

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
IT-1.001 Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility criteria, application submission criteria including the required use of the Division's new on-line grants system; and criteria related to compliance with and the recordation of restrictive covenants.

SUBJECT AREA TO BE ADDRESSED: Cultural Facilities Program eligibility, application procedures, matching funds, evaluation criteria, reporting requirements, and grant administration.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.285, 265.286, 265.701, 286.011, 286.012, 286.25 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: Monday, March 10, 2008, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, (850)245-6483

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NO.: RULE TITLE:
5M-10.001 Northern Everglades Manure Application

PURPOSE AND EFFECT: The purpose of this notice is to develop standards for agricultural producers to use when land-applying animal manures in the Northern Everglades area. Subsequently, the Department will initiate formal rule making to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The subjects to be addressed are the thresholds for the requirement to develop a conservation or nutrient management plan, requirements for

plan approval, and associated recordkeeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 373.4595(4)(a)2. FS.

LAW IMPLEMENTED: 373.4595(4)(a)2. 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: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.099823 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program

PURPOSE AND EFFECT: The purpose of this rule development is to discuss proposed revisions to the education standards for children in the Voluntary Prekindergarten (VPK) Education Program. The effect of the rule will be the adoption of uniform standards that describe the skills that a four-year-old child should know and be able to demonstrate by the end of the VPK program.

SUBJECT AREA TO BE ADDRESSED: Voluntary Prekindergarten (VPK).

SPECIFIC AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Tuesday, March 11, 2008, 6:00 p.m. – 9:00 p.m.; Wednesday, March 12, 2008, 10:00 a.m. – 1:00 p.m.; Thursday, March 13, 2008, 2:00 p.m. – 5:00 p.m.; Tuesday, March 18, 2008, 2:00 p.m. – 5:00 p.m.; Thursday, March 20, 2008, 5:30 p.m. – 8:30 p.m.

PLACES: March 11 – Florida Community College at Jacksonville, Main Auditorium, Room A 1068, 101 W. State Street, Jacksonville, FL 32202

March 12 – United Way Building, Dr. Nelson Ying Center, 1940 Traylor Blvd., Orlando, FL 32804

March 13 – Miami Lakes CDS Office, 15790 N. W. 57th Ave., Miami Lakes, FL 33014

March 18 – Hodges University, 4501 Colonial Blvd., Fort Myers, FL 33966

March 20 – Auditorium of Florida State University/Panama City Campus, 4750 Collegiate Dr., Panama City, FL 32405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan Goff, Executive Director, Office of Early Learning, at (850)245-0445 or Shan.Goff@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-10.040	Basic Skills Requirements for Postsecondary Vocational Certificate Education

PURPOSE AND EFFECT: To remove obsolete tests no longer approved by the United State Department of Education.

SUBJECT AREA TO BE ADDRESSED: Postsecondary Career Certificate Education.

SPECIFIC AUTHORITY: 1001.02(1), 1004.91(1), 1007.271(3) FS.

LAW IMPLEMENTED: 1004.91 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: Lucy Hadi, Chancellor for Workforce Education, (850)245-0409 or lucy.Hadi@fldoe.org

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

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-15.0081	Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The purpose of this rule development notice is to allow the public an opportunity to review and comment on proposed changes to the toll rates along the Pinellas Bayway System in Pinellas County.

SUBJECT AREA TO BE ADDRESSED: Current toll rates and the cost of the general public annual pass on the Pinellas Bayway system were established by the Florida Legislature in 1986. Toll rates and the cost of the general public annual pass

have not changed since 1986. The Department is proposing a legislative repeal of the 1986 act and to establish toll rates and the cost of the general public annual pass by rule. Toll rates at the east and west plazas are proposed to increase from the current \$.50 for cash to \$1.25 for cash and \$1.00 for SunPass. Toll rates at the south plaza are proposed to increase from the current \$.35 for cash to \$2.50 for cash and \$2.00 for SunPass. The cost of the general public annual pass is proposed to increase from the current \$50 per year to \$125 per year. The additional revenue from the increased tolls and cost of the general annual public pass will be used to finance the construction of the Pinellas Bayway and Tierra Verde bridges. Following a toll rate rule development workshop, a toll rate rule making public hearing will be scheduled to set the toll rates and the cost of the general annual public pass.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 316.1001, 338.155, 338.222, 338.231 FS.

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

DATE AND TIME: March 12, 2008, 6:00 p.m. – 8:00 p.m.

PLACE: City of St. Pete Beach Community Center, 7701 Boca Ciega Drive, St. Pete Beach, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lee Royal, Community Liaison Administrator, at (813)975-6427 or (800)226-7220 at least seven days prior to the workshop. Written comments may also be sent to Scott Collister, P.E., CPCM, Director of Transportation Development, Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, MS 7-400, Tampa, Florida 33612. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997,

February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, and _____ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 316.1001, 338.155, 338.222, 338.231 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

REGIONAL PLANNING COUNCILS

Withlacoochee Regional Planning Council

RULE NOS.:	RULE TITLES:
29E-1.004	Membership and Voting Privileges
29E-1.005	Term and Compensation of Members
29E-1.006	Powers
29E-1.007	Officers
29E-1.008	Executive Committee
29E-1.009	Staff
29E-1.010	Office
29E-1.011	Meetings
29E-1.0121	Committees
29E-1.013	Budget
29E-1.014	Finances
29E-1.016	Procedure for Presentation to Council

PURPOSE AND EFFECT: Changes in the Withlacoochee Regional Planning Council Bylaws.

SUBJECT AREA TO BE ADDRESSED: Changes to the population thresholds which control membership on the Withlacoochee Region Board of Directors. Other minor changes to the current Bylaws.

SPECIFIC AUTHORITY: 112.061, 120.53, 160.04, 160.06, 163.01, 286.011, 380.06 FS.

LAW IMPLEMENTED: 112.061, 120.53, 160.04, 160.06, 160.07, 163.01, 286.011, 286.26, 380.06 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: Michael R. Moehlman, Executive Director, Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101
RULE TITLE: Inmate Substance Abuse Testing
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-108.101, F.A.C., to allow for use of the dry cell procedure when an inmate indicates an inability to urinate in the presence of others and provide definitions for "confirmation testing" and "threshold levels."
SUBJECT AREA TO BE ADDRESSED: Substance Abuse Testing.

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) No change.

(b) Tester – a correctional officer who has been trained and certified as competent by the manufacturer of the onsite testing device or certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the

on-site testing device. All testing personnel must be approved by the Office of the Inspector General. The Chain of Custody Form is incorporated by reference in paragraph (3)(h)(g) of this rule.

(c) through (f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign an Affidavit for Admission of Drug Use, Form DC1-824. Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

(h) Threshold Level – the concentration of a drug in the urine used to determine whether the test will be considered positive or negative. The threshold level for confirmation testing is the lowest legally defensible, scientifically acceptable, level of quantification (L.O.Q.) as determined by the contract tester.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. through 5. No change.

6. A copy of the Incident Report, Form DC6-210, shall be attached to the facility's copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated in Rule 33-602.210, F.A.C. The Chain of Custody Form is incorporated by reference in paragraph (3)(h)(g) of this rule.

(b) through (c) No change.

(3) Procedures.

(a) No change.

(b) Specimen Collection Procedures.

1. through 7. No change.

8. An inmate who has not provided an adulterated urine specimen and who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water every 1/2 hour, not to exceed a total of 2 cups during this time period and an Acknowledgement of Beverage Form, DC1-823, shall be completed. Form DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in paragraph (3)(h)(g) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-601.314, F.A.C. If an inmate claims an inability to urinate ~~due to a medical condition~~, the procedures set forth in paragraph (3)(d)(e) shall apply.

9. through 12. No change.

(c) Upon notification from an inmate that he is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. through 5. No change.

6. Upon receipt of the urine specimen the tester shall visually inspect the urine specimen to ensure it appears valid and unadulterated and the procedures outlined in subparagraph (3)(e)(d)1. for the testing of urine specimens shall be followed.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6.

(e)(d) Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment. For every on-site test conducted, regardless of purpose, the Inmate Scannable Drug Testing Control Card shall be filled out. The Inmate Scannable Drug Testing Control Card, DC1-826 is incorporated in paragraph (3)(h)(g) of this rule.

2. through 5. No change.

6. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign an Affidavit for Admission of Drug Use, DC1-824. Form DC1-824, Affidavit for Admission of Drug Use, is incorporated by reference in paragraph (3)(h)(g) of this rule.

a. through c. No change.

7. No change.

(f)(e) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate following the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign the Affidavit for Admission of Drug Use Form, DC1-824, then a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in paragraph (3)(b), specimen collection procedures, and paragraph (3)(e)(d), testing of urine specimens.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC1-827, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC1-827, Reasonable Suspicion Testing Tracking Form, is incorporated by reference in paragraph (3)(h)(g) of this rule.

(f) through (g) renumbered (g) through (h) No change.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-4.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to delete the requirement that mitigation banks include property tax costs as part of the financial responsibility mechanism covering mitigation bank costs, due to the amendment of Section 704.04(6), F.S., in the 2007 legislative session.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the requirement in Section 12.4.8(j) of the Applicant's Handbook: Management and Storage of Surface Waters, that the financial responsibility cost estimate for mitigation banks include property taxes.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4136, 373.414, 373.416, 373.429 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: 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, email 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 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 Description 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 (*effective date*) July 1, 2007.

(b) through (d) 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, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 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, 12-3-06, 7-1-07, _____.

APPLICANT'S HANDBOOK SECTION:

12.4.7 Land Use Restrictions on Mitigation Banks

(a) through (e) No change.

(f) The District shall require additional documentation or actions from the grantor of the conservation easement or fee interest if such additional documentation or actions are necessary to adequately protect the District's interest in, or the integrity of, the mitigation bank.

(g) through (j) No change.

12.4.8 Financial Responsibility.

(a) through (i) No change.

(j) Cost estimates.

1. For the purposes of determining the amount of financial responsibility that is required in this section, the banker shall submit a detailed written estimate, in current dollars, of the total cost of construction and implementation, and of the cost of perpetual management of the mitigation bank. The written cost estimate shall be certified by a licensed professional whose license authority in the State of Florida includes the ability to provide such certified written estimates.

2. The cost estimate for construction and implementation shall include all costs associated with completing construction and implementation of the mitigation bank, or phase thereof, including, as applicable, earthmoving, planting, exotic/nuisance vegetation removal, land surveying, structure installation, consultant fees, and taxes, monitoring activities and reports.

3. The cost estimate for the perpetual management of the mitigation bank shall be based on the costs of maintaining, operating, and replacing any structures, controlling nuisance or

exotic species, fire management, consultant fees, monitoring activities and reports, ~~taxes~~ and any other costs associated with perpetual management. The amount of financial responsibility shall equal the cost of perpetual management for the bank, or, for banks constructed in phases for all phases for which credits have been released.

4. through 5. No change.

(k) through (l) No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-400.443	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation
40C-400.447	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to: (1) clarify the scope of the noticed general permit authorized by Rule 40C-400.443, F.A.C., (for minor bridge activities by the Florida Department of Transportation (FDOT), counties, and municipalities), and (2) clarify the 0.25 acre wetlands and other surface waters impact area limitation in the noticed general permit authorized by Rule 40C-400.447, F.A.C., (for minor activities by FDOT, counties, and municipalities within existing rights-of-way or easements).

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment would clarify that: (1) the scope of the noticed general permit authorized by Rule 40C-400.443, F.A.C., includes bridge maintenance activities and that the authorized replacement or modification of a bridge includes changes in bridge configuration or fill due to changes in materials, construction techniques, or to meet current construction codes or safety standards, and (2) the 0.25 wetlands and other surface waters impact area limitation in the noticed general permit authorized by Rule 40C-400.447, F.A.C., applies to each culverted crossing.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.414, 373.416, 373.418, 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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, email nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

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

(a) The replacement, ~~or~~ modification, or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acres.

(b) No change.

(2) This general permit shall be subject to the following specific conditions:

(a) through (k) No change.

(l) This general permit authorizes dredging and filling for the replacement or modification of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40C-4, 40C-40, 40C-42 or 40C-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended_____.

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

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

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one

~~culverted crossing location (project site).~~ The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) through (g) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.414, 373.418 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 1-11-99, 10-11-01,_____

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.659 Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt by reference two forms used by the District in the review of applications for water well construction permits. A form requesting additional information for applications to construct a public supply well will be adopted. An existing form used to confirm whether a water use permit is required for wells to be constructed within the Most Impacted Area of the former Easter Tampa Bay Water Use Caution Area is renamed to reference the Southern Water Use Caution Area. The effect of this rulemaking will be to incorporate these forms into District rules.

SUBJECT AREA TO BE ADDRESSED: Water well construction permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (6) No change.

(7) WELL VERIFICATION FOR ALL NON-DOMESTIC USE WELLS LOCATED IN THE MOST IMPACTED AREA OF THE SOUTHERN EASTERN ~~TAMPA BAY~~ WATER USE CAUTION AREA, FORM NO. LEGR-016.00 () ~~42.10.005 (10/95)~~.

(8) through (25) No change.

(26) PUBLIC SUPPLY WELL INFORMATION AND CLASSIFICATION FORM, FORM NO. LEG-R.015.00 (),
SURFACE WATER

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:

40D-2.091 Publications Incorporated by
Reference

40D-2.301 Conditions for Issuance of Permits

40D-2.321 Duration of Permits

PURPOSE AND EFFECT: As directed by the Governing Board, the district is seeking public input on proposed rule amendments requiring 75% of irrigation water needs to be met with alternative water supplies to obtain a 20 year permit for multi-phase, long-term projects that require both a WUP and ERP.

SUBJECT AREA TO BE ADDRESSED: Proposed rule amendments concerning environmental resource permit and water use permit requirements for issuance of a water use permit to applicants that desire 20 year permits for multi-phase, long-term projects.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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

DATE AND TIME: March 14, 2008, 9:00 a.m.

PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Hwy 301 North, Tampa, FL 33637-6759

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) Water Use Permit Information Manual Part B, "Basis of Review" (____) ~~(2/08)~~ and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area" (1/07);
- (2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, _____.

40D-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a Water Use Permit, an Applicant must demonstrate that the water use is reasonable and beneficial, is in the public interest, and will not interfere with any existing legal use of water, by providing reasonable assurances, on both an individual and a cumulative basis, that the water use:

- (a) through (n) No change.

(2) For projects which require both an ERP and a WUP, an application for an ERP shall be completed prior to issuance of the WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands from other sources. The application may be for a Conceptual Environmental Resource Permit, provided that the application contains information from which supplemental irrigation demands, potable water demands, other use demands and water supply quantities derived from the surface water management system can be calculated. Permit Applicants for projects which require both a water use permit and a surface water permit

~~pursuant to District Rules shall submit a completed surface water management permit application to the District prior to issuance of a Water Use Permit.~~ If the District determines that a permit application involves an area where the Water Use Permit may not be granted because of water resource problems, the requirement for a complete Environmental Resource Permit application may be waived by the District. Where such waivers are granted, the Water Use Permit shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate District surface water permit is issued.

- (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History—Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07, _____.

40D-2.321 Duration of Permits.

(1) The District shall determine the duration of a Water Use Permit, including Standby Permits, based on the degree and likelihood of potential adverse impacts to the water resource or existing users.

(2) The duration of a water use permit shall not exceed six years when:

- (a) The permit is for a new use greater than or equal to 500,000 gpd;
- (b) The District determines there is a potential for significant adverse impacts and further evaluation is needed to develop an effective mitigation plan; or
- (c) The permit is for a renewal to significantly increase quantities.

(3) The duration of a water use permit shall not exceed 10 years when:

- (a) The permit is for a new use less than 500,000 gpd;
- (b) The permit is for a renewal with an effective mitigation plan to address potential adverse impacts; or
- (c) The permit is for a renewal with no significant modification.

(4) If the District determines that a permit term longer than 10 years is appropriate based on facts presented by an Applicant, the District shall issue a permit for a period up to 50 years in accordance with Section 373.236, F.S.

(5) Where a permit is required for the development of Alternative Water Supplies, such permit will be granted for a duration of 20 years. If the permittee issued bonds for the project's construction, the permit shall be extended for the time required to retire the bonds, in accordance with Section 373.236(4), F.S.

(6) For projects that will meet at least 75% of supplemental irrigation demands during average annual rainfall conditions with Alternative Water Supplies through a conjunctive use system at project build-out, an applicant may

request a 20 year permit duration for Alternative Water Supplies and ground water quantities, including those for standby for temporary or permanent losses of Alternative Water Supplies. Where the project requires a complete Environmental Resource Permit (ERP) pursuant to subsection 40D-2.302(2), F.A.C., a permit condition shall be applied that requires the permittee to re-evaluate water demands and sources at the submittal of any Individual ERP applications pertaining to the project. If the re-evaluation indicates sources or demands have changed from those presented in the original application, the water use permit shall be modified to take into account the updated information, provided, however, that the water use shall continue to meet all conditions for issuance for a water use permit.

(7)(6) Permits with annual average daily withdrawals of less than 500,000 gpd shall be eligible for extension of the expiration date in accordance with procedures set forth in Section 1.9 of the District's "Basis of Review for Water Use Permit Applications" as described in Rule 40D-2.091, F.A.C.

(8) Where necessary to maintain reasonable assurances that the conditions for issuance continue to be met, a permit condition shall be applied that requires reports at specified times that demonstrate continuing compliance with conditions for issuance and the permit. For permits with a 20 year duration, the compliance report provisions Section 373.236(3), F.S., shall apply.

Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, _____.

The following provision of the Water Use Permit Information Manual, Part B, Basis of Review, incorporated by reference in 40D-2.091, F.A.C., is proposed to be amended as shown:

Water Use Permit Information Manual

Part B, Basis of Review

Section 3.1 Determining Reasonable Quantities

PERMITS WITH ALTERNATIVE WATER SUPPLIES ~~IN~~ THE SWUCA

New Permits – If an application includes the use of Alternative Water Supplies to supply all or a portion of the requested demand, and the applicant demonstrates that, through no fault of the applicant, the Alternative Water Supplies are vulnerable to becoming unavailable, insufficient or unsuitable for the authorized use, upon request by the applicant, a permit will be issued that puts use of the non-alternative source on standby status, provided the withdrawal and use of the non-alternative water supply source meets all the conditions for issuance. The standby quantity will be for an amount equal to the quantity offset by the Alternative Water Supplies. This standby quantity is to be used only when the Alternative Water Supplies become unavailable, insufficient or unsuitable; or economically,

technically or environmentally infeasible for the authorized use. In no case will the standby quantity exceed the permitted quantity.

New 1-1-07.

Existing Permits – Where Alternative Water Supplies provide all or a portion of permitted quantities, and if requested by the applicant, a permit will be issued that puts use of the water source on standby status, in an amount equal to the quantity offset by the Alternative Water Supplies. This standby permit is to be used only when, for reasons outside the Permittee's control, the Alternative Water Supplies become unavailable, insufficient or unsuitable for the authorized use; or economically, technically or environmentally infeasible. In no case will the standby quantity exceed the permitted quantity.

New 1-1-07.

Loss of Alternative Water Supplies – Where a permittee is to use an Alternative Water Supply in lieu of a non-Alternative Water Supply and the Alternative Water Supply becomes temporarily (exceeding 30 days) insufficient or unsuitable, the permittee shall notify the District in writing within 15 days of the event. Such notification shall be submitted monthly for each subsequent 30 days, for up to one year from the date of first loss, while the supply of alternative water supplies remains insufficient or unsuitable for the authorized use. During this time, the withdrawal of standby quantities is allowed to meet the authorized use up to the maximum amount of the permitted standby quantities. If the loss of the Alternative Water Supplies exceeds one year, the District shall issue a Letter of Modification, subject to all requirements of subsection 40D-2.331(2), F.A.C., to modify the non-alternative water supplies quantities that may be withdrawn. If the standby permit is for a withdrawal within the SWUCA, a Letter of Modification shall be issued to modify the quantities that may be withdrawn even if the quantities to be withdrawn exceed the quantity thresholds included in subsection 40D-2.331(2), F.A.C.

New 1-1-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-3.021	Definitions
40D-3.037	Rules and Publications Incorporated by Reference
40D-3.038	Violations of Contractor Licensing Requirements
40D-3.101	Content of Application
40D-3.301	Conditions for Issuance of Permits
40D-3.411	Well Completion Report
40D-3.531	Abandoned Well Plugging

PURPOSE AND EFFECT: The purpose of this rulemaking is to make minor corrections to existing District water well construction permitting rules and incorporate related

amendments recently adopted by the Department of Environmental Protection for water well construction. Rule 40D-3.021, F.A.C., is amended to correct typographical errors; Rule 40D-3.037, F.A.C., is amended to reference updated DEP rules and the District's website; Rule 40D-3.038, F.A.C., is revised to conform to the District's rule to the related DEP rule; Rule 40D-3.101, F.A.C., is amended to incorporate revisions made to other District rules cited therein; subsection 40D-3.301(3), F.A.C., is deleted as it is no longer required; and minor clarifying edits are made to Rules 40D-3.411 and 40D-3.531, F.A.C. The effect of this rulemaking will be to make the District's well construction permitting rules more accurate and up to date.

SUBJECT AREA TO BE ADDRESSED: Water well construction permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS.

LAW IMPLEMENTED: 373.046, 373.106, 373.109, 373.206, 373.207, 373.209, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.323, 373.324, 373.333, 373.336 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.021 Definitions.

When used in this Chapter:

(1) No change.

(2) "Annulus" or "annular space" means any artificially created void existing between a well casing or liner pipe and a borehole wall, or between two casings or between tubing and the casing or ~~for~~ liner pipe.

(3) through (34) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.323 FS. History--Readopted 10-5-74, Formerly 16J-3.02, Amended 7-1-90, 9-30-91, 12-31-92, _____.

40D-3.037 Rules and Publications Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well

Contractors as set forth in Chapter 62-531, F.A.C. (~~11-25-07~~ (~~7-17-03~~), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (~~1-17-05~~ (~~4-10-03~~), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) No change.

(3) Well Construction Forms are incorporated by reference into Rule 40D-1.659, F.A.C., and are available from the District upon request and from the District's website at www.watermatters.org.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History--New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, _____.

40D-3.038 Violations of Contractor Licensing Requirements.

(1) No change.

(2) A contractor is requested ~~required~~ to inform the District within 15 days of any change in the contractor's mailing address.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS. Law Implemented 373.323, 373.324, 373.333, 373.336 FS. History--New 7-1-90, Amended 12-31-92, 2-1-05, _____.

40D-3.101 Content of Application.

(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well", adopted by reference in Rule subsection 40D-1.659(4), F.A.C. Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern ~~Eastern Tampa Bay~~ Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2, and Figure 2.1, Section 7.2.8.A and Figure 7.2.2, of the Basis of Review for Water Use Permit Applications, adopted by reference in Rule 40D-2.091, F.A.C., shall include the form entitled "Well Verification For All Non-Domestic Use Wells Located in the Most Impacted Area of the Southern ~~Eastern Tampa Bay~~ Water Use Caution Area", adopted by reference in Rule subsection 40D-1.659(7), F.A.C.

(2) A permit applicant seeking to drill a public supply well shall submit:

(a) No change.

(b) A completed Southwest Florida Water Management District "Public Supply Well Information and Classification Form", adopted by reference in Rule 40D-1.659, F.A.C. form number 42.10-001, revised August 1992; and

(c) Four sets of site plans signed, sealed and dated ~~prepared~~ by a licensed ~~registered~~ professional engineer. Applicants for permits on existing projects may submit pre-existing site plans or detailed legal plats.

(3) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 373.316 FS. History—Readopted 10-5-74, Formerly 16J-3.07, Amended 7-1-90, 9-30-91, 12-31-92, 4-11-94, 10-19-95, 2-26-07, _____.

40D-3.301 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) ~~All non government (privately) owned public supply applicants in Florida Public Service Commission (FPSC) jurisdictional counties, and applicants otherwise regulated by the FPSC, must submit with their application, either an FPSC certificate of authorization to provide water service, or an order of exemption from the FPSC.~~

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.306, 373.308, 373.309, 373.313 FS. History—Readopted 10-5-74, Formerly 16J-3.11(1)-(3), Amended 1-8-87, 7-1-90, 12-31-92, 7-2-98, _____.

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District's receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled "Well Completion Report", adopted by reference in Rule subsection ~~40D-1.659(5)~~, F.A.C., within 30 days of the expiration of the permit.

(b) No change.

(c) The District shall require a record of the well construction at any time prior to the submittal of the completion report if any drilling problems are encountered during well construction. The District may request a record either orally or in writing. The water well contractor or individual permittee shall provide the record within seven days of receipt of the District's request.

(d) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07, _____.

40D-3.531 Abandoned Well Plugging.

(1) The form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well", adopted by reference in Rule subsection ~~40D-1.659(4)~~, F.A.C., shall be submitted to the District prior to the abandonment of any well, including an incomplete well.

(2) No change.

(3) All abandoned and incomplete wells shall be plugged by filling them from bottom to top with grout. The work shall be performed by a licensed water well contractor except for wells exempted under subsection 40D-3.051(1) and wells permitted to be constructed or abandoned pursuant to paragraph 40D-3.301(1)(a), F.A.C.

(a) through (b) No change.

(4) No change.

(5) The "Well Grouting/Abandonment Form", adopted by reference in Rule subsection ~~40D-1.659(6)~~, F.A.C., will be used to document the well abandonment.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.207, 373.209, 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 7-2-98, 9-26-02, 2-26-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:

RULE TITLE:

40D-8.624

Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to establish minimum levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes and to establish guidance levels for those lakes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (a.k.a. Loyce Lake) in Pasco County, Florida. These lakes were previously noticed for adoption, but the notice expired and the lakes are now being renoticed.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 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: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.:	RULE TITLE:
61G3-16.0092	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

PURPOSE AND EFFECT: Continuing education providers are required to submit proof electronically to DBPR that a licensee has taken a course. Section 455.2178(1), Florida Statutes, was recently amended to provide a specific time period within which the providers must submit the proof. The amendment conforms the rule to the specific time period provided by the statute.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS Education Provider Requirements.

SPECIFIC AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.2228 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

(1) through (5) No change.

(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers shall maintain a roster of participants for four years. The records and roster shall be available for inspection by the Board or Department. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 30 business days of the completion of the course ~~or prior to the licensee's renewal date, whichever occurs sooner. However, the continuing education provider shall electronically report to the Department completion of a licensee's course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner.~~ The list of

attendees submitted electronically to the Department shall not include applicants taking the course for initial licensure. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the licensee. This list shall include the provider's name and provider number, the name and license number of the attendee, the date the course was completed and the course number. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider.

Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2178, 455.2179, 455.2228 FS. History--New 9-12-01, Amended 11-2-06_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-4.010	Successor Partnerships

PURPOSE AND EFFECT: The purpose of the amendment is to provide that a partnership can continued being registered with the Department with two or more partners.

SUBJECT AREA TO BE ADDRESSED: Successor Partnerships.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-6.006	Employment by More Than One Entity

PURPOSE AND EFFECT: The amendment changes the terms salesperson and broker-salesperson to sale associate and broker-associate, respectively.

SUBJECT AREA TO BE ADDRESSED: Employment by More Than One Entity.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(1)(d), 475.011(2) 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.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-9.007 Change of Name

PURPOSE AND EFFECT: The amendment requires a licensee to submit documentary proof of the licensee's name change.

SUBJECT AREA TO BE ADDRESSED: Change of Name.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(1)(d), 475.011(2) 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.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-10.022 Office

PURPOSE AND EFFECT: The proposed rule amendment deletes a reference to Rule 61J2-10.24, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Office.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.22 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.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-14.009 Real Estate Sales Associate

PURPOSE AND EFFECT: The amendment corrects a citation to the Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Real Estate Sales Associates.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.25(1)(k) 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-17.013 Interpretation of Particular Phrases

PURPOSE AND EFFECT: The proposed amendment prohibits any person, school or institution from guaranteeing a pupil will pass any examination required for licensure.

SUBJECT AREA TO BE ADDRESSED: Interpretation of Particular Phrases.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-17.014
RULE TITLE: Guest Lecturers

PURPOSE AND EFFECT: The amendment requires guest lecturers to have prior written approval of the Division Director (instead of the Commission).

SUBJECT AREA TO BE ADDRESSED: Guest Lecturers.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04(1), 475.451(1), (2)(a),(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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.: 65E-9.001, 65E-9.002, 65E-9.003, 65E-9.005
RULE TITLES: Applicability, Definitions, Licensure, Operating Standards

65E-9.006 Program Standards
65E-9.007 Staffing
65E-9.008 Admission
65E-9.012 Rights of Children
65E-9.013 Restraint, Seclusion, and Time Out

PURPOSE AND EFFECT: The purpose of the rule development is to amend the current rule to correct technical errors and statutory changes and to modify sections related to applicability, definitions, licensure, operating and program standards; staffing and admissions criteria, rights of children, and restraints and use of seclusion. These rules shall apply to all residential treatment centers, including therapeutic group homes under contract with the department or the agency to provide treatment services to children with emotional disturbances who are admitted to services pursuant to Chapter 39 or Chapter 394, F.S. These rules shall also apply to providers serving children through age 20 who have been committed to the department under Section 985.19, F.S.

SUBJECT AREA TO BE ADDRESSED: Those sections related to applicability, definitions, licensure, operating and program standards; staffing, and admissions criteria, rights of children, restraints seclusion, and time out.

SPECIFIC AUTHORITY: 39.407 FS.

LAW IMPLEMENTED: 394.875 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: Michael Sorrell, Medicaid Program Analyst, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 293, Tallahassee, Florida 32399

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-7.0042
RULE TITLE: Florida Accessibility Code for Building Construction

PURPOSE AND EFFECT: The Florida Building Commission's staff has discovered a formatting glitch that impacts the rule as it appears in the Florida Administrative Code relative to the Notice of Proposed Change published on