

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The Division proposes the development of rule amendments to reflect changes to the Consumer Price Index for payment of benefits.

SUBJECT AREA TO BE ADDRESSED: Adjustments to the reflect the Consumer Price Index.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available.

The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2006 2005 was 3.4 3.1 percent. Therefore, the statutory amount for the period July 1, 2006 2005 through June 30, 2007 2006, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$55,835.12 \$53,999.14.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$55,835.12 \$53,999.14.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$167,505.33 \$161,997.42.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History--New 12-10-03, Amended 8-17-04, 7-26-05, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-3
RULE CHAPTER TITLE: Feed

RULE NO.: 5E-3.003
RULE TITLE: Inspection; Sampling; Analysis; Reporting Rejecting Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees

PURPOSE AND EFFECT: The purpose of the proposed actions is to amend Rule 5E-3.003, F.A.C. The effect is to harmonize rule definitions to coincide with those listed in the Association of American Feed Control Officials (AAFCO) official publication and to categorize new products within the feed industry; to define an explicit sampling period; and to modify sampling requirements for feed ingredients and mixed feeds to correspond with revised definitions.

SUBJECT AREA TO BE ADDRESSED: Updating the feed rule to incorporate new definitions and modification of sampling requirements for feed ingredients and mixed feeds to correspond with revised definitions.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2), 580.065 FS.

LAW IMPLEMENTED: 580.036(2), 580.051, 580.065, 580.036(2), 580.071, 580.091, 580.121, 580.131 FS.

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

DATE AND TIME: June 6, 2006, 9:00 a.m.

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Weldon E. Collier, Chief, Bureau of Feed, Seed, and Fertilizer Laboratories, Division of Agricultural Environmental Services, FDACS, L-29, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; telephone (850)488-9095

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

(1) Definitions.

(a) through (b) No change.

(c) The term "product type" means mixed: poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other feed.

(d) The term “Mixed Feed” means a product which is a mixture of nutritional ingredients intended or represented for use as a substantial source of nutrients in an animal diet, which may or may not be limited to the sole ration of the animal.

(e) The term “Ingredient” means each of the constituent materials used to make a commercial feed.

(f) The term “Other Feed” is inclusive of all other commercial feed products intended for consumption by species of animals not previously stipulated.

(g) The term “Grain or Grain Products” includes Barley, Maize – (Corn Products), Grain Sorghum, Oats, Rice, Rye, Triticale, and Wheat.

(h) The term “Other Feed Ingredients” is inclusive of all ingredients other than Cottonseed Products, Peanut Products, and ingredients identified as “Grain or Grain Products”.

(i) The term “Treats” includes products identified as Snacks, Chews, Biscuits, Cookies, or Bones that are intended for intermittent or supplemental feeding only and which are not intended or represented to serve as the primary source of nutrients in an animal diet.

(j) The term “Mineral or Vitamin Supplement” means all mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient.

(2) Inspection.

(a) through (b) No change.

(3) Sample and Analytical Documentation.

(a) through (c) No change.

(d) Positive microbiological organism, pesticide residues, drugs and mycotoxin results must be reported within 48 hours of completion of analyses to the department.

(4) Sampling Requirements, Frequency, and Analysis Requirements.

The sampling period shall run concurrently with the registration period. Samples of commercial feed and feedstuffs shall be submitted quarterly, to laboratories certified by the Department, corresponding to the tonnage reported to the Department. A minimum of one sample shall be submitted by the end of the first quarter of each year. The sampling period ends June 1st of each year. The sampling frequency and analysis requirements to be used by feed registrants approved certified laboratories and approved quality assurance/quality control programs are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department shall require additional feed sample analyses.

(a) Ingredients.

1. Nutrients – No analyses required.

2. Mycotoxins.

a. Aflatoxins.

(I) Grain and Grain Products Maize—(Corn Products) One sample per 5,000 tons distributed shall have a quantitative analysis performed;

(II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;

(III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;

~~(IV) Other grains and grain products—One sample per 5000 tons shall have a quantitative analysis performed;~~

~~(IV)(V)~~ There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;

~~(V)(VI)~~ No aflatoxin analysis is required on ingredients not listed above.

b. Fumonisin.

~~(I) Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed; Corn screenings—One sample per year per distributor shall have a quantitative analysis performed.~~

(II) No fumonisin analysis is required on ingredients not listed above.

c. Vomitoxin.

(I) Grain and grain products (excluding Maize – Corn Products) – One sample per 25,000 tons shall have a quantitative analysis performed;

(II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products (excluding Maize – Corn Products);

(III) No vomitoxin analysis is required on ingredients not listed above.

~~3. Microorganisms—Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.~~

~~4. Pesticide Residues—All ingredient types (except minerals) shall have one pesticide screen (carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.~~

~~3.5. Drugs.~~

a. The FDA requirements as provided in 21 C.F.R. parts 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401. ~~No analysis required.~~

(b) Mixed Feeds.

1. Nutrients.

a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributors deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributors deficiency rate is greater than 5% but less than 10%, the sampling frequency may be reduced to one per every 1000 tons;

b. If the distributors deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;

c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.

d. Treats shall be exempt from nutrient sampling and analysis requirements.

2. Mycotoxins.

a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals or vitamin supplements and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;

b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;

c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals or vitamin supplements and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.

d. Treats shall be exempt from mycotoxin sampling and analysis requirements.

~~3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.~~

~~3.4. Pesticide Residues – No analysis required.~~

~~4.5. Drugs.~~

a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401.

(5) through (6) No change.

(7)(a) through (c) No change.

(d) Commercial Laboratory Certification – Application, Evaluation and Renewal.

1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS-13401, Rev. 10/02 ~~6/04~~) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees.

Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;

2. through 5. No change.

6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401, Rev. 10/02 ~~6/04~~) provided by the department.

(e) through (g) No change.

(8)(a) No change.

(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 ~~6/04~~). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 ~~6/04~~) is hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) through (f) No change.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95, 11-1-01, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-6.03311

Procedures Safeguards for Students with Disabilities

PURPOSE AND EFFECT: The purpose of the rule development is to amend the civil action timeline in Florida rule to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. §1415(i)(B). The current rule provides 30 days for a party aggrieved by a hearing officer's decision to bring a civil action. The amended Rule will provide the full 90 days to bring an action, consistent with Federal law.

SUBJECT AREA TO BE ADDRESSED: Timelines relating to civil action.

SPECIFIC AUTHORITY: 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(5) FS.

LAW IMPLEMENTED: 1001.42(4)(l), 1003.01(3)(a),(b), 1001.03(8), 1101.62(1)(c), 1003.57(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

REQUESTS FOR THE RULE DEVELOPMENT WORKSHOP SHOULD BE ADDRESSED TO: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Matt Carson, Office of the General Counsel, Department of Education, 325 West Gaines Street, Room 1244, Tallahassee, Florida 32399-0400; (850)245-0442

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03311 Procedures Safeguards for Students with Disabilities.

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information on these rights to appropriate district and school personnel so that the needs of the students with disabilities can be identified and appropriately met. Parents and school district personnel are encouraged to use methods such as mediation or the state complaint process described in subsections (5) and (6) of this rule respectively, to resolve disagreements regarding the provision of specially designed instruction and related services to students with disabilities. The establishment and maintenance of policies and procedures to ensure that students with disabilities, as defined in Section 1003.01(3)(a), Florida Statutes, and their parents are provided procedural safeguards with respect to the provision of a free appropriate public education is required in order for school boards to receive state and federal funds for the provision of specially designed instruction and related services to these students. The school board policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

- (1) through (11)(i) No change.
- (j) Civil Action. A decision made in a hearing conducted under subsection (11) of this rule shall be final; unless, within ninety (90) ~~thirty (30)~~ days, a party aggrieved by the decision

Title	Form Number	Date
Driveway/Connection Application – Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	04/03
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	04/03

brings a civil action in federal district or state circuit court without regard to the amount in controversy, as provided in Section 1003.57(5), Florida Statutes.

Specific Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(5) FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57(5), 1011.62(1)(c) FS. History–New 7-13-83, 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90, 9-20-04,

Cf. P.L. 105-17, 20 USC 1414 and 1415

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-96
RULE CHAPTER TITLE: State Highway System Connection Permits

RULE NOS.: 14-96.0011, 14-96.007, 14-96.011
RULE TITLES: Forms, Application Submittal, Review, Approval and Conditions, Modification of Connections

PURPOSE AND EFFECT: Four of the incorporated forms are being amended to update the notice of hearing rights.

SUBJECT AREA TO BE ADDRESSED: The notice of hearing rights is being updated on four forms, which are incorporated by reference under Rule 14-96.0011, F.A.C., and referred to within the text of other rules in Rule Chapter 14-96, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 334.044(28), 335.182(2) FS.

LAW IMPLEMENTED: 334.044(14), 334.044(28), 335.18-.187 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	<u>06/06</u> 04/03
Record Drawings Report by Permittee's Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	<u>06/06</u> 09/02
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	<u>06/06</u> 09/02
Violation and Notice to Show Cause	850-040-26	<u>06/06</u> 09/02

These forms are available from the Department of Transportation's local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 334.044(28), 335.182(2) FS. Law Implemented 334.044(14), 334.044(28), 335.18-187 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99, 1-28-03, 12-28-03,_____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) through (3) No change.

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's decision of approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 ~~09/02~~), if either:

1. The Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in paragraph 14-97.003(1)(e), F.A.C.; or

2. The Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. and the Department is not imposing any additional conditions, the Department will issue a permit.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 ~~09/02~~), if the Department determines that

an application is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in paragraph 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When an applicant seeks a permit for additional or alternative connection(s) the previously permitted connections are presumed to provide reasonable access to the State Highway System unless the property owner shows:

1. That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was filed; or

2. That circumstances relating to traffic safety and efficiency, outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 ~~09/02~~), is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 ~~09/02~~), unless it is in writing, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the time period allowed for a denial challenge has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02).

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), may be extended, upon Department approval, upon a showing of good cause by the applicant (such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), may be assigned to a purchaser or new occupant within one year of issuance if there is no change in the land use or in the site plan and the Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), before a connection permit can be issued:

1. Development approval from the appropriate governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02);

(5)(c)2. through (5)(c)6.c. No change.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (06/06 04/03), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24,

(06/06 09/02). A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the permittee.

(7) through (9) No change.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-1825, 335.184, 335.185 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03,_____.

14-96.011 Modification of Connections.

(1) through (1)(e)2. No change.

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) If the reason for the modification is due to noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (06/06 09/02). The notification shall state that, unless the deficiencies are corrected, the permit shall be modified and the connection to the State Highway shall be modified by the Department at the expense of the property owner.

(b) If the reason for modification is due to significant change the notice will state the basis of the Department's determination for modification of an existing connection. Where the Department's action has become final and no timely application for a new connection permit has been filed, the Department will take immediate action to modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) through (6) No change.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

FLORIDA PAROLE COMMISSION

RULE NO.: 23-15.012
 RULE TITLE: Noticing of Proposed Rules
 PURPOSE AND EFFECT: The Commission proposes to create a rule that would authorize the posting of all proposed rules impacting inmates at correctional institutions.
 SUBJECT AREA TO BE ADDRESSED: Posting notices of rule adoption, amendment, or repeal.
 SPECIFIC AUTHORITY: 120.54(3)(a), 947.07, 947.071 FS.
 LAW IMPLEMENTED: 120.54(3)(a), 947.071 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Assistant General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

PUBLIC SERVICE COMMISSION

DOCKET NO: 060172-EU
 RULE NOS.: 25-6.033, 25-6.034, 25-6.0345, 25-6.061, 25-6.064
 RULE TITLES: Tariffs, Standard of Construction, Safety Standards For Construction of New Transmission and Distribution Facilities, Relocation of Poles, Extension of Facilities and Installation of New or Upgraded Facilities; Contribution in Aid of Construction

25-6.074 Applicability
 25-6.075 Definitions
 25-6.076 Rights of Way and Easements
 25-6.077 Installation of Underground Distribution Systems Within New Subdivisions
 25-6.078 Schedule of Charges
 25-6.080 Advances by Applicant
 25-6.081 Construction Practices
 25-6.082 Records and Reports
 25-6.115 Facility Charges for Providing Underground Facilities of Public Distribution Facilities Excluding New Residential Subdivisions

PURPOSE AND EFFECT: To amend rules relating to the construction of new underground electrical transmission and distribution infrastructure, and amend rules relating to the conversion of existing overhead electrical infrastructure to underground facilities

SUBJECT AREA TO BE ADDRESSED: Underground electrical transmission and distribution infrastructure rules including conversion of overhead electrical transmission and distribution infrastructure to underground facilities.

SPECIFIC AUTHORITY: 350.127(2), 366.04, 366.04(2)(f), 366.05, 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.04(2)(f), 366.04(5), 366.04(6), 366.041, 366.041(1), (4), 366.05, 366.05(1), 366.05(7), 366.05(8), 366.06, 366.06(1) FS.

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

DATE AND TIME: May 19, 2006, 9:30 a.m.
 PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

One or more Commissioners may be in attendance at this staff workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry D. Harris, Associate General Counsel, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 060173-EU

RULE NOS.:	RULE TITLES:
25-6.034	Standard of Construction
25-6.0345	Safety Standards For Construction of New Transmission and Distribution Facilities
25-6.064	Extension of Facilities and Installation of New or Upgraded Facilities; Contribution in Aid of Construction
25-6.078	Schedule of Charges
25-6.115	Facility Charges For Providing Underground Facilities Of Public Distribution Facilities Excluding New Residential Subdivisions

PURPOSE AND EFFECT: To amend rules to require utilities to meet higher standards for the construction of overhead electrical transmission and distribution facilities to better withstand the effects of extreme weather events, including the establishment of appropriate standards and procedures to assure that third-party facilities attached to electric distribution poles and use of third-party poles do not impair the safety of workers or the public, do not impair electric system reliability, do not exceed pole capacity, and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices.

SUBJECT AREA TO BE ADDRESSED: Strengthening of overhead electrical transmission and distribution infrastructure to address the effects of extreme weather events, the safety of workers and the public, electric system reliability, maximum pole capacity, and generally accepted engineering practices.

SPECIFIC AUTHORITY: 350.127(2), 366.04, 366.04(2)(f), 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.04(2)(f), 366.04(6), 366.041(1), (4), 366.05, 366.05(1), 366.06(1) FS.

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

DATE AND TIME: May 19, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

One or more Commissioners may be in attendance.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry D. Harris, Associate General Counsel, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.091	Publications Incorporated by Reference
40C-4.301	Conditions for Issuance of Permits
40C-4.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) create the “Wekiva Recharge Protection Basin,” (2) amend and update the environmental resource permit (“ERP”) application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (3) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (4) repeal from the Wekiva River Hydrologic Basin the recharge criteria and “Most Effective Recharge Areas” (which areas will be superceded by the new Wekiva Recharge Protection Basin), (5) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin, (6) amend and update the list of type “A” soils (as defined by the Natural Resources Conservation Service Soil Survey) that are located within the Wekiva Recharge Protection Basin, (7) update cites to reference guides on erosion and sediment control plans (including best management practices), and (8) create a legal description for the Wekiva Recharge Protection Basin, which is for the same area defined as the “Wekiva Study Area” in Section 369.316, Florida Statutes (2005). The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current ERP rule criteria and terminology, (3) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type “A” soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (4) delete the recharge criteria and “Most Effective Recharge Areas” from the Wekiva River Hydrologic Basin, (5) clarify that the Wekiva recharge criteria will only

apply in the Wekiva Recharge Protection Basin, (6) update the list of type "A" soils where Wekiva recharge criteria apply, (7) update the reference guides on erosion and sediment control plans, and (8) describe the legal boundaries of the Wekiva Recharge Protection Basin.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would create the "Wekiva Recharge Protection Basin" in sections 11.0(d) and 11.3, Figure 11.3-2, and Appendix K of the Applicant's Handbook (A.H.), amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in section 11.3.1, A.H., repeal the recharge criteria and "Most Effective Recharge Areas" from the Wekiva River Hydrologic Basin in section 11.3.1 and Figure 11.3-2, A.H., amend and update the list of type "A" soils in section 18.1, A.H., and update reference guides on erosions and sediment control plans in section 18.4, A.H.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District's Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Wekiva Recharge Protection Basin." Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Hydrologic Basin," and Appendix M "Regional Watersheds for

Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective ~~2-1-05.~~

(b) through (c) No change.

(2) No change.

Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, _____

40C-4.301 Conditions for Issuance of Permits.

(1) through (3) No change.

Specific Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030, Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05,~~ adopted (Effective date) ~~10-3-95.~~

(2) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421 373.426, 373.461, 403.0877 FS. History–New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05, _____.

APPLICANT'S HANDBOOK SECTION:

11.0 Basin Criteria
Chapter 40C-41, F.A.C., and this section establish additional criteria which are to be used in reviewing applications for permits in certain hydrologic basins. These basins are:

- (a) Upper St. Johns River Hydrologic Basin
- (b) Ocklawaha River Hydrologic Basin
- (c) Wekiva River Hydrologic Basin
- (d) Wekiva Recharge Protection Basin

- ~~(e)~~(d) Econlockhatchee River Hydrologic Basin
- ~~(f)~~(e) Tomoka River Hydrologic Basin
- ~~(g)~~(f) Spruce Creek Hydrologic Basin
- ~~(h)~~(g) Sensitive Karst Areas Basin
- ~~(i)~~(h) Lake Apopka Hydrologic Basin

See Figure 11.0-1 for a description of the areas contained within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin and the Spruce Creek Hydrologic Basin. See Figures 11.0-2, 11.0-3, and 11.0-4 for a description of the areas contained within the Sensitive Karst Areas Basin. See Figure 11.0-5 for a description of the areas contained within the Lake Apopka Hydrologic Basin. A legal description of the Hydrologic Basin boundaries is available in Appendix K.
- 11.2 No change.
- 11.3 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin

In addition to the standards and design criteria described in sections 9.0 and 10.0 above, systems in the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin (which are both shown in Figure 11.3-2) must meet the following standards and criteria as described below:
- 11.3.1 Recharge Standard

Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type "A" Hydrologic Soil Group by the Natural Resources Conservation Service (NRCS) Soil Survey. Section 18.1 contains a list of Type "A" soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of

onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type "A" soils.

~~Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from the directly connected impervious area within the project area. Applicants may instead demonstrate that the post development recharge will be equal to or greater than the predevelopment recharge. Most Effective Recharge Areas have been defined by the U.S. Geological Survey as areas which have 10-20 inches of recharge per year. Figure 11.3-2 shows the approximate location of Most Effective Recharge Areas in the Wekiva Basin. Most Effective Recharge Areas can be more accurately defined by soil types. The Soil Conservation Service has categorized soils according to hydrologic characteristics. Those soils determined by the SCS to be Type "A" Hydrologic Soil Group shall be considered to be Most Effective Recharge Areas.~~

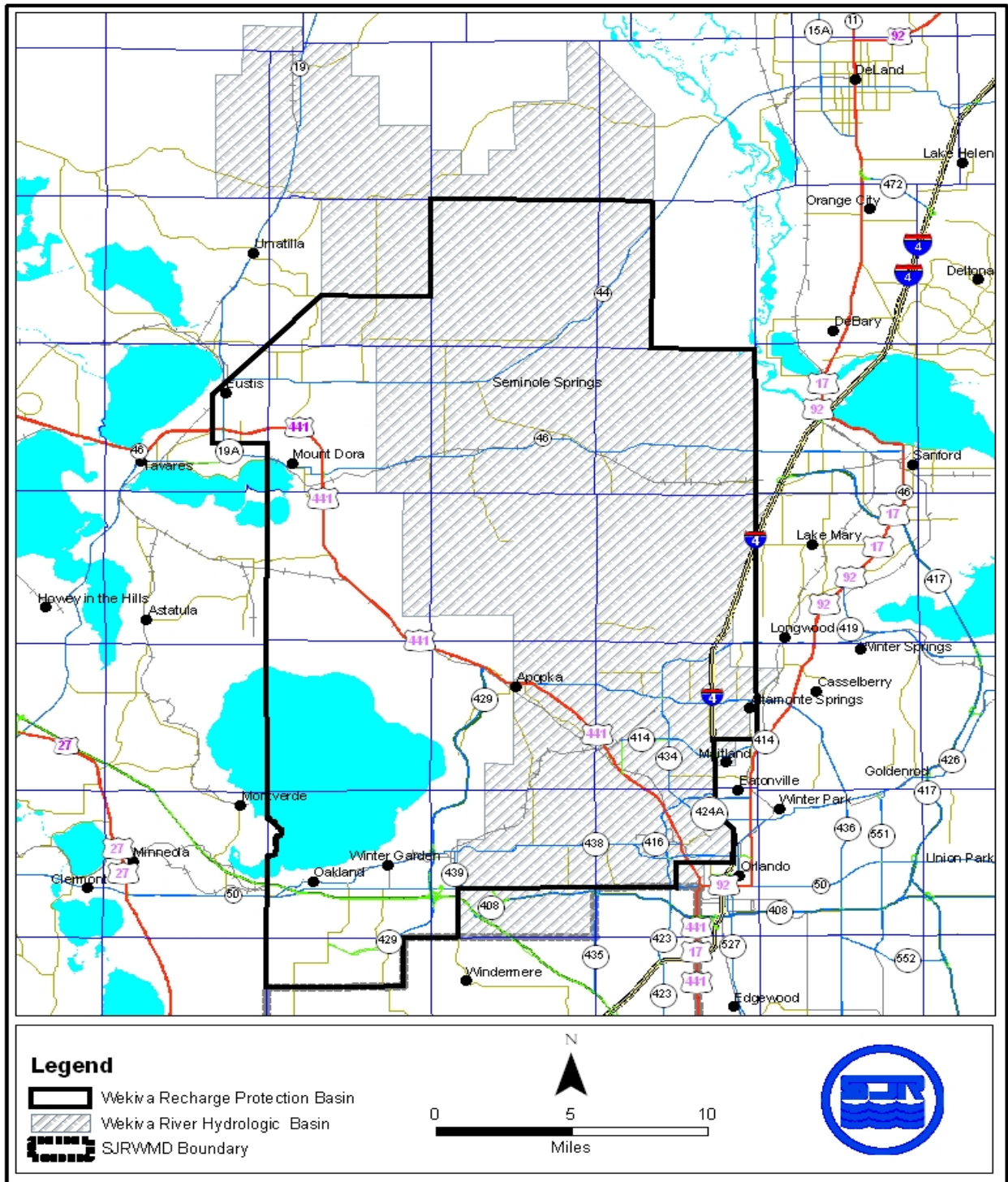
~~Section 18.1 contains a list of Type "A" soils. This list will be used to determine whether a proposed project or portion of a project is in the Most Effective Recharge Area. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type "A" soils and is within the Most Effective Recharge Area.~~

~~Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.~~

- 11.3.2 Storage Standard

Within the Wekiva River Hydrologic Basin, aA system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other watercourse which has a drainage area upstream of more than one square mile and which has a direct hydrologic connection to the Wekiva or Little Wekiva Rivers or Black Water Creek.

Figure 11.3-2 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



11.3.3 Standards for Erosion and Sediment Control and Water Quality

Construction and alteration of systems can result in erosion and downstream turbidity and sedimentation of waters. Erosion is the process by which the land surface is worn away by action of wind, water, and gravity. During construction and alteration, the potential for erosion increases dramatically. The result of erosion is discharges of turbid water and subsequent sedimentation (settling out) of soil particles in downstream receiving waters. Turbidity, suspended solids, and sedimentation result in adverse biological effects in aquatic and wetland environments, water quality degradation, and loss of flood storage and conveyance. The potential for erosion can be severe in the Wekiva River Hydrologic Basin as a result of steep slopes and erosive soils.

- (a) Although erosion and sediment control measures are required throughout the St. Johns River Water Management District, the District has determined that the problems associated with erosion in the Wekiva River Hydrologic Basin are sufficiently serious to warrant requiring those applicants proposing certain systems to provide detailed plans when permit applications are submitted.

A Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

An erosion and sediment control plan must be submitted as part of the surface water management permit application for a surface water management system which:

- 1. through 2. No change.

The applicant proposing such a system must give reasonable assurance in the erosion and sediment control plan that during construction or alteration of the system (including revegetation and stabilization), erosion will be minimized and sediment will be retained on-site. The plan must be in conformance with the erosion and sediment control principles set forth in section 18.2, Applicant's Handbook: Management and Storage of Surface Waters, and must contain the information set forth in section 18.3, Applicant's Handbook: Management and Storage of Surface Waters.

- (b) No change.

11.3.4 Standard for Limiting Drawdown

Lowering the ground water table adjacent to wetlands can change the wetland hydroperiod such that the functions provided by the wetland are adversely affected.

Within the Wekiva River Hydrologic Basin, aA Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d) is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extent of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions.

It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

11.3.5 Standard for Riparian Wildlife Habitat

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

- (a) through (c) No change.

11.3.6 No change.

18.0 ~~Additional Wekiva River Hydrologic Basin, Tomoka River Hydrologic Basin, and Spruce Creek Hydrologic Basin Criteria~~

18.1 ~~Type "A" Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey as of (effective date) Soil Types Within Most Effective Recharge Area~~

Flagler County

~~Astatula~~

~~Bulow~~

~~Cocoa~~

~~Orsino~~

~~Palm Beach Sand~~

~~Paola~~

~~Tavares~~

~~Welaka~~

Lake County

~~Apopka~~

~~Apopka Urban Land~~

~~Astatula Sand~~

~~Candler~~

~~Candler Urban Land~~

~~Kendrick~~

~~Lake~~

~~Lake Urban Land~~

~~Orlando~~

~~Orsino~~

~~Paola Sand~~

~~Paola Urban Land~~

~~St. Lucie~~

~~St. Lucie Urban Land~~

~~Tavares Sand~~

~~Tavares Urban Land~~

Ocala National Forest

~~Astatula Sand~~

~~Paola Sand~~

Orange County

~~Archbold~~

~~Apopka~~

~~Candler~~

~~Candler Urban Land~~

~~Florahome~~

~~Florahome Urban Land~~

~~Lake~~

~~Millhopper~~

~~Millhopper Urban Land~~

~~St. Lucie~~

~~St. Lucie Urban Land~~

~~Tavares~~

~~Tavares Urban Land~~

~~Blanton Fine Sand~~

~~Blanton and Esotorine Sands~~

~~Eustis Fine Sand~~

~~Lakeland Fine Sand~~

~~Orlando Fine Sand~~

~~St. Lucie Fine Sand~~

Seminole County

~~Apopka~~

~~Astatula~~

~~Millhopper~~

~~Paola~~

~~St. Lucie~~

~~Tavares~~

~~Blanton Fine Sand~~

~~Lakeland Fine Sand~~

~~Lakewood Sand~~

~~St. Lucie Fine Sand~~

Volusia County

~~Apopka~~

~~Arents~~

~~Astatula~~

~~Astatula Urban Land~~

~~Bulow~~

~~Cocoa~~

~~Cocoa Urban~~

~~Deland~~

~~Orsino~~

~~Palm Beach~~

~~Palm Beach Urban Land~~

~~Paola~~

~~Paola Urban Land~~

~~St. Lucie~~

~~Tavares~~

18.2 and 18.3 No change.

18.4 References For Erosion and Sediment Control
The following references provide detailed information on erosion and sediment control plans, including standards and specifications for specific best management practices:

- (a) Florida Department of Environmental Regulation, The Florida Land Development Manual: A Guide to Sound Land and Water Management (FDER)

1988 ~~Draft~~). Chapter 6. Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas.

- (b) Goldman, Jackson and Bursztynsky, 1986. Erosion and Sediment Control Handbook. McGraw-Hill Book Company. New York.
- (c) Florida Department of Transportation (FDOT), and Florida Department of Environmental Protection (FDEP). The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (FDEP and FDOT 1999) Florida Roadway and Traffic Design Standards.

APPENDIX K
LEGAL DESCRIPTION

WEKIVA RECHARGE PROTECTION BASIN¹

Begin at the northwest corner of Section 6, Township 18 South, Range 28 East, Lake County, Florida, said corner lying on the north line of Township 18 South; thence Easterly along said north line of Township 18 South to the northeast corner of Section 5, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 5 to the northeast corner of Section 8, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 8 to the northeast corner of Section 17, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 17 to the northeast corner of Section 20, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 20 to the northeast corner of Section 29, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 29 to the northeast corner of Section 32, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 32 to the southeast corner thereof, said corner lying on the south line of Township 18 South; thence Easterly along the south line of said Township 18 South to an intersection with the east line of Range 29 East; thence Southerly along the east line of said Range 29 East to the southeast corner of Section 24, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 23, to an intersection with the centerline of Interstate Highway No. 4; thence generally Southerly along the centerline of Interstate Highway No. 4 to an intersection with the south line of Section 13, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 13 to the southeast corner of Section 14, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 14 to the southeast corner of Section 15, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 15 to the northeast corner of Section 21, Township 22 South, Range

29 East; thence Southerly along the east line of said Section 21 to an intersection with the centerline of State Road No. 50; thence Westerly along the centerline of said State Road No. 50 to the northeast corner of Section 30, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 30 to the northeast corner of Section 31, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 31 to the southeast corner thereof, said corner lying on the south line of Township 22 South; thence Westerly along said south line of Township 22 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 2 to the northeast corner of Section 11, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 11 to the southeast corner thereof; thence Westerly along the south line of said Section 11 to the southeast corner of Section 10, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 10 to the southeast corner of Section 9, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 9 to the Southeast corner of Section 8, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 8 to the southeast corner of Section 7, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 7 to the southwest corner thereof, said corner lying on the line of demarcation between Orange County and Lake County; thence generally Northerly and along said county line to the northeast corner of Section 12, Township 20 South, Range 26 East, said corner lying on the east line of Range 26 East; thence generally Northerly and along said east line of Range 26 East to the southeast corner of Section 24, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 23 to the southwest corner thereof; thence Northerly along the west line of said Section 23 to the southwest corner of Section 14, Township 19 South, Range 26 East; thence Northerly along the west line of said Section 14 to the southwest corner of Section 11, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 1, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 31, Township 18 South, Range 27 East; thence generally Northeasterly to the southwest corner of Section 29, Township 18 South, Range 27 East; thence generally Northeasterly to the northwest corner of Section 28, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 28 to the northwest corner of Section 27, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 27 to the northwest corner of Section 26, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 26 to the northwest

corner of Section 25, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 25 to an intersection with the west line of Range 28 East; thence Northerly along the west line of said Range 28 East, to the northwest corner of Section 6, Township 18 South, Range 28 East, and the Point of Beginning.

¹This legal description is for the same area defined as the "Wekiva Study Area" in Section 369.316, Florida Statutes.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-40.900
 RULE TITLE: Forms and Instructions
 PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend and update the environmental resource permit ("ERP") application form to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1).

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon
 PLACE: St. Johns River Water Management District's Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from the following District offices:
 St. Johns River Water Management District,
 Division of Permit Data Services,
 4049 Reid Street,
 Palatka, Florida 32177-2529.

St. Johns River Water Management District,
 7775 Baymeadows Way, Suite 102,
 Jacksonville, Florida 32256.

St. Johns River Water Management District,
 975 Keller Road,
 Altamonte Springs, Florida 32714-1618.

St. Johns River Water Management District,
 525 Community College Pkwy, S.E.
 Palm Bay, Florida 32909

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), revised 2-1-05, adopted (Effective date) 10-3-95.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History—New 5-30-90, Amended 2-27-94, 10-3-95, 2-1-05.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-41.011	Policy and Purpose
40C-41.023	Basin Boundaries
40C-41.033	Implementation
40C-41.043	Application of Chapter
40C-41.063	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) create the "Wekiva Recharge Protection Basin," (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) repeal from the Wekiva River Hydrologic Basin the recharge criteria and "Most Effective Recharge Areas" (which areas will be superceded by the new Wekiva Recharge Protection Basin), and (4) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin. The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type "A" soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) delete the recharge criteria from the Wekiva River Hydrologic Basin, and (4) clarify that the Wekiva recharge criteria will only apply in the Wekiva Recharge Protection Basin.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would create the “Wekiva Recharge Protection Basin” in Rules 40C-41.011, 40C-41.023(4), 40C-41.033, 40C-41.043, F.A.C., and Figure 41-6, create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in paragraph 40C-41.063(3)(a), F.A.C., repeal the existing recharge criteria from the Wekiva River Hydrologic Basin rules in paragraph 40C-41.063(3)(a), F.A.C., and create a requirement that the new Wekiva recharge criteria will also apply to stormwater management systems requiring permits pursuant to Rule 40C-42.022 or 40C-44.041, F.A.C., respectively in subsections 40C-41.043(5)-(6), F.A.C.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management standards and criteria for the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva

Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, the Sensitive Karst Areas Basin, and the Lake Apopka Hydrologic Basin, which insure that development within the basins incorporates the appropriate water quantity and water quality control and other environmental measures necessary to protect the integrity of the public investments in the basins and which minimizes adverse impacts to the water resources of the District. Standards and criteria delineated in this chapter are in addition to those criteria specified in Chapters 40C-4, 40C-40, 40C-42, and 40C-44, F.A.C., in accordance with Rule 40C-41.043, F.A.C. The standards, criteria, exemptions, and additional requirements specified in this chapter are not intended to supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this chapter.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416 373.418, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03, _____.

40C-41.023 Basin Boundaries.

(1) through (2) No change.

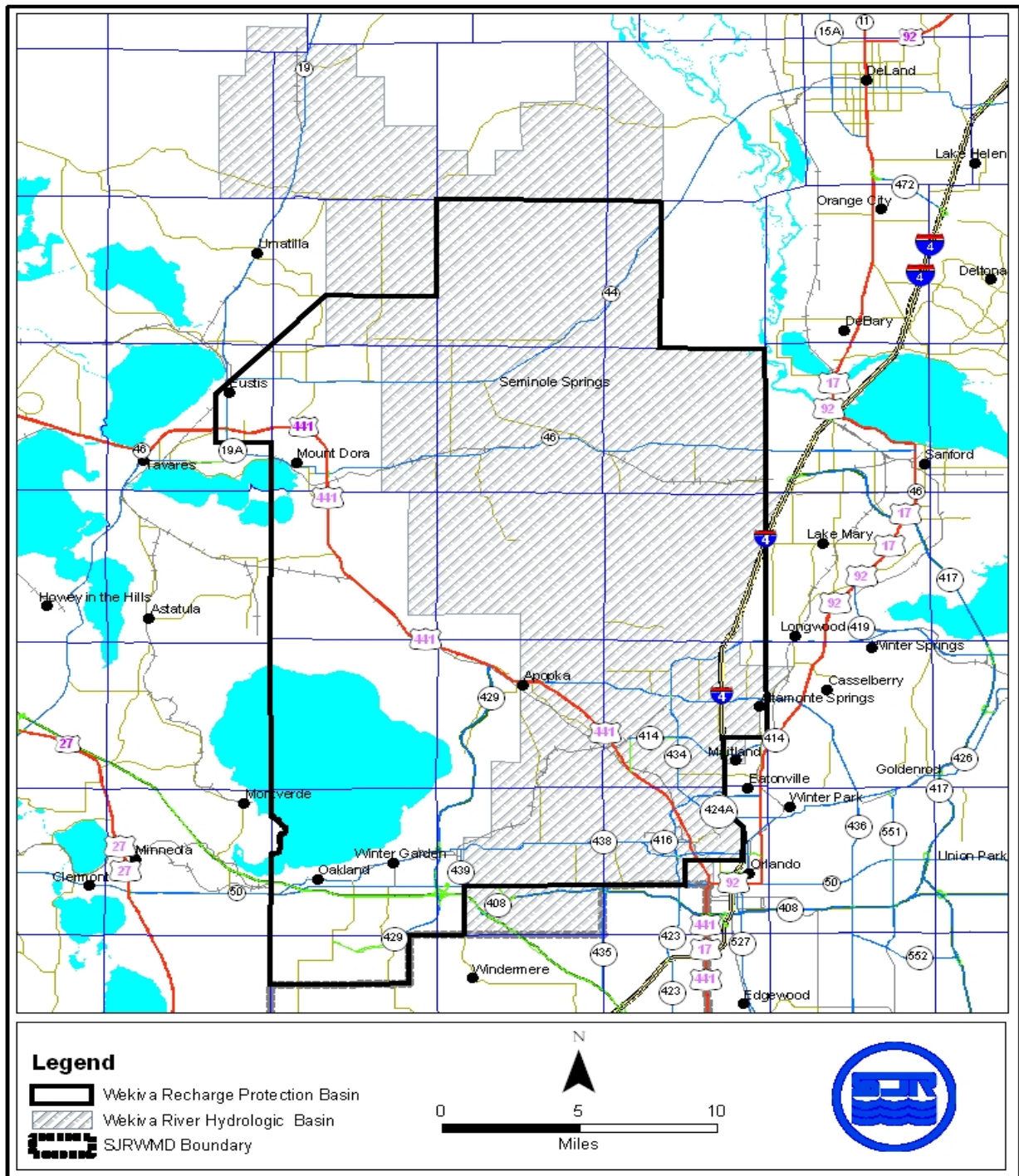
(3) The Wekiva River Hydrologic Basin is that area generally depicted in Figures 41-1 and 41-6 and defined in Applicant’s Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) The Wekiva Recharge Protection Basin is that area generally depicted in Figure 41-6 and defined in Applicant’s Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) through (7) renumbered (5) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.316, 369.318, 373.413, 373.416, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 4-3-91, 9-25-91, 11-25-98, 3-7-03, _____.

Figure 41-6 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



40C-41.033 Implementation.

The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2), F.A.C.; (effective date) for the standards and criteria in paragraph 40C-41.063(3)(a), F.A.C.; May 17, 1987, for the standards of paragraphs 40C-41.063(3)(b); August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e), F.A.C.; April 3, 1991, for the standards and criteria in subsection 40C-41.063(5), F.A.C.; September 25, 1991 for the criteria of subsection 40C-41.063(7), F.A.C.; November 25, 1998, ~~11-25-98~~ for the criteria of subsection 40C-41.063(6), F.A.C.; and March 7, 2003, for the standards and criteria in subsection 40C-41.063(8), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03, 11-11-03, _____.

40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, or the Lake Apopka Hydrologic Basin, requiring permits pursuant to Rule 40C-4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rules 40C-41.063, F.A.C., and either Rules 40C-4.301 and 40C-4.302, or Rule 40C-40.302, F.A.C., unless specifically exempted in Rule 40C-41.051, F.A.C., or otherwise provided in subsection 40C-41.043(3) or 40C-41.043(4), F.A.C. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and Chapter 40C-4, F.A.C., will be fulfilled using alternate criteria.

(2) through (4) No change.

(5) Stormwater management systems requiring permits pursuant to Rule 40C-42.022, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-42.023, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

(6) Agricultural surface water management systems requiring permits pursuant to Rule 40C-44.041, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98, 3-7-03, _____.

40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

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

(a) Recharge Standard – Applicants required to obtain a permit pursuant to Chapter 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type “A” Hydrologic Soil Group by the Natural Resources Conservation Service (NRCS) Soil Survey. Section 18.1 contains a list of Type “A” soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type “A” soils. ~~Three inches of runoff from all directly connected impervious areas must be retained within the project area for projects or portions of projects in Most Effective Recharge Areas. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity.~~

(b) Storage Standard – Within the Wekiva River Hydrologic Basin, a system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other water course which has a drainage area of more than one square mile and which has a direct hydrologic connection to Little Wekiva River, Wekiva River, or Black Water Creek.

(c) Standards for Erosion and Sediment Control and Water Quality – Within the Wekiva River Hydrologic Basin, a Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

1. through 3. No change.

(d) Standard for Limiting Drawdown – Within the Wekiva River Hydrologic Basin, a Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d), F.A.C., is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extend of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions. It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

(e) Standard for Riparian Wildlife Habitat Within the Wekiva River Hydrologic Basin.

1. through 3. No change.

(4) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-42.023	Requirements for Issuance
40C-42.091	Publications Incorporated by Reference
40C-42.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) amend and update the environmental resource permit (“ERP”) application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapter 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) update Section 3.3.1(b) of the Applicant’s Handbook (A.H.) to reflect the current threshold in paragraph 40C-42.022(1)(b), F.A.C., (4) update section 3.3.2(f), A.H., to reflect the current threshold in paragraph 40C-42.022(2)(f), F.A.C., (5) update Sections 11.1, 13.1, and 15.1, A.H., to reference current Chapter 62-555,

F.A.C., and (6) update sections 14.3 and 14.4, A.H., to reflect the current wet detention design and performance criteria in paragraphs 40C-42.026(4)(b) and (g), F.A.C. The effects of the proposed amendment are to (1) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current Stormwater ERP rule criteria and terminology, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type “A” soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) update existing Stormwater ERP thresholds and criteria to reflect current thresholds and criteria in Chapter 40C-42, F.A.C., and (4) update references to current Chapter 62-555, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring a Stormwater ERP in paragraph 40C-42.023(1)(d), F.A.C., update Stormwater ERP thresholds in sections 3.3.1(b) and 3.3.2(f), A.H., to reflect current thresholds, update references to current Chapter 62-555, F.A.C., update wet detention design and performance criteria in sections 14.3 and 14.4, A.H., to reflect current design and performance criteria.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.023 Requirements for Issuance.

(1) To receive a general or individual permit under this chapter the applicant must provide reasonable assurance based on plans, test results and other information, that the stormwater management system:

(a) through (c) No change.

(d) Meets any applicable basin criteria contained in paragraph 40C-41.063(3)(a), (7), and (8), F.A.C.

(2) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 9-25-91, Amended 3-21-93, 10-3-95, 3-7-03, _____.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled “Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective 2-1-05.

(2) through (3) No change.

Specific Authority 369.318, 120.54(8), 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, 403.0877, 403.813 FS. History–New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05, _____.

40C-42.900 Forms and Instructions.

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

Department of Resource Management
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, Florida 32177-2529.

(1) Joint Application For Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit , form number 40C-4.900(1), ~~revised 2-1-05~~ adopted (Effective date) ~~10-3-95~~.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461, 403.0877 FS. History–New 5-30-90. Amended 9-25-91, 3-21-93, 2-27-94, 10-3-95, 10-11-01, 2-1-05, _____.

APPLICANT’S HANDBOOK SECTION:

3.3 Permit Thresholds

3.3.1 New Stormwater Management Systems

A standard general or individual environmental resource stormwater permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:

(a) No change.

(b) Construction of 9,000 ~~5,000~~ square feet total or more of building area or other impervious surface area not subject to vehicular traffic.

(c) No change.

3.3.2 Existing Stormwater Management Systems

A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which may be expected to result in any of the following:

(a) through (e) No change.

(f) Construction of 9,000 ~~5,000~~ square feet or more of building area or other impervious surface area not subject to vehicular traffic.

(g) No change.

8.0 Criteria for Evaluation

8.1 through 8.4 No change.

8.5 Surface Water Management Basin Criteria

Chapter 40C-41, F.A.C., establishes additional criteria which are used in reviewing applications for permits in certain hydrologic basins. The ~~three~~ two basins in the District which have additional criteria for chapter 40C-42, F.A.C., are the Sensitive Karst Basin, ~~and~~ the Lake Apopka Hydrologic Basin, and the Wekiva Recharge Protection Basin. The sensitive Karst Basin covers western Alachua and western Marion counties (See Figures 9.4, 9.5, and 9.6). The design criteria for the Sensitive Karst Basin are discussed in section 9.11 of this handbook. The Lake Apopka Hydrologic Basin covers Western Orange and eastern Lake Counties (see Figure 41-5 in Chapter 40C-41, F.A.C.). The design criteria for the Lake Apopka Hydrologic Basin are discussed in Subsections 40C-41.043(3) and 40C-41.063(8), F.A.C. The Wekiva Recharge Protection Basin covers eastern Lake, western Orange, western Seminole, and western Volusia Counties (see Figure 41-6 in Chapter 40C-41, F.A.C.) The design criteria for the Wekiva Recharge Protection Basin are discussed in subsection 40C-41.043(5) and paragraph 40C-41.063(3)(a), F.A.C.

11.0 Design Criteria and Guidelines for Retention Systems

11.1 Description

Retention system is defined as a storage area designed to store a defined quantity of runoff, allowing it to percolate through permeable soils into the shallow ground water aquifer. Stormwater retention works best using a variety of retention systems throughout the project site. Examples of retention systems include:

- Man-made or natural depressional areas where the floor is graded as flat as possible and turf is established to promote infiltration and stabilize the basin slopes (see Figure 11-1)
- Shallow landscaped areas designed to store stormwater
- Vegetated swales with swale blocks or raised inlets
- Pervious concrete with continuous curb

Soil permeability and water table conditions must be such that the retention system can percolate the desired runoff volume within a specified time following a storm event. After drawdown has been completed, the basin does not hold any water, thus the system is normally “dry.” Unlike detention basins, the treatment volume for retention systems is not discharged to surface waters.

Retention systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile.

Retention systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment facilities to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, retention systems can be utilized to promote the recharge of ground water to prevent saltwater intrusion in coastal areas or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the *Applicant's Handbook: Management and Storage of Surface Waters*). Retention systems can also be used to meet the runoff volume criteria for projects requiring a permit under Chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the *Applicant's Handbook: Management and Storage of Surface Waters*).

There are several design and performance criteria specific to retention systems which are described below.

11.2 through 11.6 No change.

13.0 Exfiltration Trench Design and Performance Criteria

13.1 Description

Exfiltration trench is a subsurface system consisting of a conduit such as perforated pipe surrounded by natural or artificial aggregate which temporarily stores and infiltrates stormwater runoff (Figure 13-1). Stormwater passes through the perforated pipe and infiltrates through the trench walls and bottom into the shallow groundwater aquifer. The perforated pipe increases the storage available in the trench and helps promote infiltration by making delivery of the runoff more effective and evenly distributed over the length of the system (Livingston et al. 1988). Generally, exfiltration trench systems are utilized where space is limited and/or land costs are high (i.e., downtown urban areas).

Soil permeability and water table conditions must be such that the trench system can percolate the required stormwater runoff treatment volume within a specified time following a storm event. The trench system is returned to a normally “dry” condition when drawdown of the treatment volume is completed. Like retention basins, the treatment volume in exfiltration trench systems is not discharged to surface waters. Thus, exfiltration is considered a type of retention system.

Like other types of retention systems, exfiltration trench systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the soil profile. Exfiltration trench systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment systems to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, exfiltration trench systems can be utilized to promote the recharge of ground water and to prevent saltwater intrusion in coastal areas, or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the *Applicant's Handbook: Management*

and Storage of Surface Waters). Exfiltration trench systems can also be used to meet the runoff volume criteria for projects requiring an environmental resource permit under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the *Applicant's Handbook: Management and Storage of Surface Waters*).

The operational life of an exfiltration trench is believed to be short (possibly 5 to 10 years) for most exfiltration systems. Sediment accumulation and clogging by fines can reduce the life of an exfiltration trench (Wanielista et al. 1991). Total replacement of the trench may be the only possible means of restoring the treatment capacity and recovery of the system. Periodic replacement of the trench should be considered routine operational maintenance when selecting this management practice.

13.2 through 13.11 No change.

14.0 Wet Detention Design and Performance Criteria

14.1 and 14.2 No change.

14.3 Recovery Time

The outfall structure should be designed to drawdown one-half the required treatment volume within 24 and 30 ~~between 48 and 60~~ hours following a storm event, but no more than one-half of this volume will be discharged within the first 24 hours.

14.4 The outlet structure generally includes a drawdown device (such as an orifice, "V" or square notch weir) set to establish a normal water control evaluation and slowly release the treatment volume (see Figures 14-2 and 14-3 for schematics). The design of the outfall structure must also accommodate the passage of groundwater baseflows and flows from upstream stormwater management systems (see Figure 14-4).

The control elevation should be set at or above the design tailwater elevation so the pond can effectively recover the treatment storage. Also, drawdown devices smaller than 6 square ~~3~~ inches of cross-section area that is 2 inches wide ~~minimum width~~ or less than 20 degrees for "V" notches shall include a device to eliminate clogging. Examples of such devices include baffles, grates, screens, and pipe elbows.

14.5 through 14.14 No change.

15.0 Design Criteria and Guidelines for Swale Systems

15.1 Description

Swales are a man-made or natural system shaped or graded to required dimensions and designed for the conveyance and rapid infiltration of stormwater runoff. Swales are designed to infiltrate a defined

quantity of runoff through the permeable soils of the swale floor and side slopes into the shallow ground water aquifer (Figure 15-1). Turf is established to promote infiltration and stabilize the side slopes. Soil permeability and water table conditions must be such that the swale can percolate the desired runoff volume from the 3-year, 1-hour storm event. The swale holds water only during and immediately after a storm event, thus the system is normally "dry." Unlike retention basins, swales are "open" conveyance systems. This means there are no physical barriers such as berms or check-dams to impound the runoff in the swale prior to discharge to the receiving water.

Swales provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile. Swale systems should not be located in close proximity to drinking water supply wells. As required by Chapter 62-~~55522~~, F.A.C., stormwater treatment facilities must be at least 100 feet from any public supply well. Additional design criteria are established for swale systems constructed in Karst Sensitive Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, swale systems can be utilized to promote the recharge of groundwater to prevent saltwater intrusion in coastal areas, and to maintain ground water levels in aquifer recharge areas. Swales can be incorporated into the design of a stormwater management system to meet the recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the *Applicant's Handbook: Management and Storage of Surface Waters*) or the runoff volume criteria for projects requiring permits under Chapter 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the *Applicant's Handbook: Management and Storage of Surface Waters*).

Swales can also be utilized to provide pre-treatment of runoff prior to its release to another treatment BMP such as wet detention (see section 14.11) or wetlands stormwater management systems (see section 16.4). Pre-treatment reduces the pollutant loading to the downstream treatment system, increases the pollutant efficiency of the overall stormwater

management system, and reduces maintenance. In some cases, pre-treatment may be used to meet the additional treatment criteria for discharges to sensitive receiving waters (Class I, Class II, and OFWs). For developments where the appearance of the downstream system (i.e, wet detention lake) is important, pre-treatment can reduce the probability of algal blooms occurring and slows the eutrophication process.

The design and performance criteria specific to swale systems are described in the following sections.

15.2 through 15.5 No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.065	Performance Standards
40C-44.091	Publications Incorporated by Reference
40C-44.101	Content of the Application
40C-44.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendments are to: (1) create a requirement that agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must meet the Wekiva recharge criteria proposed as part of a separate rule amendment, and (2) amend and update the environmental resource permit (ERP) application forms for agricultural systems to reflect both the new criteria for the Wekiva Recharge Protection Basin and current Agriculture ERP criteria.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would require that agricultural systems that will be located in the Wekiva Recharge Protection Basin meet the Wekiva recharge criteria, and would amend and update the Agricultural ERP application forms.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.416, 383.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon
PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.065 Performance Standards.

(1) through (4) No change.

(5) Agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C. and Section 11.3.1, Applicant’s Handbook: Management and Storage of Surface Waters.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.016, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 3-7-03,_____.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I “Policy and Procedures” and Part II “Criteria for Evaluation,” of the document entitled “Applicant’s Handbook: Agricultural Surface Water Management Systems, effective _____ 3-7-03”.

(a) through (b) No change.

(2) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 369.318, 373.406, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History–New 10-20-92, Amended 7-4-93, 10-3-9, 11-1-99, 4-10-02, 3-7-03,_____.

40C-44.101 Content of the Application.

(1) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.146, 373.416, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 10-3-95.

40C-44.900 Forms and Instructions.

The following forms and instructions are hereby incorporated by reference. They have been approved by the Governing Board and are available upon request from: District Headquarters, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529.

(1) Individual Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(1), adopted (Effective date) 10-3-95.

(2) Standard General Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(2), adopted (Effective date) 10-3-95.

(3) No change.

Specific Authority 120.53(1), 369.318, 373.044, 373.113, 373.406, 373.416, 373.418 FS. Law Implemented 120.52(16), 120.53(1), 369.318, 373.103, 373.413, 373.416, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 10-3-95,_____.

APPLICANT’S HANDBOOK SECTION:

10.2 Harm to the Water Resources Criteria
10.2.1 through 10.2.6 No change.

10.2.7 Agricultural surface water management systems requiring a permit that will be located within the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant’s Handbook: Management and Storage of Surface Waters.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To incorporate by reference a Delegation Agreement Between the South Florida Water Management District and Collier County for delegation of a portion of the Environmental Resource Permitting Program. Collier County will be delegated authority to review and issue environmental resource permits for projects less than 40 acres in size that are located in uplands within the designated boundaries of delegation within the County. Projects that include wetlands, other surface waters, located within CERP project boundaries or that include sovereign submerged lands will not be delegated to the County and will remain with the District.

SUBJECT AREA TO BE ADDRESSED: Delegation Agreement Between the South Florida Water Management District and Collier County of a portion of the Environmental Resource Permitting Program.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk’s Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE AGREEMENT IS: Damon Meiers, P.E., Deputy

Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876 (internet: dmeiers@sfwmd.gov). For procedural questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1)(a) through (k) No change.

(1) “Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the South Florida Water Management District and Collier County (_____ (date) _____)”.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-400.315 No Notice General Permit for Activities in Uplands

PURPOSE AND EFFECT: To delete language containing a partial delegation to Collier County as a new delegation which will be addressed through the Delegation Agreement Between the South Florida Water Management District and Collier County.

SUBJECT AREA TO BE ADDRESSED: Deletion of thresholds and additional conditions within Collier County for no notice general permits for activities in uplands.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk’s Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Damon Meiers, P.E., Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876 (internet: dmeiers@sfwmd.gov). For procedural questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.315 No Notice General Permit for Activities in Uplands.

- (1) No change.
- (2) through (2)(b) No change.

~~(e) Thresholds and Additional Conditions Within Collier County.~~

- ~~1. The project must have less than 40 acres total land area.~~
- ~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 4-14-03,_____.

LAND AND WATER ADJUDICATORY COMMISSION

Capital Region Community Development District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

42CC-1 Capital Region Community Development District

RULE NO.: RULE TITLE:

42CC-1.002 Boundary

PURPOSE AND EFFECT: The Petition was filed by the Capital Region Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 45.94 acres. (The District was originally established by Rule 42CC-1, F.A.C., effective

February 28, 2000.) The District currently covers approximately 3,241 acres of land located entirely within the City of Tallahassee, Florida, and unincorporated Leon County, Florida. After expansion, the District will encompass approximately 3,286.94 acres. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners. All of the land within the expansion parcel is included within the Southwood Development of Regional Impact. After expansion, the development plan within the District stays the same as the original petition. The District will continue to support 2,074 single family residential units, 2,696 multifamily units, 2,194,117 square feet of office space and 799,502 square feet of commercial space. The 45.95 acre expansion area is planned for 76 single family residential units and 82 multifamily units. These units are included within the above referenced 2,074 single family units and 2, 696 multifamily units. No additional residential or non-residential development is anticipated as a result of the expansion of the District’s boundary.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundary of the Capital Region Community Development District.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, May 24, 2006, 2:00 p.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brian A. Crumbaker, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: 60DD-1.002
 RULE TITLE: Rural County Grants

PURPOSE AND EFFECT: The purpose of the rule is to make changes to the rule to remove unnecessary language, update current language, and clarify existing board practices. The effect of the rule will be to remove unnecessary language, update current language, and clarify existing board practices

SUBJECT AREA TO BE ADDRESSED: Rural County Grants.

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(c) FS.

LAW IMPLEMENTED: 365.173(2)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Winston E. Pierce, Executive Director, Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-5.005
 RULE TITLE: License Renewal Fee Waivers

PURPOSE AND EFFECT: Update the rule language to omit prior renewal fee waivers and implement a renewal fee waiver for Real Estate brokers, Real Estate sales associates and Community Association Managers.

SUBJECT AREA TO BE ADDRESSED: Deletes prior renewal fee waivers and implements new renewal fee waivers.

SPECIFIC AUTHORITY: 455.219 FS.

LAW IMPLEMENTED: 455.219 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Martinez, Deputy General Counsel, DBPR, 1940 North Monroe Street, Tallahassee, Florida, 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61-5.005 License Renewal Fee Waivers.

(1) Pursuant to Section 455.219(1), Florida Statutes, the Department of Business and Professional Regulation has determined, based on long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions, that certain professions have an excess of trust fund moneys required to cover the functions necessary to regulate those professions. These professions, as outlined in subsections (2), (3), and (4) below, are therefore eligible to receive a waiver of license renewal fees for a period not to exceed two years. This is a one-time waiver and is available only in the two year period following the effective date of this rule.

(2) The full renewal fee is waived for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule.

~~(a) Electrical contracting, regulated pursuant to Part II of Chapter 489, F.S., and whose renewal fees are set in Rule 61G6-8.001, F.A.C.;~~

~~(b) Employee leasing, regulated pursuant to Part XI of Chapter 468, F.S., and whose renewal fees are set in Rule 61G7-5.001, F.A.C.;~~

~~(c) Harbor piloting, regulated pursuant to Chapter 310, F.S., and whose renewal fees are set in Rule 61G14-14.004, F.A.C.;~~

~~(d) Real estate appraisers, regulated pursuant to Part II of Chapter 475, F.S., and whose renewal fees are set in Rule 61J1-2.001, F.A.C.; and~~

~~(e) Veterinary medicine, regulated pursuant to Chapter 474, F.S., and whose renewal fees are set in Rules 61G18-12.005 and 61G18-12.009, F.A.C.~~

~~(3) One half of the full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:~~

~~(a) Certified public accountancy, regulated pursuant to Chapter 473, F.S., and whose renewal fees are set in Rule 61H1-31.001, F.A.C.;~~

~~(b) Architecture and interior design, regulated pursuant to Part I of Chapter 481, F.S., and whose renewal fees are set in Rules 61G1-17.001, 61G1-17.002, and 61G1-17.003, F.A.C.;~~

~~(c) Auctioneering, regulated pursuant to Part VI of Chapter 468, F.S., and whose renewal fees are set in Rule 61G2-3.005, F.A.C.; and~~

~~(d) Real estate brokers and sales associates salespersons, regulated pursuant to Part I of Chapter 475, F.S., and whose renewal fees are set in Rule 61J2-1.011, F.A.C.~~

(b) Community association managers regulated pursuant to Part VIII of Chapter 468, F.S., and whose renewal fees are set in Rule 61-20.504, F.A.C.

~~(4) One fourth of the full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:~~

~~(a) Landscape architecture, regulated pursuant to Part II of Chapter 481, F.S., and whose renewal fees are set in Rule 61G10-12.009, F.A.C.; and~~

~~(b) Surveying and mapping, regulated pursuant to Chapter 472, F.S., and whose renewal fees are set in Rule 61G17-8.0011, F.A.C.~~

~~(3)(5) For renewals covered by this rule, the separate five dollar unlicensed activity fee collected pursuant to Section 455.2281, F.S., must still be paid at the time of renewal by all licensees. Further, this rule does not waive any additional fees owed at the time of renewal, such as late renewal or penalty fees.~~

Specific Authority 455.219(1) FS. Law Implemented 455.219(1) FS. History--New 10-1-00, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.001
RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes to amend the rule to allow for continuing education credit for instructors, teachers, lecturers, panelists, and discussion leaders.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits for instructors, teachers, lecturers, panelists, and discussion leaders.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.020
RULE TITLE: Special Assessment Fee

PURPOSE AND EFFECT: Will require an assessment fee on the next license renewal.

SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee.

SPECIFIC AUTHORITY: 455.219(2), 477.016, 477.019(5), 477.0201(4) FS.

LAW IMPLEMENTED: 455.219(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-9.009
RULE TITLES: Standard of Care for Office Surgery Requirement for Physician Office Registration; Inspection or Accreditation

64B8-9.0091

64B8-9.0092 Approval of Physician Office Accrediting Organizations

PURPOSE AND EFFECT: The Board proposes the review of the above rules to determine whether additional amendments are required.

SUBJECT AREA TO BE ADDRESSED: Office surgery requirements; office surgery inspections; and approval of accrediting organizations for office surgical settings.

SPECIFIC AUTHORITY: 458.309(1), (3), 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3), 458.331(1)(g), (t), (v), (w), 458.351 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.011
 RULE TITLE: Provisional License

PURPOSE AND EFFECT: The Board propose changes to the Rule to allow an applicant ample time to complete the application process before the expiration of his/her provisional license.

SUBJECT AREA TO BE ADDRESSED: Licensure.

SPECIFIC AUTHORITY: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE TEXT OF THE PROPOSED RULE IS:

64B10-11.011 Provisional License.

(1) An application for a provisional license must fully explain the circumstances surrounding the unexpected vacancy, include proof of the applicant’s designation as next in command, and be accompanied by the appropriate fees.

(2) A provisional license shall be valid for a single 6 month period ~~of 60 days~~.

(3) Service as a provisional licensee shall not count as part of the requirements of an Administrator-in-Training program.

(4) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of sixty (60) licensed beds, or a geriatric residential treatment program.

(5) A provisional license shall not be granted to any applicant whose Nursing Home Administrator license has been suspended or revoked in any jurisdiction.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History–New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended 10-30-00,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: 64B15-10.0032
 64B15-10.0033
 RULE TITLES: Reactivation Fee
 Retired Status Fee

PURPOSE AND EFFECT: The Board proposes the development of these rules to address the reactivation and retired status fees for physicians.

SUBJECT AREA TO BE ADDRESSED: Reactivation Fee; Retired Status Fee.

SPECIFIC AUTHORITY: 456.036(15), 459.005, 459.009 FS.

LAW IMPLEMENTED: 456.036, 459.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-10.0032 Reactivation Fee.

The fee for reactivating an inactive or retired status license shall be: \$200.00 for an osteopathic physician.

Specific Authority 456.036(15), 459.005, 459.009 ~~455.711(4)~~ FS. Law Implemented 456.036, 459.009 ~~455.711(4)~~ FS. History–New 4-17-95, Formerly 59W-10.0032, Amended 12-13-98,_____.

64B15-10.0033 Retired Status Fee.

The fee for a retired status license shall be \$50.00 for an osteopathic physician.

Specific Authority 456.036(15), 459.005 FS. Law Implemented 456.036(12) FS. History–New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-137.013
 RULE TITLE: Florida Hurricane Catastrophe Fund Assessment Information Gathering

PURPOSE AND EFFECT: To establish procedures by which the Office monitors, verifies, and assures compliance with Section 215.555(6)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Hurricane Catastrophe Fund Emergency Assessments.

SPECIFIC AUTHORITY: 215.555(6)(b), 624.308(1) FS.

LAW IMPLEMENTED: 215.555(6)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 22, 2006, 2:00 p.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carol McBrier, Office of the Deputy Commissioner (Property and Casualty), Office of Insurance Regulation, E-mail: carol.mcbrrier@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE SEVEN DAYS PRIOR TO THE WORKSHOP AT NO CHARGE FROM THE CONTACT PERSON.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-11.004
RULE TITLE: Use of Archives

PURPOSE AND EFFECT: The purpose of this change is to establish new hours for the use of the Archives.

SUMMARY: Rules regarding the Use of Archives.

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

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

SPECIFIC AUTHORITY: 257.14, 257.35(7) FS.

LAW IMPLEMENTED: 257.35(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerard Clark, Program Manager, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6639

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-11.004 Use of Archives.

(1) No change.

(2) Location of records and hours of opening:

(a) No change.

(b) Except for holidays and at other such times as specified in writing by the Director and posted on the Division's website and posted by the State Archivist the archives and donated historical materials are available for use from 9:00 a.m. to 4:30 p.m. 8:00 a.m. to 5:00 p.m., Monday through Friday. Records may be made available at other times as authorized by the Director State Archivist.

(3) through (5) No change.

Specific Authority 257.14, 257.35(7) FS. Law Implemented 257.35(1) FS. History—New 4-11-76, Amended 9-6-78, 9-15-82, Formerly 1A-11.04, 1A-11.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerard Clark, Program Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith Ring, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.004
RULE TITLE: Standards and Procedures for Licensure

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to clarify when a postsecondary educational institution shall provide a compiled financial statement and controlling principles.

SUMMARY: This rule is being amended to clarify which institutions have to submit what type of financial statement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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