

Measuring and Calipering	20%
Taking a P.D., Lens I.D., and Fitting and Adjustments	40%
Practical Dispensing	40%

For each section of the practical, grading tolerances shall be as follows:

Measuring and Calipering thickness	± .2mm
base curve	± .25 diopters
length	± 2mm
mechanical	± 1mm
width	± 1mm
decentration	± 1mm

~~The candidates' median answer shall establish the correct answer for each measurement made in the measuring and callipering section.~~

Fitting and Adjustment, Taking a P.D.  
 Fitting – Examiner’s judgment of pantoscopic tilt and symmetrical angling  
 Monocular Distance  
 P.D. Binocular P.D.  
 Left ± 1mm Distance ± 2mm  
 Right ± 1mm Near ± 2mm

~~The candidates' median answer shall establish the correct answer for each of the above P.D. measurements.~~

Practical Dispensing  
 The transposition, decentration, prism, slaboff and vertex shall be exact.

A score of at least seventy percent (70%) shall be required in order to pass the practical portion of the examination.

~~(9) The written portion based upon the Opticianry Practice Act, Chapter 484, F.S., and the rules promulgated pursuant thereto shall consist of written multiple choice questions of equal weight. A score of at least seventy percent (70%) shall be required in order to pass the written portion of the examination based on the Florida law and rules.~~

~~(9)(10)~~ In arriving at a final score for each part of the examination ~~that which~~ uses percentage scores, any percentage score which contains a fractional part of a point of one-half (.5) or higher will be raised to the next highest whole number.

~~(10)(11)~~ No change.

Specific Authority 456.017(1), (5), 484.005 FS. Law Implemented 456.017(1),(5) FS. History—New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Opticianry  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 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

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 28, No. 37, on September 13, 2002.

The rule incorporates by reference guidelines and forms relating to the Public Library Construction grant program. Changes have been made to the guidelines and forms for the Public Library Construction grant program to reflect comments made by the Joint Administrative Procedures Committee (JAPC) and in response to comments received.

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600.

**DEPARTMENT OF STATE**  
**Division of Cultural Affairs**  
 RULE NO.: 1T-1.001  
 RULE TITLE: Division of Cultural Affairs  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly.

(20) Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a regional cultural facilities grant must:

1. Be a ~~public entity governed by either~~ a municipality, county, or qualified corporation as defined in section 265.702(2), Florida Statutes.

2. Own an interest in the land upon which the regional cultural facility is to be built. Any entity that owns ~~owning an interest in the land upon which the regional cultural facility is to be built~~ Have ownership of the land and building. In the cases where either the land or building is not owned, fee simple, by the applicant, all underlying owners must also meet the requirements in subsection 1.

3. Retain ownership of all improvements made under the grant.

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Regional Cultural Facilities Program Application Form (#CA2E101, eff. 12/02), available from the Division and incorporated by reference, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. A description of the Project Scope of Work which shall include a project narrative.

3. Project Budgets including a summary and detail, a matching funds statement, and match summary chart.

4. A description of educational and cultural programs as required by 265.702(5)(a) and (5)(b), Florida Statutes.

5. Documentation of a 150-mile service area as described in 265.702(5)(c).

6. Documentation of a proposed acquisition, renovation, or construction cost of at least \$50 million.

7. Documentation that the applicant owns an interest in the land upon which the regional cultural facility is to be built ~~of unrestricted ownership of the land and building.~~

8. An independent certified audit of the applicant's financial records.

9. Cost Benefit Analysis/Feasibility Study.

10. An 8 1/2" x 11" reduction of current architectural plans.

11. Letters of Support: Submit letters or list of local officials lending support to this project.

(c) Funding

1. The annual amount of the grant shall not exceed the amount permitted in 265.702(7), Florida Statutes. There is no minimum amount.

2. An applicant from the same organization shall not submit 2 or more applications under a single application deadline for the same facility, project, site, or phase.

(d) Time Limits and Funding Cap. The total amount of grants awarded shall not exceed the amount permitted in 265.702(7). "Awarded" means July 1 of the fiscal year in which grant funds were appropriated by the Florida Legislature.

(e) Matching Funds.

1. Eligible matching funds provided by the grantee or third parties shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants.

2. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

3. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project during the three years immediately preceding the award of the grant.

4. At least 50% of the cash match must be cash-on-hand and dedicated to the project.

5. In-kind contributions of goods and services shall be subject to the restrictions of Section 265.702(6), Florida Statutes.

6. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline can not be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) Application Review Panel.

1. The Florida Arts Council shall review each eligible application based on the following criteria: Scope of Work, up to 20 points; Project Budget and Matching Funds, up to 25 points; Educational and Cultural Programs, up to 30 points; and Service Area, up to 25 points.

2. All applications that receive an average score of at least of 75 out of 100 possible points will be recommended for funding.

3. The panel shall develop a priority list based on the average score for each application.

4. The Florida Art Council shall submit a priority list of all projects that are recommended for funding to the Secretary of State.

(g) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(h) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All projects that are retained shall be required by the Division to submit the information in section (b)1-3 above in order to reflect the most current status of the project.

3. The deadline for the receipt of updated information shall be the rollover deadline as published in the Florida Administrative Weekly.

4. Rollover updates will not be re-scored, but rather merged with the new applications using the original scores and recommended funding.

5. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

(i) No changes in project scope or venue will be permitted.

(j) Grant Award Agreement. The Grant Award Agreement (CA2E102, eff. 12/02) incorporated by reference and available from the Division is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 6/02) incorporated by reference in subparagraph 1T-1.001(17)(k)2., F.A.C., and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(k) Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the completion of the project.

3. All reports shall include the following information:

(a) A description of the work completed.

(b) A financial statement showing the expenditure of grant and match.

(c) A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02.

**DEPARTMENT OF INSURANCE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.025	Department forms

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Department of Insurance hereby gives notice of an additional public hearing on the above-referenced rules to be held on December 17, 2002, at 9:30 a.m. at Larson Building, 200 East Gaines Street, Tallahassee, Florida.

The rules were originally published in Vol. 27, No. 45, November 9, 2001, Florida Administrative Weekly. A notice of change was published in Vol. 28, No. 39, of the September 27, 2002, Florida Administrative Weekly.

**DEPARTMENT OF INSURANCE**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
4-220.001	Prequalification and Licensure of Emergency Adjusters

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 21, May 24, 2004, of the Florida Administrative Weekly. A Notice of Change was published in Vol. 28, No. 29, July 19, 2002. These changes are being made to address concerns expressed Paragraph (8): "6/02" is changed to read "10/02". After the word "reference" the following is added: "A copy of Form DI4-1297 may be obtained from the state of Florida, Department of Insurance, Bureau of Agent and Agency Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-3137."

The remainder of the reads as previously published.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12D-1.009	Mapping Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 28, No. 40, October 4, 2002, Florida Administrative Weekly has been withdrawn.





The term “acre-inches” is substituted for the term “inches” throughout.

The second sentence of the Subsection that reads “These standards are listed in Tables 3-1 and 3-2.” is deleted.

The paragraph titled “Irrigation Water Use Allocations Within the SWUCA” is corrected as follows:

Irrigation Water Use Allocations Within The SWUCA – Within the SWUCA, the District allocates irrigation-related water use based on AGMOD and other methods as described below. For each individual crop or plant type, the permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season. Allocated acre-inches per irrigated acre per season are determined separately for ~~three~~ four major categories of water use (supplemental, field preparation/crop or plant establishment, and other water uses), and ~~their~~ the sum equals the total allocated acre-inches per irrigated acre per season. An irrigated acre, hereafter referred to as “acre,” is defined as the gross acreage under cultivation, including areas such as roads and internal ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Acreage submitted with applications or crop reports shall be based on planimetered measurements rather than other measurements such as rolls of plastic. Other non-irrigation related water uses shall be permitted in accordance with this Chapter 3.0, Basis of Review.

The paragraph titled “Irrigation Water Use Allocations Within the SWUCA” is corrected as follows:

Compliance with Efficiency Standards Within The SWUCA – Permit conditions for issuance identified in Rule 40D-2.301 include the requirements that the use shall incorporate water conservation measures, not cause water waste and not cause harm to the water resource. The District ~~shall~~ may consider these criteria in relation to the quantities permitted. If the permittee uses no more than the quantity that the District permits for the acreage and plant or crop actually irrigated, then it will be presumed that the permittee is in compliance with the efficiency standards set forth in Table 3-2. Proposed Table 3-2 is changed as follows:

Table 3-2. Efficiency Standards and Rainfall Bases For Irrigation Permits Located In The SWUCA. Effective 1-1-2003, 10-1-1999, Except Pasture Effective Upon Adoption. Credits Begin 1-1-2003 ~~1999~~.

Crop/Plant	Supplemental Allocation Efficiency	Credit Calculation Efficiency	Supplemental Allocation Effective Rainfall Basis	Credit Calculation Drought Basis
Citrus <sup>1</sup>	75%	75% at <del>2003 1999</del> 80% at <del>2005 2004</del>	Annual, 5 in 10	Annual, 2 in 10
Row Crops With Mulch	75% 80% at <del>2005 2004</del>	N/A	Zero	N/A
Row Crops w/o Mulch	75% 80% at <del>2005 2004</del>	75% at <del>2003 1999</del> 80% at <del>2005 2004</del>	Seasonal, 5 in 10	Seasonal, 2 in 10
Nursery-Container	75%	75% at <del>2003 1999</del> 80% at <del>2005 2004</del>	Annual, 5 in 10	Annual, 2 in 10
Nursery-Field Grown	75%	75% at <del>2003 1999</del> 80% at <del>2005 2004</del>	Annual, 5 in 10	Annual, 2 in 10
Pasture	75%	N/A	3 months <sup>2</sup> , 5 in 10	N/A
Sod/Turf	75%	75% at <del>2003 1999</del> 80% at <del>2005 2004</del>	Annual, 5 in 10	Annual, 2 in 10
Field Crops	75%	75% at <del>2003</del> 80% at <del>2005 2004</del>	Seasonal, 5 in 10	Seasonal, 2 in 10
Golf Courses, Playing, Fields, Cemeteries	75%	75% at <del>2003</del> 80% at <del>2005 2004</del>	Annual, 5 in 10	Annual, 2 in 10

<sup>1</sup>Based on 74% shaded area, equivalent to 89.4% of gross acreage once lateral movement of applied water is accounted for.

<sup>2</sup>April, May and October

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
 RULE TITLE: Publications Incorporated by Reference  
 NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection CONSERVATION PLANS FOR MINING AND DEWATERING USES WITHIN THE SWUCA, proposed to be added to Section 3.5, MINING OR DEWATERING, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The date “January 1, 1999” is changed to the date “January 1, 2003”.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
RULE TITLE: Publications Incorporated by Reference

**NOTICE OF CHANGE**

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al. vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the Subsection and paragraphs proposed to be added to Section 3.6, PUBLIC SUPPLY after the subsection PER CAPITA DAILY WATER USE, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The paragraph titled "Adjusted Gross Per Capita" shall read as follows:

Adjusted Gross Per Capita Within the SWUCA – Adjusted Gross per capita daily water use is defined as withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Permittees with per-capita daily water use which is skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. However, they must be reported. The formula used for determining adjusted gross per capita is as follows:

$$\frac{WD + IM - EX - TL - SU - EM}{\text{Population}}$$

Where:

- WD = ground water and surface water withdrawals
- IM = water imported/bought from another supplier
- EX = water exported/sold to other suppliers
- TL = treatment loss (typically R/O or sand filtration)
- SU = significant uses
- EM = environmental mitigation, if required as a District permit condition

Population = functional population

The paragraph titled "Reporting Adjusted Gross and Compliance Per Capita Within the SWUCA" is changed to read as follows:

Reporting Adjusted Gross and Compliance Per Capita Within the SWUCA – All permittees shall calculate and report adjusted gross per capita water usage as outlined above.

The Subsection titled "WHOLESALE CUSTOMERS WITHIN THE SWUCA" is changed as follows:

**WHOLESALE CUSTOMERS WITHIN THE SWUCA**

A wholesale public supply customer within the SWUCA shall be required to obtain a separate permit to effect the conservation requirements set forth in this section, unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 3.6 in the subsection titled "~~PERMIT QUANTITIES AND COMPLIANCE PER CAPITA WATER USE WITHIN THE SWUCA~~".

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
RULE TITLE: Publications Incorporated by Reference

**NOTICE OF CHANGE**

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al. vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Subsection proposed to be added to Section 3.6, PUBLIC SUPPLY after the proposed paragraph "Residential Water Use Reports", in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The Subsection titled Annual Reports is changed as follows:

Annual Reports – Public supply permittees with a withdrawal point in Southern Water Use Caution Area shall submit the information below in an annual report covering the preceding ~~calendar year, period of October 1 through September 30, due on April 1~~ ~~January 4~~. Those public supply permittees with a permit for less than 100,000 gpd annual average quantities and who meet the applicable per capita requirements are required to submit items 1 through ~~6~~ ~~7~~ and item ~~12~~ ~~13~~ only.

1. Functional population served and methodology for determining functional population;
2. Significant deducted uses, the associated quantity, and conservation measures applied to these uses;
3. Total withdrawals (the permittee may use data from a master meter for this item);
4. Treatment losses;
5. Environmental mitigation quantities;
6. Sources and quantities of incoming and outgoing transfers of water and wholesale purchases and sales of water, with quantities determined at supplier's departure point;
- ~~7. Ground Water Withdrawal Credit if applied;~~

- ~~7.8.~~ A description of the current water rate structure;
  - ~~8.9.~~ Water audit report, if applicable;
  - ~~9.10.~~ The number of single family units served and their total water use;
  - ~~10.11.~~ The number of multi-family units served and their total water use;
  - ~~11.12.~~ The number of mobile homes served and their total water use;
  - ~~12.13.~~ The quantity of total reclaimed water or stormwater provided by the permittee for use on both a total annual average daily and monthly basis;
  - ~~13.14.~~ For all individual customer reuse connections with line sizes of four inches or greater:
    - a. Account name and address;
    - b. Location of connection by latitude-longitude;
    - c. Line size;
    - d. Whether metered; and
    - e. Metered quantities if metered; and
  - ~~14.15.~~ Annual average daily quantity of unaccounted water and the percentage of unaccounted water relative to total withdrawals.
- Permit Condition – This requirement shall be implemented by applying a permit condition to all public supply permits within the SWUCA.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
 RULE TITLE: Publications Incorporated by Reference

**NOTICE OF CHANGE**

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al. vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Section 1.9.9, Permit Duration Within The SWUCA, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The Paragraphs numbered 1. and 3. are deleted and paragraph 2 is changed as follows:

~~Reclaimed Water~~ Standby Alternative Source Permits shall have a duration of 20 years except that, when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with 40D-2.321(4) ~~(2), (3)~~ and (4), F.A.C.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
 RULE TITLE: Publications Incorporated by Reference

**NOTICE OF CHANGE**

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al. vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), comments from the Joint Administrative Procedures Committee, and associated subsequent public hearings, notice is hereby given that changes have been made to those proposed for Section 7.2 EASTERN TAMPA BAY WATER USE CAUTION AREA in Chapter 7.0, WATER USE CAUTION AREAS, of the Basis of Review that is incorporated by reference in Rule 40D-2.091, F.A.C., (the “Eastern Tampa Bay Basis”) in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows: Subsection 7.2 2. 2.2 2. is changed as follows:

~~2. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information on an annual basis for all perennial crops (example: citrus):~~

- ~~a. crop type;~~
- ~~b. irrigated acres per crop;~~
- ~~c. the dominant soil type; and,~~
- ~~d. irrigation method(s);~~

~~Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District by March 1 of each year. Following December 31, 1992, if the Permittees who exceeds the allocated quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Allocated quantities are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit.~~

Only those provisions of the Eastern Tampa Bay Basis set forth below will be repealed. The previously proposed repeal of any provision not set forth below is hereby deleted, except that Subsection 7.2 2. 2.2 2 is changed as set forth above.



## 1. Public Supply

A wholesale public supply customer shall be required to obtain a separate permit to effect the following conservation requirements unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and the per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 7.21.1.1.

### 1.1 Per-Capita Use

Per-capita daily water use is defined as population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Permittees with per capita daily water use which is skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. Generally, the formula used for determining gallons per day per capita is as follows: total withdrawal minus significant uses, environmental mitigation, and treatment losses, divided by the population served (adjusted for seasonal and tourist populations, if appropriate). For interconnected systems, incoming transfers and wholesale purchases of water shall be added to withdrawals; outgoing transfers and wholesale sales of water shall be deducted from withdrawals.

A significant use, which may be deducted, is defined as an individual non-residential customer using 25,000 gallons per day or greater on an annual average basis, or an individual non-residential customer whose use represents greater than five percent of the utility's annual water use.

Any uses which are deducted from the per capita daily water use based on the above guidelines shall be supported with documentation demonstrating that they are significant uses, and shall include documentation of usage quantities. Additionally, all deducted uses must be accounted for in a water conservation plan developed by the applicant/permittee which includes specific water conservation goals for each use or type of use. Environmental mitigation quantities permitted by the District and treatment losses such as desalination reject water and sand filtration backwash water shall be identified and reported separately, and shall not be included in the calculation of per capita use. Water supplied to wholesale public supply customers shall be identified and reported separately, with a separate per capita use calculated for each customer in addition to the wholesaler.

2. By April 1 of each year for the preceding calendar year, the permittee shall submit a report detailing:

- a. The population served;
- b. Deducted uses, the associated quantity, and conservation measures applied to these uses;
- c. Total withdrawals;
- d. Treatment losses.
- e. Environmental mitigation quantities.

f. Sources and quantities of incoming and outgoing transfers of water and wholesale purchases and sales of water, with quantities determined at the supplier's departure point.

### 1.2 Water Conserving Rate Structure

Each water supply utility within the Water Use Caution Area shall adopt a water conserving rate structure by January 1, 1993. This requirement shall be implemented by applying the following permit condition to all existing public supply permits:

The Permittee shall adopt a water conservation oriented rate structure no later than January 1, 1993. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 1993. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by July 1, 1993.

New public supply permits shall receive the following permit condition:

The Permittee shall adopt a water conservation oriented rate structure no later than two years from the date of permit issuance. The Permittee shall submit a report describing the rate structure and its estimated effectiveness within 60 days following adoption.

### 1.3 Water Audit

All water supply utilities shall implement water audit programs by January 1, 1993. A thorough water audit can identify what is causing unaccounted water and alert the utility to the possibility of significant losses in the distribution system. Unaccounted water can be attributed to a variety of causes, including unauthorized uses, authorized unmetered uses, under-registration of meters, fire flows, and leaks.

This requirement shall be implemented by applying the following permit condition to all existing Public Supply permits:

The permittee shall conduct water audits of the water supply system during each management period. The initial audit shall be conducted no later than January 1, 1993. Water audits which identify a greater than 12 percent unaccounted for water shall be followed by appropriate remedial actions. Audits shall be completed and reports documenting the results of the audit shall be submitted as an element of the report required in the per capita condition to the District by the following dates: February 1, 1993; February 1, 1997; February 1, 2001; and February 1, 2011. Water audit reports shall include a schedule for remedial action if needed.

Large, complex water supply systems may conduct the audit in phases, with prior approval by the District. A modified version shall be applied to new permits, replacing the initial audit date with a date two years forward from the permit issuance date. Prior to each management period, the District will reassess the unaccounted for water standard of 12%, and may adjust this standard upward or downward through rulemaking.

#### 1.4 Residential Water Use Reports

Beginning April 1, 1993, public supply permittees shall be required to annually report residential water use by type of dwelling unit. Residential dwelling units shall be classified into single family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

This requirement shall be implemented by applying the following permit condition to all public supply permits:

Beginning in 1993, by April 1 of each year for the preceding calendar year, the permittee shall submit a residential water use report detailing:

- a. The number of single family dwelling units served and their total water use,
- b. The number of multi-family dwelling units served and their total water use,
- c. The number of mobile homes served and their total water use.

Residential water use quantities shall include both the indoor and outdoor water uses associated with the dwelling units, including irrigation water.

## 2. Agriculture

### 2.1 Irrigation Water Use Allotments

The District allocates agricultural irrigation related water use based on a modified Blaney Criddle model and other methods as described below. For each individual crop type, the permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season. Allocated inches per irrigated acre per season are determined separately for three major categories of water use, and the sum equals the total allocated inches per irrigated acre per season. An irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Other non-irrigation related water uses shall be permitted in accordance with section 3.3, Basis of Review.

As a guide for permit applicants and permittees, total allocated inches per acre per season for citrus in the Eastern Tampa Bay WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and length of growing season not listed in those tables, an applicant or permittee may obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4 or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre

per season per crop based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

A key component in calculating total allocated inches per acre per season is the assigned "irrigation water use efficiency," hereafter referred to as "efficiency". Efficiency is defined as the ratio of the volume of water beneficially used to the volume delivered from the irrigation system. For many crops, it is common for different irrigation systems and practices to be employed for different water uses (e.g. a tomato grower may use seepage irrigation for field preparation and drip irrigation for supplemental irrigation). In recognition of these differences, the District applies separate assigned efficiencies to different water irrigation-related water uses.

The three major categories of agricultural irrigation-related water use are: 1) supplemental irrigation (the water delivered to satisfy the evapotranspirational need of the crop); 2) field preparation/crop establishment (the water delivered for tilling, bedding, fumigation, and planting); and 3) other water uses (i.e. frost and freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts from the root zone). The District has assigned minimum efficiency standards for supplemental and field preparation/crop establishment irrigation requirements. These standards are listed later in this section. Design Aid 4, Part C, Water Use Permit Information Manual, describes in detail a methodology for calculating allotted inches per acre per season for supplemental irrigation (supplemental irrigation requirements divided by the assigned efficiency standard) and the allocated inches per acre per season for field preparation/crop establishment (field preparation/crop establishment irrigation requirements divided by the assigned efficiency standard). As specified in section 3.3 of the Basis, other information and methods may be considered as supported by the facts in individual cases.

Other water uses are permitted on an individual basis as follows:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts — the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freezing protection — The District allows irrigation for frost/freezing protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is

equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

The allocated inches per acre per season per crop for supplemental and field preparation/crop establishment for the January 1, 1993, management period will be based on the following minimum assigned efficiency standards. These standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency standard goals for future management periods.

#### January 1, 1993 Management Period

~~Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 75 percent.~~

~~Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 75 percent.~~

~~Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 75 percent for supplemental irrigation requirements.~~

~~Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.~~

~~Other crops — the total allocated inches per acre per season for both field preparation/crop establishment and supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent.~~

~~These minimum assigned efficiencies shall remain in effect until modified by rule.~~

#### January 1, 1997 Management Period

~~Based on information collected for the period 1990-1992, different efficiency standards may be developed for the January 1, 1997 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.~~

~~Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 80 percent.~~

~~Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 80 percent.~~

~~Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop~~

~~establishment shall be based on a minimum assigned efficiency standard of 60 percent and 80 percent for supplemental irrigation requirements.~~

~~Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.~~

~~Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 65 percent.~~

#### January 1, 2001 Management Period

~~Based on information collected for the period 1993-1996, different efficiency standards may be developed for the January 1, 2001 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.~~

~~Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.~~

~~Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.~~

~~Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.~~

~~Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.~~

~~Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.~~

#### January 1, 2011 Management Period

~~Based on information collected for the period 1996-2005, different efficiency standards may be developed for the January 1, 2011 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.~~

~~Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.~~

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

These requirements shall be implemented by applying the following permit conditions to all agricultural permits, as applicable:

Effective January 1, 1993, the Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season for each crop type. An irrigated acre, hereafter referred to as “acre,” is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

Allocated inches per irrigated acre per season are determined separately for three major categories of water use: field preparation/crop establishment; supplemental irrigation; and, other uses (i.e., frost/freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts). Once these three separate quantities are calculated, they are added and the sum equals the total allocated inches per irrigated acre per season, for each individual crop type.

These allocated inches per acre per season per crop for field preparation/crop establishment and supplemental irrigation (excluding nurseries, which are permitted on a case-by-case basis) are based on the minimum assigned efficiency standards listed in Table 7.2-1 below. These minimum standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency goals for future management periods.

Table 7.2-1. Minimum Assigned Efficiency Standards and Goals.

Crop Type	Supplemental Irrigation Efficiency Goals				Field Preparation/ Crop Establishment Efficiency Goals			
	Eff. Req. 1993	1997	2001	2011	Eff. Req. 1993	1997	2001	2011
Citrus								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Strawberries								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
Row Crops (with drip or unmulched, non-seepage-irrigated)								
Existing Permits	75%	80%	85%	85%	60%	60%	60%	60%
New Permits	80%	80%	85%	85%	60%	60%	60%	60%
Other Crops								
Existing Permits	60%	65%	70%	70%	60%	60%	60%	60%
New Permits	70%	70%	70%	70%	60%	60%	60%	60%

In addition to the allotted quantities for field preparation/ crop establishment and supplemental irrigation requirements, the Permittee’s total allotted inches per acre per season per crop will include the following quantities for other water uses:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts — the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freeze protection — Although there are no specific quantities permitted for frost/freeze protection, the District allows irrigation for frost/freeze protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

As a guide for the Permittee, total allocated inches per acre per season for citrus in the Eastern Tampa Bay WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and lengths of growing season not listed in those tables, an applicant or Permittee can obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4, or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

2.2 Monitoring Requirements for Agricultural Water Use

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the following data to be submitted. Although the permittee is not required to be in compliance with allocation requirements until January 1, 1993, the permittee is required to submit these data beginning with the first appropriate date in 1991, as specified in the permit conditions below.

1. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information for all seasonal crops (example: vegetables) and nurseries:

- a. crop type;
- b. monthly irrigated acres per crop;
- c. the dominant soil type;
- d. irrigation method(s);
- e. planting dates; and,
- f. season length.

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the Agricultural Water Use Form within 60 days following the crop season. Following December 31, 1992, if the Permittee exceeds the allocated quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit.

The District will reassess the efficiency goals prior to implementation. As a result of this reassessment, these goals may be adjusted upward or downward through rulemaking.

2.3 Other Agricultural Water Uses

Quantities for other uses not related to plant preparation and irrigation demand shall be documented separately. Such uses may include filling of spray tanks, livestock needs, cleaning, and frost freeze protection.

3. Recreational, Industrial, and Mining

3.1 Conservation Plan

All permit applicants for recreational/aesthetic, industrial/commercial, and mining/dewatering uses are required to submit a water conservation plan specifically addressing recycling, reuse and landscaping to the District at time of application. Existing permittees shall submit a conservation

plan by July 31, 1992. The following condition shall be placed on all appropriate permits, and the elements listed in the condition below shall be addressed in all new applications:

The permittee shall submit to the District a conservation plan by July 31, 1992. This plan shall include documentation and assessment of current and potential internal reuse, as well as external reuse sources. This plan shall also address reducing irrigation withdrawals through evaluation of the use of drought tolerant landscaping for landscaped areas, where present.

3.2 Golf Courses Conservation Plan

All permit applicants for golf course irrigation are required to submit a water conservation plan specifically addressing conversion to low volume irrigation methods, increased system management, limiting frequent irrigation to water critical areas, and limiting irrigation of other areas, to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. In addition to the permit condition listed in 3.1, above, the following permit condition shall be applied to all existing golf course permits, and the elements listed in the condition below shall be addressed in all new golf course permit applications:

The permittee shall submit a report to the District by July 31, 1992, detailing how and when the following items shall be implemented, and the expected reduction in withdrawals to be achieved through implementation:

- 1. Increasing efficiency of water application through conversion to low volume irrigation methods.
  - 2. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration, and measures to eliminate overspray.
  - 3. Limiting high frequency irrigation to water-critical areas, such as tees and greens.
  - 4. Reducing the frequency of irrigation for fairways.
  - 5. Elimination of irrigation of roughs.
4. Augmentation

Augmentation means using one source of water to supplement another. Typically, augmentation involves using ground water to supplement the surface water levels of lakes, ponds and wetlands. Augmentation may be required by the District to mitigate the impacts of withdrawals, or it may be requested by an applicant who wishes to raise surface water levels. Augmentation is permissible provided that the benefits outweigh any adverse impacts to ground or surface water resources, depending on the specific situation.

Augmentation for maintenance of lake and wetland natural habitat can be permitted as long as no significant adverse impacts result from the withdrawal. Augmentation may be allowed provided that (1) alternative solutions have been addressed, (2) the need for such augmentation has been established, (3) withdrawals for augmentation do not cause significant adverse impacts, and (4) measures are taken to allow the surface water level to fluctuate seasonally as described in Section 4.12.2.d. of the Basis of Review.

Augmentation above District-established applicable minimum water levels is prohibited. Maximum ground-water augmentation levels for lakes currently below established minimum water levels will be based on recent historical levels. Augmentation for purely aesthetic purposes, such as for creating and maintaining water levels in constructed ponds shall not be permitted. Existing permits which include aesthetic augmentation may be renewed only if the criteria of Section 4.12.2.c. through i. are implemented. Reuse of water through tail-water recovery ponds in efficiently managed systems is encouraged and is not considered augmentation.

#### 6.2 Reuse

Investigation of the feasibility of reuse may be required for all appropriate uses, and reuse shall be required where feasible. Reuse of treated wastewater as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate applicants or permittees. This item shall be implemented through inclusion of the following condition on all applicable permits with agricultural irrigation, recreational or aesthetic irrigation, industrial or commercial, or mining or dewatering uses:

The Permittee shall investigate the feasibility of using reuse as a water source and submit a report describing the feasibility to the District by (date specified). The report shall contain an analysis of reuse sources for the area, including the relative location of these sources to the Permittee's property, the quantity and timing of reuse water available, costs associated with obtaining the reuse water, and an implementation schedule for reuse. Infeasibility shall be supported with a detailed explanation.

#### 6.3 Reporting Reuse Quantities

##### 1. Reclaimed Water Generators

Governmental or other entities holding Water Use Permits and which generate treated wastewater effluent shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated wastewater effluent disposed, and the methods and locations of disposal. This requirement will be implemented by applying the following condition to all applicable permits:

The Permittee shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated wastewater effluent disposed, and the methods and locations of disposal. This report shall be an addendum to the annual per-capita and other supplied uses report.

##### 2. Reclaimed Water Receivers

All permitted uses which receive reclaimed water (e.g. golf courses, industrial/commercial uses, etc.) shall be required to record and report reuse quantities and sources on a monthly basis. This requirement shall be implemented by applying the following permit condition to all applicable permits:

The Permittee shall report to the District existing connections to reclaimed water by November 1, 1990. New connections to reclaimed water shall be reported to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

The following condition shall be applied to applicable permits for new use:

The Permittee shall report connection to reclaimed water to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and reclaimed quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

#### 6.4 Investigate Desalination

All industrial and public supply applicants for new quantities shall be required to investigate the feasibility of desalination to provide all or a portion of requested quantities. The requirement shall be implemented by applying the following permit condition to all applicable permits:

The Permittee shall investigate the feasibility of desalination to provide all or a portion of the requested quantities and to implement desalination if feasible. The report of this investigation shall be submitted with any application for new quantities, and shall include a detailed economic analysis of desalination, including disposal costs, versus development of fresh water supplies, including land acquisition and transmission costs.

#### 7. Metering of Withdrawals

All permitted withdrawal points, on permits at or above 100,000 gallons per day annual average daily withdrawal, shall be metered and the Permittee shall be required to record and submit withdrawal information. Withdrawal points on permits existing as of the effective date of this rule, shall be metered at the permittee's expense by July 31, 1995, except as provided below.

The following permit condition shall be applied to all active permits with quantities at or above 500,000 gpd which shall have meters provided by the District under the provisions of Section 5.1, Basis of Review, for withdrawal points existing prior to October 1, 1989:

At such time as the District completes installation of meter(s) on all applicable withdrawal points, the Permittee shall record the total withdrawal for each metered withdrawal point.

~~Withdrawal points constructed after September 30, 1989 shall be metered within 90 days of construction, at Permittee's expense. Total withdrawals shall be reported to the District (using District format) on or before the tenth day of the following month.~~

~~Withdrawal points existing prior to the effective date of this rule, on permits granted for quantities at or above 100,000 gpd, which will not receive District-supplied meters under the provisions of Section 5.1, Basis of Review, shall receive the following condition:~~

~~The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped by July 31, 1995.~~

~~Total withdrawal from each metered withdrawal point shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.~~

~~Permits granted for quantities at or above 100,000 gpd, which have withdrawal points constructed after the effective date of this rule, shall receive the following condition:~~

~~The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped within 90 days of completion of construction of the withdrawal facility, unless an extension is granted by the Director, Resource Regulation.~~

~~Total withdrawal from each monitored source shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.~~

~~All permits with reporting requirements shall receive the following condition:~~

~~All reports and data required by the permit shall be submitted to the District and shall be addressed to:~~

~~Permits Data  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34609-6899~~

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-2.091                   Publications Incorporated by  
  Reference

**NOTICE OF CHANGE**

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, and will now read as follows:

**40D-2.091 Publications Incorporated by Reference.**

The "Basis of Review for Water Use Permit Applications" [effective date], "Standby Alternative Source" Form 48.10-009 (10/01) WUP-9, "Irrigation Water Use Form – Annual Crops" Form 46.20-010 WUP-10 (10/01), "Irrigation Water Use – Annual Recreational/Aesthetic/Golf" Form 46.20-009 WUP-11 (10/01), "Irrigation Water Use – Summer & Fall Seasonal", 46.20-012 WUP-12 (10/01), and "Irrigation Water Use – Winter & Spring Seasonal", 46.20-011 Form WUP-13 (10/01) are hereby incorporated by reference into this Chapter and are available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-2.091                   Publications Incorporated by  
  Reference

**NOTICE OF CHANGE**

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), comments from the Joint Administrative Procedures Committee, and associated subsequent public hearings, notice is hereby given that changes have been made to those proposed for Section 7.1 HIGHLANDS RIDGE WATER USE CAUTION AREA in Chapter 7.0, WATER USE CAUTION AREAS, of the Basis of Review that is incorporated by reference in Rule 40D-2.091, F.A.C., (the "Highlands Ridge Basis") in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows: Subsection 7.1 2. 2.2 2. is changed as follows:

~~2. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information on an annual basis for all perennial crops (example: citrus):~~

- a. crop type;
- b. irrigated acres per crop;
- c. the dominant soil type; and,
- d. irrigation method(s);

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District by March 1 of each year. Following December 31, 1992, if the Permittees who exceeds the allocated quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Allocated quantities are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit

Only those provisions of the Highlands Ridge Basis set forth below will be repealed. The previously proposed repeal of any provision not set forth below is hereby deleted, except that Subsection 7.1 2. 2.2 2 is changed as set forth above.

1. Public Supply

A wholesale public supply customer shall be required to obtain a separate permit to effect the following conservation requirements unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and the per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 7.1 1. 1.1

1.1 Per-Capita Use

Per capita daily water use is defined as population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. Permittees with per capita daily water use which is skewed by the demands of significant water uses can deduct these uses provided that these uses are separately accounted. Generally, the formula used for determining gallons per day per capita is as follows: total withdrawal minus significant uses, environmental mitigation, and treatment losses, divided by the population served (adjusted for seasonal and tourist populations, if appropriate). For interconnected systems, incoming transfers and wholesale purchases of water shall be added to withdrawals; outgoing transfers and wholesale sales of water shall be deducted from withdrawals.

A significant use, which may be deducted, is defined as an individual non-residential customer using 25,000 gallons per day or greater on an annual average basis, or an individual non-residential customer whose use represents greater than five percent of the utility's annual water use.

Any uses which are deducted from the per-capita daily water use based on the above guidelines shall be supported with documentation demonstrating that they are significant uses, and shall include documentation of usage quantities. Additionally, all deducted uses must be accounted for in a water conservation plan developed by the applicant/permittee which includes specific water conservation goals for each use or type of use. Environmental mitigation quantities permitted by the District and treatment losses such as desalination reject water and sand filtration backwash water shall be identified and reported separately, and shall not be included in the calculation of per-capita use. Water supplied to wholesale public supply customers shall be identified and reported separately, with a separate per-capita use calculated for each customer in addition to the wholesaler.

2. By April 1 of each year for the preceding calendar year, the permittee shall submit a report detailing:

- a. The population served;
- b. Deducted uses, the associated quantity, and conservation measures applied to these uses;
- c. Total withdrawals;
- d. Treatment losses;
- e. Environmental mitigation quantities;
- f. Sources and quantities of incoming and outgoing transfers of water and wholesale purchases and sales of water, with quantities determined at the supplier's departure point.

1.2 Water Conserving Rate Structure

Each water supply utility within the Water Use Caution Area shall adopt a water conserving rate structure by January 1, 1993. This requirement shall be implemented by applying the following permit condition to all existing public supply permits:

The Permittee shall adopt a water conservation oriented rate structure no later than January 1, 1993. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 1993. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by July 1, 1993.

New public supply permits shall receive the following permit condition:

The Permittee shall adopt a water conservation oriented rate structure no later than two years from the date of permit issuance. The Permittee shall submit a report describing the rate structure and its estimated effectiveness within 60 days following adoption.



### 1.3 Water Audit

All water supply utilities shall implement water audit programs by January 1, 1993. A thorough water audit can identify what is causing unaccounted water and alert the utility to the possibility of significant losses in the distribution system. Unaccounted water can be attributed to a variety of causes, including unauthorized uses, authorized unmetered uses, under-registration of meters, fire flows, and leaks.

This requirement shall be implemented by applying the following permit condition to all existing Public Supply permits:

The permittee shall conduct water audits of the water supply system during each management period. The initial audit shall be conducted no later than January 1, 1993. Water audits which identify a greater than 12 percent unaccounted for water shall be followed by appropriate remedial actions. Audits shall be completed and reports documenting the results of the audit shall be submitted as an element of the report required in the per capita condition to the District by the following dates: February 1, 1993; February 1, 1997; February 1, 2001; and February 1, 2011. Water audit reports shall include a schedule for remedial action if needed.

Large, complex water supply systems may conduct the audit in phases, with prior approval by the District. A modified version shall be applied to new permits, replacing the initial audit date with a date two years forward from the permit issuance date. Prior to each management period, the District will reassess the unaccounted for water standard of 12%, and may adjust this standard upward or downward through rulemaking.

### 1.4 Residential Water Use Reports

Beginning April 1, 1993, public supply permittees shall be required to annually report residential water use by type of dwelling unit. Residential dwelling units shall be classified into single family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

This requirement shall be implemented by applying the following permit condition to all public supply permits:

Beginning in 1993, by April 1 of each year for the preceding calendar year, the permittee shall submit a residential water use report detailing:

- a. The number of single family dwelling units served and their total water use,
- b. The number of multi-family dwelling units served and their total water use,
- c. The number of mobile homes served and their total water use.

Residential water use quantities shall include both the indoor and outdoor water uses associated with the dwelling units, including irrigation water.

## 2. Agriculture

### 2.1 Irrigation Water Use Allotments

The District allocates agricultural irrigation-related water use based on a modified Blaney Criddle model and other methods as described below. For each individual crop type, the permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season. Allocated inches per irrigated acre per season are determined separately for three major categories of water use, and the sum equals the total allocated inches per irrigated acre per season. An irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. Other non-irrigation related water uses shall be permitted in accordance with section 3.3, Basis of Review.

As a guide for permit applicants and permittees, total allocated inches per acre per season for citrus in the Highlands Ridge WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and length of growing season not listed in those tables, an applicant or permittee may obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4 or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season per crop based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

A key component in calculating total allocated inches per acre per season is the assigned "irrigation water use efficiency," hereafter referred to as "efficiency." Efficiency is defined as the ratio of the volume of water beneficially used to the volume delivered from the irrigation system. For many crops, it is common for different irrigation systems and practices to be employed for different water uses (e.g. a tomato grower may use seepage irrigation for field preparation and drip irrigation for supplemental irrigation). In recognition of these differences, the District applies separate assigned efficiencies to different water irrigation-related water uses.

The three major categories of agricultural irrigation-related water use are: 1) supplemental irrigation (the water delivered to satisfy the evapotranspirational need of the crop); 2) field preparation/crop establishment (the water delivered for tilling, bedding, fumigation, and planting); and 3) other water uses (i.e. frost and freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts from the root zone). The District has assigned minimum efficiency standards for supplemental and field

preparation/crop establishment irrigation requirements. These standards are listed later in this section. Design Aid 4, Part C, Water Use Permit Information Manual, describes in detail a methodology for calculating allotted inches per acre per season for supplemental irrigation (supplemental irrigation requirements divided by the assigned efficiency standard) and the allocated inches per acre per season for field preparation/crop establishment (field preparation/crop establishment irrigation requirements divided by the assigned efficiency standard). As specified in section 3.3 of the Basis, other information and methods may be considered as supported by the facts in individual cases.

Other water uses are permitted on an individual basis as follows:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts — the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freeze protection — The District allows irrigation for frost/freeze protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

The allocated inches per acre per season per crop for supplemental and field preparation/crop establishment for the January 1, 1993, management period will be based on the following minimum assigned efficiency standards. These standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency standard goals for future management periods.

#### January 1, 1993 Management Period

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 75 percent.

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 75 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 75 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for both field preparation/crop establishment and supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent.

These minimum assigned efficiencies shall remain in effect until modified by rule.

#### January 1, 1997 Management Period

Based on information collected for the period 1990-1992, different efficiency standards may be developed for the January 1, 1997 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 80 percent.

Strawberries — the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 80 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system — the total allocated inches per acre per season for field preparation/crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 80 percent for supplemental irrigation requirements.

Nurseries — the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops — the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 65 percent.

#### January 1, 2001 Management Period

Based on information collected for the period 1993-1996, different efficiency standards may be developed for the January 1, 2001 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus — the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.

Strawberries – the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system – the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries – the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops – the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

January 1, 2011 Management Period

Based on information collected for the period 1996-2005, different efficiency standards may be developed for the January 1, 2011 management period. These efficiencies may be adopted by rule with sufficient time to allow users to prepare for implementation. The following efficiency goals are based on current information.

Citrus – the total allocated inches per acre per season for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 85 percent.

Strawberries – the total allocated inches per acre per season for field preparation/crop establishment shall be 14 inches. The total inches per acre per season for supplemental irrigation shall be based on a minimum assigned efficiency standard of 85 percent.

Row crops irrigated with a drip system or row crops that are unmulched and not grown with a seepage system – the total allocated inches per acre per season for field preparation/ crop establishment shall be based on a minimum assigned efficiency standard of 60 percent and 85 percent for supplemental irrigation requirements.

Nurseries – the total allocated inches per acre shall be based on the type of nursery, production factors, plant types, and irrigation method.

Other crops – the total allocated inches per acre per season for field preparation/crop establishment irrigation requirements shall be based on a minimum assigned efficiency standard of 60 percent, and for supplemental irrigation requirements shall be based on a minimum assigned efficiency standard of 70 percent.

These requirements shall be implemented by applying the following permit conditions to all agricultural permits, as applicable:

Effective January 1, 1993, the Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season for each crop type. An irrigated acre, hereafter referred to as “acre,” is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

Allocated inches per irrigated acre per season are determined separately for three major categories of water use: field preparation/crop establishment; supplemental irrigation; and, other uses (i.e., frost/freeze protection, heat stress relief, chemical application, irrigation system flushing and maintenance, and leaching of salts). Once these three separate quantities are calculated, they are added and the sum equals the total allocated inches per irrigated acre per season, for each individual crop type.

These allocated inches per acre per season per crop for field preparation/crop establishment and supplemental irrigation (excluding nurseries, which are permitted on a case-by-case basis) are based on the minimum assigned efficiency standards listed in Table 7.1-1 below. These minimum standards shall remain in effect until modified by rule. However, for planning purposes, also listed are assigned efficiency goals for future management periods.

Table 7.1-1. Minimum Assigned Efficiency Standards and Goals

Crop Type	Supplemental Irrigation				Field Preparation/ Crop Establishment			
	Eff. Req.		Efficiency Goals		Eff. Req.		Efficiency Goals	
	1993	1997	2001	2011	1993	1997	2001	2011
<b>Citrus</b>								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
<b>Strawberries</b>								
Existing Permits	75%	80%	85%	85%	na	na	na	na
New Permits	80%	80%	85%	85%	na	na	na	na
<b>Row Crops (with drip or unmulched, non-seepage irrigated)</b>								
Existing Permits	75%	80%	85%	85%	60%	60%	60%	60%
New Permits	80%	80%	85%	85%	60%	60%	60%	60%
<b>Other Crops</b>								
Existing Permits	60%	65%	70%	70%	60%	60%	60%	60%
New Permits	70%	70%	70%	70%	60%	60%	60%	60%

In addition to the allotted quantities for field preparation/ crop establishment and supplemental irrigation requirements, the Permittee’s total allotted inches per acre per season per crop will include the following quantities for other water uses:

1. Chemigation, irrigation system flushing and maintenance, heat stress relief, and leaching of salts – the total allocated inches per acre per season for these uses is equal to ten (10) percent of the allocated inches per acre per season of the supplemental irrigation requirement for crops irrigated with a micro irrigation system, and five (5) percent of the allocated

inches per acre per season of the supplemental irrigation requirement for crops irrigated with all other irrigation systems.

2. Frost/freeze protection—Although there are no specific quantities permitted for frost/freeze protection, the District allows irrigation for frost/freeze protection provided that: 1) the maximum daily quantity listed on the permit is not exceeded; 2) irrigation for this purpose will not cause water to go to waste; and, 3) permittees whose annual average daily permitted water use is equal to or exceeds 100,000 gpd shall document and report the beginning and ending hours and dates, and inches per acre applied for such purpose.

As a guide for the Permittee, total allocated inches per acre per season for citrus in the Highlands Ridge WUCA are listed in tables provided in Design Aid 4, Part C, Water Use Permit Information Manual. For crops, soil types, planting dates, and lengths of growing season not listed in those tables, an applicant or Permittee can obtain the total allocated inches per acre per season utilizing procedures described in Design Aid 4, or complete the Agricultural Water Allotment Form and submit it to the District. The District will complete and return the form calculating total allocated inches per acre per season based on the information provided. A permit applicant or permittee may use alternative methods for calculating water use needs subject to District approval.

#### 2.2 Monitoring Requirements for Agricultural Water Use

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the following data to be submitted. Although the permittee is not required to be in compliance with allocation requirements until January 1, 1993, the permittee is required to submit these data beginning with the first appropriate date in 1991, as specified in the permit conditions below.

1. All Permittees whose average daily permitted use is equal to or exceeds 100,000 gpd shall record the following information for all seasonal crops (example: vegetables) and nurseries:

- a. crop type;
- b. monthly irrigated acres per crop;
- c. the dominant soil type;
- d. irrigation method(s);
- e. planting dates; and,
- f. season length.

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be documented separately by noting the beginning and ending hour and date. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the Agricultural Water Use Form within 60 days following the crop season. Following December 31, 1992, if the Permittee exceeds the allocated quantities, which are

determined by multiplying the total irrigated acres by the total allocated inches per acre per season per crop, the permittee shall submit a report to the District which shall include reasons why the allotted quantities were exceeded, measures taken to attempt meeting the allocated quantities, and a plan to bring the permit into compliance. Reports for Permittees not achieving the allotted quantities are subject to District approval. If the report is not approved, the Permittee is in violation of the Water Use Permit.

The District will reassess the efficiency goals prior to implementation. As a result of this reassessment, these goals may be adjusted upward or downward through rulemaking.

#### 2.3 Other Agricultural Water Uses

Quantities for other uses not related to plant preparation and irrigation demand shall be documented separately. Such uses may include filling of spray tanks, livestock needs, cleaning, and frost freeze protection.

### 3. Recreational, Industrial, and Mining

#### 3.1 Conservation Plan

All permit applicants for recreational/aesthetic, industrial/commercial, and mining/dewatering uses are required to submit a water conservation plan specifically addressing recycling, reuse and landscaping to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. The following condition shall be placed on all appropriate permits, and the elements listed in the condition below shall be addressed in all new applications:

The permittee shall submit to the District a conservation plan by July 31, 1992. This plan shall include documentation and assessment of current and potential internal reuse, as well as external reuse sources. This plan shall also address reducing irrigation withdrawals through evaluation of the use of drought tolerant landscaping for landscaped areas, where present.

#### 3.2 Golf Courses Conservation Plan

All permit applicants for golf course irrigation are required to submit a water conservation plan specifically addressing conversion to low volume irrigation methods, increased system management, limiting frequent irrigation to water critical areas, and limiting irrigation of other areas, to the District at time of application. Existing permittees shall submit a conservation plan by July 31, 1992. In addition to the permit condition listed in 3.1, above, the following permit condition shall be applied to all existing golf course permits, and the elements listed in the condition below shall be addressed in all new golf course permit applications:

The permittee shall submit a report to the District by July 31, 1992, detailing how and when the following items shall be implemented, and the expected reduction in withdrawals to be achieved through implementation:

1. Increasing efficiency of water application through conversion to low volume irrigation methods.

2. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration, and measures to eliminate overspray.

3. Limiting high-frequency irrigation to water-critical areas, such as tees and greens.

4. Reducing the frequency of irrigation for fairways.

5. Elimination of irrigation of roughs.

4. Augmentation

Augmentation means using one source of water to supplement another. Typically, augmentation involves using ground water to supplement the surface water levels of lakes, ponds and wetlands. Augmentation may be required by the District to mitigate the impacts of withdrawals, or it may be requested by an applicant who wishes to raise surface water levels. Augmentation is permissible provided that the benefits outweigh any adverse impacts to ground or surface water resources, depending on the specific situation.

Augmentation for maintenance of lake and wetland natural habitat can be permitted as long as no significant adverse impacts result from the withdrawal. Augmentation may be allowed provided that (1) alternative solutions have been addressed, (2) the need for such augmentation has been established, (3) withdrawals for augmentation do not cause significant adverse impacts, and (4) measures are taken to allow the surface water level to fluctuate seasonally as described in Section 4.12.2.d. of the Basis of Review. Augmentation above District-established applicable minimum water levels is prohibited. Maximum ground-water augmentation levels for lakes currently below established minimum water levels will be based on recent historical levels. Augmentation for purely aesthetic purposes, such as for creating and maintaining water levels in constructed ponds shall not be permitted. Existing permits which include aesthetic augmentation may be renewed only if the criteria of Section 4.12.2.c. through i. are implemented. Reuse of water through tail-water recovery ponds in efficiently managed systems is encouraged and is not considered augmentation.

5.1 Stressed Lakes — New Withdrawals

Due to cumulative ground water and surface water withdrawal impacts, new withdrawals from stressed lakes shall not be permitted.

5.2 Stressed Lakes — Existing Withdrawals

Existing permitted surface withdrawals from stressed lakes shall be abandoned or replaced with an alternate source by September 30, 1993. Existing and new permitted withdrawals from lakes which are determined by the District to be stressed following the implementation of the Highlands Ridge WUCA Rule shall abandon or replace these withdrawals with alternate sources within three years of the designation of the stressed lake.

This requirement shall be implemented for all existing permits which include surface water withdrawals from stressed lakes by applying the following permit condition:

All existing surface water withdrawals from stressed lakes shall be abandoned or replaced with a surficial or Floridan aquifer ground-water source, or a reuse source, by September 30, 1993. Such replacement shall require a modification of the Water Use Permit.

This requirement shall be implemented for all existing and new permits which include surface water withdrawals from lakes that may be designated stressed in the future by applying the following permit condition to all permits within the WUCA which have surface water withdrawals from lakes:

Within 3 years from notification by the District that the lake from which the Permittee is withdrawing is stressed, all surface water withdrawals from this lake shall be abandoned or replaced with a surficial or Floridan aquifer ground-water source, or a reuse source. Such replacement shall require a modification of the Water Use Permit.

Water users with existing surface withdrawals on stressed lakes shall be allowed some impact on the lake from the proposed replacement well as long as the quantities withdrawn do not increase.

5.3 Stressed Lakes — New Ground-water Withdrawals

New ground-water withdrawals which adversely impact stressed lakes, or which would cause a lake to become stressed, shall not be permitted.

7.2 Reuse

Investigation of the feasibility of reuse may be required for all appropriate uses, and reuse shall be required where feasible. Reuse of treated wastewater as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate applicants or permittees. This item shall be implemented through inclusion of the following condition on all applicable permits with agricultural irrigation, recreational or aesthetic irrigation, industrial or commercial, or mining or dewatering uses:

The Permittee shall investigate the feasibility of using reuse as a water source and submit a report describing the feasibility to the District by (date specified). The report shall contain an analysis of reuse sources for the area, including the relative location of these sources to the Permittee's property, the quantity and timing of reuse water available, costs associated with obtaining the reuse water, and an implementation schedule for reuse. Infeasibility shall be supported with a detailed explanation.

7.3 Reporting Reuse Quantities

1. Reclaimed Water Generators

Governmental or other entities holding Water Use Permits and which generate treated wastewater effluent shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated

wastewater effluent disposed, and the methods and locations of disposal. This requirement will be implemented by applying the following condition to all applicable permits:

The Permittee shall submit an annual report listing the disposition of the effluent. This report shall list the number of homes, golf courses, industrial, commercial, and landscaping users supplied with effluent, and the total annual average daily quantity supplied as reuse. This report shall also list the annual average daily quantity of treated wastewater effluent disposed, and the methods and locations of disposal. This report shall be an addendum to the annual per-capita and other supplied uses report.

2. Reclaimed Water Receivers

All permitted uses which receive reclaimed water (e.g. golf courses, industrial/commercial uses, etc.) shall be required to record and report reuse quantities and sources on a monthly basis. This requirement shall be implemented by applying the following permit condition to all applicable permits:

The Permittee shall report to the District existing connections to reclaimed water by November 1, 1990. New connections to reclaimed water shall be reported to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

The following condition shall be applied to applicable permits for new use:

The Permittee shall report connection to reclaimed water to the District within 30 days of connection to the reuse source. The Permittee shall list the source name, location, and reclaimed quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

8. Metering of Withdrawals

All permitted withdrawal points, on permits at or above 100,000 gallons per day annual average daily withdrawal, shall be metered and the Permittee shall be required to record and submit withdrawal information. Withdrawal points on permits existing as of the effective date of this rule, shall be metered at the permittee's expense by July 31, 1995, except as provided below.

The following permit condition shall be applied to all active permits with quantities at or above 500,000 gpd which shall have meters provided by the District under the provisions of Section 5.1, Basis of Review, for withdrawal points existing prior to October 1, 1989:

At such time as the District completes installation of meter(s) on all applicable withdrawal points, the Permittee shall record the total withdrawal for each metered withdrawal point. Withdrawal points constructed after September 30, 1989 shall

be metered within 90 days of construction, at Permittee's expense. Total withdrawals shall be reported to the District (using District format) on or before the tenth day of the following month.

Withdrawal points existing prior to the effective date of this rule, on permits granted for quantities at or above 100,000 gpd, which will not receive District-supplied meters under the provisions of Section 5.1, Basis of Review, shall receive the following condition:

The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped by July 31, 1995.

Total withdrawal from each metered withdrawal point shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.

Permits granted for quantities at or above 100,000 gpd, which have withdrawal points constructed after the effective date of this rule, shall receive the following condition:

The following withdrawal points (District ID numbers) shall be equipped with totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within five percent of the actual flow. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped within 90 days of completion of construction of the withdrawal facility, unless an extension is granted by the Director, Resource Regulation. Total withdrawal from each monitored source shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.

All permits with reporting requirements shall receive the following condition:

All reports and data required by the permit shall be submitted to the District and shall be addressed to:

Permits Data  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34609-6899

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091  
RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Section 1.4, Application Forms, in Chapter 1.0, Permitting Procedures, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, and will read as follows:

1.4 APPLICATION FORMS

Permit Applicants should submit the Individual Permit Application and the Information Supplement applicable to their water use type, or the General Permit Application or the modification short form, as appropriate. Information supplements include the following:

1. Agriculture, Form WUP-4
2. Industrial or Commercial, Form WUP-5
3. Mining or Dewatering, Form WUP-6
4. Public Supply, Form WUP-7
5. Recreation or Aesthetic, Form WUP-8.
6. Standby Alternative Source, Form 48.10-009 Form WUP-9, (10/01)
7. Irrigation Water Use Form – Annual Crops Form 46.20-010 WUP-10 (10/01),
8. Irrigation Water Use – Annual Recreational/Aesthetic/Golf Form 46.20-009 WUP-11 (10/01),
9. Irrigation Water Use – Summer & Fall Seasonal, 46.20-012 WUP-12 (10/01), and
10. Irrigation Water Use – Winter & Spring Seasonal, 46.20-011 Form WUP-13 (10/01)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-2.091	Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001), and associated subsequent public hearings, notice is hereby given that changes have been made to Section 3.1, Determining Reasonable Quantities, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in

accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The section titled REACTIVATION OF STANDBY QUANTITIES WITHIN THE SWUCA and paragraph 5. Alternative Source Standby Permit of the Section titled USE OF RECLAIMED WATER AND STORMWATER WITHIN THE SWUCA are moved to and combined with the Section titled STANDBY QUANTITIES WITHIN THE SWUCA. The Section titled STANDBY QUANTITIES WITHIN THE SWUCA that was proposed to appear after the paragraph titled Treatment Effects is moved as combined so that it will follow the proposed Section titled INVESTIGATE DESALINATION WITHIN THE SWUCA. and will now read as follows:

STANDBY ALTERNATIVE SOURCE PERMIT

An Alternative Source Permit will only be issued where all water use permit permitting criteria for the primary source are met, but the applicant elects to use an alternative source for all or part of its demand.

1. New Primary Alternate Source Permit: A New Primary Alternate Source (NPAS) permit will be issued in lieu of a water use permit where the applicant has an alternate source (e.g., reclaimed water or stormwater) available at the time of application and only needs a primary source (ground water or surface water withdrawals from natural water bodies) permitted in the event of the loss of the alternate source.

2. Existing Primary Alternate Source Permit: The water use permit, under which any or all withdrawals have been discontinued from the ground water or natural surface water body (primary source) due to use of an alternate source (e.g. reclaimed water or stormwater), shall be modified to be an Existing Primary Alternate Source (EPAS) permit. The primary quantities replaced on the water use permit shall no longer be withdrawn except as provided in 3. below.

a. Activation of NPAS and Reactivation of EPAS Primary Source Withdrawals.

1) Permanent Loss – If the NPAS or EPAS Permittee permanently loses the use of the alternative source, authorization to use the primary source shall be obtained from the District prior to withdrawals being made.

2) NPAS Permittees shall submit an application for a water use permit to permanently activate, in whole or in part, the previously unused primary source. The application shall be supported by evidence of permanent loss of the alternative source and shall be submitted to the District within two weeks of learning of the non-availability of the alternative source. If only a portion of the alternative source is lost, the Permittee shall also submit an application to eliminate the activated primary source quantities that were on the NPAS Permit.

3) EPAS Permittees shall submit a written request to reactivate, in whole or in part, the primary source within two weeks of learning of the non-availability of the alternative source. The request shall be supported by evidence of





NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to Subsection proposed to be added to Section 3.6, PUBLIC SUPPLY after the proposed subsection CUSTOMER BILLING AND METER READING CRITERIA WITHIN THE SWUCA, in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

The paragraph titled "Residential Water Use Reports" is changed as follows:

Residential Water Use Reports – Beginning [effective date of this Basis provision] public supply permittees in Southern Water Use Caution Area shall be required to annually report residential water use by type of dwelling unit, as required in "Annual Reports," items 10, 11 and 12 ~~9, 10 and 11~~, below. Residential dwelling units shall be classified into single family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                    RULE TITLE:  
40D-2.091                    Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed paragraphs titled "Irrigation of Roughs" and "Submittal of Plans" included in the subsection "GOLF COURSE CONSERVATION WITHIN THE SWUCA" proposed to be added to the end of Section 3.7, RECREATION OR AESTHETIC, after the proposed subsection "CONSERVATION PLANS FOR USES WITHIN THE SWUCA", all within Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph

120.54(3)(d)1., F.S., published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

GOLF COURSE CONSERVATION WITHIN THE SWUCA Paragraph "Irrigation of Roughs" will now read as follows:

Irrigation of Roughs – Irrigation of roughs shall be eliminated for all golf courses with withdrawal points within the Southern Water Use Caution Area but not previously in the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area by (three years from effective date of this Basis provision). If a permittee demonstrates that drought-tolerant landscaping has been utilized in the roughs, the permittee may irrigate the roughs using quantities permitted for the tees, greens, and fairways. Separate quantities for rough irrigation will not be allocated. However, an applicant may request prior approval from the District to use roughs as wet weather reclaimed water disposal sites.

The paragraph titled "Submittal of Plans" will now read as follows:

Submittal of Plans – Applicants for new permits shall submit this plan to the District at the time of application. Existing permittees with ground water withdrawals not previously located within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003. The District publishes a document titled Golf Course Conservation Guidelines which may be consulted in order to prepare the conservation plan required by this provision. The Guidelines are available from the District upon request.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                    RULE TITLE:  
40D-2.091                    Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the subsection "CONSERVATION PLANS FOR USES WITHIN THE SWUCA" proposed to be added to the end of Section 3.7, RECREATION OR AESTHETIC in Chapter 3.0, Reasonable Water Needs, of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, and it will now read as follows:

CONSERVATION PLANS FOR USES WITHIN THE SWUCA

All permit applicants for ground water withdrawals within the SWUCA for recreation or aesthetic uses are required to submit a water conservation plan describing where and when water savings can be reasonably achieved and specifically addressing all components of use and loss in the water balance, including but not limited to recycling, reuse, landscaping, and an implementation schedule to the District at time of application. Existing permittees with ground water withdrawals not previously within the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area shall submit a conservation plan by January 1, 2003.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to proposed subparagraph 3.d. under, Lake Impacts Within SWUCA, contained within Section 4.2 ENVIRONMENTAL IMPACTS, which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

d. Stressed Lakes, Existing Withdrawals – Existing permitted surface withdrawals from stressed lakes within the SWUCA shall be abandoned or replaced with alternative sources within three years from [the effective date of this Basis provision] if the withdrawal was not previously located within the Highlands Ridge Water Use Caution Area the SWUCA.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.091  
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed paragraph titled “Meter Installation Within The SWUCA” proposed to be added to Section 5.1 WITHDRAWAL QUANTITY in Chapter 5.0, monitoring Requirements, of the

Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

Meter Installation Within The SWUCA – New withdrawals within the SWUCA that are required to be metered shall be metered within 90 days after construction of the withdrawal facility is completed. Existing withdrawals not previously required to be metered shall be metered by January 1, ~~2003~~ 1996. ~~Existing withdrawals in the area formerly known as the Highlands Ridge or Eastern Tampa Bay Water Use Caution Areas shall be metered by July 31, 1995.~~ Once a withdrawal point is required to be metered, it shall remain so, and pumpage shall continue to be reported, even if the withdrawal point is later associated with a permit below metering thresholds. Typically, individual withdrawal points permitted for less than 10,000 gpd are not required to be metered.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.101  
 RULE TITLE: Content of Application

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the above reference rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follows:

Subsection 40D-2.101(2), F.A.C., will read as follows:

(2) Information required on the appropriate Water Use Permit Application and supplemental forms numbered WUP-1 through WUP-168.

The proposed change to subsection 40D-2.101(6), F.A.C., is deleted.

Specific Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.216, 373.229, F.S. History—Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.321  
 RULE TITLE: Duration of Permits

NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice

is hereby given that changes have been made to the above reference rule in accordance with subparagraph 120.54(3)(d)1., F.S., as published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, as follow:

Proposed subsection 40D-2.321(4), F.A.C., and associated renumbering is deleted.

Proposed subsection 40D-2.321(6), F.A.C., (now subsection 40D-2.321(5), F.A.C.), is changed as follows:

The duration of a Standby Alternative Source ~~Standby~~ Permit pursuant to Section 1.9.9 of the Basis of Review, which is incorporated by reference in Rule 40D-2.091, F.A.C., and available upon request to the District, Rule 40D-2.601, F.A.C., shall be 20 years, except that, when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with subsections 40D-2.321(1)(2), (3) and (4), F.A.C., above.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
40D-2.381                      Standard Permit Conditions  
NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that in accordance with subparagraph 120.54(3)(d)1., F.S., the proposed change to paragraph 40D-2.381(3)(i), F.A.C., and associated renumbering published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly, has been deleted.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
40D-2.501                      Permit Classification  
NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that proposed Rule 40D-2.501(7), F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published December 2, 1994, in the Florida Administrative Weekly Vol. 20, No. 48, pages 8905-8953 at page 8908, has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
40D-2.621                      Water Conserving Credits  
NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, issue of the Florida Administrative Weekly:

40D-2.621 Water-Conserving Credits.

(1) On January 1, 2003, ~~October 1, 1999~~, permits authorizing a ~~ground~~ water withdrawal within the Southern Water Use Caution Area as described in 40D-2.801(3)(d)(b) for irrigation shall be assigned a credit by the District for a quantity of water as set forth in Chapter 3 of the Basis of Review referenced in Rule 40D-2.091, F.A.C..

(2) Beginning on January 1, 2003, ~~October 1, 1999~~, all permittees with a permit authorizing a ~~ground~~ water withdrawal within the SWUCA as described in Section 40D-2.801(3)(d)(b) for irrigation may earn Water Conserving Credits to withdraw additional quantities of ground water for use at the site at which they were earned if less than the allowable amount is applied to actual, planted acreage as set forth in Chapter 3 of the Basis of Review described in Rule 40D-2.091, F.A.C..

(3) Withdrawals under the Water Conserving Credits shall meet the Conditions for Issuance set forth in 40D-2.301(1)(2).

Specific Authority 373.044, 373.113, 373.171 F.S. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 F.S. History-New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:  
40D-2.801                      Water Use Caution Areas  
NOTICE OF CHANGE

In response to cases Charlotte County, et. al. vs. Southwest Florida Water Management District, DOAH Case No. 94-5742RP, and Charlotte County, et. al., vs. Southwest Florida Water Management District, 774 So.2d 903, (Fla. 2DCA 2001) and associated subsequent public hearings, notice is hereby given that changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 20, No. 48, December 2, 1994, Vol. 21, No. 44, November 3, 1995, Vol 24, No. 7, February 13, 1998, and Vol 28, No. 5, February 1, 2002 issue of the Florida Administrative Weekly, as follows:

The proposed repeal of paragraphs 40D-2.801(3)(a) and 40D-2.801(3)(b), F.A.C., has been deleted.

Proposed subparagraph 40D-2.801(3)(b)5. has been deleted.  
Proposed Rule paragraph 40D-2.801(3)(b) is numbered as 40D-2.801(3)(d), F.A.C.

The last sentence in proposed subparagraph 40D-2.801(3)(b)2. (now 40D-2.801(3)(d)2.) has been deleted so that subparagraph 40D-2.801(3)(d)2. now reads as follows:

2. Regulations applicable to this Water Use Caution Area are specified in this Chapter and in the Basis described in Rule 40D-2.091, F.A.C. and are incorporated into this Rule. Regulations relating to SWUCA effective [ ] are not intended to affect, and shall not be construed to affect, any water use permit that does not have a withdrawal point within the SWUCA.

References are corrected in subparagraph 40D-2.801(3)(b)4. (now 40D-2.801(3)(d)4.) so that it now reads as follows:

4. All Water Use Permits with withdrawal points within the Water Use Caution Area are hereby modified to conform with this subparagraph 40D-2.801(3)(d), F.A.C., and the applicable SWUCA criteria specified in Chapters 3, 4, 5, and 6 of the Basis described in Rule 40D-2.091, F.A.C. are incorporated into all such Water Use Permits.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-3.003  
RULE TITLE: Foreign Degree Evaluation  
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from the Joint Administrative Procedures Committee and from the Board meeting held on October 10, 2002.

The changes are as follows:

61G17-3.003 shall now read:

“either by Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124” instead of the phrase “by an evaluation agency approved by the Board.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-2.005  
RULE TITLE: Inactive Registration

**NOTICE OF CORRECTION**

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-2.005 Inactive Registration.

(1) An applicant for registration as an appraiser, who has otherwise met the registration requirements, may obtain the registration without the necessity of having designated a licensed or certified appraiser as a primary supervisor. The registration shall automatically be designated inactive upon being issued.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser. ~~The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of Business and Professional Regulation at 400 W. Robinson St., Orlando, FL. 32801. Forms may be obtained from the Department.~~

(3) At any time after obtaining registration as an appraiser the registrant does not have on record with the Department of Business and Professional Regulation the name of a licensed or certified appraiser as a primary supervisor, the registration shall automatically be designated inactive.

(4) Pursuant to s. 475.618(3), F.S., any registration not renewed at the end of the registration period shall automatically be designated inactive.

(5) A registered appraiser, whose registration is designated inactive pursuant to Paragraphs 1, 2 or 3, may request an active registration in such manner as provided by the Department on Form 501.5. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) A registered appraiser, whose registration is designated inactive pursuant to Paragraph 4, or whose inactive status extends beyond the biennial renewal cycle, shall comply with the education and fee requirements of Rule 61J1-4.007 in order to request an active registration.

(7) Any registration which exceeds 4 years in the inactive status shall automatically expire, and the person must meet all the then applicable requirements for initial registration.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History—New 9-22-93, Amended 7-5-94, \_\_\_\_\_ .

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.:                   RULE TITLES:  
61J1-3.001                   Application by Individuals  
61J1-3.002                   Where to Apply

**NOTICE OF CORRECTION**

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, licensure or certification as an appraiser shall submit an application in such manner as provided by the Department, on form numbers 501.1 or 501.1A, Real Estate Appraiser Application, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

(2) The applicant must show that the applicant has the necessary qualifications as follows:

(a) That the applicant is 18 years of age or older.

(b) That the applicant holds a high school diploma or its equivalent.

(3) The applicant shall indicate whether the applicant is seeking registration, licensure or certification.

(4) At the time of application, the applicant must furnish evidence of successful completion of the required education and experience, if any, pursuant to Rules 61J1-4.001 or 61J1-4.002, Florida Administrative Code and evidence of the required experience, if any.

(5) At the time of filing the application for registration, licensure or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) The applicant must make it possible for the board to begin the inquiry as to whether the applicant is competent and qualified to make real estate appraisals with safety to those with whom the applicant may undertake a relationship of trust and confidence and the general public:

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) By disclosing any civil proceedings pending against the applicant or if any civil judgment has been rendered against the applicant in a case wherein the pleadings charged the applicant with fraudulent or dishonest dealings; and

~~(c) By disclosing if the applicant is now a patient of a mental health facility or similar institution for the treatment of mental disabilities; and~~

~~(c)(d)~~ By disclosing if the applicant has had a registration, license, or certification to practice any regulated profession, business, or vocation revoked, suspended, disbarred or otherwise acted against by this or any other state, any nation, or any possession or district of the United States, or has had an application for such registration, licensure or certification to practice or conduct any regulated profession, business or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(7) If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the department receiving the application, the application shall expire and a new application must be filed.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, \_\_\_\_\_.

61J1-3.002 Where to Apply.

Completed applications for registration, licensure or certification shall be submitted in such a manner as provided by the Department, to the Division of Real Estate, 400 West Robinson Street, Orlando, Florida 32801.

Specific Authority 475.614 FS. Law Implemented 475.615 FS. History—New 10-15-91, Formerly 21VV-3.002, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:                   RULE TITLE:  
61J1-4.005                   Notice of Satisfactory Course  
  Completion

NOTICE OF CORRECTION

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, Tuesday, December 3, 2002

PLACE: Division of Real Estate, Conference Room 901N, North Tower, 400 West Robinson Street, Orlando, Florida 32801

The correct language is as follows:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the Department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The Department may perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 and 61J1-4.008, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permit holder, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Preregistration, Prelicensing or Precertification Course For Appraiser

- Name of School, Institution or Entity
Address of School, Institution or Entity
Course Title
Course Hours
Start Date

- Finish Date
Exam Date
Student's Name
Student's Address
Authorized Signature for the School, Institution or Entity

(b) Appraisers Continuing Education
Name of School, Institution or Entity
Address of School, Institution or Entity

- Course Title
Course Hours
Start Date
Finish Date
Registration, License or Certificate Number
Student's Name

Student's Address
Authorized Signature for the School, Institution or Entity

(c) Instructor Continuing Education
Name of School, Institution or Entity
Address of School, Institution or Entity

- Course Title
Course Hours
Start Date
Finish Date

Permit Number
Student's Name
Student's Address
Authorized Signature for the School, Institution or Entity

(5) Each grade report shall state:
The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History--New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 61J1-7.004 Office and 61J1-7.005 Temporary Practice.

NOTICE OF CORRECTION

Notice of correction is hereby given to proposed rule changes as published in Vol. 28, No. 41, October 11, 2002, issue of the Florida Administrative Weekly. The correction is for the purpose of effectuating the changes to the rules as amended and proposed by the Florida Real Estate Appraisal Board.

The hearing will be held during the Florida Real Estate Appraisal Board General meeting on:



- ~~(a) The severity of the offense;~~
- (a) through (l) renumbered (b) through (k) No change.

Specific Authority 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History—New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-9.001  
 RULE TITLE: Continuing Education  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule In accordance with subparagraph 120.54(3)(d)1., F. S., published in the Vol. 28, No. 42, October 18, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on November 1, 2002.

Section (3) of proposed Rule 64B17-9.001, F.A.C., shall now read as follows:

(3) Acceptable subject areas for physical therapy continuing education include professional ethics, clinical education, clinical practice, clinical research, clinical management, clinical science, Florida law relating to physical therapy, basic sciences, risk management, and HIV/AIDS. No more than five contact hours of courses in risk management shall be accepted within a biennium. Up to three contact hours in HIV/AIDS education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the 24 ~~twenty-four~~ contact hours. Up to three contact hours in prevention of medical errors education pursuant to Rule Chapter 64B17-8, F.A.C., may be included by the licensee in the 24 ~~twenty-four~~ contact hours.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**Section IV  
 Emergency Rules**

**DEPARTMENT OF CITRUS**

RULE TITLE: Oranges: 2002-03 Anhydrous Acid Maturity Standards  
 RULE NO.: 20ER02-9

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

Citric acid content in an orange is indicative of the “bite” that is a flavor characteristic. Due to adverse climactic conditions through periods of this growing season significant amounts of the Florida citrus crop in the 2002-2003 season will have an acid content below the 0.4 minimum established in Section 601.19, Florida Statutes. Strict enforcement of the anhydrous acid content requirements, which were adopted largely to control abuse of plant growth regulators which are no longer in use, could cause economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on October 30, 2002, the Florida Citrus Commission found that there exists unusual growing conditions that could cause a substantial portion of the orange crop to fail minimum acid requirements. They voted to adopt Emergency Rule 20ER02-9, adjusting the percentage of anhydrous citric acid requirement for oranges for fresh and processed use from .40 to .36.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER02-9, F.A.C., adjusting the percentage of anhydrous citric acid requirements for oranges, in that notice was made via mailing of the meeting notice on October 26, 2002, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corp and other interested persons.

SUMMARY OF RULE: Emergency rule 20ER02-9 adjusts the percentage of anhydrous citric acid requirement for oranges from .40 to .36.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148