chapter are exempt from the provisions of 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.501, 40E-3.512, 40E-3.562 and 40E-3.351, F.A.C.

Specific 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 \_\_\_\_\_.

40E-3.0511 Exceptions and Variances.

(1) ~~The board finds that compliance with all the requirements of Part I may result in an undue hardship for the construction, repair, or abandonment of certain wells.~~

(2) ~~Any affected person may request an exemption from any or all of these rules for an individual well by making written request which must include those specific requirements for which an exemption is requested, any alternate or substitute methods or conditions considered appropriate, and reasons why the exemption is considered necessary.~~

(3) ~~The District may grant the exemption by way of a variance if the proposal is in accordance with accepted public health and sanitary engineering principles and practices and will not adversely affect the water resource. The variance shall be the minimum necessary to ameliorate the hardship.~~

(4) ~~Oral variance requests from the contractors will be received and oral decisions rendered by the District when, in the opinion of the District, an emergency situation exists and warrants such verbal request and decision. Approved oral variances must be detailed and submitted in writing by the applicant to the District along with an application form within ten days of the verbal approval.~~

(5) ~~If the request is for a variance from requirement of obtaining a water use permit, the application must demonstrate that an application has been filed or a compelling necessity exists to commence the construction, repair or modification of a well while an application for a water use permit is pending. Issuance of the variance will not be evidence of any entitlement to the water use permit.~~

(6) ~~Upon issuance of a variance, District may impose such special conditions as may be necessary to protect the intent and purpose of Part III, Chapter 373, Florida Statutes.~~

Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended 12-19-89, 7-2-98, 9-2-98, 6-12-00, Repealed \_\_\_\_\_.

40E-3.101 Content of Application.

(1) The application shall be submitted to the permitting authority by the owner or by the water well contractor on behalf of the owner. All applications shall be submitted on SFWMD Form “0123”, State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well. Permits will only be issued to the owner or his agent on whose property the well is located.

(2) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated. The application for the construction, repair or abandonment of water wells shall contain:

~~(a) Form "0123" Application to the South Florida Water Management District for the construction, repair or abandonment of water wells.~~

~~(a)(b) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the wells, except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: "Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well, will be submitted to the District."~~

~~(b)(c) The name, address, and telephone number and signature of the property owner or and his agent, if applicable, on whose property the well is being drilled.~~

~~(c) Written authorization from the owner designating the authorized agent, if any;~~

~~(d) The location of the well (to the nearest one-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates) (state planar coordinates) to the nearest one hundred feet), and site map of the well location, depicting land marks and providing a scale,~~

~~(e) The expected depth of the well,~~

~~(f) The proposed use of the well,~~

~~(g) The estimated daily volume of the proposed use,~~

~~(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair or abandonment methods, specifications including casing types, casing diameters and depths; open hole or screened intervals, sizes and screen openings; and proposed grouting materials.~~

~~(i) The proposed method of construction and completion of the well, or the method of plugging and abandoning of the well,~~

~~(j) The proposed pump capacity,~~

~~(j)(k) The anticipated starting date to begin drilling,~~

~~(k)(4) The District water use permit number, the water use application number, and the well number from the water use permit Table A, if applicable.~~

~~(l)(m) A well completion report and/or lithologic or cuttings log for any test hole or water test well, which is being requested to be converted to becomes a water well.~~

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and a scaled map showing the

well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination in the vicinity, and the location of power lines or overhead obstructions.

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum shall include:

1. Purpose of the test, a brief description of the testing method, and a summary of the results to be provided to the District within 30 days of completion of the testing.

2. Name, address, and telephone number of the person or consulting firm performing the test.

3. A site map showing the location of the water test well and any observation wells.

~~(3)(4) The required fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, Section 40E-3.201 shall be submitted with the permit application.~~

~~(3) The application must be signed by the owner and or his authorized agent, if applicable. The application must also be signed by the licensed water well contractor, if applicable under Rule 40E-3.051(3).~~

(4) In addition to the information required to be submitted on the District form, the District staff may specifically request such reasonable additional information as may be necessary to evaluate the hydrologic impacts of the withdrawal to ensure that the impacts will not be harmful to the water resource of the District as set forth in Chapter 40E-2, F.A.C., and are in compliance with statutory and rule requirements. Pursuant to Section 373.232, F.S., the District will cite a specific rule when requesting such additional information. Such requests for additional information will be made in compliance with section 120.60, F.S. and Chapter 40E-1, F.A.C. ~~The required fee pursuant to section 40E-3.201 shall be submitted with the permit application.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, \_\_\_\_\_.

40E-3.301 Conditions for Issuance of Permits.

(1) In order to obtain a permit under this chapter an applicant must submit a permit application as specified in Rule 40E-3.101, F.A.C.

~~(2) The permit application fee shall accompany the original application according to the fee schedule provided in Rule 40E-3.201.~~

~~(2)(3) The Applicant must certify that:~~

~~(a) the proposed well will be constructed, repaired, or abandoned in compliance empty with the criteria set forth in Part II of this chapter,;~~

~~(b) The applicant or owner has obtained a water use permit under Chapters 40E-2 or 40E-20, if applicable.~~

~~(e)~~ The proposed well will not otherwise adversely affect the water resources.

(3) A water use permit, if applicable, under Chapters 40E-2 or 40E-20, F.A.C., must have already been obtained.

(4) The proposed well must not harm the water resources of the District or interfere with existing legal users.

~~(5)~~(4) The application must be complete and must meet the requirements of Chapter 373, F.S. Florida Statutes, and this chapter.

(6) The District shall impose on any permit issued under this Chapter such reasonable conditions as are necessary to protect the water resource and assure that the permitted activity will be consistent with the overall objectives of the District. The District shall attach such conditions to the permit, and well construction, repair, or abandonment shall be performed accordingly.

Specific 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 \_\_\_\_\_.

40E-3.321 Duration of Permits.

(1) Each permit shall be valid for a period of ninety (90) days, unless the time limit is extended by the District six (6) months. In the event construction, repair or abandonment is not completed within that time, the District may extend the time limit upon written request by the permittee, provided that the conditions of the original permit application have not changed.

(2) Construction, repair or abandonment of a well shall not commence or continue after the expiration of a permit.

(3) Extensions of an existing permit shall be granted by the District upon written request if:

(a) Submitted by the permittee prior to the expiration date of the permit, and

(b) The permittee shows circumstances and conditions have not changed substantially since the permit issuance so that the proposed well will not harm the water resource.

(4) Modifications of an existing permit may be granted by the District upon written application if submitted by the permittee prior to the expiration date of the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended \_\_\_\_\_.

40E-3.341 Suspension and Revocation.

~~(+)~~ The District may suspend or revoke a permit to construct, repair or abandon a well by written notice to the permittee under any of the following circumstances:

~~(1)(+)~~ Material misstatement or misrepresentation in the application for a permit.

~~(2)(+)~~ Failure to comply with the provisions set forth in the permit;

~~(3)(+)~~ Disregard or violation of any provisions of this chapter these rules and regulations or Part III of Chapter 373, F.S. Florida Statutes.; or

~~(4)(d)~~ Unforeseen circumstances which may create a danger to the water resources or the public health, safety or welfare if the well is constructed as permitted.

Specific 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 \_\_\_\_\_.

40E-3.411 Well Completion Report.

(1) The Water Well Contractor shall submit a fully completed well completion report (SFWMD Form “0124”) to the District Well completion reports are required for the construction, repair or abandonment of all wells, regardless of whether a permit application is required under Rule 40E-3.101, F.A.C. Well completion reports shall be filed with the District within 30 days of the completion of the work.

(a) Well Completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(b) Computer generated completion reports developed by the contractor may be used in place of District supplied forms if these reports have been approved by the District prior to use.

(2) The water well contractor shall keep or cause to be kept by a person registered driller in his employ an accurate field log of all construction, repair or abandonment activities. Such logs shall be available for inspection by the District at the site during all times when work is in progress.

(3) If no work is performed or if the well is not completed, a report shall be filed within thirty days of the expiration of the permit stating that no well construction was performed under the permit or outlining the status of the incomplete well.

(4) The District may also require that samples be taken during construction and furnished along to it with the completion report. If samples are required, the District will ~~shall~~ provide containers and instructions.

(5) For water test wells, the District will require that a report on the test results be submitted to the District within 30 days of completion of the testing. The report shall also include a request and a proposed schedule to either abandon the water test well or convert the water test well to a production well.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended \_\_\_\_\_.

40E-3.451 Emergency Authorization.

(1) Emergency water well construction permits may be issued by the Executive Director or his designee when one of the following conditions exist which that justifies the issuance:

(a) An existing well supplying a particular use has failed and must be immediately replaced;

(b) The health, safety, or general welfare of the people affected by said emergency of the District would be jeopardized without such authorization;

(c) Emergency authorization is needed to immediately mitigate or resolve potentially hazardous degradation of water resources; or

(d) A serious set of unforeseen, ~~and unforeseeable~~ circumstances occurs ~~exists~~ which creates the emergency.

(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. Consumptive Use, also applies to the well, an emergency permit may be issued only if, in addition to qualifying under (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 authorizations shall be administered pursuant to Rule 40E-1.6115, F.A.C.

(3) The applicant for an emergency permit shall submit the application and fee in accordance with Section 40E-3.101 along with any other requested information within twenty-four hours after making oral application.

(4) Rule 40E-3.411 and Part II of this chapter shall apply to all construction performed under an emergency permit.

Specific Authority 373.044, 373.149, 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, \_\_\_\_\_.

40E-3.461 Inspection.

(1) ~~The Department or the~~ District is authorized to inspect any well or abandoned well within its jurisdiction, including those wells permitted under Rule 40E-3.041, F.A.C. Inspections shall be done as Part II within its jurisdiction as it deems necessary to insure conformity with applicable standards. Such inspection may include but need not be limited to geophysical logging, water level measurements, or other methods. Duly authorized representatives of ~~the Department~~ the District may, upon presenting proper identification and at reasonable times, may enter upon ~~and shall be given access to~~ any premises for the purpose of such inspection.

(2) If, based on ~~upon the basis of~~ such inspection, the District finds the standards of Part II have not been met, the District shall proceed with enforcement actions as prescribed by Chapter 62-531, F.A.C., Water Well Contractors, may give the owner and contractor, if applicable, a written notice stating which rules have been violated and may order that necessary corrective action be taken within a reasonable length of time to be prescribed in such order.

(3) A site inspection may be conducted by an authorized representative of the District or delegated governmental entity ~~the Department~~ prior to issuing a permit for construction of a public water supply well.

(4) The District shall be notified at least 24 hours in advance of placement of grout in the annular space of any public water supply well. A District representative may be on site to observe the grouting. If the District is properly notified

and a representative is not at the site at the appointed time, the grouting may begin in the absence of a District representative ~~be accomplished in his absence.~~

(5) If, based on ~~upon basis of~~ an inspection, the District finds any well is an abandoned well, the well shall be plugged in accordance with Rule 40E-3.531 Part H.

(6) The District shall have the right to inspect drilling records upon reasonable notice to a licensed water well contractor.

(7) In all circumstances, a copy of all applicable well construction permits will be available at the construction site during installation.

Specific Authority 373.044, 373.149, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History—New 1-1-85, Amended \_\_\_\_\_.

PART II CONSTRUCTION, REPAIR AND ABANDONMENT STANDARDS

40E-3.500 Scope of Part II.

~~The rules in~~ This part sets forth ~~relate to~~ the standards and criteria for the construction, repair and abandonment of wells. All wells within the District boundaries unless specifically exempted under Rule 40E-3.051 must comply with these standards regardless of whether a permit is required under Part I.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.501 Variances.

(1) The Board finds that in certain cases compliance with all the requirements of Part II may result in an undue hardship in the construction, repair, or abandonment of wells.

(2) Any affected permittee or licensed water well contractor may request a variance from specific requirements by making a written request to the District prior to construction of the well, which provides at least the following information:

(a) Licensed contractor's name and number, unless exempt by subsection 373.326(2), F.S.;

(b) The name, address and telephone number of the property owner for whom the well is proposed to be constructed, repaired, or abandoned;

(c) Well location including section, township, range and county;

(d) Casing diameter and type for proposed well;

(e) Well use;

(f) Specific criteria or standard from which the variance is being requested;

(g) Specific facts which demonstrate the undue hardship, if the criteria or standard is applied without granting of a variance.

(3) The Executive Director or designee may grant the exemption by way of a variance if the proposed alternative is in accordance with accepted public health and sanitary

engineering practices and will not harm the water resource. The variance shall be the minimum necessary to ameliorate the hardship.

(4) Oral variance requests from the contractors will be received and oral decisions rendered by the Executive Director or designee when, in the opinion of the District, an emergency situation exists and warrants such verbal request and decision. Approved oral variances must be detailed and submitted in writing by the applicant to the District along with an application form within 24 hours of the verbal approval.

(5) If the request is for a variance from requirement of prior obtainment of a water use permit, the application must demonstrate that an application has been filed and a compelling necessity exists to commence the construction, repair or modification of a well while an application for a water use permit is pending. Issuance of the variance will not be evidence of any entitlement to the water use permit.

(6) When issuing a variance, the Executive Director or designee may impose other conditions as necessary to protect the resource consistent with Part III of Chapter 373, F.S.

Specific Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.54(5), 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History--New \_\_\_\_\_.

40E-3.502 Construction Methods.

(1) Wells must be located, ~~so~~ constructed, cased, grouted, plugged, capped, or sealed as to prevent uncontrolled surface flow, uncontrolled movement of water from one aquifer or water bearing zone of differing water quality to another, contamination of groundwater or surface water resources, or other adverse impacts. The construction methods and standards in this chapter ~~following~~ shall apply to all construction, repair, or abandonment of wells in the District except:

(a)~~(1)~~ In those areas exempted by the District with the concurrence of the Department; or

(b)~~(2)~~ For public water supply wells or limited use public supply wells, which wells shall be constructed, repaired or abandoned in accordance with Chapter 62-555 or 64E-8, F.A.C., respectively 17-555, F.A.C.

(c) For monitor wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-761, F.A.C. covering underground storage tank systems.

(d) For wells permitted in Chapter 62-524, F.A.C., delineated areas, which shall be constructed, repaired or abandoned in accordance with Chapter 62-524, F.A.C., or special criteria developed for specific designated areas.

(2) The District may designate special well construction standards areas by Emergency Rule to prevent transport of surface contaminants to groundwater or movement of introduced or natural contaminants from one aquifer or zone to another. Such standards will be the minimum necessary to prevent the movement of contaminants and will be in

cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, F.S. provisions for emergency rulemaking.

Specific Authority 373.044, 373.309, 373.171 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History--New 1-1-85, Amended \_\_\_\_\_.

40E-3.504 Location.

(1) Wells shall be located so as to not pose a threat of contamination to the water resource and to provide for the protection of the health, safety and welfare of the user.

(2) Water wells shall be located to comply with the setback distances in Chapter 62-532, F.A.C.

(3) The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History--New 1-1-85, Amended \_\_\_\_\_.

40E-3.507 Casing and Liner Pipe Standards.

(1) Well casing and liner pipe shall be new or ~~shall be pipe or casing~~ in like new condition. Such casing or pipe shall not be used unless free of leaks, corrosion, and dents, is straight and true, and is not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe. ~~All well casing Well casing installed by driving shall not have less than the dimensions and weights specified in Table 1 unless otherwise approved by the District and shall conform to the standards identified in Chapter 62-532, F.A.C. American Society for Testing and Materials (ASTM) Type S, Grade A except as noted below.~~

(2) ~~Black or galvanized steel casing or liner pipe set into place without driving shall not have less than the dimensions and weights specified in Table 2 Table 1. and shall conform to the American Petroleum Institute (API) Standard 5L, Grade A.~~

Table 1  
MINIMUM DIMENSIONS AND WEIGHTS FOR  
BLACK OR GALVANIZED STEEL CASING  
OR LINER PIPE INSTALLED BY DRIVING

Nominal Size (in.)	Outside Diameter (in.)	Wall Thickness (in.)	Plain End Weight (lbs/ft)
3	3.500	.216	7.58
3.5	4.000	.226	9.11
4	4.500	.188	8.62
5	5.563	.258	14.62
6	6.625	.280	18.97
8	8.625	.277	24.70
10	10.750	.307	31.20
12	12.750	.330	43.7

(3) ~~Black or galvanized steel casing installed by driving with a nominal size between 12 and 30 inches shall have a minimum wall thickness of 0.375 inches and shall be of~~

weights as specified by American National Standards for Wrought Steel and Wrought Iron Pipe ANSI B36.10-1970, for standard pipe. Pipe larger than 30 inches shall have a minimum wall thickness of 0.500 inches and shall be of weights as specified by American National Standards for Wrought Steel and Wrought Iron Pipe ANSE B36.10-1970, for standard pipe. Four inch nominal size pipe with a wall thickness of 0.188 shall be certified by the manufacturer to be in accordance with American Petroleum Institute (API) Standard 5L or ASTM A589-73, A120-77, A53-77A, A252-77A Grade 2.

Table 2

MINIMUM DIMENSIONS AND WEIGHTS FOR BLACK OR GALVANIZED STEEL CASING SET INTO PLACE WITHOUT DRIVING OR LINER PIPE

Nominal Size (in.)	Outside Diameter (in.)	Wall Thickness (in.)	Plain End Weight (lbs/ft)
2.5	2.875	.203	5.79
3	3.500	.125	4.51
3.5	4.00	.134	5.53
4	4.500	.142	6.61
5	5.500	.164	10.22
6	6.625	.185	12.72
8	8.625	.188	16.90

(4) Black or galvanized steel casing or liner pipe set into place without driving, with an outside diameter less than 3.500 inches shall have a wall thickness of not less than 0.125 inches. Black or galvanized steel casing or liner pipe with a nominal size between 8 and 16 inches shall have a wall thickness of not less than 0.250 inches. Steel casing or liner pipe with a nominal size of 16 inches or more shall have a wall thickness of not less than 0.375 inches.

(5) Stainless steel pipe used for casing or liner pipe shall be Schedule 10S of the American National Standards Institute (ANSI B36.19-1976), or stronger classification.

(6) Polyvinyl Chloride (PVC) pipe may be used for well casing or liner pipe. Any PVC pipe used to construct a water well shall have been marked by the manufacturer, under a method specified as suitable for use in potable water systems. Any PVC pipe larger than 4.5 inches outside diameter used for well construction or repair shall have a working pressure rating of not less than 200 p.s.i. at 73F or shall be ASA Schedule 40. Other non metallic pipe may be approved by the District.

(2)(7) Steel well casing and liner pipe shall may be joined in a watertight manner by threaded couplings, electrical welding methods, or other methods approved by the District which provide equivalent protection. PVC pipe shall be joined by solvent bonded couplings, or threaded couplings, heat welding, or other methods approved by the District which provide equivalent protection approved methods which shall meet the strength requirements of casing as specified in (6) above.

(3)(8) Nonmetallic and stainless steel well casing or liner pipe shall not be installed by driving unless prior approval is obtained from the District based on a demonstration that the integrity of the well casing or liner pipe will be maintained.

(a) For well casing or liner pipe installed by driving, the casing or pipe shall not butt together inside threaded couplings unless the joint is electrically welded so as to be completely watertight.

(b) A drive shoe is required for use on casing or pipe installed by driving unless prior approval is obtained from the District based on a demonstration that a drive shoe is not necessary to maintain the integrity of the casing or pipe exempted by the District.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.512 Well Construction Requirements.

(1) In the construction of a well, reasonable caution shall be taken to maintain the work site so as premises in sanitary condition and to minimize the entrance of contaminants into the water resource. Water and materials used in construction shall be reasonably free of contamination.

(2) For wells, which penetrate multiple aquifers or water bearing zones, the well shall be completed so as to prevent cross-contamination of different aquifers or zones. If significantly different water quality exists between these aquifers or water bearing zones, and to prevent leakage of water from one aquifer or water bearing zone to another must be prevented aquifer or zone.

(3) For wells obtaining water from unconsolidated earth materials, continuous finished into unconsolidated aquifers, casing shall extend from the upper terminus of the well above top of grade to the well screen. (a) The well screen shall be attached to the casing with a watertight seal, or The well shall be constructed to prevent caving or pumping of sand. A filter pack shall be installed around the screened portion of the well and the well shall be adequately developed to remove particulate materials and turbidity. If the developed well pumps sand in excess of the following industry-standard sand content limits, the well will be determined to be unsuitable for its intended use and will need to be repaired or abandoned.

(a) Flood irrigation – 15 ppm

(b) Sprinkler irrigation – 10 ppm Sealed against the casing with a packer;

(c) Home/public water supply – 5 ppm The screen assembly shall overlap the casing by at least ten (10) feet.

(d) Processing of food or beverages – 1 ppm

(4) For wells obtaining water from consolidated earth materials, finished into consolidated aquifers, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit above top of grade into



~~the top of the aquifer.~~ For artesian wells, the casing shall penetrate the entire thickness of the overlying formation above the aquifer ~~or producing zone within the aquifer.~~

~~(5) Notwithstanding the provisions of (4) above~~ The District may grant waivers for seating of casing within the confining zone above an artesian aquifer ~~on a case by case basis when, in the opinion of the District, extending casing to the top of the aquifer would present undue hardship,~~ provided that;

(a) The casing extends a sufficient distance into the confining zone so as to prevent movement of water from the artesian aquifer to overlying aquifers;

(b) The District determines that such construction will not ~~harm~~ adversely affect the water resources.

~~(6) If a well cannot be properly completed to prevent an unauthorized interchange of water between water bearing zones or to prevent a loss of artesian pressure, the well shall be abandoned and plugged in accordance with subsection 40E-3.531(3), F.A.C., or other directions from the District, which are appropriate for the geological conditions encountered. In all cases casing shall extend from land surface to a minimum of three (3) feet below land surface.~~

(7) Water wells constructed using Bentonite grouts shall meet all the following requirements:

(a) The casing seat must be clean allowing the casing to be set at the total depth bored in a hole reasonably free of drill cuttings;

(b) A formation packer or a 5-foot neat cement plug must be installed at the casing seat;

(c) Neat cement must be placed in the upper three (3) feet of the annular space to prevent deterioration of, or damage to, the Bentonite seal; and

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of Bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids.

(e) Bentonite grout used for abandonment purposes is not restricted by well size, but cannot be used to abandon a dry well and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended.

#### 40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of artesian pressure in artesian aquifers. All wells shall be constructed and sealed using a method which insures that an open or unnatural permeable annular space does not remain when a well is completed.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in Chapter 62-532, F.A.C., and this rule. The casing shall be centered in the borehole prior to grouting and sealing. In those cases where, during grouting operations, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation and the annulus shall be bridged at that point by sand and other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the pipe or other approved method, may also be used to complete grouting when the total volume of grout to be emplaced exceeds that which can be safely emplaced in one continuous operation. The minimal set time for grouting of casing before drilling operations may continue, shall be 12 hours.

(2) For any part of a well casing with an outside diameter of four inches or larger intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal two inch thickness of neat cement grout. Wells less than four inches in diameter must have a minimum of a one inch annular space for grouting. Wells equal to or greater than four inches in diameter must have an annular space equal to or greater than two inches for grouting.

(3) For any part of a well casing with an outside diameter of less than four inches intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal one inch thickness of neat cement grout minimum. Wells constructed in unconsolidated formations by any method which creates an annular space shall be grouted no more than ten (10) feet above the top of the screen to land surface.

(4) Wells obtaining water from unconsolidated formations using a method other than jetting or driving a casing and creating an annular space shall be grouted from no more than ten (10) feet above the top of the screen to the upper terminus. Borehole cuttings shall not be reintroduced into the annular space. The District may grant individual exceptions or, with the concurrence of the Department, may exempt any areas of the District from the requirements of grouting the annular

space of that part of the well which penetrates an unconsolidated formation, except that the uppermost three feet of the casing must be grouted to provide protection from contaminated surface water.

(5) For wells constructed using a jetting method and obtaining water from an unconsolidated formation of a naturally caving nature in which the annular space is completely filled with formation material, only the upper three (3) feet shall be grouted to provide protection from possible contaminated surface water. All other wells shall be grouted from the bottom of the casing to land surface.

(6) For wells obtaining water from a consolidated formation, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit. Wells, which are constructed using telescoping casings, shall be considered as a continuous casing provided the following conditions are met: Grouting and sealing of water wells, shall be accomplished by the practices and methods recommended by section A1-8.4 of AWWAA100-66, AWWA Standard for Deep Wells, American Water Works Association, Inc. or other methods approved by the District.

(a) The annular space between each casing and the borehole shall be grouted in accordance with the provision of subsections (1)-(3) above.

(b) The bottom end of the casing shall extend to or below the water level of the aquifer intended to supply water to the well.

(c) All caving zones below the uppermost consolidated unit shall be cased.

(d) A minimum of 10 feet overlap is required for non-public supply wells. One casing centralizer shall be used within the overlapped section.

(7) All other wells shall be grouted from the bottom of the casing to land surface. Wells constructed by methods which require driven well casing are exempt from Rule 40E-3.517(2) and (3), provided the following conditions are met:

(a) Casing shall be driven from land surface to its final depth in a borehole smaller in diameter than nominal outside diameter of the casing used, or be driven from land surface to its final depth ahead of the drill bit;

(b) A drive shoe as defined in Rule 40E-3.021(12) is used;

(c) No annular space exists after casing is installed;

(d) The uppermost three feet of the casing must be grouted to provide protection from contaminated surface water;

(e) The well is sealed in accordance with Rule 40E-3.517(8) and (9);

(f) All other requirements of this part are met.

(8) Unless a variance has been granted by the District, grouting and sealing of water wells shall be accomplished in the following manner: Temporary Well Seals.

Whenever there is a temporary interruption in work on the well during construction, repair or abandonment the well opening shall be sealed with a substantial watertight cover. Except for those areas of the District designated by the District with the concurrence of the Department, any well in which pumping equipment is installed seasonally or periodically shall, be capped with a water tight cap or valve. Whenever pumping equipment is not installed, If a temporary well seal is installed, an unobstructed inspection port must be provided for wells six (6) inches or greater in diameter.

(a) The grout mixture shall consist of either Portland Cement or a natural Bentonite slurry for wells and boreholes meeting the requirements in subsection 40E-3.512(7), F.A.C.

1. A mixture consisting of 5.2 to 6.0 gallons of water per sack of Portland Cement or a mixture of 6.5 gallons of water per sack of Portland Cement with 3 to 5 pounds of Bentonite not to exceed 5% by weight will meet minimum requirements.

2. A mixture of 8-20 mesh granular Bentonite, water, and an approved liquid viscosifier or untreated 200-mesh Bentonite and water is acceptable. In all circumstances, the manufacturer's mixing instructions shall be followed.

(b) The minimum set time for grouting of casing using either Portland Cement or Bentonite before drilling operations may continue is 12 hours.

(c) The casing shall be centered in the borehole prior to grouting and sealing.

(d) Grouting of the annular space shall be completed using the tremie pipe, forced pressure, or other equivalent method approved by the District. In all cases, grout will be introduced into the annular space from bottom to top.

(e) Wells constructed by driving well casing are exempt from the grouting and sealing guidelines as set forth in previous sections of this Rule provided that dry Bentonite with an average mesh size of between 4 and 20 U.S. standard sieve size or grain size between 5mm and .85mm must be added to the continuous casing string at land surface at the beginning and during construction of the well.

(f) In those cases where, during grouting operation, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation and the annulus shall be bridged at that point by sand or other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the tremie pipe or other approved methods.

(9) Permanent Well Seals.

Wells located on ground subject to flooding shall be properly sealed to prevent the movement of contaminants and surface water into the well. The upper end of the well casing shall include a watertight seal with any vent above the 100-year flood level. Pumping equipment and any necessary pipe or electrical connections shall be so installed as to prevent

~~inadvertent introduction of contaminants into the well. Pumping equipment and any necessary piping or electrical connections installed within the casing shall be installed through a well seal. An unobstructed inspection port equipped with a temporary removable plug shall be provided and accessible at the wellhead for wells six (6) inches or greater in diameter.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.521 Well Seals.

(1) Temporary Well Seals.

(a) Whenever there is a temporary interruption during construction, repair or abandonment the well opening shall be sealed with a reasonably watertight cover.

(b) Except in areas designated by the District, any well in which pumping equipment is installed seasonally or periodically shall be capped with a water tight cap or valve. The top of the well casing shall, at a minimum, extend one (1) foot above land surface.

(c) If a temporary well seal is installed, an unobstructed inspection port must be provided. Inspection ports shall be sealed with threaded temporary removable watertight plug or locking cap.

(2) Permanent Well Seals.

(a) Wells shall be properly sealed to prevent the movement of contaminants and surface water into the well.

(b) The upper end of the well casing shall at a minimum extend one (1) foot above land surface, and include a watertight seal, with any vents at least one (1) foot above the 100-year flood level.

(c) Pumping equipment and any necessary pipe or electrical connections shall be installed to prevent inadvertent introduction of contaminants into the well, and if installed within the casing, shall be installed through a well seal.

(d) An unobstructed inspection port equipped with a temporary removable watertight plug may be required for wells six (6) inches or greater in diameter.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New \_\_\_\_\_.

40E-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved ~~by the District pursuant to Section 40E-3.0511.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.529 Flowing Wells.

If the well flows at land surface, ~~it each well~~ shall be equipped provided with a valve to control the discharge from the well pursuant to Section 373.206.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

40E-3.531 Abandoned Well Plugging.

(1) Any well which was not constructed in accordance with the standards of Part II and fails to be corrected upon written notice in accordance with subsection Rule 40E-3.461(2), F.A.C., shall be deemed an abandoned well. Any well, which has been permanently disconnected from pumping equipment and has not been converted to a monitoring well, shall be deemed to be abandoned. The owner of the property, on which an abandoned well is located, shall be responsible for ensuring that all abandoned wells on the property are properly plugged.

(2) Any well, which is an abandoned artesian well under subsection 373.203(1), F.S. Florida Statutes, shall be plugged in accordance with this section paragraph (3).

(3) All abandoned wells shall be plugged by filling them from bottom to top with neat cement or Bentonite grout within a time specified by the District; ~~unless otherwise provided in writing by the District. The plugging shall be to restore or improve the hydrologic conditions which existed before the well was constructed.~~ The work shall be accomplished by a licensed water well contractor.

(a) Use of clean aggregate to bridge cavernous or lost circulation zones shall be allowed if measurements indicate loss of grout, and the borehole or screened portion does not connect two (2) or more aquifers of significantly differing water quality. Grouting of confining units shall be required to segregate producing units of significantly differing water quality. Prior approval to use aggregate or other material must be obtained from the District.

(b) Obstructions shall be cleared from all wells prior to grouting.

(4) Requests to abandon a well shall be submitted on the application form provided by the District, unless the well is exempt from permitting under Rule 40E-3.051, F.A.C.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wm. Scott Burns, Director, Water Use Regulation Department  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Review of General Water Use	
Permit Applications	40E-20.010
Policy and Purpose	40E-20.011

Implementation	40E-20.031
General Permit for Water Use	40E-20.042
Delegation of Authority Pertaining to General Water Use Permits	40E-20.061
Publications Incorporated by Reference	40E-20.091
Content of General Water Use Permit Applications	40E-20.101
Notice of Intent	40E-20.112
Request for Additional Information	40E-20.141
Conditions for Issuance of General Water Use Permits	40E-20.301
Conditions for Issuance of Authorization	40E-20.302
Duration of General Water Use Permits	40E-20.321
Modification of General Water Use Permits	40E-20.331
Revocation of General Water Use Permits	40E-20.341
Transfer of General Water Use Permits	40E-20.351
Limiting Conditions	40E-20.381
Publication	40E-20.391

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUMMARY: The following topics are modified: Dewatering, General Water Use Permit Thresholds, Reduced Threshold Areas, Conditions of Issuance, and Delegations to Staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.083, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.60(2), 373.103, 373.118, 373.219, 373.223, 373.229 FS.

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

TIME AND DATE: 8:30 a.m., March 14, 2002

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov) or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULES IS:

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

General Water Use permit applications ~~and notices of intent~~ are processed pursuant to the provisions of Section 120.60, F.S., Part VI of Chapter 40E-1, F.A.C., and Chapter 28-107, F.A.C.

Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended.

40E-20.011 Policy and Purpose.

(+) The rules in this chapter authorize issuance of grant 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. ~~requirements for qualifying for a general water use permit and the conditions under which it may be exercised.~~ 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 final agency action on applications submitted under this rule pursuant to Section 373.118, F.S. and Chapter 40E-20, F.A.C. 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. Water uses or withdrawals that meet the conditions for issuance of authorization for a general permit specified in Rule 40E-20.302 are presumed to meet the criteria in Section 373.223, Florida Statutes. Staff will recommend denial of general permit authorizations for water uses or withdrawals that do not meet the conditions for issuance of authorization. The District shall require an individual permit, or deny issuance of a general permit authorization, if the applicable conditions for issuance of

authorization are insufficient to demonstrate that a particular proposed use or withdrawal meets the criteria in Section 373.223, Florida Statutes. Where applicable, criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District \_\_\_\_\_ – October 1997" 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., of authorization are satisfied.

Specific Authority 373.044, 373.113, 373.118, 373.083 FS. Law Implemented 373.103(4), 373.219, 373.118, 373.083 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, 9-10-01, \_\_\_\_\_.

#### 40E-20.031 Implementation.

(1) This rule specifies the effective dates of the water use general permits granted in this chapter.

(2)(a) If the use of withdrawal meets the conditions of subsection 40E-20.302(2), the effective date is December 12, 1977.

(b) If the use or withdrawal meets the conditions of subsection 40E-20.302(1)(b)1.a. or 40E-20.302(1)(b)2., or the use or withdrawal was located within Sanibel, Captiva or North Captiva Islands, Lee County, the effective date is January 29, 1979.

(c) If the use or withdrawal meets the conditions of subsection 40E-20.302(1)(b)1.e., the effective date is September 3, 1981.

(d) If the use or withdrawal meets the conditions of subsection 40E-20.302(1)(b)1.b., except Sanibel, Captiva or North Captiva Islands, or subsection 40E-20.302(1)(b)1.d., e., f., g., or h., the effective date is December 1, 1982.

(3) If the use or withdrawal meets the conditions of subsections 40E-20.302(3), or 40E-20.302(4), the effective date is July 31, 1987.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(1), 373.118, 373.216 FS. History–New 9-3-81, Amended 12-1-82, 7-26-87, Repealed \_\_\_\_\_.

#### 40E-20.042 General Permit for Water Use.

(1) All persons using or withdrawing water, who are not exempt under Rule 40E-2.051 and who meet the conditions specified in Rule 40E-20.302, are hereby granted a general permit to use and withdraw water subject to the requirements of this chapter.

(2) No use or withdrawal of water shall commence under this general permit until the permittee receives a written authorization to proceed from the District, except for permits issued pursuant to subsection 40E-20.302(4), and except in those instances when short-term dewatering applicants file a Notice of Intent pursuant to subsection 40E-20.112(3) and commence work pursuant to subsection 40E-20.302(4).

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.103(4), 373.219 FS. History–New 9-3-81, Formerly 16K-2.031(1), 16K-2.032(1)(a), Amended 7-26-87, 4-20-94, 7-2-98, 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 Director and supervisors of the Division that reviews water use permit applications.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118 FS. History–New \_\_\_\_\_.

#### 40E-20.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – December 2001", is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 272.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New \_\_\_\_\_.

#### 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 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 file the following parts of Form 0645 – Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.:

(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 Water Use General 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 file Form 0645 – Water Use Permit Applications, Part RC-1A Administrative Information for Water Use Permit Applications, and Form 0445, Application for a Dewatering Water Use General Permit, as incorporated by reference in Rule 40E-1.659, 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.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History-New

40E-20.112 Notice of Intent.

~~Except in those circumstances detailed in subsection (4), prior to commencement of any use or withdrawal of water authorized in this chapter the permittee shall file with the District, a written Notice of Intent to Use Water, form number 0645, Surface Water Management Permit Applications and/or Water Use Permit Applications, in addition to any other applicable Notice of Intent forms specified in this section for a requested general permit authorization. Authorized uses or withdrawals, in existence prior to January 29, 1979, are not required to file a Notice of Intent. However, in order to continue such use or withdrawal beyond January 29, 1999, the appropriate Notice of Intent must be filed in order to receive a general permit prior to that date.~~

~~(1) Persons qualifying for a general permit under Subsection 40E-20.302(1) shall file the Notice of Intent, at least sixty days prior to using or withdrawing water, and shall include the following information:~~

- ~~(a) The permittee's name and address;~~
- ~~(b) The date on which use or withdrawal commenced or is expected to commence;~~
- ~~(c) The source of the water supply;~~
- ~~(d) The estimated amount of water to be withdrawn;~~
- ~~(e) The use to be made of the water;~~
- ~~(f) A description of the land where the water use will occur and documentation that the permittee has legal control over the project site;~~
- ~~(g) The location of point(s) of withdrawal;~~
- ~~(h) The number and size of wells or other withdrawal facilities;~~

~~(i) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - September 2001" incorporated by reference in Rule 40E-2.091, will be met.~~

~~(2) Persons qualifying for a general permit under subsection 40E-20.302(2), shall file a Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties, form number 0659, as incorporated by reference in subsection 40E-1.659, at least 60 days prior to the intended use or withdrawal of water, and shall include the following information:~~

- ~~(a) The name of the permittee;~~
- ~~(b) The name of the proposed project;~~
- ~~(c) The location of the project;~~
- ~~(d) A brief description of the project;~~

- ~~(e) The name of the water well driller;~~
- ~~(f) A statement that all necessary Federal, State, local and special district authorizations have been received or will be received prior to initiation of drilling or any activity at the site, where required;~~
- ~~(g) The date on which use or withdrawal is expected to commence;~~
- ~~(h) The estimated amount of water to be withdrawn from each well;~~
- ~~(i) The volume and location of surface discharges of salt water, if any;~~
- ~~(j) The potential for adverse environmental impact due to the water withdrawal, if any;~~
- ~~(k) The location of any surface water use other than the permittee within 300 feet of the proposed water wells;~~
- ~~(l) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - September 2001" incorporated by reference in Rule 40E-2.091, will be met;~~
- ~~(m) Documentation that permittee has legal control over the project site.~~
- ~~(3) Persons qualifying for a general permit under subsection 40E-20.302(3), shall file form number 0445, Notice of Intent to Short-term Dewater, as incorporated by reference in subsection 40E-1.659, at least 60 days prior to the intended use or withdrawal of water, and shall include the following information:~~
  - ~~(a) The name and address of the permittee;~~
  - ~~(b) The name and location of the proposed project, including a site map;~~
  - ~~(c) A brief description of the project, including:~~
    - ~~1. A detailed statement of why dewatering is necessary;~~
    - ~~2. The maximum depth of the excavation, if applicable;~~
    - ~~3. The method of proposed excavation;~~
    - ~~4. Documentation that the permittee has legal control over the project site;~~
    - ~~5. A recent aerial photo and topographic map of the site;~~
    - ~~6. Description of all existing and proposed pumps, including pump size, pump ratings and estimated withdrawal in million gallons per day;~~
    - ~~7. Description of all existing and proposed culverts;~~
  - ~~(d) The name and address of the dewatering contractor, if different from permittee;~~
  - ~~(e) A statement, if applicable, that the contractor expects to commence dewatering pursuant to subsection 40E-20.302(4) while the Notice of Intent is under review;~~
  - ~~(f) The site's surface water management permit number, if any;~~
  - ~~(g) The date on which dewatering is expected to commence and be completed;~~

~~(h) A statement explaining how potential adverse environmental impacts will be avoided during the dewatering operation;~~

~~(i) The proposed discharge location, if any;~~

~~(j) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District — September 2001" incorporated by reference in Rule 40E-2.091, will be met.~~

~~(4) Persons are not required to file a Notice of Intent to qualify for a short-term dewatering general permit if the conditions of subsection 40E-20.302(4) are satisfied.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History—New 9-3-81, Formerly 16K-2.031(3), 16K-2.032(3), Amended 7-26-87, 11-21-89, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 7-2-98, 9-10-01, Repealed \_\_\_\_\_.

40E-20.141 Request for Additional Information.

If the information provided in the General Water Use Permit application required by Rule 40E-20.101, F.A.C., the Notice of Intent required by Rule 40E-20.112 is not sufficient to determine whether the use or withdrawal qualifies for a general water use permit or permit modification or meets the criteria and conditions in Rules 40E-20.301~~381~~ and 40E-20.302, F.A.C., the District may request the applicant permittee to submit additional information pursuant to Rule 40E-1.603, F.A.C. including any information required in Rule 40E-2.101.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.219 FS. History—New 9-3-81, Amended 4-20-94, 7-2-98, \_\_\_\_\_.

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 environmental harm;
- (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 62-40.401(2), F.A.C.
- (f) Will not interfere with presently existing legal uses;
- (g) Is in accordance with the State Water policy on water transport pursuant to Rule 62-40.402, F.A.C.;

(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month, makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Critical Water Supply Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available; and

(i) Meets the established minimum flows and levels and implementation provisions in Chapter 373, F.S., this Chapter, and Chapter 40E-8, F.A.C.; and

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

(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 subsection 40E-20.091(1), F.A.C., are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(4), 373.118, 373.223, 373.229 FS. History—New \_\_\_\_\_.

40E-20.302 Types of General Water Use Permits Conditions for Issuance of Authorization.

(1) Standard General Water Use Permit – the use or withdrawal 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. To receive a general permit authorization, a person must provide reasonable assurances that the conditions for issuance of authorization are met. Applicable criteria in the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District — September 2001" incorporated by reference in Rule 40E-2.091(1), shall be utilized by District Staff in determining whether applicable conditions for issuance of authorization will be met.

(1)(a) The use or withdrawal of water not exceeding the thresholds in paragraph (b) Qualify for a general permit.

(b) Thresholds

1. 10,000 gallons average per day or 20,000 gallons maximum per day within the following areas:

a. Stuart Peninsula (see Figure 20-1):

BEGINNING at the Southeasterly end of Roosevelt Bridge (U.S. Highway No. 1 Bridge) over the St. Lucie River in Section 5, Township 38 South, Range 41 East, City of Stuart, Martin County, Florida; thence, Northerly, Easterly, Southeasterly, Southerly and Southwesterly along the Southerly and Southwesterly bank of the St. Lucie River to the Northerly bank of Willoughby Creek; thence, Northwesterly along said Northerly bank to Indian Street; thence, Southwesterly along Indian Street, Indian Avenue and its Westerly prolongation to the East bank of the South Fork of the St. Lucie River; thence, Northerly along said Easterly Bank to the POINT OF BEGINNING.

b. Lee County (see Figure 20-2):

All of Lee County as described in Section 7.36, Florida Statutes:

e. Lighthouse Point Peninsula (see Figure 20-3):

A parcel of land in Section 31, Township 37 South, Range 41 East, Section 1 and 12, Township 38 South, Range 40 East and Sections 5, 6, 7 and 8, Township 38 South, Range 41 East, Martin County, Florida, being specifically described as follows:

~~BEGINNING at the Southeast corner of said Section 7; thence, Westerly along the South line of said Section 7 to the West line of the East one-quarter of said Section 7; thence, Northerly along said West line to the South line of the North one-quarter of said Section 7; thence, Westerly along said South line and along the South line of the North one-quarter of said Section 12 to the West line of said Section 12; thence, Northerly along the West line of said Section 12 to Bessey Creek; thence, Northeasterly along Bessey Creek to the South Bank of the North Fork of the St. Lucie River; thence, Easterly and Southerly along said South bank and the Westerly bank of the South Fork of the St. Lucie River to the South line of said Section 8; thence, Westerly along the South line of said Section 8 to the Southeast corner of said Section 7, and the POINT OF BEGINNING.~~

~~d. Coastal Collier County (see Figure 20-4).~~

~~BEGINNING at the Northeast corner of Section 1, Township 47 South, Range 27 East; Thence, Westerly along the Township line between Townships 46 and 47 to the Northwest corner of Section 6, Township 47 South, Range 27 East; Thence, Southerly along the Range line between Ranges 26 and 27 to the Northeast corner of Section 12, Township 48 South, Range 26 East; Thence, Westerly along the North lines of Sections 7 through 12, Township 48 South, Range 26 East and Sections 9 through 12, Township 48 South, Range 25 East to the Southeast corner of Section 5, Township 48 South, Range 25 East; Thence, Northerly along the Section line to the Northeast corner of said Section 5; Thence, Westerly along the Township line between Townships 47 and 48 to the Gulf of Mexico; Thence, Southerly along said Gulf, including all islands and the waters of said Gulf within the jurisdiction of the State of Florida, to the intersection thereof with the West boundary line of the Everglades National Park; Thence, Northerly and Easterly along said Everglades National Park boundary line to the Southeast corner of Section 12, Township 53 South, Range 30 East; Thence, Northerly along the Range line between Ranges 30 and 31 to the Northeast corner of Section 13, Township 52 South, Range 30 East; Thence, Westerly along the North lines of Sections 13 through 18, Township 52 South, Range 30 East to the Northwest corner of Section 18, Township 52 South, Range 30 East; Thence, Northerly along the Range line between Ranges 29 and 30 to the Northeast corner of Section 1, Township 52 South, Range 29 East; Thence, Westerly along the Township line between Townships 51 and 52 to the Northwest corner of Section 6, Township 52 South, Range 29 East; Thence, Northerly along the Range line between Ranges 28 and 29 to the Northeast corner of Section 25, Township 47 South, Range 28 East;~~

~~Thence Westerly along the North lines of Sections 25 through 30, Township 47 South, Range 28 East to the Northwest corner of Section 30, Township 47 South, Range 28 East; Thence, Northerly along the Range line between Ranges 27 and 28 to the POINT OF BEGINNING.~~

~~e. Southwestern Glades County (see Figure 20-5).~~

~~BEGINNING at the Southwest corner of Section 31, Township 42 South, Range 28 East; Thence, Northerly along the Section lines to the Northwest corner of Section 6, Township 42 South, Range 28 East; Thence, Easterly along the Section lines to the Northeast corner of Section 1, Township 42 South, Range 29 East; Thence, Southerly along the Section lines to the Southeast corner of Section 36, Township 42 South, Range 29 East; Thence Westerly along the Section lines to the Southwest corner of Section 33, Township 42 South, Range 29 East; Thence, Northerly along the Section lines to the Northwest corner of said Section 33; Thence, Westerly along the Section lines to the Northeast corner of the West one-half of Section 31, Township 42 South, Range 29 East; Thence Southerly along the North/South quarter line to the intersection thereof with the South line of said Section 31; Thence, Westerly along the Section lines to the POINT OF BEGINNING.~~

~~f. Northwestern Hendry County (see Figure 20-6).~~

~~BEGINNING at the Northwest corner of Section 6, Township 43 South, Range 28 East; Thence, Southerly along the Section lines to the Southwest corner of Section 31, Township 43 South, Range 28 East; Thence, Easterly along the Section lines to the Southeast corner of Section 36, Township 43 South, Range 29 East; Thence, Northerly along the Section lines to the Northeast corner of Section 1, Township 42 South, Range 29 East; Thence, Westerly along the Section lines to the Southwest corner of Section 33, Township 42 South, Range 29 East; Thence, Northerly along the Section line to the Northwest corner of said Section 33; Thence, Westerly along the Section lines to the Northwest corner of the East one-half of Section 32, Township 42 South, Range 29 East; Thence, Southerly along the North/South quarter line to the intersection thereof with the South line of said Section 32; Thence, Westerly along the Section lines to the POINT OF BEGINNING.~~

~~g. The Savannas and Jensen Beach Peninsula (see Figure 20-7).~~

~~Begin at the intersection of the South line of Section 22, Township 35 South, Range 40 East and the center line of U.S. Highway 1; Thence, Northerly along said center line to the North line of the South one-half (S 1/2) of said Section 22; Thence, Easterly along said North line and the North line of the South one-half (S 1/2) of Section 23, Township 35 South, Range 40 East to the Westerly bank of the Indian River; Thence, Southeasterly along said bank to the Northerly bank of the St. Lucie River; Thence, Northwesterly and Northerly along the North bank of the St. Lucie River and the East bank of the North Fork of the St. Lucie River to the North line of the~~



South one-half (S 1/2) of Section 4, Township 36 South, Range 40 East; Thence, Easterly along said North line and the North line of the South one-half (S 1/2) of Section 3, Township 36 South, Range 40 East to the intersection thereof with the center line of U.S. Highway 1; Thence, Northerly along said center line to the POINT OF BEGINNING.

h. Coastal Juno Beach (see Figure 20-8).

BEGINNING at the intersection of the centerline of Old Dixie Highway (Alternate A1A) with the centerline of PGA Boulevard in Section 6, Township 42 South, Range 43 East; Thence, Northerly, along said centerline of Old Dixie Highway, to the intersection thereof with the centerline of the Loxahatchee River; Thence, Easterly, along said centerline and the centerline of the Jupiter Inlet, to the Westerly shoreline of the Atlantic Ocean; Thence Southerly, along said shoreline, to the intersection thereof with the South line of Section 3, Township 42 South, Range 43 East; Thence, Westerly, along said Section line and along the South line of Section 4, Township 42 South, Range 43 East, to the intersection thereof with the centerline of U.S. Highway 1 (State Road 5); Thence, Northerly, along said centerline, to the intersection thereof with the centerline of PGA Boulevard; Thence, Westerly, along said centerline, to the POINT OF BEGINNING.

2. 500,000 gallons per day within South Dade County Water Use Basin (see Figure 20-9). BEGINNING at the Northwest corner of Section 6, Township 55 South, Range 38 East; Thence, Southerly along the section lines to the Northeast corner of Section 24, Township 58 South, Range 37 East; Thence Westerly to the Northwest corner of said Section 24; Thence, Southerly along the section lines to the Southwest corner of Section 36, Township 58 South, Range 37 East; Thence, Easterly to the Southeast corner of said Section 36; Thence, Southerly along the section lines to Southwest corner of Section 7, Township 58 South, Range 38 East; Thence, Easterly along the section lines to the centerline of South Florida Water Management District's Canal 111; Thence Southeasterly, Southerly and Southeasterly along said centerline of Canal 111 to the centerline of State Road 5 (U.S. Highway 1); Thence, southerly along said centerline of State Road 5 (U.S. Highway 1) to the Dade-Monroe County line and Florida Bay; Thence, Northeasterly along the Dade-Monroe county line to the Western shore of Little Card Sound, Thence, Northeasterly and Northerly along the Western shore of Little Card Sound and Biscayne Bay to the south line of Section 14, Township 56 South, Range 40 East; Thence, Westerly along the section lines to the centerline of State Road 821. Thence, Northerly along said centerline of State Road 821 to the South Line of the North one-half of Section 17, Township 56 South, Range 40 East; Thence, Westerly along the one-quarter section lines to the Southwest corner of the Northwest one-quarter of said Section 18; Thence, Northerly to the Southeast corner of Section 12, Township 56 South, Range 39 East; Thence, Westerly along the south line of said Section 12 to the

Southwest corner of said Section 12; Thence, Northerly along the West line of Said Section 12 to the centerline of South Florida Water Management District's Canal 1 West; Thence, Northwesterly and Westerly along said centerline of Canal 1 West to the centerline of South Florida Water Management District's Levee 31 North; Thence, Northerly along the centerline of said Levee 31 North to the North line of Section 2, Township 55 South, Range 38 East; Thence, Westerly along the section lines to the POINT OF BEGINNING.

3. 100,000 gallons per day within areas of the District not delineated in subparagraphs 1. and 2.

(e) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(2) Persons using or withdrawing water in conjunction with oil well drilling within Lee, Collier and Hendry Counties qualify for a general permit under the following conditions:

(a) The maximum daily groundwater pumpage does not exceed 0.7 million gallons for any one oil drilling site;

(b) The maximum total installed capacity does not exceed 1,000 gallons per minute for any one oil drilling site; and

(c) The person has received a Department of Natural Resources permit, a Department of Environmental Protection water quality certificate or waiver, if required, and the approval of the Big Cypress Advisory Committee, if required, for the proposed site;

(d) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(2)(3) Dewatering General Water Use permit – The use of water Persons using or withdrawing 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: qualify for a general permit, not to exceed the thresholds described in subparagraph (3)(b)1., below, by satisfying the following conditions and providing the following reasonable assurances:

(a) If the dewatering operation is associated with a surface water management system, the applicant must have:

1. Submitted a surface water management permit application which is deemed complete, pursuant to Rule 40E-1.603, and

2. Received proposed agency action recommending approval of such application.

(a)(b) The proposed dewatering operation:

1. will not exceed a maximum of ten million gallons per day, with a maximum of ~~eighteen nine~~ hundred (1800 900) million gallons total pumpage and will not exceed a total duration of one year for the entire project.

2. ~~Will retain all discharge on either the permittee's land or on adjacent lands or on other existing drainage or runoff facilities which are at all times capable of legally handling the additional dewatering discharge and in which a right to discharge exists., provided discharge to tidal waters is restricted; unless specific authority is granted by the District for conditional discharge. to tidewater; except saline water, as defined in the document incorporated in Rule 40E-2.091, may be discharged to tidewater.;~~

3. ~~Will not dewater to a depth below 0.0 NGVD within 1000 feet of saline water, except when dewatering saline water, as defined in the document incorporated in Rule 40E-2.091;~~

4. ~~Will not interfere with any presently existing legal use;~~

5. ~~Will not occur within 100 feet of a waste water treatment plant percolation pond;~~

6. ~~Will not cause an exchange of saline and fresh water or movement of a plume of contaminated groundwater;~~

7. ~~Will not adversely impact off-site land uses existing at the time of application;~~

8. ~~Will not cause adverse environmental impacts;~~

9. ~~Will not cause violation of state water quality standards for either surface or ground water;~~

10. ~~Will satisfy any applicable District criteria for above ground impoundments;~~

11. ~~Is otherwise a reasonable beneficial use as defined in subsection 373.019(4), Florida Statutes.~~

(c) ~~Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.~~

(3)(4) 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: Persons who use or withdraw water in conjunction with short term dewatering operations or aquifer performance tests (APT) are authorized to do so provided the permittee provides reasonable assurances that the applicable conditions of subparagraph 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 2001” incorporated by reference in subsection 40E-2.091(1), will be satisfied and provided the permittee satisfies all the conditions below:

(a) ~~The proposed dewatering operation:~~

1. ~~will may not exceed a maximum of five (5) ten (10) million gallons per day, with a maximum of one hundred (100) two hundred (200) 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.~~

2. ~~May not discharge off-site, except to either the permittee's land or adjacent lands or on other existing drainage or runoff facilities, which are at all times capable of legally handling the additional dewatering discharge and to which a right to discharge exists, provided discharge to tidal waters is restricted; saline water, as defined in the document incorporated in Rule 40E-2.091, may be discharged to tidewater;~~

3. ~~May not dewater to a depth below 0.0 NGVD within 1000 feet of saline water except in the case of dewatering saline water, as defined in the document incorporated in Rule 40E-2.091;~~

4. ~~May not adversely impact existing off-site land uses;~~

5. ~~May not cause an exchange of saline and fresh water or movement of a plume of contaminated groundwater;~~

6. ~~May not interfere with any presently existing legal use;~~

7. ~~May not cause a violation of state water quality standards for either surface or groundwater;~~

8. ~~May not occur within 100 feet of a waste water treatment plant percolation pond;~~

9. ~~May not occur within one mile of a known landfill;~~

10. ~~May not cause adverse environmental impacts; or~~

11. ~~Is a reasonable beneficial use as defined in subsection 373.019(4), Florida Statutes.~~

Specific 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, 9-10-01,

40E-20.321 Duration of General Water Use Permits.

(1) ~~The duration of the 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, expiration or termination date of the permittee's legal control over the project site or activities; or the applicable general permit expiration date in subsections (2) through (5)(6), 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: 20 years, determined as follows:~~

(a) For uses with a maximum monthly allocation less than 3 million gallons per month (mgm), the period shall not exceed 20 years, for uses in existence on January 29, 1979, the 20 year period begins on that date;

(b) For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), the period shall not exceed the basin expiration date as specified in the document described in Rule 40E-20.091 as applicable to the location of the project for uses not in existence on January 29, 1979, the 20 year period begins with the date of issuance of authorization for the Notice of Intent required in subsection 40E-20.112(1).

~~(3) The duration of the general permit authorized in Subsection 40E-20.302(2) shall be from the date of first withdrawal until completion of the oil well drilling activities at the site or the expiration of the Department of Environmental Protection permit for that site, whichever occurs last.~~

~~(3)(4) The duration of the general permit authorized in subsection 40E-20.302(3), F.A.C., shall not exceed one (1) year six (6) months from the date of issuance of authorization.~~

~~(4)(5) The duration of the general permit authorized in subsection 40E-20.302(4), F.A.C., shall not exceed ninety (90) days after commencing dewatering.~~

~~(5)(6) 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)(7) 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.~~

Specific 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, \_\_\_\_\_.

40E-20.331 Modification of General Water Use Permits.

(1) A permittee shall apply to the District Board for approval of any modification of an unexpired general water use permit pursuant to Section 373.239, F.S., and Florida Statutes. ~~The Executive Director shall initiate proceedings to modify a permit pursuant to Rule 40E-1.609, F.A.C.~~

(2) Applications for modification except for modifications issued pursuant to subsection ~~(3)(4)~~ shall contain the information required in Rule 40E-20.10112, F.A.C., will be evaluated using the conditions and requirements criteria 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 criteria in Rules 40E-20.301 and 40E-20.302, F.A.C., are met.

~~(3) Proposed increases in allocation will be treated as new uses to the extent the proposed allocation exceeds the existing allocation. The applicable general permit allocation threshold in Rule 40E-20.302 shall not be exceeded.~~

~~(3)(4)(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.; result in an increase in the amount of water permitted to be used;~~

~~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.; not to exceed the applicable basin expiration date;~~

~~3. Does not potentially interfere with any presently existing legal use of water, cause adverse environmental harm, harmful impacts saltwater intrusion or, pollution of the water resources, harm adverse impacts to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether harm such impacts would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District \_\_\_\_\_ ~~October 1997~~", incorporated by reference in Rule 40E-20.091(4), F.A.C.; and~~

~~4. Does not change the permitted withdrawal source(s) or use classification and;~~

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

~~(b) The time frames set forth in Rule 40E-1.603, F.A.C., ~~606~~ shall apply to the processing of applications for letter modifications.~~

Specific Authority 373.044, 373.113 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, \_\_\_\_\_.

40E-20.341 Revocation of General Water Use Permits.

Violations of this Chapter may result in the revocation or suspension of the permit authorization in whole or in part in accordance with the provisions of Sections 373.119 and 373.243, F.S. Florida Statutes, Chapter 120, F.S. Florida Statutes, and Rules 40E-1.609 and 28-107.004, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(6), 373.103(4), 373.219, 373.229 FS. History--New 9-3-81, Formerly 16K-2.031(5), 16K-2.032(5), Amended 4-20-94, 7-2-98, \_\_\_\_\_.

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.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 12-1-82, Amended 4-20-94, Repromulgated

40E-20.381 Limiting Conditions.

~~Staff The Board~~ 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 ~~October 1997~~” 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 \_\_\_\_\_ —~~October 1997~~” shall be in the permit.

Specific 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, 9-10-01, \_\_\_\_\_.

40E-20.391 Publication.

The publication of general permits shall comply with Rule 40E-1.6058, F.A.C.

Specific 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

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Benefits  
PURPOSE AND EFFECT: The purpose of the proposed rule is to add dental insurance coverage to the part-time Lottery employee benefits.  
SUMMARY: The proposed rule adds dental insurance coverage to the part-time Lottery employee benefits and updates other provisions in the rule.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

RULE NO.: 53-14.009

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

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

LAW IMPLEMENTED: 24.105(19)(d) FS.

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

TIME AND DATE: 9:00 a.m., February 27, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-14.009 Benefits.

(1) No change.

(2) The Lottery shall pay for a portion (proportionate to hours worked) of state health, dental, life and disability insurance coverage for part-time employees filling established positions on the condition that the remaining portion is paid by the employee.

~~(3) Employees in authorized positions with less than .75 full time equivalent are not eligible to participate in the dental program.~~

(3)(4) Any special clothing required by Lottery employees is subject to the provisions of Chapter Rule 60L-1, Florida Administrative Code (F.A.C.).

(4)(5) Any moving expenses incurred by Lottery employees are subject to the provisions of Chapter Rule 60L-9, F.A.C.

(5)(6) All employees in regularly established positions are required to participate in the Florida Retirement System, except employees who previously elected to remain in the State and County Officers and Employees Retirement System or the Teachers Retirement System.

(a) The Florida Retirement System is governed by Chapter 121, Florida Statutes F.S., and Chapters 60S-1 through 60S-7, and Chapter 60S-9 60S, F.A.C.

(b) All members of the Florida Retirement System must participate in social security.

(6)(7) Educational Support within the State University System.

(a) Tuition free courses for state employees – A permanent full-time state employee in an established position who at the time of registration has been employed with the state for at least six (6) months (length of service will be calculated from the date of initial employment to the first day of classes as

listed in the university catalogue) and who meets academic requirements, can be allowed to enroll on a space available basis for up to six (6) hours of on-campus instruction per fall, spring and summer term without payment of the registration fee. The instruction must be in a job related course or program as determined by the employee and the supervisor designated by the agency. ~~(See also Rule 60L-12, F.A.C., on tuition free courses for further information).~~

(b) Each Lottery employee participating in this program shall file forms prescribed by the university at the time of registration, including a certification signed by the employee and the immediate supervisor that the course or program is job related. This certification shall also include a statement that the employee is not being paid by the state for the time involved and is qualified to participate.

Specific Authority ~~24.105(9)(19)(j)~~ FS. Law Implemented ~~24.105(19)(21)(d)~~ FS. History—New ~~2-25-93~~, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Sick Leave RULE NO.: 53-16.007

PURPOSE AND EFFECT: This rule is being readopted in its entirety to avoid statutory repeal.

SUMMARY: Pursuant to Ch. 01-43, § 208, Laws of Fla., this rule is being readopted in its entirety to avoid statutory repeal. No changes are proposed. The Lottery filed the re-adoption of Rule 53-16.007, by Emergency Rule 53ER01-84, on December 26, 2001. The proposed rule amendment will implement the Emergency Rule provisions in permanent rule form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

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

LAW IMPLEMENTED: 24.105(19)(j), 110.122 FS.

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

TIME AND DATE: 9:00 a.m. February 27, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-16.007 Sick Leave.

(1) Method of earning sick leave.

(a) All full-time employees filling established positions who are paid on a monthly basis shall accrue ten (10) hours of sick leave for each full calendar month of employment.

(b) Part-time employees who work a fixed percentage of the pay period shall accrue sick leave credits for hours worked during that pay period proportionate to the time worked.

(c) Employees who work less than a full pay period due to initial employment or separation during a pay period, transfer between agencies, or leave of absence without pay, shall accrue sick leave credits for the hours worked during that pay period in accordance with the following table:

<u>Monthly Pay Period</u>	
<u>Hours Worked</u>	<u>Sick Leave Credits</u>
Less than 36	0
36 through 70	2.5
71 through 103	5.0
104 through 138	7.5
139 or more	10.0

(d) During leave of absence with pay, an employee shall continue to accrue sick leave credits, except when an employee is granted leave in conjunction with resignation from state government. In such case, the employee shall not accrue sick leave credits during the leave of absence.

(e) Sick leave accrued during any pay period shall be credited to the employee on the last day of the pay period or, in the case of separation, on the last day the employee is on the payroll.

(f) There shall be no limit on the number of hours of unused sick leave an employee may accrue.

(2) Use of accrued sick leave.

(a) Use of sick leave shall not be authorized prior to the time it is accrued and shall only be used upon prior written request, when possible, with the approval of the proper authority within the Lottery. Unused sick leave credits accrued prior to October 1, 1973, shall be used prior to any sick leave credits accrued subsequent to that date.

(b) Sick leave shall be authorized only for the following purposes:

1. The employee's personal illness, injury, or exposure to a contagious disease which would endanger others. Personal illness shall include disability caused or contributed to by pregnancy, miscarriage, abortion, or childbirth, and recovery therefrom.

2. The employee's personal appointments with a doctor, dentist, or other recognized practitioner when it is not possible to arrange such appointments for off-duty hours.

3. Illness or injury of a member of the employee's immediate family when the employee's presence with the family member is necessary and required, not to exceed six (6) months.

(c) Notification of absence due to illness, injury, or exposure to a contagious disease shall be given to the immediate supervisor by the employee or the employee's representative as soon as possible on the first day of absence.

(d) Upon request, an employee shall be allowed to use accrued sick leave credits as provided in this section:

1. After two (2) workdays of absence in any thirty (30) calendar day period, the Secretary is authorized to require a medical certification of the employee's absence(s) due to illness or injury before authorizing any additional use of sick leave credits by the employee.

2. If there is a pattern of absence by an employee, such as consistent absence on the day preceding or following the employee's regular days off or absence on the same day of each week or each month, the Secretary is authorized to require a medical certification before authorizing any additional leave credits or may develop another policy for controlling such patterns of absence.

3. After ten (10) consecutive work days of absence, the employee shall submit to the Secretary a medical certification from the attending physician before any additional use of sick leave credits will be authorized for the employee. If the employee continues to be absent, the Secretary shall require further medical certification for each thirty (30) consecutive days of absence, unless the Secretary has personal knowledge that the employee is hospitalized and unable to return to work. If sick leave is to be authorized by the Secretary such medical certification must state that the employee is unable to perform the employee's regularly assigned duties.

4. If the medical certification furnished by the employee does not provide specific reasons to justify the absence or continued absence, the Secretary is authorized to require the employee to submit to a medical examination which shall be paid for by the Lottery. Based upon the medical examination, the Secretary:

a. Shall not approve further use of sick leave credits if the employee is medically evaluated as able to work.

b. Shall allow the employee to use accrued sick leave credits until such leave credits have been used or until the employee is able to return to work, whichever occurs first, if the employee is medically evaluated as unable to work. If the employee is medically certified as being unable to return to work after all sick leave credits have been used, the employee shall be allowed to use any accrued compensatory or annual leave credits before being placed on leave without pay.

5. An employee who, upon request by the Secretary, refuses to comply with these rules shall not be eligible to use accrued sick leave credits, shall be placed on leave without pay for the absence, and if the absence is for at least two (2) consecutive work days, shall be considered to have abandoned the position pursuant to paragraph 53-15.003(2)(a), F.A.C.

(e) An employee who becomes ill while on approved leave with pay or maternity leave shall be allowed to use accrued sick leave credits to cover the period of illness subject to the provisions of paragraph 53-16.007(2)(d), F.A.C.

(f) An employee who has accrued compensatory leave credits shall be allowed to first use such leave before using accrued sick leave credits.

(g) An employee who uses sick leave in an amount of time which is less than a full hour shall be charged with such leave to the closest quarter of an hour in accordance with the following table:

<u>Minutes Used</u>	<u>Time Charged</u>
0-7	.00
8-22	.25
23-37	.50
38-52	.75
53-60	1.00

(3) Transfer of unused sick leave.

(a) An employee who transfers from a position in another state agency to a position within the Lottery shall be credited by the Lottery with all unused sick leave for which the employee has not been paid.

(b) An employee who does not have a break in service between employment with a city or county and the Lottery, can be credited with up to four hundred eighty (480) hours of unused sick leave which was accrued while employed by that organization.

(4) Forfeiture of, and payment for, unused leave shall be pursuant to the provisions of Section 110.122, F.S.

Specific Authority 24.105(9)(10)(j) FS. Law Implemented 24.105(19)(21)(d), 110.122 FS. History--New 2-25-93, Repromulgated \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:  
Administrative Leave

RULE NO.:  
53-16.009

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to provide for aggregated use of up to four hours of administrative leave for mentoring and tutoring activities.

**SUMMARY:** The proposed rule provides for aggregated use of administrative leave for mentoring and tutoring activities.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

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

**LAW IMPLEMENTED:** 24.105(19)(d) FS.

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

**TIME AND DATE:** 9:00 a.m., February 27, 2002

**PLACE:** Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

**THE FULL TEXT OF THE PROPOSED RULE IS:**

53-16.009 Administrative Leave.

(1) through (14) No change.

(15) Mentoring and Tutoring Activities.

(a) Each employee shall be granted up to one and one-half (1 1/2) hours of administrative leave per week, including up to thirty minutes of travel time, for participation in tutoring and/or mentoring activities in local education programs.

The employee's supervisor may approve the aggregated use of up to four hours of administrative leave in any calendar month, provided the Secretary or the Secretary's designee deems such usage appropriate for the mentoring and/or tutoring activities set forth in paragraph (15)(b) below. If such aggregated use of administrative leave is approved, no further administrative leave shall be granted for mentoring and/or tutoring activities until one week has elapsed for every additional hour and one-half (1 1/2) taken in the aggregate.

(b) Any employee, including an employee without children and an employee who does not have school-age children, may participate in the mentoring and tutoring activities in local public or private schools, including preschools, kindergarten, and grades one (1) through twelve (12). Mentoring and tutoring activities include the following:

1. Tutoring assignments, guest speaking, assisting in career day activities;

2. Participation in the Partners for Excellence Program, After-School Homework Center Program or the Take Stock in Children Program; and

3. Other mentoring and tutoring activities or programs with local schools in which the employee's participation is pre-approved by the Lottery.

(c) Initial and continued participation in tutoring or mentoring activities will be contingent upon the operational requirements of the Lottery and upon approval from the employee's immediate supervisor.

~~(16)(4)~~ If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

~~(17)(46)~~ This section applies to employees who are filling authorized and established positions.

~~(18)(47)~~ All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(9)~~(49)~~(j) FS. Law Implemented 24.105(19)~~(20)~~(d) FS. History—New 2-25-93, Amended 8-15-93, 10-21-99, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Diane D. Schmidt, Office of the General Counsel

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Kenneth H. Hart, Jr., General Counsel

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 20, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** January 4, 2002

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

**RULE TITLE:** Certification for Examination and Licensure

**RULE NO.:** 64B2-11.0015

**PURPOSE AND EFFECT:** The Board proposes to add test site conduct requirements to the existing rule.

**SUMMARY:** With regard to examinations, the Board proposes that the conduct at the test site shall be as specified in Rule 64B-1.004, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 460.405 FS.

**LAW IMPLEMENTED:** 460.406, 456.013(1),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.0015 Certification for Examination and Licensure.

Upon certifying applicants for the licensure examination, the Board shall also certify applicants for licensure, contingent and effective upon successful completion of required examinations and no discovery of disqualifying factors prior to licensure. With regard to examinations administered by the Department, the conduct at the test site shall be that specified in Rule 64B-1.004, F.A.C.

Specific Authority 460.405 FS. Law Implemented 460.406, 456.013(1) FS. History—New 7-15-91, Formerly 21D-11.0015, 61F2-11.0015, 59N-11.0015, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Licensure Examination RULE NO.: 64B2-11.003

PURPOSE AND EFFECT: To correct information inadvertently left out of the rule.

SUMMARY: With regard to licensure examinations, the Board will allow an applicant to retake a failed subject area only twice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.003 Licensure Examination.

(1) No change.

(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, upon which time the applicant must retake the entire practical examination.

(3) through (5) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLES: Licensure and Certification RULE NOS.: 64B2-12.003

Reexamination Fees 64B2-12.012 Examination Review Fees

PURPOSE AND EFFECT: The Board proposes to repeal the existing rules.

SUMMARY: With regard to Licensure and Certification Reexamination Fees and Examination Review Fees, the Board has decided to repeal these two rules in their entirety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017, 456.017(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 456.017, 456.017(2), 460.406 FS.

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



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B2-12.003 Licensure and Certification Reexamination Fees.

~~The reexamination fee for the licensure examination shall be five hundred dollars (\$500.00). The reexamination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).~~

Specific Authority 456.017(2), 460.405, 460.406(1) FS. Law Implemented 456.017(2), 460.406 FS. History--New 1-10-80, Formerly 21D-12.03, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.003, 61F2-12.003, 59N-12.003, Amended 1-18-98, 11-19-00, Repealed.

64B2-12.012 Examination Review Fees.

~~(1) The fee for an examination review of the Practical & Florida Laws and Rules shall be seventy five dollars (\$75).~~

~~(2) The fee for an examination review of the Practical only shall be seventy five dollars (\$75).~~

~~(3) The fee for an examination review of the Florida Laws & Rules only shall be thirty dollars (\$30).~~

Specific Authority 456.017 FS. Law Implemented 456.017 FS. History--New 5-7-90, Formerly 21D-12.012, 61F2-12.012, 59N-12.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001

**DEPARTMENT OF HEALTH  
 Board of Chiropractic Medicine**

RULE TITLE: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation

RULE NO.: 64B2-13.0045

PURPOSE AND EFFECT: The Board proposes to require a two hour course relating to the prevention of medical errors.

SUMMARY: The Board proposes to update the existing rule text by requiring a two hour course relating to the prevention of medical errors. The two hour course shall count towards the total number of continuing education hours required for license renewal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.033(6), 460.408(3) FS.

LAW IMPLEMENTED: 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated by ~~July 1, 1989~~, unless the applicant or licensee submits confirmation to the Board, on a form approved by the Board, that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

~~(2) All licensees shall by December 31, 1989, submit confirmation to the Board, on a form approved by the Board, that they have successfully completed a Board-approved course on HIV/AIDS.~~

~~(2)(3) To receive Board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction.~~

~~(3)(4) For the purpose of compliance with this rule, a licensee may submit confirmation of having taken a course which complies with subsection Rule 64B2-13.004(3), F.A.C., and is subsequently approved by the Board, if the course was completed after July 1, 1988 for continuing education credit for 1989 renewal period.~~

~~(4)(5) HIV/AIDS hours Hours completed to satisfy the requirement of this rule may be used by the licensee for purposes of satisfying the 40 hour requirement of subsection Rule 64B2-13.004(1), F.A.C.~~

(5) Each applicant for licensure shall attend and certify attending a Board-approved two hour course relating to the prevention of medical errors. Each licensee shall attend and certify attending a Board-approved two hours continuing education course relating to the prevention of medical errors. For licensees, the two hour course shall count toward the total number of continuing education hours required for license renewal.

Specific Authority 456.033(6), 460.408(3), 456.013 FS. Law Implemented 456.033, 456.013(7) FS. History--New 5-2-89, Amended 1-28-90, Formerly 21D-13.0045, Amended 10-26-93, Formerly 61F2-13.0045, 59N-13.0045, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

**DEPARTMENT OF HEALTH  
 Board of Chiropractic Medicine**

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases  
 RULE NO.: 64B2-16.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board determined that it was necessary to update the guidelines for the disposition of disciplinary cases.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.072, 460.405, 460.413, 456.079 FS.

LAW IMPLEMENTED: 456.072, 460.413(4), 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, Florida Statutes, has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the

patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case.

(a) through (h) No change.

(i) 460.413(1)(a) or 456.072(1)(h), F.S.: obtain license by bribery – bribe/fraud – revocation or denial of license (minimum and maximum same) from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a second offense, from a minimum fine of \$5,000 to revocation. After the second offense, revocation; obtain license by fraudulent misrepresentations – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation; obtain license by Department or Board error – from a minimum letter of concern and/or a fine of \$500 of six (6) months of probation, up to a maximum of suspension of license for one (1) year, followed by two (2) years of probation, and a fine of \$5,000. For a second offense, from a minimum fine of \$5,000 to revocation of license, and after the second offense, revocation of license;

(j) 460.413(1)(b) or 456.072(1)(f), F.S.: having a license acted against in another state, territory, or country – action consistent with the disciplinary guidelines for the offense that would have been taken had the violation occurred in the State of Florida. After the first offense, action consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida from a minimum of reprimand, up to a maximum of revocation or denial of license;

(k) 460.413(1)(c) or 456.072(1)(c), F.S.: guilt of a crime that relates to the practice or the ability to practice – misdemeanor: from a minimum fine of \$1,500 and six months probation, up to a fine of \$5,000 and a year’s suspension with conditions; felony: from a minimum of a fine of \$7,500 and two years probation, up to a fine of \$10,000 and revocation. After the first offense, from a minimum of six (6) months of probation, up to a maximum fine of \$10,000 and/or of revocation or denial of license;

(l) 460.413(1)(d), F.S.: false/misleading advertising – (citation offense) from a minimum fine of an administrative of \$1,000, \$500, and a letter of concern, up to a maximum fine of \$7,500 and of one (1) year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or revocation;

(m) 460.413(1)(e), F.S.: non-identifying advertisement – (citation offense) from a minimum an administrative fine of \$500, up to a maximum of one (1) year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to revocation;

(n) 460.413(1)(f), F.S.: ~~phony name – from a minimum of an administrative fine of \$3,500 and one year probation, \$500, up to a maximum fine of \$10,000 and/or of suspension of license for six (6) months, followed by one (1) year of probation. After the first offense, a minimum fine of \$5,000 and six months suspension up to a maximum fine of \$10,000 and/or revocation;~~

(o) 460.413(1)(g) or 456.072(1)(i), F.S.: ~~failure to report another– (citation offense) from a minimum letter of concern and/or a fine of \$500 of reprimand, up to a maximum fine of \$2,000 and/or six (6) months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or revocation.~~

(p) 460.413(1)(h) or 456.072(1)(j), F.S.: ~~assisting unlicensed person to practice – from a \$5,000 fine and/or one year of suspension to revocation of license (minimum and maximum same); After the first offense, from a fine of \$7,500 up to a maximum fine of \$10,000 and/or revocation;~~

(q) 460.413(1)(i) or 456.072(1)(k), F.S.: ~~failure to perform statutory or legal obligation – from a minimum fine of \$1,000 and a letter of concern of reprimand, up to a maximum of fine of \$7,500 and/or two years of suspension followed by two years six (6) months of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;~~

(r) 460.413(1)(j) or 456.072(1)(l), F.S.: ~~negligent filing of false report – from a minimum of an administrative fine of \$1,000 \$500, up to a maximum of one year six (6) months of probation and a fine of \$5,000. For a second offense, a minimum fine of \$2,500 and a reprimand to a maximum fine of \$10,000 and two years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation; Willful filing of false report, impeding, or inducing another to file false report of other – from a minimum fine of \$5,000 and/or suspension of license for three (3) months, followed by six (6) months of probation, up to a maximum of revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation; however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense;~~

(s) 460.413(1)(k) or 456.072(1)(m), F.S.: ~~misrepresentations/trick or scheme – from a minimum of an administrative fine of \$500 and six (6) months of probation, up to a maximum of suspension of license for one (1) year, followed by two (2) years of probation and a \$10,000 fine per count or offense. After the first offense, from a minimum of two years of probation up to a maximum of revocation and a \$10,000 fine per count or offense;~~

(t) 460.413(1)(l) or 456.072(1)(x), F.S.: ~~soliciting patients or commercial solicitation from accident report information – from a minimum of an administrative fine of \$1,000 and/or one~~

~~year probation, \$500; up to a maximum of fine of \$10,000 and/or revocation one (1) year of probation. After the first offense, from a minimum fine of \$5,000 and/or six months suspension up to a maximum of \$10,000 and/or revocation;~~

(u) 460.413(1)(m), F.S.: ~~medical record-keeping – from a minimum fine of \$500 and/or of one (1) year of probation, up to a maximum fine of \$7,500, of suspension of license for three (3) months, followed by six (6) months of probation. After the first offense, a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or revocation;~~

(v) 460.413(1)(n) or 456.072(1)(n), F.S.: ~~exploit patient for financial gain – from a minimum of an administrative fine of \$1,000 and/or one (1) year of probation, up to a maximum fine of \$10,000 and/or of revocation of license. After the first offense, from a minimum of two years of probation and a fine of \$2,500 up to a maximum fine of \$10,000 and/or revocation;~~

(w) 460.413(1)(o), F.S.: ~~unauthorized services – from a minimum of an administrative fine of \$1,000 \$500 and/or one (1) year of probation, up to a maximum of fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$2,500 and two years of probation up to a maximum fine of \$10,000 and/or revocation or denial of license;~~

(x) 460.413(1)(p), F.S.: ~~dispensing drugs/performing surgery – from a minimum of an administrative fine of \$5,000 \$1,000 and/or one (1) year of probation, up to a maximum fine of \$10,000 and/or of revocation or denial of license. After the first offense, a fine of \$10,000 and/or revocation;~~

(y) 460.413(1)(q) or 456.072(1)(y), F.S.: ~~unable to practice with skill and safety – from a minimum of an administrative fine of \$1,000, \$500 and three years one (1) year of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one (1) year, followed by up to five two (2) years of probation. After the first offense from a \$3,500 fine, referral for a PRN evaluation, and two years of probation to a maximum fine of \$10,000 and/or revocation;~~

(z) 460.413(1)(r), F.S.: ~~gross or repeated malpractice – from a minimum of fine of \$1,000, up to a maximum fine of \$10,000 and/or suspension of license for three (3) months, followed by six (6) months of probation, up to a maximum of revocation or denial of license; other – Repeated malpractice – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation. Unacceptable level of care, skill, and treatment – from a minimum of an administrative fine of \$1,000 and six (6) months of probation, up to a maximum fine of \$10,000 and/or revocation suspension of license for one (1) year, followed by two (2) years of probation;~~

(aa) 460.413(1)(s), F.S.: ~~experimentation on human subjects without consent – from a fine of \$1,000 and/or minimum of five (5) years of probation, up to a maximum of revocation or denial of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation;~~

(bb) 460.413(1)(t) ~~or 456.072(1)(o)~~, F.S.: practicing beyond the scope permitted or competent to perform – from a minimum ~~of an administrative~~ fine of ~~\$2,500~~ ~~\$1,000~~ and/or one (1) year of probation, up to a maximum of suspension of license for two years followed by probation and a fine of \$10,000. After the first offense, up to a maximum fine of ~~\$10,000~~ and/or revocation ~~or denial of license~~;

(cc) 460.413(1)(u) ~~or 456.072(1)(p)~~, F.S.: delegating responsibilities to unqualified person – from a minimum ~~of an administrative~~ fine of ~~\$1,000~~ ~~\$500~~ and/or six (6) months of probation, up to a maximum fine of \$5,000 and of suspension of license for three years ~~(3) months~~, followed by up to three years ~~six (6) months~~ of probation. After the first offense, from a minimum fine of \$5,000 and/or suspension of license for one year followed by probation up to a maximum fine of \$10,000 and/or revocation;

(dd) 460.413(1)(v) ~~or 456.072(1)(q)~~, F.S.: violating any lawfully issued order or subpoena – from a minimum ~~of fine of~~ \$1,000 and a letter of concern ~~reprimand~~, up to a maximum fine of \$10,000 and/or of revocation or denial of license. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation of license;

(ee) 460.413(1)(w), F.S.: conspiring or committing an act to prevent a licensee from advertising – from a minimum ~~of an administrative~~ fine of \$1,000 and/or one (1) year of probation, up to a maximum of suspension of license for six months, followed by one year of probation and a fine of \$5,000. After the first offense, from a minimum fine of \$5,000 and/or two years suspension of license followed by probation up to a maximum fine of \$10,000 and/or revocation ~~or denial of license~~;

(ff) 460.413(1)(x), F.S.: submitting claims for treatment not provided – from a minimum ~~of an administrative~~ fine of \$1,000 and/or one (1) year of probation, up to a maximum fine of \$10,000 and/or of revocation or denial of license. For a second offense, from a minimum fine of \$5,000 and/or six months suspension followed by two years of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a maximum fine of \$10,000 and/or revocation;

(gg) 460.413(1)(y), F.S.: commingling or conversion of patient funds and financial recordkeeping – from a minimum ~~of an administrative~~ fine of ~~\$2,000~~ and/or one year of probation, ~~\$500~~, up to a maximum fine of \$10,000 and/or revocation of suspension of license for six (6) months, followed by one (1) year of probation. After the first offense, from a minimum fine of \$5,000 and/or three months suspension followed by two years of probation up to a maximum fine of \$10,000 and/or revocation;

(hh) 460.413(1)(z), F.S.: offering or accepting payment by assignment if it appears to eliminate requirement for insured to pay deductible – from minimum fine of \$1,000, and/or a letter of concern up to a maximum fine of \$3,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,000 and/or a year of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a fine of \$10,000 and/or revocation;

(ii)(~~hh~~) 460.413(1)(aa), F.S.: failure to provide insured with copy of claim – (citation offense) from a minimum ~~of an administrative~~ fine of ~~\$500~~ ~~\$1,000~~ and one (1) year of probation, up to a maximum fine of \$5,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,500 and/or two years of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or ~~of revocation or denial of license~~;

(jj)(~~ii~~) 460.413(1)(bb), F.S.: advertised fee different from that submitted to payors – from a minimum ~~of an administrative~~ fine of \$1,000 and up to one (1) year of probation, ~~up~~ to a maximum fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or ~~of revocation or denial of license~~;

(kk)(~~jj~~) 460.413(1)(cc), ~~456.062~~, F.S.: failure of advertisement to state usual fee when offers free or discount services – (citation offense) from a minimum ~~of an administrative~~ fine of ~~\$500~~ ~~\$1,000~~ and one (1) year of probation, up to a maximum of fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation ~~or denial of license~~;

(ll)(~~kk~~) 460.413(1)(dd), F.S.: using acupuncture without certification – from a minimum ~~of an administrative~~ fine of \$2,500, ~~\$500~~, and/or one year of probation, up to a maximum of suspension of license for two years followed by six (6) months of probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(mm)(~~ll~~) 460.413(1)(ee), F.S.: failure to report violation in the facility – from a minimum ~~of~~ letter of concern and/or a fine of \$500 suspension of license for three (3) months, followed by six (6) months of probation up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minium of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or of revocation of license;

(~~mm~~) 460.4165, F.S.: from a minimum of a reprimand, up to a maximum of revocation or denial of license.

(nn) 460.413(1)(ff) or 456.072(1)(b), or 456.072(1)(cc), F.S.: violating this chapter, chapter 456, F.S., or any Board rules – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$9,000 and/or revocation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation;

(oo)~~(nn)~~ 456.082, F.S.: disclosure of confidential information – from a minimum of an administrative fine of \$2,000 ~~\$1,000~~ and/or six months of probation, up to a maximum fine of \$5,000 and of suspension of license for six ~~three (3)~~ months, followed by two years ~~six (6)~~ months of probation. After the first offense, a minimum fine of \$5,000 and two years of probation up to a maximum fine of \$10,000 and/or revocation;

(~~oo~~) 456.062, F.S.: from a minimum of an administrative fine of \$1,000 up to a maximum of one (1) year of probation;

(pp) 456.057(4), F.S.: timely and appropriate release of medical records – from a minimum of an administrative fine of \$1,000 ~~\$500~~, and/or a letter of concern up to a maximum fine of \$5,000 and one (1) year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$5,000 and three months of suspension followed by two years of probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation;

(qq) 456.057(6) and (7), F.S.: from a minimum of an administrative fine of \$1,000, up to a maximum of suspension of license for three (3) months, followed by six (6) months of probation;

(qq) 456.072(1)(a), F.S.: misleading, deceptive, or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of revocation and a fine of \$10,000 per count or offense. After the first violation, a fine of \$10,000 per count or offense and/or a minimum of one year of suspension up to a maximum of revocation;

(rr) 456.072(1)(d), F.S.: improper usage of laser device – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and three years of suspension followed by probation. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(ss) 456.072(1)(e), F.S.: failure to comply with HIV/AIDS course requirements – from a minimum fine of \$1,000 and a letter of concern up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;

(tt) 456.072(1)(r), F.S.: improper interference with investigation, inspection, or discipline – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, a minimum fine of \$2,500 up to a maximum fine of \$10,000 and/or revocation;

(uu) 456.072(1)(u), F.S.: sexual misconduct – from a minimum letter of concern and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or revocation;

(vv) 456.072(1)(v), F.S.: profiling and credentialing violations – from a minimum letter of concern and/or a fine of \$1,000, up to a maximum fine of \$10,000 and/or one year of suspension followed by two years of probation. After the first offense, from a minimum fine of \$2,000 up to a maximum fine of \$10,000 and/or revocation;

(ww) 456.072(1)(w), F.S.: failure to comply with 30-day notification of convictions and nolo pleas – from a minimum fine of \$1,000 and/or a letter of concern, up to a maximum fine of \$9,000 and/or one month suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation;

(xx) 456.072(1)(z): testing positive on drug screening – from a minimum fine of \$500 and/or two years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation, and a fine of up to \$10,000. After the first offense, from a \$2,500 fine, and/or referral for a PRN evaluation and two years of probation up to a maximum fine of \$10,000 and/or revocation;

(yy) 456.072(1)(aa), F.S.: wrong patient, wrong-site, or wrong or unnecessary procedure – from a minimum fine of \$1,000 and/or a reprimand, up to a maximum fine of \$10,000 and/or six months suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 and/or a year of probation up to a maximum fine of \$10,000 and/or revocation;

(2) through (3) No change.

Specific Authority 456.072, 460.405, 460.413, 456.079 FS. Law Implemented 456.072, 460.413(4), 456.079 FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician
RULE NO.: 64B3-5.004

PURPOSE AND EFFECT: With regard to technicians, the Board proposes to amend the histology qualifications and to set forth qualifications in the area of molecular genetics.

SUMMARY: The proposed rule changes the qualifications needed for licensure as a histology technician by requiring either examination certification in histology by the American Society of Clinical Pathologists or completion of a Board approved training program which includes a written and practical examination. The rule creates qualifications for a molecular genetic technician.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure in order to be licensed as a histology technician, an applicant shall have four (4) hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or its equivalent, a high school equivalency diploma and examination certification in histology by the American Society of Clinical Pathologists, one of the following:

(a) Successfully completed a Board approved histology training program at technician level.

(b) Successfully completed an accredited program in histology at the technician level.

(c) Successfully completed a military clinical laboratory personnel training program in histology which shall consist of 1500 clock hours of study within 12 calendar months.

(d) Five (5) years of pertinent clinical laboratory experience in histology accrued within 10 years immediately preceding application for licensure.

(4) Qualifications for Molecular Genetic Technicians. To be licensed as a molecular genetic technician, an applicant shall have four hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

(5)(4) Qualifications for Technicians who perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.5 10 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Active Status Renewal Licensure Fee
RULE NOS.: 64B3-9.004
Fee for Inactive Status 64B3-9.006

PURPOSE AND EFFECT: The Board proposes to raise fees and to delete an unnecessary provision.

SUMMARY: The Board proposes to raise the fees for the active status renewal licensure fee and to remove a provision that is not necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.025(4), 456.036, 483.807(1), 456.025 FS.

LAW IMPLEMENTED: 456.025(4), 456.036, 483.807, 456.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-9.004 Active Status Renewal Licensure Fee.

- (1) No change.
- (2) Supervisor – ~~\$143~~ \$130
- (3) Technologist – ~~\$121~~ \$110
- (4) Technician – ~~\$82~~ \$75
- (5) through (6) No change.

Specific Authority 456.025(4), 456.036, 483.807(1) FS. Law Implemented 456.025(4), 456.036, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 59O-9.004, Amended 5-26-98, 3-9-00, \_\_\_\_\_.

64B3-9.006 Fee for Inactive Status.

- (+) The fee for inactive status is \$50.
- (-) ~~The fee for renewal of inactive status is \$50.~~

Specific Authority 456.025, 456.036, 483.807(1) FS. Law Implemented 456.025, 456.036, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.006, Amended 12-26-94, Formerly 59O-9.006, Amended 5-13-99, 3-9-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B5-13.005

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule text by adding an additional offense and the administrative fine to be imposed by the Board. In addition rule text that is no longer necessary is being deleted.

SUMMARY: The Board has determined that a new offense should be added to subsection (3) along with the penalty amount to be assessed by the Board and the Board is increasing the administrative fine in subsection (5)(b) from \$3,000.00 to \$10,000.00. Unnecessary rule text is being deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.079(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) Unless relevant mitigating factors are demonstrated the Board shall always impose a reprimand and an administrative fine ~~of not to exceed~~ \$3,000.00 per count or offense when disciplining a licensee for any of the disciplinary grounds listed in subsections (2) or (3) of this rule. The reprimand and administrative fine is in addition to the penalties specified in subsections (2) and (3) for each disciplinary ground.

(2) through (3)(pp) No change.

(qq) In any case in which the violation is for fraud or making a false or fraudulent representation, the Board shall impose an administrative fine of \$10,000.00 per count in addition to any other discipline.

(4) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties recommended in subsections (2) and (3) above. The Board shall consider as aggravating or mitigating factors the following:

- (a) ~~The severity of the offense;~~
- (b) The danger to the public;
- (c) ~~The number of repetitions of offenses or number of patients involved;~~
- (d) through (o) renumbered (b) through (m) No change.

(5) Penalties imposed by the Board pursuant to sections (2) and (3) above may be imposed in combination or individually, and are as follows:

- (a) No change.
- (b) imposition of an administrative fine not to exceed ~~\$10,000.00~~ ~~\$3,000.00~~ for each count or separate offense;
- (c) through (g) No change.
- (6) through (7) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.079(1) FS. History–New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Address of Licensee  
PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify criteria for electronic notification of change of address.

RULE NO.: 64B8-50.008

SUMMARY: The proposed rule amendment sets forth the criteria for electronic notification by licensees to the Department, Board, or Council.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-50.008 Address of Licensee.

Each person holding a license issued pursuant to 478.45, Florida Statutes, must maintain on file with the Council the current address at which any notice required by law may be served by the Department Agency, the Board, the Council, or its agents. Prior to changing this address, whether or not within this state, the licensee shall notify the Council either in writing or electronically of the new address at which the licensee may be served with notices or other documents. If the licensee uses electronic notification, it is the responsibility of the licensee to ensure that the electronic notification was received by the Council.

Specific Authority 478.43(1) FS. Law Implemented 456.035 FS. History—New 5-31-93, Formerly 21M-75.008, Amended 11-16-93, Formerly 61F6-75.008, 59R-50.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities  
PURPOSE AND EFFECT: The proposed rule amendment is intended to require facilities to be inspected once per biennium instead of annually.

RULE NO.: 64B8-51.006

SUMMARY: The proposed rule amendment requires facilities to be inspected once per biennium.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) through (3) No change.

(4) Inspections. The Agency shall inspect all electrology facilities in the following manner:

(a) All licensed facilities shall be inspected once per biennium ~~annually~~.

(b) No change.

(5) through (7) No change.

Specific Authority 456.037, 478.43(1),(4), 478.51(3) FS. Law Implemented 456.037(2),(3),(5), 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Comprehensive Health Improvement Projects  
 RULE CHAPTER NO.: 64F-8

RULE TITLES: Definitions 64F-8.001  
 Minimum Requirements 64F-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule repeal is to eliminate rules that are redundant of Section 385.103, Florida Statutes. Moreover, the repeal of Chapter 64F-8 will eliminate administrative rule governing obsolete Comprehensive Health Improvement Projects (CHIP).

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

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

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 NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY

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 Definitions.

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: January 22, 2002

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NO.: 1B-2.011  
 RULE TITLE: Library Grant Programs

**NOTICE OF CHANGE**

SUMMARY OF CHANGE: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs. The change is an editorial correction of the date of the publication of the Notice of Rule Development. That correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~October 26, 2001~~ January 18, 2002.

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 28, No. 3, dated January 18, 2002, Page 160.

**DEPARTMENT OF INSURANCE**

RULE NOS.: 4-157.001 4-157.002 4-157.003 4-157.004  4-157.006 4-157.009 4-157.016 4-157.017 4-157.018 4-157.019  4-157.020 4-157.023 4-157.024 4-157.025  4-157.026	RULE TITLES: Purpose Applicability and Scope Definitions Out-of-State Group Long Term Care Insurance Pre-existing Conditions Conditions of Eligibility Requirements for Replacement Prior Institutionalization Right to Return Policy – Free Look Long Term Care Policies – Statements Required Outline of Coverage Nonforfeiture Protection Provision Required Disclosure Provisions Prohibition Against Post – Claims Underwriting Discontinuance and Replacement
---	---