

Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.0011	Possession of Wildlife in Captivity; Permit Requirements
68A-6.002	Categories of Captive Wildlife
68A-6.0021	Possession or Transfer of Class I Wildlife as Personal Use Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements
68A-6.0024	Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee
68A-6.0025	Sanctuaries; Retired Performing Wildlife and Identification
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.0041	Exceptions to Standard Caging Requirements for Captive Wildlife
68A-6.0042	Elephant Rides
68A-6.005	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
68A-6.006	Dealing in Exotic or Pet Birds: Records
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern
68A-6.0071	Record Keeping and Reporting Requirements
68A-6.0072	Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address the possession, housing, shipment and sale of captive wildlife. The proposed rule changes will define “hobbyist” and exempt hobbyists from meeting sustained and consistent commercial activity; clarify

requirements for meeting local building and zoning codes for applicants requesting authorization to possess Class I or Class II wildlife; specify labeling requirements for the shipment of live wildlife animal life, freshwater aquatic life or marine life; and clarify submission requirements for the Critical Incident/Disaster Plan.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be covered in the proposed rules include commercialization of wildlife, facility requirements, labeling requirements for the shipment of live wild animal life, freshwater aquatic life or marine life, regulation of reptiles of concern and submission of Critical Incident/Disaster Plans to County Emergency Managers.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**Section II
 Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-7.002	Definitions
9K-7.003	General Requirements and Eligibility Standards
9K-7.004	Submission of Application and Application Materials
9K-7.006	Application Review
9K-7.007	Project Evaluation Criteria
9K-7.008	Ranking and Selection of Applications
9K-7.010	Modification to Expand the Project Boundary
9K-7.011	Preparation and Acceptance of the Management Plan
9K-7.013	Annual Stewardship Report Requirement

- 9K-7.014 Modification to Expand the Project Boundary
- 9K-7.015 Consideration of Recipient’s Request for Linear Facilities
- 9K-7.016 Consideration of Recipient’s Request for Land Exchanges

PURPOSE AND EFFECT: To improve Florida Communities Trust’s efficiency in administering Florida Forever Funds.

SUMMARY: To ensure the rules are user-friendly for the customers.

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

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

RULEMAKING AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.501-.515 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 23, 2009, 1:30 p.m.

PLACE: Department of Community Affairs, Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704. 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 RULES IS: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207.

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-7.002 Definitions.

(1) through (15) No change.

(16) “Greenway” means a linear open space protected and managed as part of linked conservation lands or recreation opportunities, ~~including waterway trails such as canoe or paddling trails.~~ Greenways typically follow natural landscape features such as rivers, streams, shorelines, ~~man-made corridors such as utility~~ and abandoned railroad right-of-ways;

~~and scenic roadways or any area defined in Section 260.13, F.S.~~ Greenways may protect the habitat of native plants and wildlife, maintain wildlife movement routes and natural connections, or provide opportunities for outdoor recreation.

(17) through (21) No change.

(22) “Low-income Community” means a U.S. Census tract ~~in which the median family income is less than half that of the state median family income where 51 percent of the residents are low income families with an annual income that does not exceed 80 percent of the median income for the area or that does not exceed 80 percent of the median income for the State, whichever is higher, as most recently determined by U.S. Department of Housing and Urban Development.~~

(23) “Major Military Installation” includes the following areas designated by the United States Military: Avon Park Air Force Range, Camp Blanding Joint Training Center, Eglin Air Force Base & Hurlburt Field including Out Lying Field Camp Rudder and Duke, Homestead Air Force Reserve Base, MacDill Air Force Base, Naval Air Station Jacksonville including Out Lying Field Whitehouse, Naval Air Station Key West (Boca Chica), Patrick Air Force Base, Tyndall Air Force Base, Naval Station Mayport, Naval Air Station Pensacola (Pensacola Complex) including Out Lying Field Saufley and Site 8 and Naval Air Station Whiting Field including Out Lying Field Pace, Spencer, Harold, Santa Rosa, Choctaw and Holley.

(24)(23) “Management Plan” means a plan prepared by the Recipient under this rule chapter and approved by the Trust regarding the long-term care and management of the Project Site.

(25)(24) “Match” means the provision of cash, eligible Project Costs, value of real property donated by a party(ies) other than the Applicant, or real property owned by the Applicant, provided the Match is from an eligible source as set forth in Section 259.105(3)(c), F.S.

(26)(25) “Natural Community” means a community that is dominated by native plant species as described in the Florida Natural Areas Inventory publication, “Guide to the Natural Communities of Florida.” A Natural Community generally possesses the following characteristics: the plant species composition includes most of the more common species typical of that natural community type; the community may contain small areas of exotic or invasive plants that could be easily controlled by prescribed burning or other forms of management; evidence of historical disturbance may be present but disturbance has not destroyed or prevented the re-establishment of a mature natural community type; and, the community is not substantially disturbed by recent human activities, except for such disturbance as low intensity forestry activities that allow the natural community to recover to previous conditions.

~~(27)~~(26) “Neighborhood Recreation Center” means a small community oriented building, generally up to 15,000 square feet, used primarily by one or more adjacent neighborhoods. The center could provide facilities for activities such as, indoor recreational programs, after school programs, summer programs, yoga classes, dance classes, or art and craft classes.

~~(28)~~(27) “Nonprofit Environmental Organization” means a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the United States Internal Revenue Code which has and can demonstrate that the conservation of natural resources or protection of the environment are among its principal purposes and goals.

~~(29)~~(28) “Outdoor Recreation” means the pursuit of leisure-time activities that occur in an outdoor setting and that are dependent on some particular element or combination of elements in the natural environment. Examples of such activities include bicycling, walking, hiking, skating, swimming, horseback riding, boating, camping, fishing, hunting, picnicking, studying nature, and visiting archaeological and historical sites.

~~(30)~~(29) “Partnership Application” means an Application for an Award submitted to the Trust by two or more eligible Applicants.

~~(31)~~(30) “Phased Project” means the phased continuation of a project which has been acquired approved for funding by the Trust in a prior funding cycle. The phased continuation must be adjacent (or adjacent through public ownership) to the previously acquired project. A Phased Project is generally characterized as a unified project but which, as a result of numerous owners, unique or linear configuration, or funding limitations, causes the project to be difficult or burdensome to develop and complete during a single funding cycle of the Trust and is instead developed as part of two or more Trust funding cycles.

~~(32)~~(31) “Pre-acquired” means the Project Site or a portion of the Project Site has been acquired by the Applicant through a voluntarily-negotiated transaction within 24 months prior to the Application deadline.

~~(33)~~(32) “Project Costs” means the total of all eligible costs associated with the Acquisition of the Project Site in accordance with this rule chapter and Chapter 9K-8, F.A.C., and may include the cost of the following items: purchase price for Acquisition of all or a portion of the Project Site; certified survey containing an adequate legal description of the Project Site; any assessment or examination essential and necessary to determine Project Site boundary; appraisal report(s) and appraisal review of the Project Site; title report and title insurance premium; reasonable real estate fees or commissions not to exceed \$10,000 per grant Application paid by the Recipient for Acquisition and environmental site assessment(s) performed pursuant to Rule 9K-8.012, F.A.C.

~~(34)~~(33) “Project Plan” means the compilation of items to be approved by the Trust that when taken together provide a detailed description of a proposed project that has received approval for an Award from the Trust. A Project Plan shall be prepared by the Recipient pursuant to the requirements of this rule chapter and Chapter 9K-8, F.A.C., and shall be approved by the Trust prior to disbursement of Florida Forever Funds.

~~(35)~~(34) “Project Site” means the specific area(s), defined by a boundary map or legal description and Certified Survey, where Trust funds are proposed in an Application to be used for all or a portion of the Acquisition. Project Site may include non-contiguous areas, so long as connectivity through other public ownership (excluding road right-of-ways and water bodies ~~unless parcels are directly across from each other~~) is demonstrated, and the non-contiguous areas are part of a unified scheme of development and management, or the project includes non-contiguous parcels that are part of a local government adopted riverwalks or beach boardwalk plans, listed species habitat or riverine corridor protection plan. Parcels contained within a riverwalk or beach boardwalk plan shall be within one mile of each other. For listed species habitat protection plans, all parcels are required to be within two miles of each other. For riverine corridor protection plans all parcels are required to be within five miles of each other. Project Sites divided by small water bodies, such as narrow streams, may be considered if the project is part of a unified scheme and the small water body does not fragment the Project Site. Project Sites divided by a two-lane road that can be safely crossed may be considered if the site fragmentation caused by the road does not diminish pedestrian access or recreational opportunities.

~~(36)~~(35) “Reasonable Assurance” means the Applicant’s ability to demonstrate to the Trust that there is a substantial likelihood that the project will be successfully implemented and managed in accordance with the Application and the Grant Contract, and may include the Trust’s inquiry into: the Applicant’s current and prospective financial condition; the Applicant’s history in acquiring, developing and managing similar projects; the Applicant’s financial commitment to the subject project as evidenced by the amount and type of any Match in the form of monies or real estate; and the character and background of the Applicant’s partners, directors, officers, managers, project administrators, controlling shareholders (if applicable), and appointed or elected officials.

~~(37)~~(36) “Recipient” means an Applicant that has been approved for funding by the Trust and who has executed a Grant Contract with the Trust for an Award.

~~(38)~~(37) “Recreational Trail” means a linear land-based corridor for recreation purposes which may include, but is not limited to, bicycling, walking, running, skating, and horseback riding. ~~A Recreational Trail consists of a trail separated from the road and does not include sidewalks or bike lanes on the road.~~

~~(39)~~(38) “Recreational Trail System” means a network of Recreation Trail(s) and adjacent support parcels connecting parks, schools, residential and commercial or retail areas for recreation and authorized alternative modes of transportation. A For a Recreational Trail System that is primarily located within road right-of-ways, the trail shall consist of either stabilized soils or paved trail separated from the road with occasional limited use of sidewalks that make critical connections within the system.

~~(40)~~(39) “Reimbursement” means recognition of those eligible Project Costs incurred for Pre-acquired parcel(s) or Reimbursement Acquisition parcels.

~~(41)~~(40) “Reimbursement Acquisition” means the entire Project Site or remaining portion of the Project Site will be acquired by the Applicant through a voluntarily-negotiated transaction after the application deadline and within the terms of the Grant Contract.

~~(41) “Standard Metropolitan Statistical Area” or “Metropolitan Statistical Area” means an area that has been defined or designated by the United States Census Bureau or by the Office of Management and Budget of the Executive Office of the President.~~

(42) through (46) No change.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07,_____.

9K-7.003 General Requirements and Eligibility Standards.

The following constitutes the general procedures for the Florida Forever Program of the Florida Communities Trust (FCT).

(1) Application Form. Application Form ~~FCT-5~~ ~~FCT-4~~ (eff. _____ ~~2-19-07~~), incorporated herein by reference, is prescribed for use with these rules. Applications for funding must be submitted on Application Form ~~FCT-5~~ ~~FCT-4~~. Applicants may only submit one Application Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling (850)922-2207 ~~(SunCom 292 2207).~~

(2) Notice of Application Period. The Trust shall announce the amount of Florida Forever bond funds available for Awards, the limitation on Award amounts, and applicable deadlines in the Notice of Application Period Published in the Florida Administrative Weekly.

(3) All Project Sites shall be open to the public.

(4) Eligible Applicants:

(a) Local Governments; and

(b) Nonprofit Environmental Organizations.

(5) No change.

(6) Overdue Stewardship Reports: The Governing Board will not consider any Applications submitted by an Applicant with an overdue stewardship report. A stewardship report is considered overdue when it has not been received or approved by the Trust within the one year period immediately preceding the grant application deadline. Applicants may cure the overdue status if the overdue stewardship report is received and approved by the Trust at least 21 days prior to the scheduled Trust Governing Board project selection meeting.

~~(7)~~(6) Limitation of Awards. The total amount of any Award or combination of Awards applied for by any Local Government(s) or Nonprofit Environmental Organization(s) under any Application(s) or Partnership Application(s) for any project(s) shall not exceed five million dollars (\$5,000,000.00) during any one cycle ten percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle. In no case shall any Applicant be awarded more than \$10 million during any one cycle. All award(s) for Partnership Applications shall, for purposes of calculation of award limitations, be divided equally among the Local Government(s) or Nonprofit Environmental Organization(s).

~~(8)~~(7) Match Requirement. All Local Governments shall provide a minimum of 25 percent match toward the Project Costs, including:

(a) Partnership Applications between Local Governments (other than a small Local Government as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., below) and Nonprofit Environmental Organizations shall be required to provide a Match.

(b) Partnership Applications between two or more Local Governments shall be required to provide a Match unless all of the Local Governments are small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., below.

(c) A minimum Match shall not be required under the following circumstances:

1. The Trust shall award a portion of the Florida Forever funds for Awards, for which no Match is required, for the benefit of small Local Governments, as follows: county governments with populations of 75,000 or fewer and municipal governments with populations of 10,000 or fewer.

2. The Trust shall award a portion of the Florida Forever funds for Awards, for which no Match is required, for the benefit of Nonprofit Environmental Organizations that have provided the Trust with Reasonable Assurance that they can develop and manage the Project Site in a qualified, competent and professional manner.

~~(9)~~(8) Eligible Sources of Match. The Applicant’s eligible sources of Match may include, but are not limited to, the following sources: Local Government funds; Nonprofit Environmental Organization funds; state or federal grants or loans; private cash donations; real property owned by the Applicant or donated to the Applicant by a party other than the

Applicant; or, in advance of negotiations, an owner's commitment to the value of a bargain sale or donation of all or part of the purchase price of the Project Site. Any real property owned by the Applicant must be acquired through a Voluntarily-Negotiated Transaction within 24 months prior to, or 24 months after, the Application deadline. Additionally, any real property utilized as a Match shall be included in the Application, shall be considered part of the Project Site and shall be subject to all restrictions placed on the Project Site. Applicants may not use funds from the Florida Forever Trust Fund for any part of the Match.

~~(10)(9)~~ Site Acquisition. The Acquisition of a Project Site shall take place under one of the following procedures:

(a) For a Project Site that consists of ten or fewer ownerships to be jointly acquired with the Trust, the Recipient may request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

(b) For a Project Site that consists of eleven or more ownerships to be jointly acquired with the Trust, the Recipient shall be required to act as the party responsible for the Acquisition activities.

(c) If the Trust determines that the Recipient does not have the necessary expertise or qualifications to be able to timely negotiate the acquisition of the Project Site, the Trust shall act as the party responsible for the Acquisition activities.

~~(11)(10)~~ Site Management. Each Applicant is required to provide a Management Plan as outlined in this rule chapter. To ensure that future management funds will be available for the management of the site in perpetuity pursuant to Section 259.105, F.S., and Chapter 380, Part III, F.S., the Applicant shall be required to provide the Trust with Reasonable Assurance that they have the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner that is consistent with the approved Management Plan. Where the Application or Partnership Application does not include at least one Local Government, the Trust shall: require the Recipient to establish an endowment or other fund in an amount equal to ten percent of the project cost to ensure that the Project Site shall be reasonably and professionally managed in perpetuity; require a guaranty or pledge by a Local Government, the Water Management District, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection (DEP) which shall require the Local Government, the Water Management District or the State agency to take over the responsibility for management of the Project Site in the event the Nonprofit Environmental Organization is unable to; and require such other assurances as the governing board may deem necessary to adequately protect the public interest.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.505-.515 FS. History--New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07, _____.

9K-7.004 Submission of Application and Application Materials.

(1) through (5) No change.

(6) All applications must be submitted on Application Form ~~FCT-5~~ FCT-4 (eff. ~~2-19-07~~) incorporated herein by reference.

(7) The following exhibits shall be provided:

(a) through (c) No change.

(d) County Tax Appraiser's map clearly delineating the Project Site boundary, access points, names of the property owners, and parcel tax identification numbers, and ownership boundaries using an appropriate scale.

(e) No change.

(f) Natural Communities map of an appropriate scale that depicts the Natural Communities on the Project Site, utilizing the Florida Natural Areas Inventory or other appropriate classification system, such as the Florida Land Use, Cover and Forms Classification System, and providing the approximate acreage of the various Natural Communities with the Project Site boundary clearly delineated.

(g) Physical improvements map of an appropriate scale that clearly delineates all existing physical improvements, alterations, or disturbances occurring on the Project Site, and including all cleared areas, buildings, roads, fences, docks, power lines, billboards, borrow pits, manmade lakes and excavations, and known easements and rights-of-ways, and the approximate acreage of the foregoing with the Project Site boundary clearly delineated.

(h) Future Land Use Map covering the Project Site and surrounding area that indicates future land use designations and which clearly delineates the Project Site boundaries.

(i) Resource conservation, open space, and outdoor recreation map that identifies the Project Site and surrounding lands in a three-mile radius that are used for natural resource conservation and outdoor recreation and including all parks, preserves, wildlife management areas, greenways, trails, linkages and designated outdoor recreation areas.

(j) Map depicting any applicable 100-year floodplain ~~or coastal high-hazard area, or wellfield protection zone~~ within the boundary of the Project Site clearly delineated.

(k) Conceptual site plan that clearly delineates the Project Site boundary and shows the approximate location of all proposed site improvements.

(l) One set of labeled photographs of the Project Site which depict all on-site features on the Project Site and including Natural Communities, waterbodies, shorelines, plants, Habitat, unique biological or geological features, and historical or archaeological features. Each photograph

submitted shall include a legend that identifies the photograph location and key features that the photograph is intended to depict.

(m) If applicable, evidence of status as a Nonprofit Environmental Organization as defined in subsection 9K-7.002(23), F.A.C.

(n) If the Applicant is a Nonprofit Environmental Organization which anticipates being designated as the management entity pursuant to subsection 9K-7.003(7), F.A.C., evidence that the Nonprofit Environmental Organization has the financial resources, including documentation that they have commitments in an amount equal to ten percent of the project cost to be set aside as a management endowment fund, background qualifications and competence existing to manage the Project Site in perpetuity or in cooperation with a Local Government as outlined in subsection 9K-7.003(7), F.A.C.

(o) If applicable, a signed statement from the owner(s) of each parcel indicating their willingness to consider an offer to purchase their parcel(s).

(p) If a Project Site is Pre-acquired:

1. The Applicant shall provide copies of a signed closing statement for each Pre-acquired parcel. If a closing statement is not available at the time of the application submittal then a copy of the contract for each of the Pre-acquired parcels shall be provided and a copy of the closing statements shall be provided within 14 days after the application deadline.

2. The Applicant shall provide a statement that neither condemnation nor the threat of condemnation was used in the purchase of the property.

(8) If applicable, provide an Acquisition Plan that lists the priority parcels and the general order of Acquisition.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.508, 380.510 FS. History--New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07, _____.

9K-7.006 Application Review.

(1) Applications received by the Application deadline shall be reviewed and evaluated by Trust staff based on the materials submitted. Applicants will be notified of the timely receipt and status of their Application(s).

(2) No additional information shall be accepted after the Application deadline, unless specifically requested by the Trust staff for clarification of information provided in the Application received by the published Application deadline. ~~Any clarification information requested must be received by the Trust no later than 48 hours prior to the ranking and selection meeting, or it will not be considered by the Trust.~~

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 380.508 FS. History--New 5-27-01, Amended 5-20-02, _____.

9K-7.007 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and in Application Form ~~FCT-5~~ ~~FCT-4~~ (eff. _____ ~~2-19-2007~~), incorporated herein by reference. Trust staff will be responsible for evaluating Applications and recommending point scores to the Governing Board. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application for scoring recommendations to the Governing Board. Personnel from other state agencies, regional planning councils, water management districts, and other public and private groups may assist the Trust staff in project evaluation as requested by Trust staff on an ~~Application-by-Application~~ basis. Unless otherwise noted, an Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state "No" in the response to the criterion.

(1) Furtherance of specified general standards (points may be awarded based on the following criteria):

(a) Pre-acquired. The entire Project Site has been acquired by the Applicant through a ~~V~~voluntarily ~~N~~egotiated ~~T~~ransaction within 24 months prior to the Application deadline (10 points).

(b) The Project Site has not been the subject of a land use or zoning change that would allow an increase of either allowable density or intensity within the last three (3) years prior to the Application deadline (5 points).

~~(c)(b)~~ Phased Project. The ~~proposed~~ Project Site is adjacent (or adjacent through public ownership) to a continuation of a previous project that was acquired with Trust funding such that it constitutes a Phased Project (5 points).

~~(d)(e)~~ Providing a greater share of the Match. The Applicant is committed to:

1. Provide a Match between 40 percent to 49 percent of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants, a Match between 10 percent and 19 percent of the Project Costs (10 points); or

2. Provide a Match between 50 percent to 59 percent of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants a Match between 20 percent and 29 percent of the Project Costs (20 points); or

3. Provide a Match for 60 percent or more of the Project Costs, or, for small Local Governments as defined in subparagraph 9K-7.003(7)(c)1., F.A.C., and eligible non-profit applicants, a Match for 30 percent or more of the Project Costs (25 points).

(e) The grant award amount requested is within the following thresholds.

(Points will be awarded on only one of the following criteria):

1. The Applicant is requesting a grant award amount that does not exceed \$1,500,000.00 (8 points);

2. The Applicant is requesting a grant award amount that does not exceed \$2,500,000.00 (4 points);

3. The Applicant is requesting a grant award amount that does not exceed \$3,500,000.00 (2 points).

The Trust will not participate in Project Costs that exceed the grant award amount.

~~(f)(4)~~ No prior funding. This is the Applicant's first Application to the Trust, or the Applicant has previously submitted an Application that was either not funded or was funded but not acquired. (In the case of a Partnership Application, if any of the partners have received funding and the Project Site was acquired, then no points will be awarded.) (5 points).

~~(g)(e)~~ Innovative Acquisition. The proposed project provides for alternatives to the Acquisition of fee interests in land through the acquisition of at least 25 percent of the acreage of the Project Site with a minimum of five acres through conservation easements (5 points).

(2) Furtherance of Outdoor Recreation, natural and cultural resources (points may be awarded based on the following criteria):

(a) Providing Outdoor Recreation or open space. ~~The Project Site provides for Outdoor Recreation or open space:~~

~~1. Provides Outdoor Recreation areas or open space adjacent to other publicly-owned upland areas, such as existing parks, museums, schools, libraries, or public affordable housing complexes (5 points);~~

1.2. Provides functional land-based nature, walking, bike, equestrian or multi-use trails that are at least one-quarter mile in length;

a. A nature, walking, bike, equestrian or multi-use trail is provided on the Project Site (2 points);

b. The trail is at least one-half mile in length (5 points);

c. Benches are provided along the trail (2 points);

d. A water fountain is provided at the trailhead or along the trail (1 point).

~~2.3. Provides Outdoor Recreation Facilities such as picnic pavilions, fishing piers, boat ramps, wildlife observation platforms, playgrounds, basketball courts, or volleyball courts; (Points will be awarded on only one of the following criteria):~~

~~a. Provides two different types of or three recreational facilities (7.5 points); or~~

b. Provides three different types of recreational facilities (8 points); or

~~c. Provides four or more different types of recreational facilities (9.40 points).~~

~~3.4. Provides access facilities to an existing open water shoreline or beach, such as a fishing pier, boat ramp, canoe/kayak launching facility, observation platform, dock or dune walkover, and managed for recreational uses (10.5 points);~~

~~4.5. Furthers Outdoor Recreation, public water access or open space within an Urban Area (points may be awarded based on the following criteria):~~

~~a. Within an Urban Service Area (5 points);~~

~~b. Within an Urban Service Area and is also within one-half mile of a built-up commercial or industrial Urban Area (5 points);~~

~~(b) Connectivity. The Project Site provides for new or enhanced connections to neighborhoods, recreational opportunities or natural areas (points may be awarded based on the following criteria):~~

~~1. Will be connected to neighborhoods by an existing sidewalk(s) or a proposed sidewalk(s) that is within an existing right-of-way sidewalk(s) (5 points);~~

2. Provides Outdoor Recreation areas or open space adjacent to other publicly-owned upland areas;

a. Adjacent to existing publicly-owned infrastructure facility, such as a fire station, police station, museum, school or library (3 points);

b. Adjacent to existing publicly-owned conservation or recreation lands (5 points).

~~3.2. The Project Site is adjacent to publicly-owned lands, excluding road right-of-ways, that contain or includes a Recreational Trail that connects to an existing local, regional or statewide land-based Recreational Trail System or lands that are located within the Preferred Routing corridor of the Florida National Scenic Trail (5 points);~~

~~4.3. The Project Site is adjacent to publicly-owned lands that expand a Enhances or connects existing local, regional or statewide Ecological Corridors (5 points);~~

~~4. Furthers a locally-adopted Ecological Corridor or Recreational Trail System plan (5 points);~~

~~5. Enhances a State Designated Paddling Trail by providing facilities, including a paddling trail sign, canoe/kayak launch, and restrooms (5 points).~~

(c) Providing educational opportunities. The Project Site provides for environmental or historical educational opportunities (points may be awarded based on the following criteria):

~~1. Provides an interpretive kiosk or interpretive signs that educates visitors about the natural environment or unique history of the area (5 points);~~

~~2. Provides at least six 12 environmental or historical education classes or programs per year at the Project Site conducted by trained educators or resource professionals (3.5 points);~~

3. Includes a staffed Neighborhood Recreation Center, nature center or museum building that provides year-round educational classes or programming; ~~(5 points)~~. (Points will be awarded on only one of the following criteria):

a. The construction of a new building of at least 1,000 square feet to house a staffed Neighborhood Recreation Center, nature center or museum building that provides year-round educational classes or programming (2 points).

b. The construction of a new building of at least 1,000 square feet designed and constructed to meet the U.S. Green Building Council's (USGBCs) Leadership in Energy and Environmental Design (LEED™) Green Building Rating System for New Construction and Major Renovations Version 2.2, to house a staffed Neighborhood Recreation Center, nature center or museum building that provides year-round educational classes or programming (3 points).

c. The use of an existing building, that contains at least 1,000 square feet of enclosed area, for a staffed Neighborhood Recreation Center, nature center or museum building that provides year-round educational classes or programming (6 points).

d. The use of an existing building, that contains at least 1,000 square feet of enclosed area, for a staffed Neighborhood Recreation Center, nature center or museum building that provides year-round educational classes or programming and retrofitted to meet the U.S. Green Building Council's (USGBCs) Leadership in Energy and Environmental Design (LEED™) Green Building Rating System for New Construction and Major Renovations Version 2.2 (7 points).

(d) Protecting natural and biological resources. The Project Site protects natural and biological resources (points may be awarded based on the following criteria):

1. Seventy percent of the Project Site contains ~~Consists of~~ predominantly Natural Communities that have not been impacted by human disturbance or alteration (5 points);

2. Contains Habitat recognized as typically suitable for one or more Listed Animal Species (~~3~~ 5 points);

3. Contains a Locally Significant Natural Area as identified by the Florida Natural Areas Inventory (5 points);

4. Contains Habitat recognized as typically suitable for one or more Listed Animal Species and is located in a Strategic Habitat Conservation Area, as identified by the Florida Fish and Wildlife Conservation Commission (~~5 points~~). (Points will be awarded on only one of the following criteria):

a. The Project Site contains Habitat recognized as typically suitable for one or more Listed Animal Species and less than twenty-five percent of the Project Site is currently located in, or was located in at the time of acquisition, a Strategic Habitat Conservation Area, as identified by the Florida Fish and Wildlife Conservation Commission (2 points).

b. The Project Site contains Habitat recognized as typically suitable for one or more Listed Animal Species and twenty-five to forty-nine percent of the Project Site is currently located in, or was located in at the time of acquisition, a Strategic Habitat Conservation Area, as identified by the Florida Fish and Wildlife Conservation Commission (4 points).

c. The Project Site contains Habitat recognized as typically suitable for one or more Listed Animal Species and fifty percent or more of the Project Site is currently located in, or was located in at the time of acquisition, a Strategic Habitat Conservation Area, as identified by the Florida Fish and Wildlife Conservation Commission (7 points).

5. Contains land that will be managed in cooperation with Florida Division of Forestry's Forest Stewardship Program (3 points).

6. Contains priority habitat as identified by the Florida Fish and Wildlife Conservation Commission (FWCC) and managed in cooperation with FWCC's Landowner Assistance Program (5 points).

(e) Vegetative enhancement. The Project Site provides for new or enhanced landscaping or restoration (points may be awarded based on the following criteria):

1. Planting disturbed uplands with native vegetation (Points will be awarded on only one of the following criteria): ~~Invasive exotic vegetation will be removed from the project site~~ (5 points);

a. At least 1 acre of the disturbed upland area will be planted with native vegetation (2 points);

b. At least 5 acres of the disturbed upland area will be planted with native vegetation (5 points);

c. At least 10 acres of the disturbed upland area will be planted with native vegetation (7 points);

2. Planting disturbed shorelines with native vegetation (Points will be awarded on only one of the following criteria): ~~A significant portion of the upland area on the Project Site will be planted with native vegetation~~ (5 points);

a. At least 150 linear feet of the disturbed shoreline will be planted with native vegetation (1 point);

b. At least 300 linear feet of the disturbed shoreline will be planted with native vegetation (2 points);

c. At least 600 linear feet of the disturbed shoreline will be planted with native vegetation (4 points);

3. ~~A significant portion of the wetland area on the Project Site will be planted with native vegetation~~ (5 points).

(f) Water quality. The Project Site provides for the protection or enhancement of water quality (points may be awarded based on the following criteria):

1. The project will improve the quality of surface waters or address current flooding problems occurring on, adjacent or in close proximity to the Project Site ~~by installing stormwater facilities that provide wildlife habitat and/or open space in a park like~~ or natural setting (~~3~~ 5 points);

2. The Project Site is adjacent to and will protect Outstanding Florida Waters as designated by the Department of Environmental Protection (5 points);

3. The Project Site will protect Class I Waters as identified by the Department of Environmental Protection, ~~or the Project Site is located within a locally designated wellfield protection zone~~ (3 ~~5~~ points).

(g) Historical resources. The Project Site protects or enhances historic resources (points may be awarded based on the following criteria):

1. Contains, ~~or is within one-quarter mile of~~, a site listed in the Florida Master Site File with the Division of Historical Resources (2 ~~5~~ points);

2. Contains a resource that is listed on the Florida Master Site File and has been evaluated by the Division of Historical Resources as meeting the criteria for listing in the National Register of Historic Places ~~is also recognized by a local historic board or the Division of Historical Resources as being historically significant at the local, regional or state level.~~ (5 points);

3. Contains a resource that is listed on the National Register of Historic Places by the National Park Service (7 ~~5~~ points).

(3) Furtherance of Community Planning (points may be awarded based on the following criteria):

(a) Local Comprehensive Plan. Acquisition of the Project Site will assist the Local Government in furthering the Local Comprehensive Plan directives. When used in this part, the term “furthered” means that proposed project(s) will assist the Local Government in realizing the objectives or policies of the Local Comprehensive Plan. For each criterion that is furthered by an objective or policy of the Local Comprehensive Plan, the objective or policy number is to be cited in the response to the criterion and a copy of the objective or policy, and any associated exhibits or documents, shall be included as an exhibit as provided in this rule chapter. If the Project Site is located entirely in one jurisdiction, the Local Comprehensive Plan of the jurisdiction shall be evaluated for scoring purposes. If the Project Site is located in two or more jurisdictions, the Local Comprehensive Plan of either jurisdiction shall be compared for compatibility and evaluated for scoring purposes and if either jurisdiction’s Local Comprehensive Plan is furthered then points shall be awarded. Points may be awarded based on the following criteria:

1. Provides acreage or outdoor recreational facilities necessary to maintain or improve adopted levels of service standards for recreation or open space (5 points).

2. Ensures acquisition of natural areas or open space through public acquisition (5 points).

3. Provides new or enhanced public access to existing water bodies or saltwater beaches (5 points).

4. Provides for new or enhanced Greenways, Ecological Corridors or Recreational Trail Systems, including but not limited to the Florida National Scenic Trail system (5 points).

5. Ensures the preservation of Natural Communities or Listed Animal Species Habitat (5 points).

~~6. Provides for coordination between the Local Government(s) and other federal, state and local agencies or non-profit organizations in managing natural areas or open space or furthering the completion of the Florida National Scenic Trail (5 points).~~

~~6.7.~~ Provides for restoration or enhancement of degraded natural areas, such as restoration of Natural Communities, restoration of natural hydrology, or removal of non-native vegetation (5 points).

~~7.8.~~ Ensures the protection or enhancement of surface water quality ~~by addressing non-point pollution through enhanced stormwater treatment~~ (5 points).

~~8.9.~~ Ensures the preservation of historical, cultural or archaeological features on the Project Site (5 points).

~~9.10.~~ Provides for the redevelopment of a locally designated urban infill, urban redevelopment or downtown revitalization area as defined in Section 163.3164, F.S. (5 points).

(b) Hazard Mitigation. The proposed project furthers hazard mitigation ~~(points may be awarded based on the following criteria):~~

1. All or a portion of the ~~P~~project ~~S~~site is located in a Coastal High Hazard Area or a 100-year flood plain (points will be awarded on only one of the following criteria): ~~(5 points).~~

a. Up to 25 percent of the Project Site is located in a 100-year flood plain or a Coastal High Hazard Area (2 points).

b. At least 25 percent but less than 50 percent of the Project Site is located in a 100-year flood plain or a Coastal High Hazard Area (3 points).

c. At least 50 percent but less than 75 percent of the Project Site is located in a 100-year flood plain or a Coastal High Hazard Area (4 points).

d. Over 75 percent of the Project Site is located in a 100-year flood plain or a Coastal High Hazard Area (5 points).

2. Provides recreational opportunities or open space areas within a state-designated brownfield area (5 points).

3. Military Base Buffering. The proposed Project Site buffers a Major Military Installation while providing land-use compatible recreational and open space opportunity to the public. (Points will be awarded on only one of the following criteria):

a. The Project Site is adjacent to a Major Military Installation (12 points).

b. The Project Site is located within one mile of a Major Military Installation (7 points).

c. The Project Site is located within two miles of a Major Military Installation (2 points).

To receive points for this criterion, the Applicant must provide a letter from the base commander that the proposed conceptual site plan is an acceptable land use to buffer the base.

(c) Priority investment areas and special state-designated areas. ~~The Project Site is located in one or more of the following special designated areas and will provide new or enhanced Outdoor Recreation or open space within an identified priority investment area or other special state-designated area targeted for investment or redevelopment (points may be awarded based on the following criteria):~~

1. Within an area designated as a “Front Porch Community” (10 points).

2. Within an area designated as an active “Florida Main Street Community” (~~5~~ 10 points).

3. Within an area designated as a current or previously designated “Waterfront Florida Community” (~~5~~ 10 points).

4. Within an area defined as a “Low-Income Community” under Rule 9K-7.002, F.A.C. (10 points).

5. Within an area designated as a “Rural Area of Critical Economic Concern” (10 points).

6. Within the boundary of a locally designated Community Redevelopment Area as defined in Section 163.340, F.S. and furthers the adopted redevelopment plan. (~~5~~ 10 points).

7. Within a designated or previously designated “Area of Critical State Concern” under Section 380.05, F.S. (~~5~~ 10 points).

(4) The proposed project furthers and exemplifies “project excellence.” Up to 10 points, based on issues that support the goals of the Trust, but such issues are not adequately addressed by the evaluation criteria established in this rule such as whether the proposed project exhibits strong community-based support, possesses exemplary characteristics, exemplifies regional cooperation between local governments, assists an otherwise disadvantaged community or voluntarily helps resolve land use conflicts.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07,_____.

9K-7.008 Ranking and Selection of Applications.

(1) Evaluation Report. After a period for review, not to exceed 120 calendar days from the Application deadline, the Trust staff shall prepare a written evaluation report, based on information provided in the Application, to the Governing Board. Staff shall also provide a copy of the evaluation report to the Applicant prior to the Governing Board meeting provided for in subsection 9K-7.008(2), F.A.C.

(2) The Governing Board shall meet for the purpose of ranking and selecting Applications for funding at a publicly noticed meeting for this purpose.

(a) The Governing Board shall consider each Application and the scores assigned in the Trust staff evaluation report. The Board may modify staff recommended scores in order to settle unresolved issues arising from written objections from Applicant(s) to scores received in the evaluation report. Applicant objections to staff recommended scores must be submitted in writing to the Trust staff no later than five full working days at least 48 hours prior to the Board ranking and selection meeting, in order to be considered. Decisions to modify point totals shall be based on review of Applications by the Governing Board, and public presentations to the Governing Board by Trust staff, Applicants and other members of the general public.

(b) All proposed amendments to the Local Comprehensive Plan that are included with the Application will be considered in the staff evaluation. Proposed amendments cited in the Application must be adopted by the Local Government and be effective pursuant to Section 163.3189(2), F.S., prior to the date of the Governing Board ranking and selection meeting in order for points to be awarded in the final score.

(c) After approval of the score of each Application, the Governing Board shall consider the scores, the requirements of this rule chapter, and rank the Applications in descending order, with the highest ranking Application being given highest funding priority.

~~1. At least 75 percent of the funds available shall be matched by Local Governments on a dollar for dollar basis.~~

~~2. At least 30 percent of the total allocation shall be used within Metropolitan Statistical Areas and one half of that amount shall be used within localities where the Project Site is located in built up commercial, industrial, or mixed use areas and functions to intersperse open spaces within congested urban core areas.~~

~~3. No less than five percent of the total allocation shall be used to acquire lands for Recreational Trail Systems, provided that in the event these funds are not needed for such projects, they will be available for other Trust projects.~~

(d) In the event of tied scores, the Trust shall rank the Applications by:

1. Scores received in the Community Planning Section set forth in subsection 9K-7.007(3), F.A.C. The Trust shall consider the point totals in this evaluation category, and rank the tied Applications in descending order, with highest ranking score in this section being given highest funding priority. In the event of further tied scores, the Trust shall rank the Applications by the criteria specified by subparagraph 2. of this subsection.

2. Scores received in the Outdoor Recreation Section set forth in subsection 9K-7.007(2), F.A.C. The Trust shall consider the point totals in this evaluation category, and rank the tied Applications in descending order, with highest ranking score in this section being given highest funding priority. In the

event of further tied scores, the Trust shall rank the Applications by the criteria specified by subparagraph 3. of this subsection.

3. Scores received in the General Standards Section set forth in subsection 9K-7.007(1), F.A.C. The Trust shall consider the point totals in this evaluation category, and rank the tied Applications in descending order, with highest ranking score in this section being given highest funding priority order. In the event of further tied scores, the Trust shall rank the Applications by the criteria specified by subparagraph 4. of this subsection.

4. The order in which Applications were received prior to the Application deadline.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05, 2-19-07, _____.

9K-7.010 Modification to Expand the Project Boundary.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05, 2-19-07, Repealed _____.

9K-7.011 Preparation and Acceptance of the Management Plan.

(1) Prior to release of Florida Forever Funds for a project, the Recipients shall submit a Management Plan for approval by the Trust. Phased Projects or additions to Trust funded projects shall ~~can~~ be combined into existing Management Plans. The Management Plan shall explain how the Project Site will be managed to further the purposes of the project and meet the terms and conditions of the Grant Contract.

(2) The Trust shall approve the Management Plan upon confirmation that it is consistent with the purposes of the Application and the terms and conditions of the Grant Contract.

(3) Any revision or modification to the approved Management Plan will require review and approval by the Trust. The Recipient shall provide a written request for any Management Plan change including all appropriate supporting materials.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05, 2-19-07, _____.

9K-7.013 Annual Stewardship Report Requirement.

(1) Each award to a Recipient shall include a condition that, after Acquisition of the Project Site, a stewardship report is required. The stewardship report is intended to verify that conditions imposed at the time the Aaward was made are being followed and to monitor the stewardship and use of the property. The stewardship report shall be due each year.

(2) Once the project is fully developed as outlined in the approved Management Plan, the stewardship report for that requirement for Preservation 2000 Program and Florida Forever Program projects may be submitted to the Trust on a five year review cycle phased out as follows.

(a) To initiate the five year review cycle ~~three year phase out~~ of the stewardship report ~~requirement~~, the Recipient shall provide the following:

1. Written statement of completion certifying that the Project Site was developed in accordance with the approved Management Plan;

2. Updated Management Plan that includes an as-built master site plan drawing showing all facilities and structures; and As built master site plan drawing;

3. Photographic record of all completed site improvements and restoration activities, ~~and~~

4. ~~Updated Management Plan, if appropriate.~~

(b) Trust staff shall perform site visits to ensure that the Recipient has demonstrated that the terms of the Declaration of Restrictive Covenants and the approved Management Plan have been followed.

(c)~~(b)~~ Upon the Trust's acceptance of the Recipient's statement of completion, the updated Management Plan and photographic record and a satisfactory completion of the site visit, and timely submission of three consecutive stewardship reports that have met the requirements of this rule chapter, the Trust may, in its discretion, transfer ~~suspend~~ the stewardship report to a five year review cycle requirement if the Recipient has demonstrated that the terms and conditions of the Declaration of Restrictive Covenants and the approved Management Plan made are being followed. If, aAfter transfer ~~suspension~~ of the stewardship report to a five year review cycle requirement, if the Trust finds that the terms and conditions of the Declaration of Restrictive Covenants are not being followed, the annual stewardship report requirement shall be reimposed.

Rulemaking Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, 2-7-05, 2-19-07, _____.

9K-7.014 Modification to Expand the Project Boundary.

Modification to expand the boundary of a Project Site selected for approval will be considered by the Trust on a case-by-case basis. Requests to modify the project boundary shall be submitted to the Trust within 12 months of the approval of the Grant Contract. Requests for boundary amendments received after said deadline shall not be considered unless an exception is granted by the Trust based upon the demonstration of good cause. Good cause shall be based on whether the boundary modification is necessary to the successful development and management of the Project Site. The following procedures are established to guide the submission and review of boundary modification requests.

(1) A written request for boundary modification must be submitted and contain the items listed below. The request must be transmitted with an original signature cover letter on the Recipient's letterhead, signed by the appropriate authorized representative named in the Grant Contract, and include a statement binding the Recipient to fulfill the commitments made in the request for boundary modification.

(a) An explanation of how the proposed modification complies with the intent and purpose of the project as stated in the original Application;

(b) An explanation of why the requested boundary change was not contained in the original Application;

(c) An explanation of the effect on the overall project if the requested modification is not approved;

(d) A written statement signed by the Recipient detailing any and all changes to the original Application which result from the boundary modification being proposed; and

(e) An amended acquisition plan.

(2) Following receipt of a request for boundary modification, Trust staff shall conduct a preliminary review to determine if the information provided includes the required items listed in this rule chapter. Trust staff shall notify the Recipient's key contact of any additional information or clarification that is needed to complete the review.

(3) Trust staff shall prepare a recommendation for consideration and approval by the Trust following the same review procedures used to evaluate the original Application. The report will contain the following:

(a) Whether the proposed boundary modification is consistent with the purpose and intent of the original Application;

(b) Whether the proposed boundary modification would facilitate the Acquisition of the overall Project Site;

(c) Whether the proposed boundary modification would change the final project score if it had been part of the original Application and whether the revised score would result in any change in the funding status of the project;

(d) Whether the Trust has funds available to cover the additional Project Costs and that the increase in the Trust Award would not exceed the Award limit contained in this rule chapter.

(4) Trust staff may conduct a site visit to verify representations made in the boundary modification request before final approval of the boundary change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New _____.

9K-7.015 Consideration of Recipient's Request for Linear Facilities.

The Declaration of Restrictive Covenants for Trust Project Sites limits the use of the property to conservation, outdoor recreation, and other related activities. However, the Trust periodically receives requests for Management Plan

modifications to allow linear facilities and related appurtenances on the Trust Project Site. When evaluating these requests, the following process must be followed.

(1) First, there has to be a determination:

(a) That there is no reasonable alternative to the proposed modification land use on the Trust Project Site; and

(b) That the land use is designed to have a minimal impact to the site; and

(c) A copy of an alternative analysis assessment of other off-site alternatives or options considered by the Recipient.

(2) If the Trust determines that no practical off-site alternatives exist, then the following information is required:

(a) A written statement that the Local Government has reviewed and approved the proposed use;

(b) A description and dimensions of the linear facility, and of the area that will be affected during construction;

(c) Information on the natural communities and cultural features found on, and immediately surrounding the site of the proposed facility;

(d) A statement explaining how the proposed facility will be compatible with planned recreational uses of the Trust Project Site, as committed to in the approved Management Plan;

(e) Discussion of the proposed mitigation for impacts to the Trust Project Site; and

(f) A modified master site plan drawing identifying the locations of existing vegetation and all proposed structures, facilities and restoration areas that will be affected by the facility.

After receiving all of the above information, staff will evaluate and review the request for consistency according to the above listed requirements. If the proposal meets the above requirements and has minimum impact to the Project Site, staff may approve the request. If public objections are received, if it is a large project, or if the project could be viewed as controversial the proposal will be presented to the Trust Governing Board for consideration.

(3) If the request is approved, the Recipient must:

(a) Provide an appraisal of the land use area or other valuation method as approved by Trust staff;

(b) Provide a legal description from a licensed surveyor;

(c) Sign an amendment to the Declaration of Restrictive Covenants that provides for the changed use of the Project Site; and

(d) Record the amended Declaration of Restrictive Covenants in the Public Records of the County where the property is located.

The Recipient will be required to pay for the land use area. The payment shall be allocated to the Recipient and the Trust based on the percentage of the original grant (i.e., 50% Recipient participation and 50% Trust participation.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New _____.

9K-7.016 Consideration of Recipient’s Request for Land Exchanges.

The Declaration of Restrictive Covenants for Trust Project Sites limits the use of the property to conservation, outdoor recreation, and other related activities. However, Recipients occasionally receive requests from adjacent property owners for land exchanges to expand the adjacent development in return for other lands adjacent to the park. When evaluating these requests, the following process must be followed.

(1) Only local governments may participate in land exchanges. The Local Government must send a request to the Trust for a proposed land exchange. The Trust will not accept proposals from any other party. To be considered by the Trust, the proposal must at a minimum meet the following tests:

(a) The proposed exchange parcel(s) must be contiguous to a Trust Project Site, which could include being connected through a land bridge, easement or blue way;

(b) The proposed exchange parcel(s) must be at least equal to or greater in terms of upland acreage;

(c) The proposed exchange parcel(s) must have at least the same real estate value (as determined through independent appraisal[s]) as the Trust parcel being given up (or monetary compensation of the difference). There will be no monetary compensation if the proposed parcel(s) to be exchanged have a value greater than the Trust parcel;

(d) The proposed exchange parcel(s) must have a significant and clear net environmental, conservation and/or recreational benefit to the Project Site as determined by Trust staff; and

(e) The exchange cannot result in a lower score based on the Application criteria.

If it is determined that no discernable net environmental, conservation, and/or recreational benefit to the Project Site would be achieved through the land exchange, the request will be denied.

(2) If the above tests are met, the Trust staff will then request the below additional information to further evaluate the request.

(a) A written statement from the Recipient’s governing council that it has reviewed the proposal and that the governing body conceptually approves the proposed land exchange by an affirmative vote of at least three-fourths of its members or the local requirement, whichever is higher;

(b) A revised Management Plan with a revised master site plan;

(c) Information on the natural communities and cultural features found on the area to be exchanged;

(d) A survey and legal description of the parcel to be acquired and of the parcel to be provided by the Recipient/Trust (paid by the entity proposing the exchange and commissioned by the Recipient);

(e) A title policy of the parcel to be acquired;

(f) Separate appraisals for each parcel (to be paid by the entity proposing the exchange and commissioned by the Recipient). The appraisal shall be completed according to Uniform Standards of Professional Appraisal Practice (USPAP) and FCT standards by an approved DEP appraiser, after consultation with FCT appraisal staff. The parcel(s) to be provided by the Recipient/Trust shall be appraised as if it did not have any development restrictions on it;

(g) Phase I environmental site assessment of the parcel to be acquired (to be paid by the entity proposing the exchange and commissioned by the Recipient); and

(h) Any other items requested by the Trust to properly evaluate the request.

After receiving all of the above information, Trust staff will evaluate and review the request for consistency according to the above listed requirements. If the exchange proposal meets the above requirements and has a net positive environmental, conservation and/or recreational benefit, Trust staff will put the request on the agenda of the next scheduled Trust Governing Board Meeting for consideration.

(3) If the exchange request is approved by the Governing Board, the Recipient must:

(a) Sign an amendment to the Declaration of Restrictive Covenants that provides for the changed use of the Project Site;

(b) Record the amended Declaration of Restrictive Covenants (and any other necessary local Government document[s]) in the Public Records of the County where the original Declaration was recorded; and

(c) The entity receiving the exchange must provide monetary compensation to the Trust if the value of the land provided by the Recipient/Trust is greater than the land received by the Recipient/Trust in the exchange. Such funds will be distributed between the Trust and the Recipient in accordance with the percentages in the original grant award.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Thomas G. Pelham, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-116.002
 RULE TITLE: Letters of Credit

PURPOSE AND EFFECT: The rule is being amended to allow drafts to be made on banks or savings associations outside the State of Florida.

SUMMARY: The location of banks and savings associations on which drafts may be made is being amended.

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

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

RULEMAKING AUTHORITY: 334.044(2), 334.044(30) FS.
 LAW IMPLEMENTED: 334.187, 337.106, 337.175 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-116.002 Letters of Credit.

(1) through (3)(c) No change.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the United States State of Florida and additionally must provide for draws by electronic presentation of a draft via facsimile transmission or electronic mail, or both.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(30), 334.187, 337.106, 337.175 FS. History—New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97, 1-18-04, 2-18-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph S. Kowalski, Deputy Comptroller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy & Climate Commission

RULE NO.: 27N-3.001
 RULE TITLE: State Energy Efficient Appliance Rebate Program

PURPOSE AND EFFECT: Section 377.808, F.S., authorized the Florida Energy and Climate Commission to administer a consumer rebate program for the replacement of older appliances with qualified specific residential ENERGY STAR appliances and products, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

SUMMARY: This rule establishes the authority for the Florida Energy and Climate Commission to secure a third party to administer the Florida ENERGY STAR Appliance Rebate program and describes the program. It establishes which appliances qualify for the rebate, the amount of the rebate, program duration, application requirements, and provides for an additional incentive to encourage recycling of old appliances.

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

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

RULEMAKING AUTHORITY: 377.807 FS.

LAW IMPLEMENTED: 377.807 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, December 1, 2009, 10:00 a.m. – 12:00 p.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, 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 5 days before the workshop/meeting by contacting: Brittany Cummins at (850)487-3800. 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 IS: Brittany Cummins at (850)487-3800

THE FULL TEXT OF THE PROPOSED RULE IS:

RENEWABLE ENERGY TECHNOLOGIES AND
ENERGY EFFICIENCY

27N-3.001 State Energy Efficient Appliance Rebate Program.

(1) GENERAL. The Florida Energy and Climate Commission is authorized to administer a consumer rebate program for the replacement of older appliances with qualified specific residential ENERGY STAR appliances and products, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(a) Only new appliances purchased in the state of Florida, from an establishment that pays Florida sales tax, for personal use by the consumer, and for use at the consumer's residence are eligible for this rebate. This program is not intended to be used by a multi-family building owner.

(b) For the purposes of receiving a rebate, consumers may purchase no more than one of each type of ENERGY STAR appliance per address. However, the total amount of rebate monies received shall not exceed \$1,500 per consumer, per address.

(c) Rebates shall be available only for the following new ENERGY STAR certified appliances and products: refrigerators, freezers, clothes washers, dishwashers, room air conditioners and gas tank-less water heaters. These are "qualified appliances" for the purpose of the rebate program.

(d) In order to be eligible to receive a rebate, a consumer must first purchase a qualified appliance or product during the designated period and submit proof of purchase of the qualified appliance to the program administrator postmarked no later than May 10, 2010.

(e) Consumers may obtain rebate redemption information and applications from several locations including the retail location, the Florida Energy and Climate Commission website, the program administrator's website, or some program partners' websites.

(f) Rebates will be a flat 20 percent off the retail, pretax price of the appliance.

(g) The issuance of a rebate through other rebate programs does not preclude a consumer from receiving a rebate through this rebate program.

(h) Recycling is encouraged. The purpose of this federal program is to replace existing appliances that are energy inefficient with new ENERGY STAR appliances. Therefore, an additional \$75 will be added to the rebate if the consumer provides the recycled appliance's serial number and evidence of having recycled the appliance being replaced. No appliance may be refurbished and put back into use.

1. Evidence of having recycled the appliance being replaced may consist of:

a. Statement on the retailer receipt indicating pick-up of the appliance being replaced; or

b. Receipt from the public or private landfill of delivery of the appliance being replaced. This receipt must include the name and address of the landfill, the date, the receiving person's signature and a brief description of the product.

2. The recycled appliance must be of the same type as the newly purchased qualified appliance for which the rebate is being applied.

3. The additional \$75 is only offered for the purchase of a new appliance.

4. All appliances accepted by landfills or retail establishments to recycle as part of this program must be sent to a metal recycler.

(2) PROGRAM DURATION. The rebates shall only be available for the purchase of qualified appliances during the period from 12:01 a.m., April 16, 2010, through 11:59 p.m., April 25, 2010. This time period coincides with Florida's Earth Day.

(3) PROGRAM ADMINISTRATOR. The Florida Energy and Climate Commission may select a third party vendor to administer the rebates. If the Florida Energy and Climate Commission decides to select a third party to act as the program administrator, the Commission will issue a request for proposal and select the vendor who can process the rebates in the most efficient, accurate and cost-effective manner. Under no circumstance is the program administrator permitted to sell, give away or utilize for purposes other than this rebate program the names, addresses or phone numbers of the consumers applying for the rebate.

(4) ADVERTISING AND PROMOTION. The Florida Energy and Climate Commission shall coordinate with the program administrator, the participating retailers, environmental groups and the participating utilities to partner together to promote the rebate program broadly to the entire state. Advertising and promotions for the rebate program conducted by participating partners will include information that is consistent with these rules.

(5) APPLICATION AND ISSUANCE. Applications for rebates shall be submitted to the program administrator and postmarked on or before May 10, 2010 to be considered timely.

(a) Applications shall be submitted to the program administrator in hard copy format, using a rebate application form.

(b) In order to be considered complete, applications must include all information required on the application form, the original purchase receipt for the appliance and, if seeking the additional \$75 for recycling, evidence demonstrating that the appliance being replaced has been recycled. All information provided to the program administrator must be legible.

(c) The Florida Energy and Climate Commission does not guarantee that every consumer submitting a complete rebate application will receive a rebate. Rebates can only be issued if funding is available. The rebates will be dispensed upon (1)

successful completion of the rebate form with required attached receipts, (2) the order in which they arrive, and (3) the availability of funds.

(d) Provided funds are available, the program administrator shall review each timely application to determine if the application includes all required information. The program administrator shall issue each rebate only after it determines that all required information has been provided and the application is complete.

1. An application that is determined to be complete shall be placed in the first-come, first-served order for allocation of rebates based upon the date and time the application is filed.

2. Timely submitted applications which are not complete shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-served order for allocation of rebates. If the program administrator determines that the application is not complete and does not contain all of the required information, the program administrator shall notify the applicant of the incompleteness of the application.

3. Applicants who are notified of the incompleteness of a timely submitted application may submit subsequent information by mail in order to make the application complete. If an application is then determined to be complete, it shall be placed in the first-come, first-serve order for allocation of rebates based upon the date and time the application is determined complete.

Rulmaking Authority 377.807 FS. Law Implemented 377.807 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brenda Buchan

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeremy Susac

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

STATE FAIR AUTHORITY

RULE NOS.:	RULE TITLES:
32-1.001	Nature of Business
32-1.006	Exhibitors Agreements
32-1.010	General Information Concerning Authority
32-1.011	Statutory Provisions and Rules
32-1.012	Public Information and Inspection of Records
32-1.023	Per Diem and Travel Expenses

PURPOSE AND EFFECT: Rule Chapter 32-1, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to the organizational structure of the Florida State Fair Authority.

SUMMARY: Repeal of Chapter 32-1, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(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 RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

32-1.001 Nature of Business.

Rulemaking Specific Authority 120.53(1), 616.256(10) FS. Law Implemented 616.255 FS. History–New 7-4-76, Formerly 32-1.01, Amended 6-19-95, Repealed _____.

32-1.006 Exhibitors Agreements.

Rulemaking Specific Authority 120.53(1), 616.255(3), 616.256(10) FS. Law Implemented 120.53(1), 616.253(3), 616.256 FS. History–New 7-4-76, Formerly 32-1.06, Amended 6-19-95, 3-6-96, Repealed _____.

32-1.010 General Information Concerning Authority.

Rulemaking Specific Authority 120.53(1), 616.256(10) FS. Law Implemented 120.53(1), 616.251(4) FS. History–New 7-4-76, Formerly 32-1.10, Amended 6-19-95, 3-6-96, Repealed _____.

32-1.011 Statutory Provisions and Rules.

Rulemaking Specific Authority 120.53(1), 616.256(10) FS. Law Implemented 120.53, 120.54, 120.56, 120.57 FS. History–New 7-4-76, Formerly 32-1.11, Amended 6-19-95, 3-6-96, Repealed _____.

32-1.012 Public Information and Inspection of Records.

Rulemaking Specific Authority 120.53(1), 616.256(10) FS. Law Implemented 119.07, 120.53(1), 257.36, 616.251 FS. History–New 7-4-76, Formerly 32-1.12, Amended 6-19-95, 3-6-96, Repealed _____.

32-1.023 Per Diem and Travel Expenses.

Rulemaking Specific Authority 120.53(1), 616.252, 616.256(10) FS. Law Implemented 112.061, 120.53(1), 616.252, 616.256 FS. History–New 6-19-95, Amended 3-6-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Gresham, Director, Division of Administration
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Charles H. Bronson, Commissioner of
Agriculture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 19, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The rulemaking is intended to add reporting forms to the list of District forms that will be used in related rulemaking for Chapter 40D-2, F.A.C. Simultaneously with this rulemaking the District is amending Chapter 40D-2, Water Use Permits, F.A.C., to include additional conservation standards and reporting for water use permittees and applicants.

SUMMARY: The proposed amendments will add forms to the District’s list of forms. The three forms being added to the list are to be used by Public Supply permittees to report information required, or proposed to be required by Chapter 40D-2, Water Use Permits, F.A.C. Two of forms will be used by Public Supply permittees to annually report required water demand and water conservation information to the District. Those two forms are titled “Public Supply Annual Report For General and Individual Permits, Form No. LEG-R.023.00 (09/09)” and “Public Supply Annual Report For General Water Use Permits Less Than 100,000 Gpd, Form No. Leg-R.047.00 (09/09)”. Another form, titled “SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.026.00 (09/09)” will be used by Public Supply permittees to report the generation and distribution of reclaimed water.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule seeks to add reporting forms to the list of District forms for proposed rules that are to be adopted simultaneously in Chapter 40D-2, F.A.C. The proposed Chapter 40D-2, F.A.C., rules require use of the forms as part of the effort to standardize conservation and reporting requirements Districtwide and, in some cases, to enhance the water conserving effect of existing provisions through more specific activity and reporting requirements and affects all water use permit types (agriculture, public supply, industrial/commercial, mining/dewatering and recreation/aesthetic). The additional annual implementation and enforcement labor costs to the District are estimated to be \$82,000. Nonetheless, it will not require an additional position in any particular department. To the extent that the proposed rule induces water conservation by their customers, water and sewer utilities owned by local governments may experience a decrease in volume related water revenue. Those permittees that have judiciously implemented water conservation

measures in the past will experience the least amount of demand reduction. The transactional costs associated with this proposed rule are expected to be partially or fully offset by the avoided costs associated with obtaining water from traditional and alternative water sources. There may be other benefits associated with the conservation activities that are specific to each permittee or applicant, including increased operational efficiency and lower energy costs. To reduce rule compliance costs, small general permittees, which may be small businesses, are exempt from many analysis and reporting requirements in the proposed rule.

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

RULEMAKING 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, 668.50 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: Annette Zielinski, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE 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 or into a specific District rule as indicated. Copies of these forms may be obtained from the District’s website at www.watmatters.org or from the District offices.

(1) GROUNDWATER

(a) through (gg) No change.

(hh) PUBLIC SUPPLY ANNUAL REPORT FOR GENERAL AND INDIVIDUAL PERMITS, FORM NO. LEG-R.023.00 (09/09), incorporated by reference in paragraph 40D-2.091(2)(h), F.A.C.

(ii) SWFWMD ANNUAL RECLAIMED WATER SUPPLIER REPORT, FORM NO. LEG-R.026.00 (09/09), incorporated by reference in paragraph 40D-2.091(2)(i), F.A.C.

(jj) PUBLIC SUPPLY ANNUAL REPORT FOR GENERAL WATER USE PERMITS LESS THAN 100,000 GPD, FORM NO. LEG-R.047.00 (09/09), incorporated by reference in paragraph 40D-2.091(2)(j), F.A.C.

(2) through (3) No change.

Rulemaking 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, 668.50 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, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bobby Lue, Brooksville Regulation Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

WATER MANAGEMENT DISTRICTS

Southwest Water Management District

RULE NOS.:	RULE TITLES:
40D-2.021	Definitions
40D-2.091	Publications and Forms Incorporated by Reference
40D-2.101	Content of Application
40D-2.321	Duration of Permits

PURPOSE AND EFFECT: The rulemaking is intended to enhance the District-wide water use permitting rules to include water conservation standards and criteria consistent with those adopted for the Southern Water Use Caution Area for public supply, recreation and aesthetic water uses and to enhance and add conservation measures District-wide for public supply, agriculture, industrial, commercial, mining, dewatering, recreation and aesthetic water uses.

SUMMARY: The proposed rule amendments are enhanced water conservation provisions for water use permit applicants and permittees. The proposed amendments add to or enhance existing water conservation requirements and reporting for all water uses and are summarized below:

Public Supply Water Use –

1. Permit allocations are based on a maximum of 150 gallons per person per day,
2. Water conservation programs and measures are to be described in the permit application,
3. Irrigation of common areas is to be minimized, including through the use of Florida-friendly landscaping and accomplished through the use of alternative sources where feasible,
4. Wholesale water use permits are required for receivers of 100,000 gpd (AAD) or greater,

5. Maximum unaccounted water loss standards are set forth and audits required where exceeded,
6. Water conserving rate structures are required,
7. Informative customer billing, including meter reading information, is established,
8. Water audits are required for new permits, and
9. Annual reporting of per capita, residential water use, reclaimed use and generation and significant use is required

Recreation /Aesthetic Water Use –

1. Water conservation programs and measures are to be described in the permit application and are to include a description of how standard conservation measures are implemented ,
2. Water quantities will not be allocated for the irrigation of golf course roughs, and
3. Irrigation of common areas is to be minimized, including through the use of Florida-friendly landscaping and accomplished through the use of alternative sources where feasible.

Agricultural, Industrial/Commercial, and Mining/Dewatering Water Use –

1. Water conservation programs and measures are to be described in the permit application and are to include a description of how standard conservation measures are implemented.

In general, most of the rules already apply in the SWUCA and other water use caution areas, and are applicable to Individual (500,000 gpd or more) and general (<100,000 gpd) permits. Small general (>100,000 gpd) permittees must agree to implement feasible conservation measures, but small general public supply permittees are exempt from submitting annual reports, rate structure, customer billing information and water audit requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rules seek to standardize conservation and reporting requirements Districtwide and, in some cases, to enhance the water conserving effect of existing provisions through more specific activity and reporting requirements and affects all water use permit types (agriculture, public supply, industrial/commercial, mining/dewatering and recreation/aesthetic). The additional annual implementation and enforcement labor costs to the District are estimated to be \$82,000. Nonetheless, it will not require an additional position in any particular department. To the extent that the proposed rule induces water conservation by their customers, water and sewer utilities owned by local governments may experience a decrease in volume related water revenue. Those permittees that have judiciously implemented water conservation measures in the past will experience the least amount of demand reduction. The transactional costs associated with this proposed rule are expected to be partially or fully offset by the avoided costs associated with obtaining water from traditional and alternative

water sources. There may be other benefits associated with the conservation activities that are specific to each permittee or applicant, including increased operational efficiency and lower energy costs. To reduce rule compliance costs, small general permittees, which may be small businesses, are exempt from many analysis and reporting requirements in the proposed rule. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING 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, 373.185, 373.228, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Annette Zielinski, Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.021 Definitions.

The following definitions shall apply District-wide when used in this chapter and in the District’s Water Use Permit Information Manual Part B, “Basis of Review” incorporated by reference in Rule 40D-2.091, F.A.C., except as specifically limited:

(1) through (3) No change.

(4) “Common Area” means areas designated for common use or enjoyment including entranceways, parking lots, areas around buildings, areas within roadway right of ways, (e.g., road and sidewalk medians), open spaces, community areas and public parks.

(4) through (12) renumbered (5) through (13) No change.

Rulemaking 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 1-1-07, Amended 7-20-08, 12-30-08,_____.

40D-2.091 Publications Incorporated by Reference.

(1) The following publications are hereby incorporated by reference, and are available from the District’s website at www. watermatters.org or from the District upon request:

(a) Water Use Permit Information Manual Part B, "Basis of Review (____) (~~8-30-09~~); and

(b) Water Use Permit Information Manual Part D, “Requirements for the Estimation of Permanent and Temporal Service Area Populations” (1-20-09).

(2)(a) through (g) No change.

(h) Public Supply Annual Report For General and Individual Permits, Form No. LEG-R.023.00 (09/09).

(i) SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.26.00(09/09).

(j) Public Supply Water Use Annual Report For General Water Use Permits Less Than 100,000 gpd, Form No. LEG-R.047.00 (09/09).

Rulemaking 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, 373.185, 373.228, 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, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09,_____.

40D-2.101 Content of Application.

(1) through (5) No change.

(6) Southern Water Use Caution Area Application Forms. In addition to the permit application and information forms identified in subsections (1)-(5) above, all applicants for permits in the Southern Water Use Caution Area (SWUCA) shall submit the “Supplemental Form – Southern Water Use Caution Area,” Form No. LEG-R.007.02 (4/09) incorporated herein by reference. Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for the intended water use type as described in Chapters 3 and 4 of the Water Use Permit Information Manual, Part B “Basis of Review.” All SWUCA application and supplemental information forms may be obtained from the District’s website at www.watermatters.org or from District offices:

~~(a) Public Supply Supplemental Form — Southern Water Use Caution Area, Form No. LEG-R.012.01 (4/09);~~

~~(a)(b)~~ Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 (4/09); and

~~(b)(c)~~ Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.01 (4/09)

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History–Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, 7-1-09, 8-30-09,_____.

40D-2.321 Duration of Permits.

(1) through (3) No change.

(4) Wholesale Public Supply Permits shall be issued with an expiration date that coincides with the expiration date of the supplier’s permit that provides the majority of the supply to the Wholesale Public Supply Permittee.

(4) through (6) renumbered (5) through (7) No change.

Rulemaking 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, 2-13-08,_____.

The following document is incorporated by reference in 40D-2.091, F.A.C. and is being revised simultaneously with the above rule amendments.

Water Use Permit Information Manual
Part B, Basis of Review

The following provisions of Chapter 1.0 are proposed to be changed:

1.0 PERMITTING PROCEDURES

1.4.1 SOUTHERN WATER USE CAUTION AREA (SWUCA) APPLICATION FORMS

All Permit Applicants in the Southern Water Use Caution Area (SWUCA) shall submit the “Supplemental Form – Southern Water Use Caution Area” Form No. LEG-R.007.02 (04/09) incorporated by reference in Rule 40D-2.101(6), F.A.C, in addition to the appropriate application and supplemental form(s) described in Section 1.4, above. ~~Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the “Public Supply Supplemental Form – Southern Water Use Caution Area”, Form No. LEG R.012.00 (09/07) incorporated by reference in Rule 40D 1.659(1)(y), F.A.C.~~ Permit Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of the Basis of Review for Water Use Permit Applications, of the Water Use Permit Information Manual and incorporated by reference in Rule 40D-2.101, F.A.C.:

1. “Net Benefit Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.010.01 (4/09); and
2. “Southern Water Use Caution Area Ground Water Replacement Credit Application”, Form No. LEG-R.011.01 (4/09).

All SWUCA application forms may be obtained from the District’s website at www.watmatters.org or from any District Service Office.

New 11-25-07, Revised 5-12-08, 7-1-09, 8-30-09,_____.

1.9 PERMIT DURATION

The District typically issues permits in accordance with the following guidelines:

1. through 3. No change.
4. Wholesale Public Supply Permits shall be issued with an expiration date that coincides with the expiration date of the supplier’s permit that provides the majority of the supply to the Wholesale Public Supply Permittee.

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

Revised 8-23-07, 2-13-08,_____.

The following provisions of Chapter 2.0 are proposed to be changed:

2.0 ADMINISTRATIVE CONSIDERATIONS

2.5 PUBLIC WATER SUPPLY SERVICE AREA

The following paragraph is moved here from below.

Public water supply applicants and their wholesale customers that operate “community water systems” ~~as that term is defined~~ by the Florida Department of Environmental Protection in Rule 62-550.200, F.A.C., as serving at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents, shall be considered public water supply “utilities.” For the purposes of this rule, an entity which submeters a master-metered connection to a utility and bills for the metered water use is not considered a public water supply utility.

Amended_____.

~~A public supply permit Applicant must define the entire area proposed to be serviced by the public supply system during the term of the permit. This area includes both the service area in which the supplier has the ability and legal right to distribute water, as well as other areas where an entity purchases water wholesale from the Applicant. Requested quantities for areas proposed to be supplied must be supported with detailed demand information and plans of the supply system proposed to accomplish this service. In cases where the Applicant does not have political control over a portion or portions of the area supplied (e.g., a county utility supplies a city), detailed demand information for the entire area will be required from the wholesaler. Wholesalers must provide the District with a written agreement from the water purchasers to abide by the conditions of the wholesaler’s permit.~~

[Next three sentences moved to chapter 4 section 4.8]:

~~Service areas are not considered to be under the control of the Applicant in terms of consideration of off-site impacts. Where there is a potential for adverse impacts to existing legal users due to the applicant’s withdrawals, whether within or outside the applicant’s service area, the applicant shall submit a plan by which the potential impacts shall be monitored and mitigated if such impacts should occur. Nothing in this provision shall affect continuation of Tampa Bay Water’s Well Mitigation Policy set forth in Rule 49B-3.005, F.A.C., dated May 20, 2001~~

1-1-07, Revised_____.

PUBLIC WATER SUPPLY SERVICE AREA

~~In addition to the paragraph above, a public supply utility permit Applicant must define the entire area proposed to be serviced by the public supply system or utility with potable water during the term of the permit. Public water supply permit applicants, including Wholesale Public Supply Permit applicants, shall define the entire area for which they have the ability and legal right to distribute water directly to their~~

customers during the term of the permit. Although a public water supply applicant utility may have separate, discrete service areas, however, if water is routinely transferred between service areas, the service areas shall be considered ~~are~~ counted as one. Applicants that have a public water supply water use permit and have interconnected service areas and that receive an annual average quantity of 100,000 gpd or greater from another permittee are not required to obtain a separate Wholesale Public Supply Permit, but shall include these quantities as imported quantities in the application. An applicant's public supply service area is composed of the following, unless the applicant demonstrates that factors unique to its utility make one or more of these situations inapplicable to the determination of the applicant's service area:

1. The current and projected geographic retail service area for which a public water supply utility intends to provide ~~and bill for potable water for the duration of the permit.~~
2. The current and projected geographical retail areas of a public water supply utility that is not required to have a Wholesale Public Supply Water Use Permit but which purchases water wholesale from the Applicant regardless of whether the wholesale water recipient bills its customers.
3. ~~Areas where the Applicant bills for water use although another entity or utility has a Wholesale Water Use Permit for distribution of the water to the population.~~

1-1-07, Revised _____.

The area for which a Wholesale Public Supply Permittee distributes potable water, whether or not the Wholesale Public Supply Permittee and bills customers for that water, is not included in the wholesaler supplier's service area.

1-1-07, Revised _____.

The following paragraph is moved above to be the first paragraph in this section 2.5.

~~Public water supply applicants and their wholesale customers that operate "community water systems" as defined by the Florida Department of Environmental Protection in Rule 62-550.200, F.A.C., shall be considered public water supply "utilities." For the purposes of this rule, an entity which submeters a master-metered connection to a utility and bills for the metered water use is not considered a public water supply utility.~~

Public water supply permit ~~a~~ Applicants with a defined service area must submit an up-to-date map of the service area with clearly marked, identifiable boundaries at the time of application for a new permit, permit modification (not letter modification) or permit renewal. The map submitted must clearly show any changes to the service area relative to the service area depicted in the District's electronic public supply area boundary map. The map must clearly delineate the current area served from any proposed service area(s) if the current

and proposed areas are not the same, and the applicant is applying for quantities for the proposed service area. A new service area must be delineated relative to service areas depicted in the District's electronic public supply service area boundary map maintained in the District's Mapping and GIS system and shall not overlap other service areas. The map may be paper or District compatible electronic file format. During the term of the permit, if the service area is changed, an up-to-date service area map shall be provided in the next Annual Report for permits with durations longer than six years, ~~an up-to-date service area map shall be submitted every six years.~~ With each service area map submittal, the following information must be included:

1. A current general utility contact person name, title, email address and phone number.
2. A current contact person name, title, email address and phone number whom District staff may call concerning the service area map.
3. The metadata for the map if the map is submitted as an electronic file that is compatible with the District's format.
4. The District permit numbers and Florida Department of Environmental Protection Public Water Supply Identifier (PWSI) numbers and area designation names for each service area or sub-service area, as applicable.
5. An indication of routine water transfer interconnections between service areas and other utilities or wholesale suppliers or recipients.

6. The name, contact person, phone number, and District permit number(s) of each utility that purchases water from the permittee on a routine basis and the quantity purchased for the previous calendar most recent year's purchase quantity in millions of gallons per day.

7. The name, contact person, phone number, and District permit number(s) of each utility that the permittee purchases water from on a routine basis and the quantity purchased for the previous calendar most recent year's purchase quantity in millions of gallons per day.

Definable areas within a service area which are served by domestic potable wells shall be delineated and designated by the permittee as non-served areas unless documentation such as a capital improvement plan is provided that demonstrates that the area will be supplied by the applicant within the term of the permit. Quantities shall not be permitted for overlapping service areas or service areas that are in dispute.

New 1-1-07, _____.

2.7 COMPLIANCE WITH THE WATER CONSERVATION ACT

~~All local governments are required to enforce the Water Conservation Act set forth in Section 553.14, F.S., which requires that all new buildings shall incorporate water saving plumbing mechanisms. The statute provides construction standards for water closets, showerheads and faucets. In order~~

~~to emphasize the importance of water conservation, the District requires all local government permit applicants to submit a letter indicating that they have adopted provisions for enforcement of this Act.~~

The following provisions of Chapter 3.0 are proposed to be changed:

3.0 REASONABLE WATER NEEDS

3.1 DETERMINING REASONABLE QUANTITIES – APPLICANT CONSIDERATIONS

~~Reasonable Water Needs In The SWUCA~~ – The reasonable water needs of all applicants for initial permits, renewals, and those for New Quantities and Self-Relocation within the SWUCA will be closely evaluated by the District. For all renewals and for Self-Relocations in the SWUCA, the evaluation period will be the previous permit term, taking into account climate variability, market conditions, and other factors that influence water withdrawals. Permittees who have not utilized the full previous allocation because circumstances prevented full implementation of the plan on which the allocation was based will be required to demonstrate that the need for the full allocation will occur within the next permit term. To support any future needs, this demonstration must include substantive documentation of the proposed need such as materials orders, construction plans or an operations or business analysis or plan that otherwise specifically justifies the requested quantities. In such cases, the permit shall be ~~conditioned restricted~~ to reduce the permitted quantities should the proposed need not develop. For water uses affected by rainfall, the demonstration may include information showing the relationship between actual effective rainfall amounts affecting demand occurring over the previous permit term and any statistical rainfall analysis upon which the previous permit allocation was based that contributed to the permittee’s ability to use less than the full previous allocation. This paragraph shall be construed to provide for the allocation of sufficient quantities to meet the permittee’s reasonable-beneficial needs during drought conditions as otherwise set forth in this Chapter 3 and consistent with the District’s authority to address such uses during declared water shortages and emergency water shortages.

New 1-1-07, _____.

SYSTEM EFFICIENCY

Treatment Effects – Some water treatment technologies, such as desalination or sand filtration, may cause significant portions of the withdrawn water to be unusable. In such cases, the Applicant may be required to indicate the withdrawal quantity or imported quantity treated, the percent product (usable) water, the percent reject (unusable) water, and the manner in which the reject water will be disposed.

Revised _____.

OTHER SOURCES OF WATER SUPPLY

Applicants must identify the quantities obtained from sources other than the primary source of supply. These sources may include reclamation facilities or desalinated seawater. If a source is not reliable throughout the year, the Applicant may request standby withdrawal quantities from the main source of supply, which may be used when the temporary supply is not available. The permit will identify these standby quantities, when they likely will be required, and for what length of time. The Permittee may request that the District extend the period of time on the permit during which a standby quantity may be used if the need arises.

For non-governmental applicants for water supply for residential developments where all or a portion of the indoor and outdoor use is supplied by another entity (imported), the quantity allocated for irrigation shall not exceed the quantity that, in combination with the imported quantity, is within the allowable per capita limitation for public supply use for that development.

Revised _____.

~~ALTERNATIVE WATER SUPPLIES WITHIN THE SWUCA~~

The following two paragraphs are moved to here from below.

~~Alternative Water Supplies Within the SWUCA~~ – Applicants for permits with 100,000 gpd or greater quantities on a standard annual average basis will be required to evaluate the technical, economic and environmental feasibility of using use of potentially appropriate Alternative Water Supplies for technical, economic and environmental feasibility. This evaluation must determine whether alternatives are available to offset all or part of quantities obtained from any non-alternative water supply, as well as whether an offset is only available seasonally or on a time-limited basis.

New 1-1-07, Revised _____.

~~Multiple Water Supply Sources Within the SWUCA~~ – Where an applicant or permittee has non-Alternative Water Supplies and Alternative Water Supplies, the Alternative Water Supplies shall be used in lieu of non-Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility.

New 1-1-07, Revised _____.

~~Reuse Goal Water Use Permittees within the SWUCA who generate treated domestic wastewater are encouraged to demonstrate that maximization of beneficial reuse is occurring such that 50% or more of the total annual effluent flow is beneficially reused. Beneficial reuse is the use of reclaimed water for one of the activities described below. The calculation of the percentage beneficially reused shall be based on the Permittee’s wastewater treatment plants with a capacity of 0.5 mgd or greater. Progress toward this goal shall be described in~~

the Alternative Water Suppliers report described in Section 3.1, the paragraph titled “Alternative Source Suppliers Within The SWUCA,” below.

1-1-03, Amended 1-1-07.

Beneficial Reuse – The following uses shall be considered beneficial reuse of treated domestic wastewater ~~within the SWUCA:~~

1. Landscape irrigation of golf courses, playing fields, cemeteries, parks, playgrounds, school yards, retail nurseries and commercial, industrial and residential properties;
2. Agricultural irrigation of food, fiber, fodder and seed crops, wholesale nurseries, “cut flowers”, sod farms and improved pastures;
3. Ground water recharge where such recharge results in environmental or water supply benefit;
4. Industrial uses for cooling water, process water and wash waters;
5. Wetlands restoration;
6. Fire protection;
7. Environmental enhancement, including discharges to surface waters to replace withdrawals; or
8. Other useful purposes accepted by the District or allowed under a DEP permit pursuant to Chapter 62-610, F.A.C.

1-1-03

Reuse Feasibility Investigation ~~Within The SWUCA~~ – Investigation of the feasibility of the use of reclaimed water (reuse) shall be required ~~within the SWUCA~~ for all applicants for and permittees with permits for a standard annual average daily water demand of 100,000 gpd or greater uses, and reuse shall be required where economically, environmentally and technically feasible. ~~[The next sentence is moved to end of paragraph]:~~ ~~For those water use permittees also required to investigate reuse pursuant to Section 403.064, F.S., the investigation shall be in accordance with Section 403.064, F.S., and any rules promulgated thereunder. Reclaimed water suppliers whose reclaimed water is 100% reused, reclaimed water users whose water use is 100% reclaimed water, and permittees with a reuse plan already accepted by the District, shall not be required to conduct a reuse feasibility study. Reuse of reclaimed water as an alternate, replacement, or supplemental water source for irrigation, industrial process, cleaning, or other non-potable use shall be investigated by all appropriate applicants or permittees. The feasibility investigation~~ Applicants for these water uses shall include provide an analysis of reclaimed sources for the area, including the relative location of these sources relative to the location of use Permittee’s property, the quantity and timing of reclaimed water availability, costs associated with obtaining the reclaimed water, the suitability of reclaimed water for the intended use, and an implementation schedule for reuse.

Infeasibility shall be supported with a detailed explanation. [The following sentence is moved here from above:] For those Water Use Permit applicants and permittees also required to investigate reuse pursuant to Section 403.064, F.S., the investigation shall be in accordance with Section 403.064, F.S., and any rules promulgated thereunder. Reclaimed water suppliers whose reclaimed water is 100% reused, reclaimed water users whose water use is 100% reclaimed water, and permittees with a reuse plan already accepted by the District, shall not be required to conduct a reuse feasibility study.

1-1-03, Revised _____.

All Water Use Permit applicants for water uses where reclaimed water is appropriate to meet some or all of the applicant’s demand shall provide documentation from the local wastewater entity that holds a water use permit indicating whether reclaimed water is available or is planned to be available within the requested permit term ~~next six years~~. Permittees generating reclaimed water shall respond to such requests by permit applicants in a timely manner. If reclaimed water is available, or is planned to be available within the next 6 years, the local wastewater entity that holds a water use permit shall provide a cost estimate for connection to the permit applicant. If reclaimed water is planned to be available within the requested permit term ~~next six years~~, the local wastewater entity that holds a water use permit shall provide an estimate of when the reclaimed water will become available. If the wastewater generator does not hold a valid water use permit and does not supply the requested information, the applicant shall be required to prepare a cost-estimate for connection.

Moved from Chapter 7.3, subsection 6.2 (date)

Permittees capable of using reclaimed water will be required to accept it when it becomes available, provided that the quantity and quality are acceptable for the intended use, as determined by the District. If the reclaimed water generator provides the reuse connection, acceptance is required, provided that the quantity and quality of the reclaimed water are acceptable for the intended use, as determined by the District. If the Permittee must pay for all or a part of the cost of connection to the reclaimed water source, the permittee may present an economic feasibility report to the District demonstrating whether connection is feasible.

Moved from Chapter 7.3, subsection 6.2 (date)

Use of Reclaimed Water for Golf Courses Communities Within The SWUCA – If a proposed golf course ~~within the SWUCA~~ is linked with a residential development with its own domestic wastewater treatment plant, the applicant must submit estimates of wastewater generation with time, and will be required by permit condition to implement a phased conversion to reclaimed water when sufficient quantity is available. When

use of Alternative Water Supplies is implemented, the fresh water sources will be permitted for standby purposes in case of a failure of the reclaimed water supply.

1-1-03, Amended 1-1-07, _____.

The provisions titled "REPORTING ALTERNATIVE WATER SUPPLY QUANTITIES WITHIN THE SWUCA" are moved below, just before Section 3.2

~~INVESTIGATE DESALINATION WITHIN THE SWUCA~~

~~All industrial and public supply applicants within the SWUCA for new or replacement quantities of ground water of 500,000 gpd annual average quantities or greater where salt water exists shall be required to investigate the feasibility of desalination to provide all or a portion of requested quantities, and to implement desalination if feasible. This investigation shall include a detailed economic analysis of desalination, including disposal costs, versus development of fresh water supplies, including land acquisition and transmission costs. This provision applies to desalination of Gulf of Mexico waters and other coastal waters and only as applicable to ground water users with permits of 500,000 gpd annual average quantities or greater that are located in coastal counties within the SWUCA.~~

~~1-1-03, Repealed _____.~~

WATER CONSERVATION REQUIREMENTS

~~Water Conservation Within The SWUCA— All aApplicants, except those for letter modifications, must demonstrate that environmentally, technically and economically feasible water conservation measures applicable to the proposed use opportunities have been or will be employed. Applicants shall address Evaluation of this requirement will include relevant water conservation practices Best Management Practices (BMPs), recycling, and water conserving technologies applicable to the proposed water uses. Conservation measures and requirements appropriate to each Use Type are described in the remainder of this Chapter.~~

Water savings expected to result from the implementation of water conservation measures must be estimated and accounted for when calculating demand projections. Applicants must identify the components of demand affected by each conservation measure and reflect the estimated savings in demand for each year projected.

Where historical data are used to support the calculation of projected demand and peak month coefficients, and conservation measures were implemented for only part of the historical data period, the Applicant should use data only from the period in which the conservation measures were in effect. If the Applicant is able to estimate and extrapolate the water savings to the data period prior to implementation, then historical data from the past period may also be used.

New 1-1-07, Revised _____.

~~Water Conservation Within— The SWUCA— Applicants must demonstrate that technically and economically feasible water conservation opportunities have been or will be employed. Evaluation of this requirement will include relevant Best Management Practices (BMPs), recycling, and water conserving technologies applicable to the proposed water uses.~~

~~New 1-1-07.~~

The following two paragraphs are moved to the ALTERNATIVE WATER SUPPLY section above

~~Alternative Water Supplies Within the SWUCA— Applicants will be required to evaluate the use of potentially appropriate Alternative Water Supplies for technical, economic and environmental feasibility. This evaluation must determine whether alternatives are available to offset all or part of quantities obtained from any non alternative water supply, as well as whether an offset is only available seasonally or on a time limited basis.~~

~~New 1-1-07.~~

~~Multiple Water Supply Sources Within the SWUCA— Where an applicant or permittee has non Alternative Water Supplies and Alternative Water Supplies, the Alternative Water Supplies shall be used in lieu of non Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility.~~

~~New 1-1-07.~~

The following provisions from above are moved here, just before section 3.2:

PERMITTEE REPORTING OF ALTERNATIVE WATER SUPPLY QUANTITIES WITHIN THE SWUCA

Annual Reclaimed Alternative Water Suppliers Report Within The SWUCA— Governmental or other entities holding Water Use Permits with a permit for 100,000 gpd or greater standard annual average daily demand and within the SWUCA that and which generates treated wastewater effluent (reclaimed water) at their own wastewater treatment facility having a reclaimed water design capacity of 100,000 gpd or more on an annual average basis and a Florida Department of Environmental Protection (FDEP) Wastewater Facility Regulation (WAFR) identification number shall submit the SWFWMD or supply stormwater an Annual Suppliers of Alternative Reclaimed Water Suppliers Report, Form No. LEG-R.026.00(09/09), incorporated by reference in Rule 40D-2.091, F.A.C., on or before April 1 of each year summarizing the reclaimed water supplied during the preceding period of October 1 to September 30 to each customer. This requirement shall be implemented by attaching a permit condition to all applicable permits upon January 1, 2003 The Suppliers of Alternative Water Supplies Report will require the Permittee to provide information about locations and quantities of Alternative Water Supplies delivered, effluent

~~disposed and supplied as beneficial reuse, and information about individual customer reuse connections. Appendix A to this Chapter 3 includes definitions and instructions for reporting this information.~~

~~The report shall be submitted on or before April 1 of the following year and shall also include a map of the area(s) currently served with reclaimed water, including any areas projected to be added within the next year.~~

~~Permittees having a wastewater treatment facility with a design capacity less than 100,000 gpd on an annual average basis shall have the option to use the SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.026.00(09/09) described above or to submit Part E of the Public Supply Annual Report, "Suppliers of Reclaimed Water Report", described in "ANNUAL REPORTS", below.~~

~~1-1-03, Revised 1-1-07, _____.~~

Non-Potable Alternative Water Supply Providers – Other Than Reclaimed Water

All permittees with a permit for 100,000 gpd or greater standard annual average daily water demand and that generate non-potable Alternative Water Supplies (AWS), as defined in subsection 40D-2.021(1), F.A.C., other than suppliers of reclaimed water from a public supply wastewater treatment plant, shall submit an annual Alternative Water Suppliers report on or before April 1 of each year for the preceding calendar year as a component of the Annual Water Use Report. The report shall provide the following information on quantities supplied to bulk customers for non-potable use:

1. Description of the type of Alternative Water Supply provided.
2. County where service is provided.
3. Customer name and contact information.
4. Customer's Water Use Permit number (if any).
5. Customer's meter location connection latitude and longitude.
6. Meter ownership information.
7. General customer use category.
8. Proposed and actual flows in annual average gallons per day (gpd) per customer.
9. Customer cost per 1,000 gallons or flat rate information.
10. Delivery mode (e.g., pressurized or non-pressurized)
11. Interruptible Service Agreement (Y/N).
12. Month/year service began.
13. Totals of monthly quantities supplied, and
14. A map depicting the area of alternative water use service. This map should include any areas projected to be added within the next year.

~~_____.~~

Alternative Water Supply Receivers Within The SWUCA— All permittees with a permit for 100,000 gpd standard annual average daily water demand and that permitted uses within the SWUCA which receive reclaimed water, or stormwater or other Alternative Water Supply (AWS) to meet all or a part of their combined water demands (e.g. golf courses, industrial/commercial uses, agricultural uses, etc.) shall be required to meter, record and report the meter readings on a monthly basis Alternative Water Supply quantities and sources. These permittees shall also meter, record and report the quantity of AWS beneficially used on a monthly basis. These permittees shall include in their initial report the AWS supplier's name, address, telephone number, email address, and contact person's name, water use permit number (if any), and contracted or agreed-upon annual average quantities of AWS to be supplied, and thereafter report changes to this information list the Alternative Water Supply supplier's name, location, and quantities obtained in gallons per day, for each source. Where an applicant demonstrates that an economic, technical, environmental, legal or other hardship would be created for a meter to be installed on an AWS distribution system existing as of [effective date of rule], the Permittee may use an alternative accounting method that the applicant demonstrates to be equivalent in accuracy in determining the quantity of AWS received and beneficially used. This requirement shall be implemented by attaching a permit condition to all applicable permits.

~~1-1-03, Revised Amended 1-1-07, _____.~~

3.2 PERMITTED WITHDRAWAL QUANTITIES

Applicants must identify the quantities needed for each component of demand in order to justify the quantities requested on the permit application. The components of demand for each use type are identified in Sections 3.3 through 3.7. Typically, requested quantities are based on historical information. Applicants shall request quantities in gallons per day for each component of demand according to the terms listed below. The District will evaluate the quantities requested and identify the following quantities allocated in gallons per day on each permit.

1. Annual Average Daily (gpd)
2. Peak Month Average Daily (gpd)
3. Maximum Daily (gpd)

The annual average daily quantity places a limit on total yearly withdrawals. The peak month average daily quantity places a limit on total withdrawals in any one month. A maximum daily quantity may be permitted for certain needs on a case-by-case basis. (e.g. public supply permittees that record daily pumpage and agricultural permittees that require water for frost/freeze protection). Compliance with permitted annual average daily quantities is determined based on a 12 month moving average.

Applicants may identify withdrawal quantities on a monthly basis. Monthly calculations facilitate documentation of seasonal requirements and the design of effective conservation measures to reduce peak demands. Average daily quantities may then be calculated by dividing the total period by the number of days.

EXAMPLE: Peak Month Quantity
 Total pumpage for June = 9,000,000

9,000,000 divided by 30 days = 300,000 gpd

The following Conservation Requirements provisions are proposed to be added to the end of Section 3.3 Agriculture:

3.3 AGRICULTURE

Supplemental Crop Requirement

The supplemental crop requirement is the amount of water needed for a particular crop beyond the amount of water provided by effective rainfall. There are several ways to determine this amount:

1. In most cases, the supplemental crop requirement is determined using the agricultural water use calculation based on the modified Blaney Criddle method, which is described in Part C of this Manual. This procedure identifies the amount of water lost to evapotranspiration and determines the supplemental crop requirement using soil type, rainfall, and other variables. In most cases, the supplemental irrigation requirement is determined for a 2 in 10-year drought condition.

2. The supplemental crop requirement also may be determined based on information including but not limited to one of the following sources:

- a. University of Florida, Institute of Food and Agricultural Sciences (IFAS) reports;
- b. United States Geological Survey (USGS), Benchmark Farms data;
- c. Southwest Florida Water Management District Agricultural Irrigation Monitoring data; or
- d. Agricultural Field Scale Irrigation Requirements Simulation (AFSIRS) method – This computer model was developed by IFAS to estimate irrigation requirements based on climatic, crop, and soil data. This procedure is discussed in Users Guide and Technical Manual, Agricultural Field Scale Irrigation Requirements Simulation, University of Florida, Agricultural Engineering Department, Allen Smajstrla, October 1986.

Irrigation for agricultural crops during periods of rainfall that is less than that which the permitted allocation is derived shall be allowed, subject to any water shortage orders in effect and provided that the quantity used is demonstrated to be no greater than the supplemental quantity needed based on the rainfall amount received and all other rule criteria are met.

Revised_____.

The following provisions are added after the Section titled "IRRIGATION", after the subsection titled "Frost/Freeze Protection":

CONSERVATION REQUIREMENTS

Permits For A Standard Annual Average Daily Water Demand of 100,000 gpd Or Greater

Agricultural Use Excluding Aquaculture New Applicants

Applicants for new permits for a standard annual averaged daily water demand of 100,000 gpd or greater for agriculture water use, excluding aquaculture, shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices. At a minimum, the applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented (include an implementation schedule) those that are not applicable for the product being produced, or those that are not environmentally, technically or economically feasible (include documentation of infeasibility). The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule.

Existing Permittees

In addition to the requirements for new applicants, above, all applicants to renew or to modify (except applicants for Letter Modifications) existing permit for 100,000 gpd or greater standard annual average daily water demand and for agriculture excluding aquaculture, shall include a report on water conservation practices not listed below that have been implemented. The report shall describe how each water conservation practice has been implemented.

New_____.

Water Conservation Practices for Agricultural Uses

Conduct an ongoing maintenance and repair program on the irrigation system, including a system-wide survey conducted at least once per season that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning system components (nozzles, valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring meters for unusually high or low readings.

Conduct an ongoing analysis of the irrigation system efficiency, including conveyance, distribution, and application, and if storage ponds or reservoirs are used, an analysis of storage efficiencies. The analysis shall include periodic testing for application and distribution uniformity and system maintenance to irrigate efficiently.

Evaluate the feasibility of improving the efficiency of the current irrigation system, converting to a more efficient irrigation system, or installing tailwater recovery or stormwater

ponds. Implement the improvements, conversion, and/or installation when it is determined to be operationally and economically feasible.

Implement an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Example of these tools include soil moisture sensors, weather stations or other climatic measuring devices, and piezometers to monitor the water table elevation.

Avoid daytime irrigation, aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for control of heat stress, frost and freeze protection, plant establishment, field bedding, erosion control, system maintenance or other necessary non-irrigation uses.

Reduce or eliminate irrigation runoff by monitoring irrigation duration so that only the water necessary for optimum plant growth is used, avoiding irrigation of non-crop areas, and collecting irrigation tailwater for reuse.

New _____

Small General Water Use Permits

Agricultural Use Excluding Aquaculture

All applicants for Small General Water Use Permits for agricultural use, excluding aquaculture, shall agree to implement all water conservation measures that are economically, technically, and environmentally feasible, including:

1. Incorporation of water conservation practices.
2. Limiting daytime irrigation to the greatest extent practicable to reduce water losses.
3. Implementation of a leak detection and repair program as part of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per season.
4. Evaluation of the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.
5. Implementation of an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather/climatic measuring devices, or piezometers to monitor the water table elevation.

New _____.

Aquaculture Use

Applicants for new permits for a standard annual average daily water demand of 100,000 gpd or greater for aquaculture water use shall submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices. At a minimum, the applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented (include an implementation schedule) those that are not applicable for the product being produced, or those that are not environmentally, technically or economically feasible (include documentation of infeasibility). The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule.

Existing Permittees

In addition to the requirements for new applicants, above, all applicants to renew or to modify (except applicants for Letter Modifications) existing permit for 100,000 gpd or greater standard annual average daily water demand and for aquaculture shall include a report on water conservation practices not listed below that have been implemented. The report shall describe how each water conservation practice has been implemented.

Water Conservation Practices for Aquaculture Uses

1. Reduce offsite discharge by converting flow through systems to recirculation systems; designing new facilities with recirculation systems and design new ponds without discharge outlets; retaining and treating production water on site; utilizing reclaimed water and other alternate water sources; and incorporating water reuse practices in standard operation and management practices to reduce the quantity of water pumped or discharged.
2. Reduce water loss from ponds due to excess seepage by maintaining proper free board levels and using perimeter ditches, and reduce water loss from outdoor containments by the use of shade facilities where practicable.
3. Avoid daytime aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for control of heat stress or cold protection.
4. Conduct routine and ongoing maintenance and repair programs on levees, dikes and banks surrounding ponds, check for leaks from tanks, vats or raceways, and check for proper performance of perimeter ditches, filter strips, detention ponds or other facilities designed for treatment of product water treatment.

5. Conduct a system-wide survey at least once per season that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning system components (valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring flow meters for unusually high or low readings.

6. Utilize other conservation practices as identified by the University of Florida’s Institute of Food and Agricultural Science’s Department of Fisheries and Aquatic Sciences publication “Regulations Pertaining to Non-native Fish in Florida Aquaculture (FA121).”

New _____.

Small General Water Use Permits
Aquaculture Use

All applicants for Small General Water Use Permits for aquaculture water use shall agree that they are required by the Florida Department of Agriculture and Consumer Services in Chapter 5L-3, Florida Administrative Code to implement all appropriate water conservation and reuse practices. The applicant shall undertake any feasible measures that can be implemented immediately and implement other feasible measures as soon as practicable, as well as implement any feasible interim measures.

New _____.

REPORTING REQUIREMENTS FOR IRRIGATION WATER USE WITHIN THE SWUCA

Crop Reports – All ~~Individual and General Water Use~~ permittees with permits for a standard annual average daily water demand of 100,000 gpd or greater shall record for each metered withdrawal point the following information on the applicable Irrigation Water Use Form incorporated herein by reference in Rule 40D-1.659, GROUNDWATER (26), (28) and (29), F.A.C., according to crop type. Those that irrigate seasonal crops (examples: vegetables or other row crops) shall provide items 1. through 8. Those that irrigate annual crops and plants (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture) may omit items 5, 6, and 7.

1. Crop type;
2. ~~Monthly~~ irrigated acres per crop for seasonal crops; annual irrigated acres for annual crops;
3. The dominant soil type or acres by dominant soil type;
4. Irrigation method(s);
5. Use or non-use of plastic mulch;
6. Planting dates; and
7. Season length; ~~and~~
8. ~~Crop protection quantities.~~

1-1-03, Revised 12-30-08, _____.

~~Field Preparation/Crop Establishment – Irrigation for field preparation/crop or plant establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, use of the withdrawal point quantities for crop protection shall be documented separately by noting the beginning and ending hour and date of each use. The permittee shall note whether tailwater recovery is used. This information shall be submitted to the District on the District-supplied Irrigation Water Use Form or online by March 1 for annual crops, February 1 for summer and fall crops, and September 1 for winter and spring crops (including strawberries).~~

1-1-03, ~~Revised~~ ~~Amended~~ 10-22-07, Revised _____.

The following changes are proposed to the provisions in Section 3.4 Industrial or Commercial

3.4 INDUSTRIAL OR COMMERCIAL

Applicants must demonstrate that the quantities applied for relate to reasonable office, institutional, processing and manufacturing needs. Needs are generally demonstrated by providing information on the water balance for the operation, including all sources and uses of water as well as all and losses and reuses of water utilized in production and commercial processes, personal/sanitary needs, landscape irrigation, office, or and institutional activities, ~~of employees and customers,~~ treatment losses, and unaccounted uses.

Applicants for industrial/commercial uses must identify the demand for each of the following components:

1. Personal/sanitary use – water for personal needs such as drinking, bathing, cooking, sanitation, or cleaning spaces ~~occupied by employees and visitors.~~ For offices and work areas, ~~the~~ calculation should take into consideration: the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days. Coefficients used in the calculation, such as gallons per employee or visitor, must be identified and the applicant shall reference standard source for such data. Examples of standard data sources are the U.S. Department of Energy, the AWWA Research Foundation, the Pacific Institute, the Conserve Florida on-line library, “Water Conservation Plan Guidelines”, Appendix B: Benchmarks used in Conservation Planning”, U.S. Environmental Protection Agency, Document number EPA-832-D-98-001, or Vickers, Amy, “Handbook of Water Use and Conservation”, WaterPlow Press, 2001. ~~A quantity range from 8 gallons (for offices) to 26 gallons (for workshop spaces) per person per 8-hour shift may be used unless the Applicant demonstrates the need for a different quantity. (These ranges are identified in Modeling Water Demands, 1984. Edited by J. Kindler and C.S. Russell in collaboration with B.T. Bower, J. Gouevsky, and D.R. Sewell, Academic Press, London.~~

2. through 3. No change.

CONSERVATION REQUIREMENTS PLANS—FOR INDUSTRIAL AND COMMERCIAL USES WITHIN THE SWUCA

Permits For 100,000 Gpd Or Greater

New Applicants

All ~~permit~~ applicants for new a permit for 100,000 gpd or greater standard annual average daily water demand and for withdrawals within the SWUCA for industrial or commercial uses shall are required to submit to the District at time of applications, a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices relevant to the institution, industry or place of commerce will be employed at. The water conservation plan shall include the relevant water conservation practices listed below and describing where and when water savings can be reasonably achieved. The plan shall and specifically addressing reducing water all components of use and loss, including the components in the water balance where applicable, by implementing or increasing including but not limited to recycling, and reuse, and by limiting landscape plants to those that do not require supplemental irrigation or by utilizing water-efficient irrigation practices on landscaping that only requires minimal supplemental irrigation. A summary shall identify the components of demand affected by each conservation practice and describe the savings in demand for each year of projected water use, and An implementation schedule shall be included for each proposed conservation practice, and progress reports shall be required based upon the implementation schedule.

1-1-03, Amended 12-30-08,_____.

Existing Permittees

In addition to the requirements for new applicants, above, all applicants to renew or to modify (except applicants for Letter Modifications) existing permits for 100,000 gpd or greater standard annual average daily water demand and for industrial or commercial use shall contain a report on all water conservation practices that have been implemented as other water conservation practices not listed below that have been implemented. The applicant shall specifically address the water conservation practices listed below that are relevant to the institution, industry or place of commerce, indicating those that have been implemented. For each relevant water conservation practice from the list below that has been implemented, a report shall describe the achievements in water savings that have been realized from each practice.

Water Conservation Practices for Industrial or Commercial Uses

1. Recycle brine from RO or filter backwash for cooling, reuse process water, install a recycling and filtering system to reuse carwash water; reuse water used to wash products; and reuse water created via processing, reuse water from settling ponds.

2. Monitor and maintain water-using equipment and valves on water lines; install automatic-close valves in equipment when not in use; check pressure and install pressure-reducing valves to match equipment needs; conduct regular checks for leakage; use shut-off nozzles on hoses, use closed loop system for equipment cooling.

3. Retrofit power generation systems to use water-conserving fuel types and reduce water needed for emission control; utilize seawater or non-fresh water for once-cooling; utilize continuous-flow, closed-loop cooling when possible.

4. Install water meters in various work areas and read monthly to identify leaks as well as monitor conservation efforts.

5. Install or retrofit to low volume showerheads and toilets, install waterless urinals, low-volume faucet aerators or faucet motion sensors; retrofit flush valves to 1 gpm and repair leaks and drips immediately.

6. Replace continuous flow equipment in kitchens, bars and cafeterias; install low flow dishwashers and only wash full loads; use automatic shut-off faucets; presoak dishes and utensils in basins or retrofit to low-volume pre-rinse sprayers; thaw frozen products using swivel aerator instead of running water, monitor/replace ice dispensers to reduce waste, and serve water in bars and restaurants only upon request.

7. Avoid excessive blowdown by adjusting boiler and cooling tower blowdown rate to maintain total dissolved solids at manufacturer's specifications; capture and reuse steam condensate as boiler feed or cooling tower make-up; use ozone as a cooling tower treatment to reduce make-up water; shut off water-cooled air conditioning units when not needed; replace water-cooled equipment with air-cooled systems; connect heating/cooling equipment to a closed-loop system rather than using a municipal supply.

8. Use full loads in sanitizers, dishwashers, sterilizers and laundry washing machines; retro-fit steam and autoclave sterilizers with water reclamation and automatic shut-off devices; evaluate the wash formula and number of machine cycles for efficiency; use water-efficient horizontal-axis or continuous batch-reclamation washing machines; use "dry," powder methods for carpet cleaning when possible; clean windows as required rather than on a set schedule, clean work space and outdoor walkways with water brooms instead of hoses.

9. Irrigate outdoor areas early in the morning or in the evening using low-volume irrigation systems; adjust nozzles to avoid overspray, install an irrigation meter to monitor water use and possible leaks; use automatic rain shut-off devices; reduce irrigation schedule for cooler weather and the rainy season; use mulch around low-maintenance landscape plants that require minimal supplemental irrigation; reuse industrial waste water or process water for irrigation if possible, and utilize reclaimed water when feasible.

10. Lower swimming pool and spa water levels to avoid splash-out; reduce the water used to back-flush pool filters; use a pool cover to reduce evaporation and heat loss when the pool is not being used.

11. Create water conservation suggestion boxes for employees; install signs in restrooms and cafeterias that encourage water conservation; assign an employee to evaluate water conservation opportunities and effectiveness; train staff on water efficient use of machines and equipment.

1-1-03, Revised _____.

Small General Water Use Permits

The applicant shall utilize the most water conserving practices in all processes and components of water use that are environmentally, technically and economically feasible for the activity, including reducing water losses, recycling and reuse, and utilization of water-efficient irrigation practices on drought-tolerant landscaping.

New _____.

The following changes are proposed to the provisions in Section 3.5 Industrial or Commercial that are titled "Conservation Plans for Mining and Dewatering Uses Within The SWUCA":

3.5 MINING OR DEWATERING

~~CONSERVATION REQUIREMENTS PLANS FOR MINING AND DEWATERING USES WITHIN THE SWUCA~~

All permit applicants for ground water withdrawals within the SWUCA for mining or dewatering uses are required to submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation measures. The plan shall include water conservation practices and utilization of water conserving technologies applicable to all components of demand and loss including recycling, reuse, and utilization of water-efficient irrigation practices on drought-tolerant landscaping best management. An implementation schedule shall be included for each water conservation measure anticipated, and progress reports shall be required based upon the implementation schedule.

In addition to the requirements for new applicants, above, the water conservation plan for renewal or modification of a mining or dewatering water use permit shall describe and quantify describing where and when water savings have been can be reasonably achieved by existing practices and identify where, when and how much water savings can be reasonably achieved by incorporating proposed water conservation measures specifically, address all components of use and loss in the water balance, including but not limited to recycling, reuse, landscaping and An implementation schedule shall be included for each proposed conservation measure, and progress reports shall be required based upon the implementation

~~schedule to the District at time of application. Existing permittees with ground water withdrawals not previously within a Water Use Caution Area shall submit a conservation plan by January 1, 2003.~~

1-1-03, Revised _____.

The following changes are proposed to Section 3.6

3.6 PUBLIC SUPPLY
APPLICANT CONSIDERATIONS DEMAND

In order to accurately calculate demand, public supply Applicants must identify the demand for each of the uses listed in this section. Information typically required to demonstrate reasonable demand for each component may include the number, type, and size of service connections; past monthly pumpage records by use type; projected permanent and temporal population data for the service area; data on the specific uses; development projections; and data specific to the forecasting models used. Demand quantities should be based on quantities required by end-use customers, not withdrawal quantities. The quantities must be expressed in average annual gallons per day for each component of demand.

Revised 1-20-09

Where metering, billing, or other record-keeping methods do not provide accurate use estimates, the Applicant must provide the best estimates for each use type and must document the estimation method used.

In applications where a portion of the demand is derived from wholesale customers (e.g., a county utility sells water to a municipality), the Applicant must obtain and report demand information from each wholesale customer. Where the wholesale customer is required to obtain a Wholesale Public Supply Permit, the Applicant shall include those wholesale quantities as exports. This information is required to demonstrate that the quantities applied for are supported by reasonable demand. Per capita use ~~guidelines~~ and water conservation ~~provisions plans~~ apply to wholesale customers as well as the Applicant.

Revised _____.

All public supply Applicants must identify the demand for the following components:

1. Residential Use – shall be divided into single-family residential use and multi-family residential use in accordance with local government zoning policies.;
2. Other metered uses – shall include all uses other than residential accounted for by meter.;
- 3.4. Treatment Losses – significant treatment process losses associated with making the water potable, such as reject water in desalination, membrane cleaning or back-flush quantities associated with sand filtration systems. Treatment losses are calculated as raw water into the plant minus treated water out of the plant. This component is identified in the

~~water treatment plant specifications per finished gallon times the annual average gallons per day output should only be calculated when such losses are significant. In addition, no more than 1% of treated water volume delivered to the distribution system for flushing distribution lines for potability may be deducted.~~

~~4.3. Water Losses Unaccounted uses – Water losses are equal to the total water plant output minus all accounted uses described in 1. and 2. above. Water losses include leaks, illegal connections, greater than 1% loss of plant output due to flushing of distribution lines for potability, unmeasured flows associated with fire suppression, unmetered system testing, under-registration of meters, and other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts specified in 1. and 2. above. (Rather than Water Loss, the permittee may include unmetered emergency losses in the category “Fire and Other Accounted Uses” using Form B of the Public Supply Annual Report For General and Individual Permits, Form No. LEG-R.023.00(09/09) incorporated in Rule 40D-2.091, F.A.C., when the cause of the loss is fixed as soon as practicable and the quantity of water lost is estimated using pipe diameter, pressure and time.) Water Losses shall not exceed 10% of total distribution quantities. Greater than 10% water losses will not be considered in allocation of permitted quantities the total water system output minus all accounted uses above. Unaccounted use may include unmetered use, water lost through leaks, water used to flush distribution lines, firefighting, and other unidentified uses. This quantity generally should not exceed 15% of total distribution quantities. Applicants with unaccounted use greater than 15% may be required to address the reduction of such use through better accounting or reduction of unmetered uses or system losses; and~~

~~1-1-03, _____.~~

CONSERVATION REQUIREMENTS

~~The public supply permittee water conservation requirements included within the remainder of this Subsection 3.6, unless specifically designated to apply within the SWUCA only, shall apply to all public supply utilities and suppliers with Permits that are granted for an annual average daily quantity of 100,000 gallons per day or greater, as well as wholesale customers supplied by another entity which obtain an annual average daily quantity of 100,000 gallons per day or greater. Failure of a wholesale customer to comply may result in modification of the wholesale permit to add a permit condition limiting or reducing the wholesale customer’s quantities, or other actions by the District. [The following sentence is moved to after the first paragraph under the subheading “Per Capita Use Rate” in the section titled “PER CAPITA DAILY WATER USE” below]: Increased allocations for existing permits and allocations for public supply permits with an annual average~~

~~daily quantity less than 100,000 gpd shall be based on a per capita use rate no greater than 150 gallons per day, plus allowable deductions and adjustments documented as set forth in the provisions below titled “Documentation of Per Capita Daily Water Use” Calculations for the Annual Report.~~

~~[Date of Per Capita rule]~~

~~The provisions titled “PER CAPITA DAILY WATER USE” are moved below, just before the provisions titled “ANNUAL REPORTS”, under the new “PERMITTEE REQUIREMENTS” division~~

WHOLESALE PUBLIC SUPPLY CUSTOMERS PERMIT REQUIREMENTS WITHIN THE SWUCA

~~Wholesale Public Supply Permits are required to be obtained by those public water supply utilities that receive all water from other public supply permittees that the utility then distributes to its own customers. As of November 15, 1990 in the HR WUCA and ETB WUCA, March 1, 1991 in the original NTB WUCA, July 1, 2008 in the expanded NTB WUCA, and January 1, 2003 in the SWUCA, wholesale public water supply utilities that received 100,000 gpd or more on an annual average basis were required to obtain a separate wholesale permit to effectuate conservation requirements in this section 3.6. On or before December 31, 2010, all wholesale public supply utilities that receive a combined total of 100,000 gpd or more from other permittees on an annual average basis and that have not obtained a Wholesale Public Supply Permit or other Water Use Permit shall apply for a separate Wholesale Public Supply Permit to effectuate the requirements set forth in sections 2.5 of Chapter 2, and in Chapter 3 of this Basis of Review.~~

~~Wholesale customers that receive less than 100,000 gpd on an annual average basis from another public supply utility shall not be required to obtain a Wholesale Public Supply Permit but shall utilize all water conservation measures that are economically, environmentally, and technically feasible.~~

~~Permittees that are wholesale water suppliers must provide the District with a written agreement from those that purchase less than 100,000 gallons per day on an annual average basis from the wholesale supplier to abide by the water conservation conditions of the wholesale supplier’s permit and to provide water demand and water use data needed for the wholesale supplier to comply with reporting conditions.~~

~~Each water supply utility within the SWUCA shall adopt a water conserving rate structure by January 1, 2004. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 2003. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by July 1, 2004. New public supply permits shall adopt a water conservation oriented rate structure no later than two years~~

from the date of permit issuance and shall submit a report describing the rate structure and its estimated effectiveness within one year following adoption.

1-1-03, Revised 1-1-07, _____.

The following new sections titled "COMMON AREAS" and "CONSERVATION PLAN REQUIREMENTS" are added after the section titled "WHOLESALE CUSTOMER REQUIREMENTS" and before the section titled "WATER CONSERVING RATE STRUCTURE"

COMMON AREAS DEVELOPED BY NON-GOVERNMENTAL ENTITIES

Non-governmental applicants for a General or Individual Water Use Permit for water supply for a residential development shall identify existing and proposed acreage of Common Areas on the application and demonstrate the following:

1. Alternative water supplies shall be used to the maximum extent that is technically, environmentally and economically feasible to irrigate Common Areas.

2. Irrigation of Common Areas is, or will be, minimized through minimization of the acreage to be irrigated and the use of vegetation that requires minimal supplemental irrigation, where practical.

3. The local government responsible for the issuance of building permits for the project has adopted an ordinance incorporating the principles of Florida-friendly landscaping; or, the applicant will implement landscaping consistent with Section 373.185, F.S. The applicant may demonstrate consistency with Section 373.185, F.S., by establishing that the applicant has implemented, or commits to implement, or that the applicable local government has adopted the Florida Department of Environmental Protection's Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S., as may be updated from time to time, and this District's supplements thereto.

4. Irrigation systems are limited to high efficiency systems with properly installed, maintained and operational rain or soil moisture sensor shutoff devices, or evapotranspiration controller with a rainfall shutoff device and an active data subscription as applicable. Irrigation systems shall be properly maintained and incorporate the standards set forth in the Landscape Irrigation and Florida Friendly Design Standards, dated December 2006, developed pursuant to Section 373.228(4), F.S., and incorporated herein by reference. The Standards are available upon request from the District and at www.dep.state.fl.us.

For non-governmental Public Water Supply Utility applications that include quantities for residential developments after (effective date), demand for Common Area irrigation shall be met within the allowable per capita allocation.

New _____.

CONSERVATION PLAN REQUIREMENTS

Permits For 100,000 Gpd Or Greater

All applicants for a new, renewal of, or modification of (except applicants for a Letter Modification) permits for 100,000 gpd or greater for public supply shall submit a conservation plan as part of the application that demonstrates that it will provide for and increase efficiency of use by implementing environmentally, technically and economically feasible water conservation practices. At a minimum, the plan shall include a description of how each water conservation practice listed below under the heading Minimum Water Conservation Practices for Public Supply Use is or will be addressed and its actual or expected implementation date.

Progress reports shall be due with the Annual Report.

Minimum Water Conservation Practices for Public Supply Use

1. A water-conserving water rate structure. A copy of the rate ordinance or tariff sheets for both potable and irrigation rates shall be included in the conservation plan.

2. Customer billing, and meter reading practices and customer rate structure and usage information that conforms with the provisions in this section 3.6 titled "Customer Billing, Meter Reading, Rate Structure And Usage Information." A copy of bills meeting those requirements shall be included in the conservation plan.

3. An ongoing audit program of the internal and external water distribution systems to address reductions in water losses.

4. Proposed and ongoing water conservation measures and programs, the scheduled implementation dates, and an estimate of the cost and anticipated water savings for each proposed and additional measure and program. A description or a copy of these measures and programs, shall be included in the conservation plan and an identification of which, if any, were derived from the "Conserve Florida Water Conservation Guide".

5. Water conserving irrigation practices including:

(a) Minimization of lawn and landscape irrigation with supplies other than reclaimed water;

(b) Use of micro-irrigation on planting beds and other non-turf areas where irrigation is required, and minimize the acreage of irrigated lawn area;

(c) Implement Florida Friendly landscape principles and components consistent with Section 373.185, F.S. Consistency with Section 373.185, F.S. may be demonstrated by adoption by ordinances or covenants, as applicable, of the Florida Department of Environmental Protection's Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S., as may be updated from time to time, and this District's supplements thereto;

(d) Properly installed, and maintained and operational rain or soil moisture sensor shutoff devices or an evapotranspiration controller plus rain sensors and an active data subscription. Irrigation systems shall be properly maintained and incorporate the standards set forth in the Landscape Irrigation and Florida Friendly Design Standards, dated December 2006, developed pursuant to Section 373.228(4), F.S., and incorporated herein by reference. The Standards are available upon request from the District and at www.dep.state.fl.us;

(e) For irrigation quantities that are supplied via a conveyance system that is separate from the indoor potable supply, individual use metering and a water conserving rate structure for irrigation quantities;

(f) Deed restrictions or covenants shall not:

1. require a certain percentage of residential lots to be turfgrass.
2. require specific types of turfgrasses to be utilized.
3. require lawns to be maintained at a specific color, and shall not prohibit browning during periods of dormancy or drought.
4. require resodding of lawns during drought periods.

(g) Use of Alternative Water Supplies for irrigation.

The applicant may submit a goal based water conservation plan as described in Section 373.227(4), F.S. Additional information about these plans can be found in the Conserve Florida Water Conservation Guide at www.conservefloridawater.org.

[The following paragraph is moved here from Chapter 6, Section 6.4]

~~An acceptable Water Conservation Plan must be submitted before the application is considered complete.~~

A single document may be submitted to fulfill the plan requirement for several or all permits held by the same Permittee. If a single plan is used to meet requirements for more than one permit, the plan must be suitable for a supply system of equal capacity to that of the combined permits. All permits addressed by one conservation plan must be identified within that plan.

Small General Water Use Permits

All applicants for a Small General Water Use Permit for public supply shall incorporate water conservation measures that are environmentally, technically and economically feasible for the use. The applicant shall agree that all economically, technically and environmentally feasible water conserving measures shall be incorporated into all processes, including reducing water losses, recycling and reuse. The applicant shall promote water conservation in all components of water use, including water conservation among their customers, use water-efficient irrigation practices, and use of drought-tolerant landscaping.

The provision titled “WATER-CONSERVING RATE STRUCTURE” AND CUSTOMER BILLING AND METER READING CRITERIA are moved below, just above the new location for “PER CAPITA DAILY WATER USE” under the new “PERMITTEE REQUIREMENTS” division.

~~RESIDENTIAL WATER USE REPORTS-~~

~~Public supply permittees shall be required to annually report residential water use by type of dwelling unit, as required in “Annual Reports,” item 5, below. [The following sentences are moved to the Annual Reports section below]: Public supply permittees with no withdrawals as of [effective date of rule] within the SWUCA or the NTB WUCA, as it existed prior to October 1, 2007, shall have until April 1, 2009, to begin submitting these Annual Reports. Residential dwelling units shall be classified into single-family, multi-family (two or more dwelling units), and mobile homes. Residential water use consists of the indoor and outdoor water uses associated with these classes of dwelling units, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted.~~

1-1-03, Amended 1-1-07, Transferred to Annual Reports _____.

PERMITTEE REQUIREMENTS

WATER-CONSERVING RATE STRUCTURE WITHIN THE SWUCA

As of November 15, 1990 in the HR WUCA and ETB WUCA; March 1, 1991 in the original NTB WUCA; July 1, 2008 in the expanded NTB WUCA; and January 1, 2003 in the SWUCA that was not previously in a WUCA, General and Individual Water Use Permittees were required to Each utility within the SWUCA shall adopt a water-conserving rate structure by January 1, 2004. If the Permittee already has a water conservation oriented rate structure, a description of the structure, any supporting documentation, and a report on the effectiveness of the rate structure shall be submitted by January 1, 2003. Permittees that adopt a water conservation oriented rate structure pursuant to this rule shall submit the above listed information by July 1, 2004. General and Individual Water Use Permittees not subject to rules in effect prior to July 1, 2008 shall adopt a water-conserving rate structure by January 1, 2012. New public water supply Permittees permits shall adopt a water-conserving conservation oriented rate structure no later than two years from the date of permit issuance and shall submit the rate ordinances or tariff sheets for both potable and irrigation water, but not including reclaimed water, and a report describing the potable water rate structure and how the rate structure promotes conservation its estimated effectiveness within one year following adoption.

1-1-03, Revised, Amended 1-1-07, _____.

CUSTOMER BILLING, METER READING, RATE STRUCTURE AND USAGE INFORMATION

Beginning January 1, 2012, General and Individual Permittees shall comply with the following requirements:

1. Customer billing period usage shall be placed on each utility-metered customer’s bill.
2. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
3. The following information, as applicable to the customer, shall be provided at least once each calendar year. If billing units are not in gallons, a means to convert the units to gallons must be provided. The information shall be provided by postal mailings, bill inserts, online notices, on the bill, or by other means that must be described in the permittee’s Water Use Annual Report:
 - a. To each utility-metered customer in each customer class – Information describing the rate structure and shall include any applicable:
 - i. fixed and variable charges
 - ii. minimum charges and the quantity of water covered by such charges
 - iii. price block quantity thresholds and prices
 - iv. seasonal rate information and the months to which they apply
 - v. usage surcharges
 - b. Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
 - i. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
 - ii. A means to calculate an efficient billing period use based on the customer’s characteristics.
 - iii. A means to calculate an efficient billing period use based on the service area’s characteristics.

CUSTOMER BILLING AND METER READING CRITERIA WITHIN THE SWUCA

Rate Structure Information for Permits within the SWUCA Rate structure information describing applicable fixed and variable charge rates, minimum quantity charges, block size and pricing, seasonal rates and applicable months, shall be provided to each customer at least once during each calendar year. If billing units are not in gallons, a means to convert the billing units to gallons must be described.

1. Average Use – Historical billing period usage averaged over the three previous years for the applicable customer class shall be provided to each customer at least once during each calendar year.

~~2. Billing Period Usage – The customer’s billing period usage shall be included on the customer’s bill.~~

~~3. Meter Reading and Billing Period Frequency – Meter reading and billing shall be done no less frequently than bi-monthly.~~

1-1-03, Revised _____.

PER CAPITA DAILY WATER USE

Per Capita Use Rate – Public supply permittees shall have a per capita rate of no greater than 150 gallons per day whether it is calculated as an unadjusted gross per capita (see A. in this section below), an adjusted gross per capita (see B. in this section below), or a compliance per capita (see C. in this section below). A phased reduction in per capita (see D. in this section below) shall be implemented by permittees that do not achieve the compliance per capita rate of no greater than 150 gallons per day. Compliance with the per capita rate shall be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for ~~permits for 100,000 gpd or greater Individual and General Water Use Permits.~~ (See Documentation of Per Capita Daily Water Use Calculations for the Annual Report in this section).

Increased allocations for existing permits and allocations for public supply permits with an annual average daily quantity less than 100,000 gpd shall be based on a per capita use rate no greater than 150 gallons per day, plus allowable deductions and adjustments documented as set forth in the provisions below titled “Documentation of Per Capita Daily Water Use Calculations for the Water Use Annual Report.”

New 1-20-09

Significant Use – Public supply utilities often supply water for non-residential customers. If this non-residential use complies with any of the following criteria (listed A. through E. below), the use may be termed a significant use by the applicant and be deducted from the utility’s gross total water use prior to calculating their Adjusted Gross Per Capita Use. Whether or not any single significant use described in Part A. below is deducted for Adjusted Gross Per Capita calculation, all single significant uses must be reported in the Annual Report. Golf course and multi-family residential use (whether classified by the utility as commercial customer or not) do not qualify as significant uses.

1-1-03, Revised 1-20-09.

A. Single Significant Uses – A single significant use is an industrial/commercial (I/C) facility or other non-residential, non-governmental facility (which may consist of one or more buildings under common ownership, maintenance and management control at a single site or campus) that is supplied with greater than or equal to 25,000 gpd of water on an annual average basis (calculated for a calendar year), or whose water

use comprises more than 5% of the utility’s annual water use (calculated for a calendar year). Facilities that are not related under common ownership, maintenance and management control shall not be combined to meet a single significant use threshold. For reporting purposes, each single significant use shall be identified in the Public Supply Annual Report For General and Individual Permits, Form No.023.00 (09/09), incorporated by reference in Rule 40D-2.091, F.A.C., by customer name and the annual gallons per day supplied to that customer. If the 25,000 gpd criteria is used for a facility, the 5% criteria may not also be used, and vice-versa.

This significant use deduction can be used in conjunction with the significant use deductions associated with regional government, higher education, and regional health care facilities as described in Parts C. and D. below. All of the water provided to businesses where water itself is the primary ingredient in the product can be added to these deductions. Such businesses are described in E. below.

Exclusions: This single significant use deduction shall not be used if the permittee:

1. Uses the District-Wide Percent I/C Use method described below, or
2. Includes net commuter population estimates in their service area population estimates.

1-1-03, Revised 1-20-09.

B. District-Wide Percent I/C Use – Utilities with a large number of I/C (industrial/commercial) accounts, which fall below the 25,000 gpd single significant use threshold or the 5% of total utility use threshold may combine these smaller uses and deduct the percent of their I/C use that is greater than the District-wide three-year average percent I/C use which will be available annually from the District. Documentation for this method shall include completion and submittal to the District of the I/C Worksheet included in the Public Supply Annual Report For General and Individual Permits, Form No. LEG-R.023.00 (09/09), incorporated by reference in Rule 40D-2.091, F.A.C. The deduction shall be calculated as follows:

No change.

ANNUAL REPORTS

By October 1 of each year, Public Supply Permittees shall submit to the District the following, current as of October 1:

1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
2. Description of the current customer billing and meter reading practices and any proposed changes to these practices.

Two identical copies of the documentation shall be included if submitted in hard copy. “Identical copy” in this instance means, for example, that when the original is in color, then all copies shall also be printed in color.

New _____.

Public Supply Annual Report For Permits For 100,000 Gpd Or Greater

The Public Supply Annual Report for permits for 100,000 gpd or greater shall be submitted annually by April 1 and shall consist of the following components described in A.- G. below. Permittees that have interconnected service areas shall provide the information for the entirety of the interconnected system even if the water supply for the system is provided from multiple permits or is imported. Two identical copies of the Annual Report and two identical copies of all required supporting documentation shall be included if submitted in hard copy. “Identical copy” in this instance means, for example, that when the original is in color, then all copies shall also be printed in color.

New _____.

A. Per Capita Use Rate

The per capita use rate shall be calculated as set forth in the section of this Chapter entitled, “PER CAPITA DAILY WATER USE” and in accordance with the directives included in the section of this Chapter entitled, “DOCUMENTATION OF PER CAPITA DAILY WATER USE CALCULATION FOR THE WATER USE ANNUAL REPORT” above. If a compliance per capita rate of 150 gpd or less is not achieved the permittee shall comply with the requirements in the section entitled Reporting and Compliance With Per Capita Daily Water Use, below.

New _____.

B. Residential Use

[The following two sentences are moved here from above “RESIDENTIAL WATER USE REPORTS” above]: Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes) ~~these classes of dwelling units~~, including irrigation uses, whether separately metered or not. The permittee shall document the methodology used to determine the number of dwelling units by type and their quantities used. Estimates of water use based upon meter size may be inaccurate and will not be accepted. If mobile homes are included in the permittee’s multi-family unit category, the information for them does not have to be separated. The information for each category shall include:

1. Number of dwelling units per category.
2. Number of domestic metered connections per category.
3. Number of metered irrigation connections.
4. Annual average quantities in gallons per day provided to each category.
5. Percentage of the total residential water use provided apportioned to each category.

New _____.

C. Non-Residential Use

Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1. through 6. below, the number of metered connections shall be provided. These non-residential use categories are:

1. Industrial/commercial uses, including associated lawn and landscape irrigation use,
2. Agricultural uses (e.g., irrigation (for a nursery),
3. Recreation/Aesthetic Uses, excluding golfcourse irrigation (e.g., irrigation of Common Areas, stadiums and school yards.
4. Golf course irrigation,
5. Fire fighting, system testing and other accounted uses, and;
6. Water Loss as defined in the section entitled "DEMAND", above.

New _____.

D. Conservation

The conservation portion of the Public Supply Annual Report For General and Individual Permits shall consist of the following:

1. Description of any ongoing audit program of the water treatment plant and water distribution systems to address reductions in water losses. If the current water loss rate, as determined in Part B of the Public Supply Water Use Annual Report, is greater than 10% of the total distribution quantities, a water audit as described in this Section 3.6 (below) shall be conducted, and the results shall be submitted by the following October 1.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the permittee's implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, and which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide and provide the projected costs of the measures and programs and the projected water savings.

New _____.

E. Alternative Water Supplied Other Than Reclaimed Water
Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following:

1. Description of the type of Alternative Water Supply provided,
2. County where service is provided,
3. Customer name and contact information,
4. Customer's Water Use Permit number (if any),
5. Customer's meter location connection latitude and longitude,
6. Meter ownership information,
7. General customer use category,
8. Proposed and actual flows in annual average gallons per day (gpd) per customer,
9. Customer cost per 1,000 gallons or flat rate information,
10. Delivery mode (e.g., pressurized or non-pressurized)
11. Interruptible Service Agreement (Y/N),
12. Month/year service began,
13. Totals of monthly quantities supplied,
14. A map depicting the area of alternative water use service. This map should include any areas projected to be added within the next year.

New _____.

F. Suppliers of Reclaimed Water

This section F. does not apply to Permittees that have a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd. Instead, those Permittees shall submit the SWFWMD Annual Reclaimed Water Supplier Report," described in Section 3.1 above under the subheading "Reclaimed Water Supplier Report.

Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd shall have the option to submit the following information as a component of the Annual Report, or to complete the "SWFWMD Annual Reclaimed Water Supplier Report," described in Section 3.1 above under the subheading Reclaimed Water Suppliers. Those that opt to complete this Part F of the Annual Report shall include:

1. Bulk customer information:
 - a. Name, address, telephone number,
 - b. WUP number (if any),
 - c. General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d. Month/year first served,
 - e. Line size,
 - f. Meter information,
 - g. Delivery mode (pressurized or non-pressurized).
2. Monthly flow in gallons per bulk customer.
3. Total gallons per day (gpd) provided for metered residential irrigation.
4. Disposal information:
 - a. Site name and location(latitude and longitude or as a reference to the service area map),

- b. Contact name and telephone.
- c. Disposal method.
- d. Annual average gpd disposed.

G. Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system.

SWFWMD Annual Reclaimed Water Supplier Report

Permittees that have a wastewater treatment facility with an annual average design capacity for 100,000 gpd or more shall submit the SWFWMD Annual Reclaimed Water Supplier Report, described in Section 3.1 above under the subheading Reclaimed Water Suppliers for a fiscal year (October 1 to September 30) on or before April 1 of the following year. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report. Public supply utility permittees without a withdrawal point as of [effective date of rule] within the SWUCA, or within the NTB WUCA, as it existed prior to October 1, 2007, shall have until April 1, 2009, to begin submitting these annual reports. Two identical copies of the SWFWMD Annual Reclaimed Water Supplier Report and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means, for example, that when the original is in color, then all copies shall also be printed in color.

New _____.

Water Use Annual Report For Permits Less than 100,000 gpd

All public supply permittees with a permit for less than 100,000 gpd shall submit the following information, as previously defined in the section entitled "PER CAPITA DAILY WATER USE", using the form Public Supply Water Use Annual Report For General Water Use Permits Less Than 100,000 gpd, Form No. LEG-R.047.00 (07/09) incorporated by reference in subsection 40D-2.091(2), F.A.C., covering the preceding calendar year. Two identical copies of the Report and two identical copies of all required supporting documentation shall be included if submitted in hard copy. This report is due no later than April 1. "Identical copy" in this instance means, for example, that when the original is in color, then all copies shall also be printed in color.

- 1. Ground water, surface water and stormwater withdrawals (WD).
- 2. Water imported/purchased from other supplier(s) (IM).
- 3. Water exported/sold to other supplier(s) (EX).
- 4. Treatment loss (typically R/O or sand filtration) (TL).
- 5. Functional population (FP). Functional Population is the served permanent population as adjusted by the seasonal resident, tourist, group quarters and net commuter population within a utility's service area as determined in accordance with "Requirements for the Estimation of Permanent and Temporal

Service Area Populations," dated January 1, 2007, as set forth in Part D of the Water Use Permit Information Manual. See the paragraph titled "SERVICE AREA FUNCTIONAL POPULATION ESTIMATES" for further information.

6. Per capita use rate calculated as set forth in the section of this Chapter entitled, "PER CAPITA DAILY WATER USE" and in accordance with the directives included in the section of this Chapter entitled, "DOCUMENTATION OF PER CAPITA DAILY WATER USE CALCULATION FOR THE WATER USE ANNUAL REPORT" above.

7. Any changes to the service area since the previous reporting period, using the map that is maintained in the District's Mapping and GIS system.

New _____.
ANNUAL REPORTS

Public supply utility permittees whose permit requires the submittal of pumpage data shall submit the information specified below in an annual report covering the preceding calendar year. This report is due no later than April 1.

Public supply utility permittees with a permit for less than 100,000 gpd annual average quantities that have an adjusted gross per capita rate less than 150 gpd are required to submit items 1, 2, 5, 6, and 9 only.

- 1. The Permittee's per capita rate reported as unadjusted gross, adjusted gross or compliance per capita daily water use.
- 2. Documentation of the quantities included in the calculation of unadjusted gross, adjusted gross or compliance per capita daily water use, as applicable, as described above in the provision titled "Documentation of Per Capita Daily Water Use Calculations For The Annual Report":
 - 3. description of the current water rate structure;
 - 4. Water audit report, if applicable;
 - 5. Residential use information as follows:
 - a. The number of single family units served and their total water use;
 - b. The number of multi family units served and their total water use;
 - c. The number of mobile homes served and their total water use, if not included in item a. or b. above;
 - 6. The quantity of total reclaimed water or stormwater provided by the permittee for use on both a total annual average daily and monthly basis;
 - 7. For all individual customer reuse connections with line sizes of four inches or greater:
 - a. Account name and address;
 - b. Location of connection by latitude-longitude;
 - c. Line size;
 - d. Whether metered; and
 - e. Metered quantities if metered; and
 - 8. Annual average daily quantity of unaccounted water and the percentage of unaccounted water relative to total withdrawals; and

9. With every sixth yearly report, a current service area map in accordance with Section 2.5 of this Basis of Review.

1-1-03, Amended 1-1-07, [date of per capita rule].

Permit Condition—This requirement shall be implemented by applying a permit condition to all public supply permits.

1-1-03

CONSTRUCTION AFTER 1983

In recognition of the projected water savings intended by the Water Conservation Act, Section 553.14, F.S., if construction in the service area began after 1983, an additional residential per capita daily water use guideline will apply. The residential per capita daily water use will be calculated by dividing the total residential use by the permanent or seasonally adjusted service area population. Residential per capita daily water use greater than 132 gpd must be supported with detailed information explaining the high rate. The Applicant may be required to address the reduction of the high rate.

WATER AUDITS WITHIN THE SWUCA

All water supply permittees within the SWUCA shall implement water audit programs within 2 years of permit issuance. Water audits which identify a greater than 12% unaccounted water shall be followed by appropriate remedial actions. A thorough water audit can identify what is causing unaccounted water and alert the utility to the possibility of significant losses in the distribution system. Unaccounted water can be attributed to a variety of causes, including unauthorized uses, line flushing, authorized unmetered uses, under registration of meters, fire flows, and leaks. Any losses that are measured and verifiably documented are not considered unaccounted water. Large, complex water supply systems may conduct the audit in phases, with prior approval by the District. Each annual report shall state the percentage of unaccounted water. If the Public Supply Water Use any Annual Report reflects that a greater than 10% 12% of the total water plant output minus all accounted uses is water loss unaccounted water (see DEMAND above in this Section 3.6), the permittee must complete a water audit by the following July 1, and the results within 90 days of submittal of the annual report. A water audit report shall be submitted by October 1 of the same year within 90 days of completion of the water audit. The water audit report shall (1) evaluate include a summary of the items set forth in Section 3.6 Public Supply, Demand, as possible sources for the water losses, water audit and (2) include a an implementation schedule for a remedial actions plan to reduce the unaccounted water losses to below 10% 12%. The District shall take into account a permittee's adherence to the remedial action plan in any subsequent years when the permittee's annual report reflects greater than 12% unaccounted water.

1-1-03, Revised 1-20-09, _____.

EXEMPTIONS FROM WATER CONSERVATION REQUIREMENTS

Permittees with a Small General Water Use Permit whose permitted annual average quantity is less than 100,000 gallons per day are exempted from the Annual residential water use Report, water conserving rate structure, customer billing and meter reading criteria, and water audit requirements, if otherwise applicable.

1-1-03, Revised 1-20-09, _____.

The following changes are proposed to the provisions in Section 3.7 Recreation or Aesthetic

3.7 RECREATION OR AESTHETIC

Applicants for rRecreation and aesthetic use Applicants including, but not limited to water parks, theme parks, aquariums, zoos, and attractions, and irrigation requirements for golf courses, parks, attractions, cemeteries, sports fields, stadiums, arenas, and lawn and landscape areas and Common Areas irrigation must demonstrate that the quantities applied for are relate to reasonable quantities for the activity and use personal/sanitary, irrigation, and other specific needs. This demonstration is typically accomplished by providing information on:

1. The population to be served;
2. The type and amount of turf and plants to be irrigated;
3. The timing and the method of irrigation used;
4. The scheduled draining, filling and augmentation of ponds, pools, flumes, and aquatic habitats;
5. Animal needs; and
6. Other specific water uses.

Applicants for recreation and aesthetic uses must identify the demand for each of the following components:

1. Personal/sanitary use – water for personal needs or for household purposes such as drinking, bathing, cooking, sanitation, or cleaning spaces occupied by employees and visitors. Calculations should take into consideration the average number of visitors and employees per shift, the number of shifts per work day, and the number of work days per year. A quantity range from 8 gallons (for office workers and visitors) to 26 gallons (for employees working in shop areas) per person per 8-hour shift may be used;

2. Lawn and landscape Irrigation use – water for the irrigation of lawns and landscapes, intensive recreational areas such as but not limited to, golf courses, playgrounds, football, baseball, and soccer fields. This quantity may be determined by multiplying the total acres to be irrigated by the appropriate application rate based on plant requirements and applicable efficiency requirements of the area efficiency, based on the vegetation type and irrigation system type. If the Applicant is irrigating exotic or high-value plants having with special irrigation needs not met by the standard efficiency

requirements are irrigated coefficients (such as high value specimens), separate documentation of such needs should be submitted;

3. Animal use – water for the watering and washing of animals. This use may also include the augmentation and other water requirements of aquatic habitats, where applicable. If the water needs of a particular or comparable type of animal are not addressed in Table 3-2, the Applicant may submit documented requirements;

4. Water-based recreation use – water used for public or private swimming and wading pools, including water flumes and slides. Calculations should take into consideration filling and draining schedules, water change, showers, and other specific requirements;

5. Other specific use – all other use not included in items 1. through 4. above is determined by subtracting the uses accounted for (see Items 1. through 4.) from total withdrawals. This use may include water not accounted for previously, system leaks, and unidentifiable uses. Other use should generally not exceed 15% of total withdrawals.

Revised _____.

CONSERVATION REQUIREMENTS PLANS FOR USES WITHIN THE SWUCA

Permits For 100,000 Gpd Or Greater

New Applicants

Applicants for new permits for 100,000 gpd or greater All Individual and General Water Use Permit applicants for ground water withdrawals within the SWUCA for recreation or aesthetic uses shall be required to submit a water conservation plan that insures efficiency of use and provides for increasing efficiency of use by implementing environmentally, technically and economically feasible water conservation practices applicable to the activity. At a minimum, the applicant shall include a description of how each water conservation practice listed below is addressed and indicate those that will be implemented (include an implementation schedule) those that are not applicable for the activity, or those that are not environmentally, technically or economically feasible (include documentation of infeasibility). The plan shall include a description of each water conservation practice and its expected implementation date. Progress reports shall be due based on the implementation schedule to the District at the time of application describing where and when water savings can be reasonably achieved and specifically addressing all components of use and loss in the water balance, including but not limited to recycling, reuse and landscaping, and an implementation schedule.

1-1-03, Revised Amended 12-30-08, _____.

Existing Permittees

In addition to the conservation plan requirements for new applicants, above, all applicants to renew or to modify (except applicants for Letter Modifications) existing permits for 100,000 gpd or greater for recreation or aesthetic use shall include in the plan a report on the water conservation practices not listed below that have been implemented. The report shall describe how each water conservation practice has been implemented.

Water Conservation Practices For Recreation or Aesthetic Uses

1. Conduct an ongoing analysis of the irrigation system efficiency, including conveyance, distribution, and application, and if storage ponds or reservoirs are used, an analysis of storage efficiencies. The analysis shall include periodic testing for application and distribution uniformity, and system maintenance to irrigate efficiently.

2. Avoid daytime irrigation, aeration or other activities which involve spraying water into the air to the greatest extent practicable to minimize water losses from evaporation and the wind. This does not apply to daytime use of water for system maintenance or other necessary non-irrigation uses.

3. Conduct an ongoing maintenance and repair program on the water distribution and irrigation systems, including a system-wide survey conducted at least once per year that includes monitoring flow rates and system pressures to detect leaks and clogs; routine cleaning system components (nozzles, valves, filters, meters, etc.); checking controllers or timers for accurate operation; and monitoring meters for unusually high or low readings.

4. Evaluate the feasibility of improving the efficiency of the current water distribution and irrigation system, converting to a more efficient system, or installing stormwater ponds to provide an alternative water supply source. Implement the improvements, conversion, and/or installation when it is determined to be operationally and economically feasible.

5. Implement an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This includes varying the irrigation schedule (time and duration) to accommodate rainy and dry seasons, adjustments for rainy versus dry and normal rainfall years, use of rain sensors, and reducing irrigation during dormant months.

6. Monitor ambient conditions and soil profile using appropriate tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather stations or other climatic measuring devices, and piezometers to monitor the water table elevation.

7. Use of frequent mowing practices to keep turf at an optimum constant height to provide a dense canopy to retain soil moisture by shading.

8. Reduce or eliminate irrigation runoff by monitoring irrigation duration so that only the water necessary for plant growth is used and avoiding irrigation of paved areas.

9. Use of Florida-friendly landscape principles and components consistent with Section 373.185, F.S. Consistency with Section 373.185, F.S., may be demonstrated by adoption by ordinances or covenants, or implementation, as applicable, of the Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S., as may be updated from time to time, and this District’s supplements thereto.;

10. Applicants for residential irrigation where potable supply for the development is supplied by another permittee, the following conservation plan requirements are in addition to those above:

(a) minimization of lawn and landscape irrigation with supplies other than reclaimed water;

(b) use of microirrigation on planting beds and other non-turf areas where irrigation is required, and minimize the acreage of irrigated lawn area;

(c) properly installed, and maintained and operational rain or soil moisture sensor shutoff devices or an evapotranspiration controller plus rain sensors and an active data subscription. Irrigation systems shall be properly maintained and incorporate the standards set forth in the Landscape Irrigation and Florida Friendly Design Standards, dated December 2006, developed pursuant to Section 373.228(4), F.S., and incorporated herein by reference. The Standards are available upon request from the District and at www.dep.state.fl.us.

(d) deed restrictions or covenants shall not:

1. require a certain percentage of lots, if applicable, or other areas, to be turfgrass,

2. require specific types of turfgrasses to be utilized,

3. require lawns, if applicable, or other areas, to be maintained at a specific color, and shall not prohibit browning during periods of dormancy or drought,

4. require resodding of turf during drought periods.

(e) for irrigation quantities that are supplied via a conveyance system that is separate from the indoor potable supply, individual use metering and a water conserving rate structure for irrigation quantities.

11. Use of Alternative Water Supplies for irrigation.

New _____.

Small General Water Use Permits

All applicants for Small General Water Use Permits for recreation or aesthetic use shall agree to implement all water conservation measures that are economically, technically, and environmentally feasible, including:

1. Limiting daytime irrigation to the greatest extent practicable to reduce water losses.

2. Implementation of a leak detection and repair program as part of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per season.

3. Evaluation of the feasibility of improving the efficiency of the current water distribution and irrigation system or converting to a more efficient system. This includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.

4. Implementation of an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather/climatic measuring devices, or piezometers to monitor the water table elevation.

New _____.

COMMON AREAS DEVELOPED BY NON-GOVERNMENTAL ENTITIES

Non-governmental applicants for a General or Individual Water Use Permit for water supply for a residential development shall identify existing and proposed acreage of Common Areas on the application and demonstrate the following:

1. Alternative water supplies shall be used to the maximum extent that is technically, environmentally and economically feasible to irrigate Common Areas.

2. Irrigation of Common Areas is, or will be, minimized through minimization of the acreage to be irrigated and the use of vegetation that requires minimal supplemental irrigation, where practical.

3. The local government responsible for the issuance of building permits for the project has adopted an ordinance incorporating the principles of Florida-friendly landscaping; or, the applicant will implement Florida-friendly landscaping consistent with Section 373.185, F.S. The applicant may demonstrate consistency with Section 373.185, F.S., by establishing that the applicant has implemented, or commits to implement, or that the applicable local government has adopted the Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions, 1/09, developed pursuant to Section 373.185, F.S., as may be updated from time to time, and this District’s supplements thereto.

4. Irrigation systems are limited to high efficiency systems with properly installed, maintained and operational rain or soil moisture sensor shutoff devices, or evapotranspiration controller with a rainfall shutoff device and an active data subscription as applicable. Irrigation systems shall be properly maintained and incorporate the standards set forth in the Landscape Irrigation and Florida Friendly Design Standards, dated December 2006, developed pursuant to Section

373.228(4), F.S., and incorporated herein by reference. The Standards are available upon request from the District and at www.dep.state.fl.us.

New _____.

GOLF COURSE CONSERVATION – ADDITIONAL REQUIREMENTS WITHIN THE SWUCA

Irrigation Of Roughs — Roughs are areas outside of the designated play area (fairway, tees, greens). By rule effective November 15, 1990, for the Highlands Ridge and the Eastern Tampa Bay Water Use Caution Areas (WUCA), by rule effective March 1, 1991, for the Northern Tampa Bay WUCA, and by July 1, 2008, for the expanded Northern Tampa Bay WUCA, and by January 1, 2006 in the area of the SWUCA that was not previously in a WUCA, quantities were not allocated for irrigation of roughs for all golf courses with withdrawal points in those WUCAs. Quantities will not be allocated for irrigation of roughs for all golf courses with withdrawal points within SWUCA but not previously in the Eastern Tampa Bay Water Use Caution Area or the Highlands Ridge Water Use Caution Area by January 1, 2006. All other golf courses by January 1, 2012. However, in all areas, if a permittee demonstrates that drought-tolerant landscaping has been utilized in the roughs, the permittee may irrigate the roughs using quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone. Separate quantities for rough irrigation will not be allocated. However, An applicant may request prior approval from the District to use roughs as wet weather reclaimed water disposal sites.

1-1-03, Revised Amended 1-1-07, _____.

Conservation Plans – In addition to the Water Conservation Practices For Recreation or Aesthetic Uses listed above, applicants for All Individual and General Water Use Permit new permits, renewal of permits or to modify and modifications to increase quantities (except for applicants of Letter Modifications) on General or Individual Water Use Permits ground water withdrawals within the SWUCA for golf course irrigation shall address the following items in their are required to submit a water conservation plan to the District at the time of application specifically addressing:

1. Conversion to an irrigation system that utilizes a low application rate (30 gallons per hour or less) ~~volume irrigation methods for non-turf areas other than fairways;~~
2. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration;
3. Increased evening hour irrigation;

4. Utilization of reclaimed water or stormwater to provide all or part of the irrigation requirements;

~~2.5.~~ Limiting frequent irrigation to water-critical areas, and limiting irrigation of other areas;

3. Reduction of irrigated areas, such as reducing the size of landing areas; and

6. Schedule for implementation of the plan.

Progress reports shall be due based on the implementation schedule for these practices as well.

1-1-03, Revised Amended 1-1-07, 12-30-08, _____.

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

1-1-03, Revised _____.

The following provisions of Chapter 4.0 are proposed to be changed:

4.0 CONDITIONS FOR ISSUANCE – TECHNICAL CRITERIA

4.8 INTERFERENCE WITH EXISTING LEGAL WITHDRAWALS

1. Performance Standards

A permit application shall be denied if the withdrawal of water together with other withdrawals would cause an unmitigated adverse impact on a legal water withdrawal existing at the time of the application. An adverse impact is considered to occur when the requested withdrawal would impair the withdrawal capability of an existing legal withdrawal to a degree that the existing withdrawal would require modification or replacement to obtain the water it was originally designed to obtain. If withdrawal locations remain the same but quantities are increased, only the increased amount would be considered in addressing the impacts to existing users.

If other legal uses come into existence after a permit is issued and the permit is subsequently modified, District staff will evaluate the modification such that impacts to the subsequent uses are only assessed in terms of the modified quantities.

The evaluation of impacts will be made taking into account the type(s) of pumping equipment installed and water-level fluctuations.

Staff will not recommend approval of a requested quantity that will cause adverse impact unless the adverse impact is mitigated by the Applicant. Mitigation may include mitigation prior to withdrawals as well as mitigation after the withdrawal.

It is the Applicant's responsibility to investigate and mitigate adverse impacts on presently existing legal withdrawals. Mitigation may include pumpage reduction, replacement of the impacted individual's equipment to enable greater withdrawals, or placement of wells farther away from the impacted well.

Paragraph below transferred from Chapter 2, Section 2.5

Service areas are not considered to be under the control of the Applicant in terms of consideration of off-site impacts. Where there is a potential for adverse impacts to existing legal users due to the applicant's withdrawals, whether within or outside the applicant's service area, the applicant shall submit a plan by which the potential impacts shall be monitored and mitigated if such impacts should occur. Nothing in this provision shall affect continuation of Tampa Bay Water's Well Mitigation Policy set forth in Rule 49B-3.005, F.A.C., dated May 20, 2001.

Transferred from Chapter 2, Section 2.5 _____.

The following provisions of Section 5.1 of Chapter 5.0 are proposed to be changed:

5.0 MONITORING REQUIREMENTS

5.1 WITHDRAWAL QUANTITY

~~Generally,~~ Permittees will be required to ~~meter~~ ~~monitor~~ the quantity of water withdrawn from any source in accordance with the guidelines described in this section. ~~Metering Monitoring~~ of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, assess impacts to the resource and existing water and land uses, and ensure that quantities withdrawn do not exceed permitted pumpage. Monitoring methods must maintain plus or minus 5% accuracy, and must be approved by the District. Permittees shall use direct flow measuring devices unless the District determines direct methods are inappropriate for the particular water use system.

Permittees shall ~~meter~~ ~~monitor~~ withdrawal quantities from each withdrawal point and provide the meter readings to the District at a frequency to be prescribed by permit condition when:

1. The annual average withdrawal is greater than or equal to 500,000 gpd;
2. The annual average withdrawal is greater than or equal to 100,000 gpd for public supply use;
3. The drought annual average withdrawal is greater than or equal to 100,000 gpd and one or more of the withdrawal points is located within the SWUCA.
4. The annual average withdrawal is greater than or equal to 100,000 gpd and one or more of the withdrawal points is location within the NTB WUCA.

~~5.4.~~ The District determines that there is a potential for harm to the resource or potential for adverse impacts to existing users.

Revised _____.

~~The District will provide and install flow meters on agricultural withdrawal points where the Permittee's total permitted quantity is greater than or equal to 500,000 gpd annual average withdrawal. This provision shall apply only to those agricultural withdrawal points in existence prior to October 1, 1989, which are not equipped with totalizing flow meters that provide plus or minus 5% accuracy. The District may provide other flow measuring devices if appropriate. Agricultural permit applicants who submit an application on or after October 1, 1989, and any existing agricultural Permittees who have not installed permitted withdrawal points prior to October 1, 1989, shall provide and install flow meters at their expense. The cost of operation and maintenance of all meters and reporting of data shall be the responsibility of the Permittee.~~

Revised _____.

Monitored Permittees shall, upon request of the District, provide the District an opportunity to perform measurements of flow during system operation. The District will ensure that the measurements are made in a manner that does not interfere with the Permittee's water use activities.

Ordinarily, withdrawal quantities shall be totalized on a monthly basis and reported to the District by the tenth day of the following month. However, for intense uses such as frost/freeze protection, or for stream withdrawals, a Permittee may be required to totalize pumpage on a daily basis from each withdrawal point and report the daily withdrawal quantities to the District on a monthly basis.

~~Meter Installation Within The SWUCA~~ – New withdrawals ~~within the SWUCA~~ that are required to be metered shall be metered within 90 days after construction of the withdrawal facility is completed. Existing withdrawals within the SWUCA not previously required to be metered ~~were required to~~ shall be metered by January 1, 2003. Once a withdrawal point is required to be metered, it shall remain so, and pumpage shall continue to be reported, even if the withdrawal point is later associated with a permit below metering thresholds. Typically, individual withdrawal points permitted for less than 10,000 gpd are not required to be metered.

1-1-03, Revised _____.

~~Metering Of Alternative Water Supplies Within The SWUCA~~ – ~~New and renewal p~~Permittees shall meter alternative supplies of water supplied to the permittee ~~within the SWUCA~~ if the Annual Average quantity (Drought Annual Average quantity for irrigation permits) that would be permitted without the alternative water supplies would be 100,000 gpd or more. Meters shall meet the requirements of the first unnumbered paragraph of this Section 5.1, unless alternative methods or

mechanisms are approved by the District. Reporting requirements are as specified in the fifth unnumbered paragraph of this Section 5.1.

1-1-03, ~~Revised~~ Amended 1-1-07, _____.

The following provisions of Chapter 6.0 are proposed to be changed:

6.0 PERMIT CONDITIONS

6.2 SPECIAL PERMIT CONDITIONS
WATER CONSERVATION

~~Appropriate conditions for water conservation must be included on the permit in accordance with the class of the permit, if such conditions exist. If the permit is for a public supply system of less than 500,000 annual average gpd, Condition 29 is used. If the permit is for a public supply system of 500,000 annual average gpd or greater, Conditions 30 and 31 are used. For all agricultural and other irrigation permits, Conditions 32, 33, 34, and 35 are used. For industrial uses and when no other specific water conservation conditions apply to the given class, Condition 28 is used.~~

~~25. Future Water Conservation Measures~~

~~Water conservation shall be practiced by the Permittee to increase the efficiency of transport, application, and use; to decrease waste; and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation criteria for the Permittee's water use classification, the permit will be subject to such criteria upon notice and after a reasonable period for compliance.~~

~~This condition is used when no other specific water conservation conditions apply to a particular water use class. It may be replaced by more specific conditions at later dates.~~

~~26. Water Conservation Measures (Public Supply < 500,000 gpd)~~

~~Water conservation shall be practiced by the Permittee to increase the efficiency of transport, application, and use, and to minimize waste and runoff from the property.~~

~~This condition is to be applied to public supply Water Use Permits of less than 500,000 average gpd.~~

~~27. Water Conservation Plan (Public Supply 500,000 gpd)~~

~~The Permittee shall carry out the provisions of its District approved Water Conservation Plan in a timely manner. The Permittee shall submit progress reports concerning implementation of the plan on _____ and _____ (Insert dates).~~

~~Applicants for public supply Water Use Permits of 500,000 annual average gpd or greater are required by the Supplemental Information Form to provide a Water Conservation Plan. Guidelines are provided with the application forms to assist in preparing conservation plans. This plan must state actions that will be taken to conserve water on an ongoing basis. An acceptable Water Conservation Plan must be submitted before the application is considered complete. Refer to Internal~~

~~Operating Procedure WUP-028, Evaluation of Water Conservation Plans for Public Supply Systems for additional information.~~

~~A single document may be submitted to fulfill the plan requirement for several or all permits held by the same Permittee. If a single plan is used to meet requirements for more than one permit, the plan must be suitable for a supply system of equal capacity to that of the combined permits. All permits addressed by one conservation plan must be identified within that plan.~~

~~The due dates inserted into the condition for progress reports should usually correspond to the midpoint of the permit duration and 6 months before the permit expires. If a single plan is used to meet requirements for more than one permit, these dates will be based on the first permit for which the plan is applicable. The permit evaluator may select alternative dates if the implementation schedule indicates that a different reporting schedule would yield more useful information.~~

~~28. Best Water Management Practices~~

~~÷ The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS and/or the U.S. Soil Conservation Service (SCS) for commodity(ies).~~

~~÷ This condition is required for all agricultural and irrigation Water Use Permits.~~

~~29. Limiting Daytime Irrigation~~

~~÷ The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, frost/freeze protection, plant establishment, or for other reasons which require daytime irrigation are permissible but should be limited to the minimum amount necessary as indicated by best management practices.~~

~~÷ This condition is required for all agricultural and irrigation uses.~~

~~30. Leak Detection and Repair~~

~~÷ The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system wide inspection at least once per year.~~

~~÷ This condition is required for all agricultural and irrigation uses.~~

~~31. Investigating Efficiency~~

~~÷ The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.~~

~~÷ This condition is required for all agricultural and irrigation uses.~~

Revised _____.

Condition no. 32. Central Florida Coordination Area is renumbered 25.

6.4 PUBLIC SUPPLY PERMIT CONDITIONS

1. Destination Of Water

÷ The Permittee shall provide a monthly report on the total quantity of water received from each source, including wellfields and other sources, and total quantity of water delivered to each individual demand center, municipality, or county utility. The District shall be notified in writing of the addition or modification of contracts for additional water supply or for water services.

÷ This condition is placed on large, interconnected wellfield systems.

2. Water Use Interim Report

÷ Pumpage quantity and water distribution information collected for Condition _____ of this permit shall be summarized for the annual reporting period. A population estimate for the annual reporting period, which includes only those served by the municipal systems within the service area, shall be provided and referenced. The quantities of water delivered to and used within the _____ Service Area over the annual reporting period shall be used with the population estimate to determine a per capita use rate for the period. The quantities and destination of water pumped from the () site sources and delivered to other facilities shall be summarized for the period. Any changes to the service area boundaries shall be described in the text and plotted on a map.

÷ This condition is applied for interim reporting purposes for public supply permits to verify projections of demand versus actual demand.

3. County Subdivision Well/Capital Improvement Program Status

÷ For the annual reporting period, conditions affecting the continued operation or retirement of each county or municipally owned well shall be documented. The reasons for continued use, significant increases or reductions in use, or retirement of a well shall be provided. Progress on the County and Municipal Well Improvement Program shall be explained relative to its effects on the status of wells owned by the county or municipality. The Permittees shall provide a brief summary of modification to the well retirement schedule required by Condition _____. Input from county/municipal staff is required in order to provide the most accurate information available.

÷ This condition is applied where applicants plan major modifications or improvements of their supply system.

The previously described guidelines may be modified based on site specific conditions, or in areas of concern for the resourcees. For example, in Water Use Caution Areas, direct metering may be required regardless of the quantity withdrawn. In other cases, the Permittee's pumping and piping facilities may be such that indirect methods would be the only

~~cost-effective means of monitoring, and even though the average annual quantity exceeds 500,000 gpd, this exception might be allowed.~~

6.4 6.5 AGRICULTURAL PERMIT CONDITIONS

Conditions:

1. Measuring Off-site Discharge: Within (time specified) from the issue date of this permit, the Permittee shall implement methods approved by District staff for measuring off-site flow at all discharge locations on the property. The purpose of measuring off-site discharge is to determine the amount of surface water runoff that is occurring due to the irrigation system. Compliance with this condition includes the following:

- a. The Permittee shall submit a plan, within 90 days from the issue date of the permit, describing how total off-site discharge will be measured.
- b. If applicable, the Permittee shall apply for an Environmental Resource Permit (ERP) a Management and Storage of Surface Water (MSSW) Permit (Chapter 40D-4, F.A.C.) within 30 days following approval of the plan described in Item a.
- c. The Permittee shall install the flow measuring device(s) within 6 months following either approval of the ERP a MSSW permit or a letter exempting the project from permitting requirements.

Total discharge from the Permittee's property shall be recorded on a monthly basis and reported to the District (using District forms) on or before the tenth day of the following month.

Revised _____

~~2. Monitor Ground Water Withdrawals: Within 60 days of issuance of this permit, the Permittee shall submit a plan for estimating and monitoring ground water withdrawals. Following approval of this plan by District staff, total flow from each well shall be monitored and recorded on a monthly basis and reported to the district (using District forms) on or before the tenth day of the following month.~~

~~2.3. Reduced Off-Site Discharge: The Permittee shall investigate the feasibility of reducing off-site discharge as a water conservation measure. A report on the feasibility of reducing off-site discharge shall be submitted on or before (date specified). This report shall include: (a) the concept of recovering and reusing water that would otherwise be discharged off site, (b) operation and management improvements to reduce the quantity of water pumped or discharged, and (c) economic factors that are associated with discharge reduction. If it is determined to be feasible, an implementation plan must be submitted to the District. If the reduction of off-site discharge is determined unfeasible by the Permittee, a detailed explanation (including a cost-benefit analysis) must be submitted.~~

Discussion: These conditions are used when an agricultural Permittee uses an irrigation method that results in significant excess runoff.

4. Interim Reports

~~The Permittee shall provide the following summary information on water use activities for the previous year. This information shall be submitted on an Annual basis from the date the Permit was granted. The District may require the Permit to be modified to reflect actual water needs.~~

<u>IRRIGATION:</u>			
<u>Crop Type:</u>			
<u>Irrigation Method:</u>			
<u>Acreage Irrigated:</u>			
<u>Growing Season:</u>			
<u>(Repeat for each Crop Type)</u>			
<u>LIVESTOCK:</u>			
<u>Animal Type:</u>			
<u>Number of Head:</u>			
<u>(Repeat for each Animal Type)</u>			

~~This condition is applied to Agricultural uses with greater than 6-year durations, to ensure that the quantity permitted remains in agreement with actual needs. This condition may also be applied to shorter duration permits where necessary.~~

Water Conservation

3. The Permittee shall submit progress reports [insert date(s)] according to the District-approved Water Conservation Plan submitted with the application.

Discussion: The above condition is required for all Agricultural Water Use Permits for 100,000 gpd or greater standard annual average daily water demand for Agricultural Water Use Permits.

4. The Permittee shall agree to implement all water conservation measures that are economically, technically, and environmentally feasible, including:
 - a. Incorporation of water conservation practices.
 - b. Limiting daytime irrigation to the greatest extent practicable to reduce water losses.
 - c. Implementation of a leak detection and repair program as part of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per season.
 - d. Evaluation of the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.
 - e. Implementation of an irrigation schedule that maximizes the efficiency of delivering the correct quantity of water to the root zone at the time it is

needed. This practice shall include the use of tools to determine when and how much irrigation water is needed. Examples of these tools include soil moisture sensors, weather/climatic measuring devices, or piezometers to monitor the water table elevation.

Discussion: The above condition is required to be applied to all Small General Agricultural Water Use Permits that are not for aquaculture.

5. Utilize other conservation practices as identified by the University of Florida’s Institute of Food and Agricultural Science’s Department of Fisheries and Aquatic Sciences publication “Regulations Pertaining to Non-native Fish in Florida Aquaculture (FA121).”

Discussion: The above condition is required to be applied to all Small General Agricultural Water Use Permits that are for aquaculture.

6.5 6.6 SWUCA PERMIT CONDITIONS

~~This section describes Special Conditions which are routinely added to the Standard Conditions, as applicable. Other Special Conditions may be developed specifically to fit a given situation.~~

1-1-03

~~Within the SWUCA, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the permittee shall be provided with a statement of facts upon which the District based its determination and an opportunity to address the change or impact prior to a reconsideration by the Board of the quantities permitted or other conditions of the permit.~~

1-1-03, Amended 1-1-07.

Notice of Recovery Strategy

Condition: This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.

Discussion: The above condition is required to be applied to all permits located in the SWUCA.

6.6 ALTERNATIVE WATER SUPPLIES

The following conditions shall be applied to permits for 100,000 gpd or greater standard annual average daily water demand, as applicable.

1. Metering Alternative Water Supplies

Condition: The permittee All permitted uses which receive alternative water supplies shall meter, record, and report all alternative water supply supplies (AWS) quantities received, self-generated and used from each alternative water supply inflow line (line coming onto the property from an off-site source), each on-site stormwater catchment facility, and each AWS re-pump surface water withdrawal point from any storage facility. The meters shall be read and sources if the alternative water supplies are used to replace an annual average quantity (drought annual average quantity for irrigation permits) of 100,000 gpd or more of non-alternative water supplies. The Permittee shall record meter readings from each alternative line on a monthly basis within the last week of each the month and. The meter reading(s) shall be reported to the Permit Data Section, Strategic Programs Office Records and Data Department (using District scanning forms, unless the District has approved another arrangement for submission of this data) on or before the tenth day of the following month. The Permittee shall submit meter readings online or use District-supplied scanning forms, unless another arrangement for submission of this data has been approved by the District in writing. If a metered alternative water supplies line is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following alternative water supplies lines shall be metered:

A. District approved meters shall be installed within 90 days of completion of construction of the AWS delivery system for:

1. Proposed AWS inflow line(s) District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).]
2. Proposed AWS re-pump withdrawal points, District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).]
3. Proposed stormwater withdrawal point(s), District ID No(s). [specify District ID No(s).], Permittee ID No(s). [specify District ID No(s).]

B. The permittee shall continue to maintain and operate existing, non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Regulation Department Director on:

1. AWS inflow line(s), District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).]

2. AWS re-pump withdrawal points, District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).]

3. Existing stormwater withdrawal point(s), District ID No(s). [specify District ID No(s).], Permittee ID No(s). [specify District ID No(s).]

C. The permittee shall install meters that meet requirements specified below upon permit issuance for previously un-metered, existing AWS sources:

1. AWS inflow line(s), District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).]
2. AWS re-pump withdrawal points, District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).]
3. Stormwater water withdrawal point(s), District ID No(s). [specify District ID No(s).], Permittee ID No(s). [specify District ID No(s).]

2. Modification to Incorporate Alternative Water Supplies

Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to reflect incorporation of the alternative source of water to replace permitted quantities in an amount equal to the quantity offset by the Alternative Water Supply. The permittee may request that the replaced water be put on standby for use 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.

1-1-03, Revised Amended 1-1-07, _____.

Discussion: Put on all SWUCA permits – required when any or all withdrawals have been discontinued from the ground water or natural surface water body (primary source) due to use of an alternative source.

PUBLIC SUPPLY

3. Report Significant Use

÷ By April 1 of each year, for the preceding calendar year, the Permittee shall account for all significant water uses separately and submit a report on all significant uses whether or not taken as a deduction from the Per Capita calculation. Significant use is defined as any individual, non residential customer using 25,000 gallons per day or greater on an annual average basis, or any individual, non residential customer whose use represents greater than 5% of the annual average quantity on this permit. Utilities with a large number of commercial accounts which fall below the 25,000 gpd individual significant use threshold may deduct the percentage of commercial use greater than the District wide average of the

three most recent years commercial use, provided that they do not deduct any individual significant uses and that they do not make population adjustments based on commuter population. The users that are not included in the significant use category are golf courses, multi family residential accounts classified as commercial by the utility, and irrigation accounts associated with residential accounts. The summary on significant use shall include but not be limited to:

- a. Name and address of the significant user(s);
- b. Type of use (e.g., type of industry, or commercial venture);
- c. Total annual average quantities provided to each, and
- d. Water conservation programs designed specifically for each significant use or type of significant use.

This report may be submitted as an element of the Annual Report.

1-1-03

÷ SWUCA Required for all Public Supply \geq 100,000 gpd
4. Service Area Map

÷ A current service area map and utility service area data shall be submitted to the District with every sixth Annual Report in accordance with the requirements of "Public Water Supply Service Area" of Section 2.5 of the Basis of Review.

÷ This condition is applied to ensure that the District has an up-to-date service area map and data incorporating all boundary changes that have occurred over the previous six years.

New 1-1-07.

5. Golf Course Conservation Plan

By January 1, 2006, the Permittee shall submit a water conservation plan that specifically addresses:

- a. Conversion to low volume irrigation methods in areas other than fairways;
- b. Increased system management, including the use of devices such as tensiometers to determine application frequency and duration;
- c. Increased evening hour irrigation;
- d. Utilization of reclaimed water or stormwater to provide all or part of the irrigation requirements;
- e. Elimination of irrigation of roughs;
- f. Limiting frequent irrigation to water-critical areas and limiting irrigation of other areas; and
- g. Schedule for implementation of the plan.

Assistance to create a Conservation Plan is available from the District. The document, "Golf Course Conservation Guidelines" is available upon request or may be downloaded from the District's website.

1-1-03

~~For All SWUCA Golf Course WUPS that were NOT in the ETBWUCA or HRWUCA: (the permittees that were in the ETBWUCA and HRWUCA may have already submitted a conservation plan covering these items):~~

The following provisions of Chapter 7.0 are proposed to be changed:

7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

The Governing Board originally declared portions of Hillsborough and Pasco Counties, and all of Pinellas County a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007. The area designated is shown in Figure 7.3-1; the legal description is provided in paragraph 40D-2.801(3)(a), F.A.C. As of the effective date of this rule, all existing water use permits within the Water Use Caution Area are modified to incorporate the applicable measures and conditions described below. Valid permits, legally in effect as of the effective date of this rule, are hereafter referred to as existing permits. Existing permits within those portions of the Water use Caution Area added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing water use permits in the Water Use Caution Area and shall be placed on new permits issued for withdrawals located within the Area.

The following is moved here from subsection 4.1 below:

The Northern Tampa Bay Water Use Caution Area is hereby declared a water resource caution ~~critical water supply problem~~ area pursuant to Chapter 6247-40, Florida Administrative Code.

These portions of the Basis of Review for the Northern Tampa Bay Water Use Caution Area are intended to supplement the other provisions of the Basis of Review and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

Revised _____

1. Public Supply

A wholesale public supply customer shall be required to obtain a separate permit to effect the following conservation requirements unless the quantity obtained by the wholesale public supply customer is less than 100,000 gallons per day on an annual average basis and the per capita daily water use of the wholesale public supply customer is less than the applicable per capita daily water use requirement outlined in Section 7.3.1.1.1.

The following water conservation requirements shall apply to all public supply utilities and suppliers with Permits that are granted for an annual average quantity of 100,000 gallons per day or greater, as well as wholesale customers supplied by another entity which obtain an annual average quantity of

100,000 gallons per day or greater, either indirectly or directly under water use permits within the Water Use Caution Area, regardless of the name(s) on the water use permit.

Section 2. Agriculture renumbered Section 1. Agriculture
Subheading 2.1 Agricultural Water Use Allotments is renumbered 1.1 Agricultural Water Use Allotments

12.2 Monitoring Requirements for Agricultural Water Use

To ensure compliance with the total allocated inches per acre per season per crop, the District requires the following data to be submitted.

1. Crop Reports – All Individual and General Water Use permittees with permits for 100,000 gpd or greater standard annual average daily water demand shall record the following information for all seasonal crops irrigated (examples: vegetables or other row crops). Permittees that irrigate annual crops (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture) may omit items e. and f. Requested information is to be reported on either the Irrigation Water Use Form – Annual Crops, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.025.00(4/09), or the Irrigation Water Use Form – Seasonal Crops, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.024.00 (4/09), each incorporated by reference in Rule 40D-2.091, F.A.C., as applicable to the type of crop being irrigated the Agricultural Water Use Form – Seasonal Report, Form WUP-14.1 (1/93) and Agricultural Water Use Form – Annual Report, Form WUP-15 (1/93), incorporated by reference in Rule 40D-1.659, GROUNDWATER (17) and (18), F.A.C. Items a. through g. shall be provided for seasonal crops (examples: vegetables or other row crops) and items a. through d. shall be provided for annual crops and plants (examples: citrus, blueberries, commercial hay, sod, nurseries, pasture).

a. Crop type;

b. Monthly Irrigated acres per crop per season for seasonal crops; irrigated acres per crop per calendar year for annual crops;

c. The dominant soil type per entry;

d. Irrigation method(s);

e. Use or non-use of plastic mulch;

f.e. Planting dates; and

g.f. Season length.

Additionally, use of the withdrawal point for crop protection and supplementation of irrigation quantities by using a tailwater recovery system shall be documented separately on the form. The completed Irrigation Water Use Forms shall be submitted to the District or submitted online by March 1 for annual crops, February 1 for summer and fall crops, and September 1 for winter and spring crops (including strawberries).

Irrigation for field preparation/crop establishment and supplemental irrigation shall be documented separately by noting the beginning and ending dates for these activities. Additionally, quantities for frost freeze protection shall be

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

2. and 3. No change.

Revised 12-30-08, _____.

2.3 Other Agricultural Water Uses

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

3. Recreational, Industrial, and Mining

3.1 Conservation Plan

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

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

3.2 Golf Courses Conservation Plan

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

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

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

Section 4. Augmentation renumbered Section 2. Augmentation
 Section 5. Lake Impacts renumbered Section 3. Lake Impacts
 Subheading 5.1 Stressed Lakes – New Withdrawals is renumbered 3.1 Stressed Lakes – New Withdrawals
 Subheading 5.2 Stressed Lakes – Existing Withdrawals is renumbered 3.2 Stressed Lakes – Existing Withdrawals
 Subheading 5.3 Stressed Lakes – New Ground Water Withdrawals is renumbered 3.3 Stressed Lakes – New Ground Water Withdrawals

6. Alternative Sources

6.1 Critical Water Supply Problem Area Designation

The Northern Tampa Bay Water Use Caution Area is hereby declared a critical water supply problem area pursuant to Chapter 17 40, Florida Administrative Code.

6.2 Reuse

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

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

[The following two paragraphs are moved to Chapter 3]

All Water Use Permit applicants for water uses where reclaimed water is appropriate shall provide documentation from the local wastewater entity indicating whether reclaimed

water is available or is planned to be available within the next six years. Permittees generating reclaimed water shall respond to such requests by permit applicants in a timely manner. If reclaimed water is available, or is planned to be available within the next 6 years, the local wastewater entity shall provide a cost estimate for connection to the permit applicant. If reclaimed water is planned to be available within the next 6 years, the local wastewater entity shall provide an estimate of when the reclaimed water will become available. If the wastewater generator does not hold a valid water use permit and does not supply the requested information, the applicant shall be required to prepare a cost estimate for connection.

Permittees capable of using reclaimed water will be required to accept it when it becomes available, provided that the quantity and quality are acceptable for the intended use, as determined by the District. If the reclaimed water generator provides the reuse connection, acceptance is required, provided that the quantity and quality of the reclaimed water are acceptable for the intended use, as determined by the District. If the Permittee must pay for all or a part of the cost of connection to the reclaimed water source, the permittee may present an economic feasibility report to the District demonstrating whether connection is feasible.

6.3 Reporting Reuse Quantities

1. Reclaimed Water Generators

Governmental or other entities holding Water Use Permits and which generate treated wastewater effluent shall submit an annual report listing the disposition of the effluent.

This report shall list the annual average daily quantity and monthly quantity of treated wastewater effluent disposed, and the methods and locations of disposal for effluent that is not reused. This requirement will be implemented by applying the following condition to all applicable permits:

By January 1 of each year for the preceding fiscal year (October 1 through September 30), the Permittee shall submit a report detailing:

- a. The total annual average daily and monthly quantity of effluent supplied as reuse;
- b. For all individual customer reuse connections with line sizes of 4 inches or greater, list:
 - (1) Line size;
 - (2) Location of connection;
 - (3) Account name and address;
 - (4) Indication of meter, if present; and
 - (5) Metered quantities, if metered.
- c. The annual average daily quantities, monthly quantities, locations, and methods of disposal for effluent that is not reused.
- d. A map or plan depicting the area of reuse service; this map should include any areas projected to be added within the next year, if possible.

2. Reclaimed Water Receivers

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

The Permittee shall report to the District existing connections to reclaimed water by July 1, 1991. New connections to reclaimed water shall be reported to the District within 30 days of connection to the reuse source. The Permittee shall list the reuse supplier's name, location, and quantities obtained in gallons per day, annual average, for each source, and submit this information to the District by the 10th day of each month for the preceding month, in conjunction with the monthly pumpage report.

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

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

6.4 Investigate Desalination

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

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

[the following is replaced by additions and edits in Chapters 5 and 6]

7. Metering of Withdrawals

All permitted withdrawal points, on permits at or above 100,000 gallons per day annual average daily withdrawal, shall be metered and the Permittee shall be required to record and submit withdrawal information. Withdrawal points on permits existing as of the January 1, 2003, shall be metered at the permittee's expense by July 31, 1995, except as provided below:

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

At such time as the District completes installation of meter(s) on all applicable withdrawal points, the Permittee shall record the total withdrawal for each metered withdrawal point. Withdrawal points constructed after September 30, 1989 shall be equipped with non-resettable, totalizing flow meters within 90 days of construction, at Permittee's expense. Such devices shall maintain an accuracy within 5% of actual flow as installed. Total withdrawals shall be reported to the District (using District format) on or before the tenth day of the following month.

Withdrawal points existing prior to the January 1, 2003, on permits granted for quantities at or above 100,000 gpd, which will not receive District supplied meters under the provisions of Section 5.1, Basis of Review, shall receive the following condition:

The following withdrawal points (District ID numbers) shall be equipped with non-resettable totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within 5% of the actual flow as installed. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped by July 31, 1995.

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

Permits granted for quantities at or above 100,000 gpd, which have withdrawal points constructed after the January 1, 2003, shall receive the following condition:

The following withdrawal points (District ID numbers) shall be equipped with non-resettable totalizing flow meters or other measuring devices as approved in writing by the Director, Resource Regulation Department. Such devices shall have and maintain an accuracy within 5% of the actual flow as installed. Those designated withdrawal points not equipped with such devices on the date of permit issuance shall be equipped within 90 days of completion of construction of the withdrawal facility, unless an extension is granted by the Director, Resource Regulation. Total withdrawal from each monitored source shall be recorded on a monthly basis and reported to the District (using District format) on or before the tenth day of the following month.

All permits with reporting requirements shall receive the following condition:

Three copies of all reports and one copy of data required by the permit shall be submitted to the District and shall be addressed to:

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

Section 8. Central System Permitting renumbered 6. Central System Permitting

The following Appendix A is added to the end of Chapter 3 of Part B, Basis of Review, of the Water Use Permit Information Manual.

APPENDIX A

ANNUAL RECLAIMED WATER SUPPLIER REPORT INSTRUCTIONS AND DEFINITIONS

The Southwest Florida Water Management District is committed to optimizing the efficient use of reclaimed water throughout its 16-county region. Development and maintenance of a thorough monitoring program of its reclaimed water distribution network and customer's end use enables public water supply permittees to track and maximize the reasonable-beneficial use of this resource.

The enclosed excel spreadsheet is provided to assist the permittee in meeting reclaimed water reporting requirements of the Annual Reclaimed Water Supplier Report required in Chapter 3 of Part B, Basis of Review, of the Water Use Permit Information Manual. Entries are intended to be line-item.

Page 1 of the spreadsheet is designed to allow the permittee to complete one form for multiple annual reporting requirements for the District as well as for the Florida Department of Environmental Protection (FDEP). Use of a common format can serve as a valuable worksheet for preparing the FDEP report while assuring that data submitted to FDEP corresponds to data provided to the District. In addition to District reporting requirements, the information requested in the spreadsheet covers the majority of data necessary for the reporting requirements associated with the following:

1. FDEP Annual Reuse Report.
2. FDEP Water Protection Sustainability Trust Fund, and
3. SWFWMD Cooperative Funding Initiative Agreement Special Conditions contained in Exhibit A

The list of items below (as well as each column in the excel spreadsheet) is annotated to indicate the report for which the information is required:

1. Required: Required for the SWFWMD Annual Reclaimed Water Supplier Report.
2. Optional: Not required for any of the reports but helpful to the District in alternative source planning programs, the SWFWMD regulatory report, and not required if not pertinent to the wastewater treatment facility or customer under Cooperative Funding.
3. CF Required: Contractually required for Cooperatively Funded Projects.
4. FDEP Required: Required as a component of the FDEP Annual Reuse Report or FDEP Water Protection Sustainability Trust Fund.

The reporting period of October 1 to the following September 30 is changed to coincide with the reporting period for the Annual FDEP Reuse Report. However, the due date for submittal to the District remains April 1 even though the FDEP due date remains December 31st each year.

Explanations and definitions for each of the various data elements (given as column headings) comprising this report are given below as well as briefly when you click in cells below the column headings. The input FORMAT or DOMAIN CODES are given after the explanation below. Text is case-sensitive and dropdowns are available for DOMAIN CODES.

Page 2 of the spreadsheet is formatted for input of monthly deliveries of reclaimed water (total gallons per month) to bulk customers or to categories of reclaimed water use.

PAGE 1

Column 1 – Water Year

Required

The water year (October 1 – September 30) for this report. For example, the period of time for October 1, 2008 – September 2009 is water year 2009.

FORMAT = yyyy

Column 2 – County

Required

The county in which the utility provides reclaimed water for the named customers. If more than one county is supplied, enter the amounts supplied for each county separately.

DOMAIN CODES: Charlotte, Citrus, Desoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter. (Dropdown available.)

Column 3 – Permittee – Wastewater Treatment Plant

Required

The name of the utility as it appears on its Water Use Permit and the name of the wastewater treatment plant if different from that of the utility.

FORMAT: 24 text characters.

Column 4 – Permittee Water Use Permit (WUP) Number

Required

The SWFWMD water use permit number or numbers issued to the utility. Typically, the permittee will be the potable water utility.

FORMAT: 12 digit number. For instance, 20012345.006.

Column 5 – Bulk Customer Name

Required

The name of the individual customer receiving reclaimed water (golf course, hospital, commercial facility, industrial plant, etc.). Residential customers can be categorized according to any distinct areas on the utilities reclaimed system (e.g., NE Service Area, etc.). Disposal and Natural System Restoration projects do not have to have a name.

FORMAT: 25 – text characters.

Column 6 – Customer Category or Use for Reclaimed Water Required

Identify the customer category or general intended use of the reclaimed water as follows:

- RES - residential irrigation.
- AGR - agricultural irrigation.
- IND - industrial/commercial process use.
- RAC - recreation, aesthetic, and commercial irrigation.
- GC - golf course irrigation.
- NSR – natural systems restoration.
- SPRAY – sprayfield disposal
- RIB – Rapid Infiltration Basin disposal
- SWD – Surface Water Disposal
- DWD – Deep Well Disposal
- ASR – Aquifer Storage (not used this year)
- RSV – Reservoir Stored (not used this year)

DOMAIN CODES: RES, AGR, IND, RAC, GC, NSR, SPRAY, RIB, SWD, DWD, ASR, RSV (Dropdown available.)

Column 7 – Customer WUP Number

Required

The SWFWMD water use permit number issued to this customer for withdrawal of water from a traditional source of water that will be replaced with reclaimed water. If the customer’s WUP number is 20012345.001, input 2012345. Input “None” if the customer does not have a WUP.

FORMAT: 10 digit number with 3 digit extension after the decimal.

Column 8 – Customer WUP – First Issue Date

Optional

The year the District first issued the customer the water use permit input in the previous column. Leave blank, if the customer does not have a WUP.

FORMAT: yyyy (valid range 1970-2010).

Columns 9 & 10 – Customer Location – Latitude/Longitude

Required

Data entry in these two columns define the single point of latitude and longitude for the interconnect between the utility’s transmission main and the customer’s reclaimed water. system.

Input degrees-minutes-seconds

FORMAT: 9–digit number. Format = ##*##’##’

Column 11 – Section, Township, Range

Required

Section, Township, Range where of the customer’s interconnection is located.

FORMAT: ## – ##S – ##E

Column 12 – Meter

Optional

“Yes” or “No” entry if the utility has installed a reclaimed water meter at a facility having a water use permit. NOTE: Subdivisions are not included unless they are a community development corporation with a water use permit.

DOMAIN CODES: Yes, No (Dropdown available.)

Column 13 – Meter Size

Optional

Meter size determines peak flow rate, or upper limit of water use in gpm. Enter meter size (or use dropdown) in inches. If no meter, leave blank. 6 characters maximum.

DOMAIN CODES: 3/4", 5/8", 1", 1-1/2", 2", 3", 4", 5", 6", 7", 8", 9", 10", 11", 12", etc. (Dropdown available.)

Column 14 – Meter Type

Optional

The type of flow meter the utility has installed at the customer’s location. Acceptable entries are “D” for digital flow meters or “A” for analog flow meters.

DOMAIN CODES: D, A, None (Dropdown available.)

Column 15 – Meter Serial Number

Optional

The serial number for the flow meter installed by the utility at the customer’s location. Please leave blank if there is no meter.

FORMAT: 12–digit number.

Column 16 – SWFWMD Project Number

CF Required

The project number associated with each project that received or is receiving District cooperative funding support. Project numbers are a single uppercase letter followed by three numbers such as K055, L051, K468. The summary report will be organized by District project numbers for those certain portions of the system that received or are receiving cooperative funding from the District. Those portions of the system not receiving such funding should enter N/A in this column.

FORMAT: 5 characters numbers and text.

Column 17 – Number Of Service Boxes

CF Required

The number of reclaimed water service boxes or connections that have been installed within the service area covered by the customer’s contract with the utility regardless of whether or not a meter has been installed. For example, give the total number of reclaimed water service boxes installed at all residences within a subdivision where each residence is capable of receiving reclaimed water service, whether the residence is using reclaimed water or not.

FORMAT: 6 – digit number.

Column 18 – Number Of Active Customers

FDEP Required and CF Required

The number of accounts (or service boxes) that are actually connected and actively using reclaimed water in the service area during the reporting period. For example, if a subdivision with 1,000 accounts (residences) has installed service boxes at each account, but only 500 accounts actually receive AND use reclaimed water, the entry in this field is “500” while entry for the previous field would be “1,000.”

FORMAT: 6 – digit number.

Column 19 – Proposed or Contracted Reclaimed Water to the Customer or Use (gpd)

CF Required

The planned delivery volume, in gpd, of the reclaimed water system that was or is being constructed under the terms of the cooperative funding agreement for the customer named in Column 5 or the Use listed in Column 6. Typically, this flow should reflect the volume required to meet the negotiated contract(s) between the utility and the reclaimed water customer. NOTE: This is not the total capacity of the system nor is it the build out volume ultimately planned for the system.

FORMAT: 8 – digit number.

Column 20 – Actual Reclaimed Water Disposal Quantity (gpd) Required

The annualized (for the water year) actual quantity of reclaimed water that was disposed of via Rapid Infiltration Basins (RIBs), deep well injection, surface water disposal or spray fields during the reporting period. Please note: Spray fields, RIBs, surface water disposal and deep well injection are included on this form (as they can be reported to FDEP).

FORMAT: 8 digit number.

Column 21 – Actual Reclaimed Water Flow (gpd)

Required

The actual reclaimed water flow, in gpd, that was delivered during the reporting period to reclaimed water customers or customer categories.

FORMAT: 8 – digit number.

Column 22 – Project Proposed Offset (gpd)

CF Required

The volume of potable-quality water, in gpd, that was projected to be offset (or saved) by the reclaimed water projected to be provided through this project.

FORMAT: 8 – digit number.

Column 23 – Actual Public Supply Offset (gpd)

CF Required

The actual potable – quality water from the public water supply system, in gpd, that was offset by the actual amount of reclaimed water supplied to this customer or service area during the reporting period.

FORMAT: 8 – digit number.

Column 24 – Actual Private Supply Offset (gpd)

CF Required

The actual self-supplied potable-quality groundwater or surface water that customers discontinued using, in gpd, because they received reclaimed water during the reporting period.

FORMAT: 8 – digit number.

Column 25 – Offset Calculation Method

CF Required

Indicate whether the flow data previously provided in this reporting was metered (Meter) flows or estimated (Est.) values derived from master meters, plant pumpage, or similar indirect measurement procedures.

DOMAIN CODES: Meter, Est.

Column 26 – Acreage Irrigated with Reclaimed Water

FDEP Required

The measured, calculated, or estimated acreage, by customer type, that is irrigated by reclaimed water made available through this project. Spray fields and RIBs are not considered irrigation.

FORMAT: 5 – digit number.

Column 27 – Reclaimed Water Rate/1,000 Gallons

CF Required

Provide the rate or rates charged, if the service is based on a block rate structure, per 1,000 gallons (\$/Kgal) within the respective reclaimed water service areas. Data in this column should not include any fixed fees for wastewater service, initial reclaimed water connection, price of meters, base fees, or related fixed costs. If the utility does not base its charge on 1,000 gallon blocks, then leave blank.

FORMAT: US Currency, 5 digits \$###.## or Blank

Column 28 – Reclaimed Water Flat Rate Per Month

CF Required

The flat rate charged by the utility for reclaimed water service. This should not include any fixed fees for wastewater service, initial reclaimed connection, price of meters, base fees, or related fixed costs. If the utility does not charge a flat monthly fee, then leave blank.

FORMAT: US Currency, 6 digits \$#,###.## (Do not enter the comma.)

Column 29 – Reclaimed Water Contracted Delivery Quantity (gpd)

CF Required

The volume of reclaimed water, in gpd, that the customer has agreed to take from the utility to the end of the contract term stipulated in Column 31. For those permittees co-funded through the District, this number should be the same as the volume specified in their Cooperative Funding agreement with the District.

FORMAT: 8 – digit number.

Column 30 – Reclaimed Water Contract Start Date

CF Required

The date specified in the contract as the beginning date of service for reclaimed water.

FORMAT: mm/yyyy (valid year range 1975-2010).

Column 31 – Reclaimed Water Contract End Date

CF Required

The date specified in the contract between the utility and the reclaimed water customer and stipulates when reclaimed service will terminate.

FORMAT: mm/yyyy (valid year range 1975-2050).

Column 32 – Reclaimed Water Delivery ModeRequired

A code entry showing how the reclaimed water is supplied for reuse. The codes are:

- “P” which identifies reclaimed water delivered under sufficient pressure for immediate use by the reclaimed water customer; or
- “S” which identifies reclaimed water delivered under pressure for delivery into on-site storage for later use by the reuse customer.

DOMAIN CODES: P, S (Dropdown available.)

Column 33 – Interruptible Service AgreementCF Required

Enter “Yes” or “No” signifying that service to this customer is through an agreed-upon interruptible basis. Specifically, if reclaimed water availability is insufficient for overall system demand, this customer can have its service interrupted (suspended) until sufficient reclaimed water supply is again available. The customer would have to activate standby quantities from the water source used prior to becoming a reclaimed water customer if the customer’s water use permit provides for reinstatement of these previously permitted quantities if they lost reclaimed water through no fault of their own. Note: Does not include emergency interruptions.

DOMAIN CODES: Yes, No

Column 34 – Month & Year Reuse First On-LineCF Required

The month and year that reclaimed water was actually first used by this customer whether as part of the reclaimed water contract or prior to execution of a reclaimed water contract.

FORMAT: mm/yyyy (valid year range 1975-2010)

Column 35 – Customer’s Location in a WUCAOptional

Identifies if the customer is located in a SWFWMD water use caution area (WUCA), and if so, which one. This is a code entry using the following codes:

- SWUCA is the Southern Water Use Caution Area
- NTB is the Northern Tampa Bay Water Use Caution Area
- N/A if they are not in a Water Use Caution Area (do not leave this column blank).

DOMAIN CODES: SWUCA, NTB or N/A (Dropdown available.)

Column 36 – Traditional SourceOptional

The water source(s) identified in the water use permit for each of the reclaimed water customers. This source is represented by a code entry using the following codes:

- FL is the Floridan Aquifer
- IA is the Intermediate Aquifer
- SA is the Surficial Aquifer
- SW is surface water withdrawal
- DES for desalination

- PRMRWSA for the Peace River Manasota Water Supply Authority

- TBW for Tampa Bay Water

DOMAIN CODES: FL, IA, SA, SW, DES, PRMRWSA, TBW (Dropdown available.) For multiple sources, direct entry of the codes, separated by commas, are allowed in this column. (Do not use the dropdown for multiple source entry)

Column 37 – Basin BoardOptional

Identifies in which Basin Board the customer is located in. This is a code entry using the following codes:

- ALA – Alafia River
- WITH – Withlacoochee River
- COASTCoastal Rivers
- P-A – Pinellas Anclote River
- NW HILLS – Northwest Hillsborough River
- HILLS – Hillsborough River
- MANManasota
- PR Peace River

DOMAIN CODES: WITH, COAST, P-A, NW HILLS, HILLS, MAN, PR (Dropdown available.)

Column 38 – WAFR IDFDEP Required

Wastewater Facility Regulation Identification Number. If more than one treatment plant supplies the reclaimed water system, only the WAFR ID is necessary for the wastewater facility that supplies the most reclaimed water to this customer.

FORMAT: 9 – character input: 3 text + 6 – digit number or 9 – digit number

Column 39 – WWTP Treatment LevelFDEP Required

Identify the level of treatment (using FDEP coding) at all the wastewater treatment plant (WWTP) for the WAFR ID Number given in column 38.

- AWT – Sufficient for surface water discharge,
- HI – Sufficient for public access reclaimed water,
- BA – Not sufficient for public access reclaimed water

DOMAIN CODES: AWT, HI, BA (Dropdown available.)

Column 40 – Reclaimed Water Storage TypeRequired

Identify the type of reclaimed water storage facility used at the WWTP identified by the WAFR ID number in Column 38.

- POND = Surface water impoundment
- TANK = above ground or in-ground tank
- ASR = stored in an aquifer

DOMAIN CODES: POND, TANK, ASR (Dropdown available)

Column 41 – Reclaimed Water Storage Volume (Million Gallons)Required

Provide the total storage volume in million gallons per storage type at the WWTP identified by the WAFR ID number in Column 38.

FORMAT: numeric up to 10 characters

Column 42 – Comments

Optional

Unlimited entry because this column is formatted to wrap text.

PAGE 2

The Permittee shall input total gallons delivered to all bulk customers (column 5 on Page 1) or to all reclaimed water use categories (column 6 on Page 1) for the months of October through September of the following year.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bobby Lue, Brooksville Regulation Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2008, September 26, 2008, December 19, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.001
RULE TITLE: Medicaid Providers Who Bill on the Non-Institutional 081

PURPOSE AND EFFECT: The purpose is to repeal Rule 59G-13.001, F.A.C., titled Medicaid Providers Who Bill on the Non-Institutional 081. The Non-Institutional 081 claims form is now obsolete. Providers that submitted paper claims on the Non-Institutional 081 claims form are now required to submit paper claims on the CMS-1500 claims form which is incorporated by reference in Rule 59G-4.001, F.A.C.

SUMMARY: The proposed repeal of the rule eliminates the requirement that Medicaid providers submit paper claims on the Non-Institutional 081 claims form.

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

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, November 23, 2009, 3:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Matt Ward at the Bureau of Medicaid Services, (850)488-9347. 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 IS: Beth Kidder, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9347, e-mail: kidderb@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.001 Medicaid Providers Who Bill on the Non-Institutional 081.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History–New 2-3-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Emenheiser

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-40.0062
RULE TITLE: Waiver of Reserves

PURPOSE AND EFFECT: Section 721.13(3)(c)3., Florida Statutes, allows for the waiver or reduction of reserves for capital expenditures and deferred maintenance in a Florida timeshare plan. The purpose of this rule amendment is to delete subsection 61B-40.0062(2), F.A.C., which conflicts with Section 721.13(3)(c)3., Florida Statutes, by prohibiting the waiver or reduction of reserves in Florida timeshare plans.

SUMMARY: This rule addresses reserve funding for capital expenditures and deferred maintenance in Florida timeshare plans.

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

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

RULEMAKING AUTHORITY: 718.501(1)(f), 721.03(2), 721.26(6) FS.

LAW IMPLEMENTED: 718.112(2)(f), 721.03(3), 721.07(5)(t) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 23, 2009, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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 IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-40.0062 Waiver of Reserves.

~~(1) Annual vote required to waive funding requirements.~~

For condominium timeshare plans any vote to waive or reduce the funding of reserves required by Section 718.112(2)(f)2. or 721.07(5)(t)(~~u~~), F.S., shall be effective for only one annual budget. In a multi-condominium association no waiver or reduction of the funding of reserves shall be effective as to a particular condominium unless:

~~(1)(a)~~ Conducted at a duly called meeting of the association;

~~(2)(b)~~ The same percentage of voting interests of the condominium as is otherwise ~~otherwise~~ required for a quorum of the association is present, or represented by proxy; and

~~(3)(c)~~ A majority of those voting interests in that condominium that are present, or represented by proxy, vote to waive or reduce the funding of reserves.

~~(2) Waivers prohibited for non-condominium timeshare plans. For non-condominium timeshare plans, reserves required by Section 721.07(5)(u), F.S., shall be included on the proposed annual budget and shall not be waived or reduced.~~

Rulemaking Specific Authority 718.501(1)(f), 721.03(2), 721.26(6) FS. Law Implemented 718.112(2)(f), 721.03(3), 721.07(5)(~~t~~) FS. History--New 2-5-96, Amended 12-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-1.001 RULE TITLE: Prelicensure Education Requirements

PURPOSE AND EFFECT: The proposed rule amendment is designed to increase the qualifications of licensees by increasing the number of in-person classroom hours a person must complete prior to taking the licensure examination.

SUMMARY: The proposed rules change the number of in-person classroom hours a person must complete prior to taking the licensure examination from 18 to 24 hours.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Anthony Spivey, Executive Director, at the address listed below. The following is a summary of the SERC:

- Approximately 3,180 individuals per year will be affected by the rule. All applicants who are applying for the Community Association Managers (CAM) license will be affected.
- The only costs to be incurred by the agency are rulemaking costs. No effect on state or local revenue is expected.
- Minimal transactional costs, which stem from the additional education classes to qualify for the CAM license will be incurred.
- There will be no small county or city affected by this rule.

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

RULEMAKING AUTHORITY: 468.4315(2), 468.433(2)(d) FS.

LAW IMPLEMENTED: 468.433(2)(d) 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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-1.001 Prelicensure Education Requirements.

(1) All community association manager applicants must satisfactorily complete a minimum of 24 ~~48~~ in-person classroom hours of instruction of 50 minutes each within 12 months prior to the date of examination. No applicant shall be allowed to take the licensure examination unless the applicant provides documentation of completion of the requisite prelicensure education. Each contact hour shall consist of at least 50 minutes of classroom instruction.

(2) The 24 ~~48~~ hours of prelicensure education shall be comprised of courses, including but not limited to ~~in~~ the following areas:

(a) State and federal laws relating to the operation of all types of community associations, governing documents, administrative code and state laws relating to corporations and nonprofit corporations – 20% and including:

- 1. Business Ethics;
- 2. Business Law;
- 3. Contract Law.

(b) Procedure for noticing and conducting community association meetings – 20% and including 25%:

- 1. Preparing First and Second Notice of Date of Election;
- 2. Preparing the Ballot;
- 3. Preparing Written Notice of Annual Meeting;
- 4. Preparing Annual Meeting Agenda;
- 5. Preparing Affidavit of Mailing;
- 6. Preparing Notice of Board Meeting and Board meeting Agenda;

7. Determining the timing, method, and form of giving notices of meetings;

8. Determining the votes necessary to take certain actions; and

9. Florida Statutes and Administrative Codes governing community associations.

(c) Preparation of Community Association Budgets and Community Association Finances – 20% and including 25%:

- 1. Budget Requirements;
- 2. Calculating Reserves;
- 3. Cash Management; and
- 4. Cash Protection.

(d) Insurance matters relating to Community Associations – 10% 12%; and including:

- 1. Statutory Requirements;
- 2. Identifying Risks; and
- 3. Establishing Replacement Costs.

(e) Management and maintenance – 20% and including 48%;

- 1. Office Management;
- 2. Disaster Planning;
- 3. Maintenance;
- 4. Communication;
- 5. Security;
- 6. Fire Safety;
- 7. Use Restriction Enforcement; and
- 8. Alternative Dispute Resolution.

(f) Management Firms’ and Managers’ responsibilities – 10%.

(3) Applicants who can document to the Council that they suffer from a disability or hardship shall be permitted to complete prelicensure education by either correspondence or on-line courses. Such documentation must be received and approved by the Council prior to enrolling and completing any correspondence or on-line prelicensure courses.

(a) The following shall constitute acceptable “hardships” as used in this rule:

1. The applicant’s residence is more than 70 miles from the nearest physical location where prelicensure education is taught.

2. Providers are not offering any in-person prelicensure education courses within the twelve months preceding the next available examination.

(b) “Disability” as used in this rule shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the applicant which would preclude the applicant from attending in-person prelicensure courses.

(4) Inclusion of a prelicensure course shall not preclude its inclusion in the continuing education curriculum.

Rulemaking Specific Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History–New 1-3-01, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-1.002
 RULE TITLE: Examination for Manager’s License
 PURPOSE AND EFFECT: The proposed rule amendment is designed to increase the qualifications of licensees by revising the subjects tested in the Community Association Manager licensure examination.

SUMMARY: The proposed rules changes the subjects to be tested in the Community Association Manager to licensure examination to more closely track the pre-licensure education requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 468.4315 FS.

LAW IMPLEMENTED: 455.217, 468.433 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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-1.002 Examination for Manager’s License.

(1) An examination candidate must achieve a scaled score of 75 or higher in order to achieve a passing grade on the examination.

(2) The examination for a community association manager’s license as approved by the Council must test the applicant’s knowledge of the subjects in subsection 61E14-1.001(2), F.A.C. below, with the corresponding approximate percentages of questions to the examination as a whole:

- ~~(a) State and federal laws relating to the operation of all types of community associations, governing documents, and state laws relating to corporations and nonprofit corporations—20%;~~
- ~~(b) Proper preparation of community association budgets and community association finances—25%;~~
- ~~(c) Proper procedures for noticing and conducting community association meetings—25%;~~

~~(d) Insurance matters relating to community associations—12%; and~~

~~(e) Management skills—18%.~~

Rulemaking Specific Authority 468.4315 FS. Law Implemented 455.217, 468.433 FS. History—New 5-5-88, Amended 3-22-89, 8-17-89, 12-28-92, Formerly 7D-55.005, Amended 11-23-93, 10-9-94, Formerly 61B-55.005, Amended 5-4-97, 7-30-97, Formerly 61-20.502, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-20.0094	Standards for Accountants Services on Prospective Financial Statements
61H1-20.0098	Standards for Business Valuations

PURPOSE AND EFFECT: The Board proposes the promulgation of Rule 61H1-20.0094, F.A.C., to clarify standards for accountants services on prospective financial statements; and the Board proposes the substantial rewrite of Rule 61H1-20.0098, F.A.C., to update the title and modify standards for business valuations.

SUMMARY: Standards for accountants’ services on prospective financial statements will be clarified; the title will be updated and the standards for business valuations will be modified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315, 473.304 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-20.0094 Standards for Accountants Services on Prospective Financial Statements.

“Standards for Accountants Services on Prospective Financial Statements” shall be deemed and construed to mean Statements on Standards Accountants Services on Prospective Financial Statements published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077. A certified public accountant shall not permit his/her name to be used in conjunction with prospective financial statements unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New _____.

61H1-20.0098 Standards for Business Valuations.

Certified public accountants performing business valuations for clients shall comply with the “Statement on Standards for Valuation Services No. 1,” as published by the American Institute of Certified Public Accountants, for engagements accepted after January 1, 2008. The Statement, hereby incorporated by reference, is dated June 2007 and is available from the AICPA’s resources online at <http://fvs.aicpa.org/Resources/Laws+Rules+Standards+and+Other+Related+Guidance/AICPA+Valuation+Standard+and+Implementation+Toolkit/> or call 1(888)777-7077. The rule does not encompass consulting engagements wherein a certified public accountant provides written or oral advisory services in which the client is informed in writing that the services provided were not performed in accordance with the “Statement on Standards for Valuation Services No. 1,” established by the AICPA.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-26.005 Address of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant, to delete unnecessary language, and to clarify change of address procedures.

SUMMARY: Language concerning the certified public accountant will be clarified; unnecessary language will be deleted; change of address procedures will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 473.304 FS.

LAW IMPLEMENTED: 473.304 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.005 Address of Record Notification of Address Change.

(1) All Florida certified public accountants licensees are required to have their correct street address on file with the Board office as their address of record. A post office box may be used for a mailing address, but it must be in addition to the street address of record.

(2) Any time a Florida certified public accountant that a licensee changes his/her their street address of record or mailing address, he/she they must notify the Board office in writing within thirty days.

Rulemaking Specific Authority 473.304 FS. Law Implemented 473.304 FS. History–New 12-2-92, Formerly 21A-26.005, Amended 7-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.001
 RULE TITLE: College or University Requirements
 PURPOSE AND EFFECT: The Board proposes the rule amendment to add New Zealand to a list of countries for approval for its college or university accounting programs.

SUMMARY: New Zealand will be added to a list of countries for approval for its college or university accounting programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.001 College or University Requirements.

(1) An accredited college or university within the meaning of Section 473.306, F.S., is a four-year degree granting college or university in the State University System or other four-year degree granting educational institution accredited at the time applicant's degree was received by virtue of membership in one of the following regional accrediting agencies so listed:

- (a) through (g) No change.
- (h) Canadian, Mexican, Irish, ~~and~~ Australian, and New Zealand academic accounting programs approved by the provincial education bodies or the equivalent educational accreditation body for that country.

(2) through (3) No change.

Rulemaking Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, 3-21-05, 4-9-06, 8-13-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-348.100	Purpose and Applicability
62-348.200	Definitions
62-348.300	Application Requirements
62-348.500	Conditions for Issuance
62-348.600	Wetland Mitigation Design and Technical Criteria
62-348.700	Transfer of Permit
62-348.800	Reports
62-348.900	Forms

PURPOSE AND EFFECT: As required by Section 373.414(6)(e) of the Florida Statutes, the Department proposes to adopt a new Chapter 62-348 of the Florida Administrative Code. The proposed rule will apply to mining of predominantly high-quality peat that is being used by Florida's horticultural industry in products that incorporate other renewable or recyclable materials to replace or reduce the use of natural peat. The proposed rules are intended to provide alternative permitting and mitigation requirements when such mining is proposed in herbaceous and historically herbaceous wetlands.

SUMMARY: The alternative wetland mitigation requirements will be available for qualifying mines extracting high quality peat, based on the Von Post Humification Scale and the pH scale, from freshwater herbaceous wetlands or historically freshwater herbaceous wetlands. In accordance with the statutory provisions, the rule will not apply where excavation would occur in the sand or rock underlying the peat, where mining is part of a larger plan of development, or if any portion of the proposed mining involves an Outstanding Florida Water. The alternative requirements will allow a percentage of the excavated wetlands to be replaced with open water under certain conditions. The proposed rules will not require design modifications to reduce or eliminate adverse impacts to herbaceous wetlands having a current condition score of less than 0.80, as verified by the Department in accordance with the Uniform Mitigation Assessment Method of Chapter 62-345, F.A.C. The proposed rules will require that the project be designed to avoid adverse impacts to water quality, offsite flooding, significant historic or archeological resources, and listed species or their habitats.

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

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

RULEMAKING AUTHORITY: 373.026(7), 373.043, 373.414, 373.4145, 373.418, 373.421, 403.0877, 403.805(1) FS.

LAW IMPLEMENTED: 373.019, 373.026(7), 373.042, 373.109, 373.117, 373.403, 373.409, 373.413, 373.4132, 373.414, 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.421, 373.4211, 373.426, 378.403, 403.031, 403.0877, 403.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, December 2, 2009, 1:00 p.m., Eastern Time

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, 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 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486 or Mary.VanTassel@dep.state.fl.us. 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 RULES IS: Howard J. Hayes, Program Administrator, Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, M.S. 715, Tallahassee, FL 32310-3760, or by e-mail at howard.hayes@dep.state.fl.us, or at (850)488-8217. (OGC No. 07-1077)

THE FULL TEXT OF THE PROPOSED RULES IS:

PERMITTING AND ALTERNATIVE Mitigation for the Mining of High-quality Peat

62-348.100 Purpose and Applicability.

(1) Applicants who intend to mine high-quality peat may elect to use the provisions of this chapter. In accordance with Section 373.414(6)(e), F.S., this chapter provides additional permitting and alternative wetland mitigation requirements for processing wetland resource permits and environmental resource permits, in accordance with Part IV of Chapter 373, F.S., for the extraction of high-quality peat from certain herbaceous freshwater wetlands for use in the state's

horticultural industry. The requirements of this chapter are in addition to and not in lieu of the requirements of Chapters 62-312 and 62-345, F.A.C., for wetland resource permits and Chapters 62-330, 62-343, 62-345, and 62-346, F.A.C., for environmental resource permits, with the exception of the alternative wetland mitigation requirements for the extraction of high-quality peat.

(2) Florida's horticultural industry contributes to the economic strength of the state. High-quality peat is an important component of horticultural production in Florida. Obtaining high-quality peat typically and uniquely requires the mining of wetlands and other surface waters. Since high-quality peat is a limited resource, the use of recycled and renewable material to replace or reduce the use of natural peat is necessary for the future of the state's horticultural industry. This chapter shall be applied to the mining of peat from certain herbaceous freshwater wetlands, where no less than 80 percent of the extracted peat will be high-quality peat, and no less than 80 percent of the high-quality peat will be used in Florida by the horticultural industry in products that incorporate other renewable or recycled materials to replace or reduce the use of natural peat. Persons applying for use of this rule shall provide certification of the intended use of the resource by submitting Form 62-348.900(1), "Horticultural Use Certification for High-Quality Peat" incorporated by reference herein.

Rulemaking Authority 373.026(7), 373.043, 373.414, 373.4145 FS. Law Implemented 373.413, 373.414, 373.4145, 373.416, 373.421, 373.426 FS. History—New _____.

62-348.200 Definitions.

The definitions in Sections 373.019, 373.403, 378.403, 403.031 and 403.803, F.S., and the following definitions apply to this chapter:

(1) "Herbaceous freshwater wetlands" means wetlands where less than 10 percent of the vegetation is woody vegetation and the chloride concentration meets the definition of predominately freshwaters as defined in Rule 62-302.200, F.A.C. Such areas are typically known as marshes, but may include other forms of wetlands dominated by herbaceous freshwater vegetation.

(2) "High-quality peat" means peat from a herbaceous freshwater wetland that is classified as H1 to H4 on the von Post Humification Scale and has a pH less than 7. The following method, incorporated herein by reference, shall be used to determine the classification on the von Post Humification Scale, for use in this chapter: American Society for Testing and Materials, D5715-00 (Reapproved 2006) Standard Test Method for Estimating the Degree of Humification of Peat and Other Organic Soils (Visual/Manual Method), Volume 04.08, Issued March 2000. The following method, incorporated herein by reference, shall be used to determine the pH for use in this chapter: U.S. Environmental

Protection Agency, EPA 150.1, Methods for the Chemical Analysis of Water and Waste, EPA-600/4-79-020, Revised 1983.

(3) “High-quality peat extraction area” or “extraction area” means an area of herbaceous freshwater wetland, or an area of historically herbaceous freshwater wetland, where cumulatively no less than 80 percent of the extracted peat is high-quality peat.

(4) “Historically herbaceous freshwater wetlands” means wetlands that, as determined using aerial photography, would meet the definition of herbaceous freshwater wetlands if not for human alteration of environmental conditions.

(5) “Horticultural industry” means the industry that cultivates plants in Florida, such as, trees, shrubs, flowers, annuals, perennials, tropical foliage, liners, ferns, vines, bulbs, grafts, scions, or buds, but not turf grasses. The plants are grown or kept for propagation or distribution for retail, wholesale, or re-wholesale purposes.

(6) “Invasive Exotic” for purposes of this rule means those plant species listed in the Florida Exotic Pest Plant Council’s 2009 List of Invasive Species Category I and II, which is incorporated herein by reference.

(7) “Larger plan of development” means a common plan of development or sale that includes:

(a) Any activity initiated by the surveying, planning, or platting of contiguous real property, where such activity facilitates the advancement of a common type of land use (such as multiple residences, a residential subdivision, or phased site development) on the subject property; or

(b) Any activity on contiguous real property that comprises a total land area divided into three or more lots, parcels, tracts, tiers, blocks, sites, or units, and is served by a common road or road network or common surface water management system within that land area. Areas of land that are divided by public or private roads are considered contiguous if such areas are under one ownership or control.

(8) “Nuisance Species” shall mean plant species as defined in Rule 62-302.200, F.A.C.

(9) “Open water” means an area of surface waters as identified by Rule 62-340.600, F.A.C., which under normal circumstances does not support emergent vegetation. For the purpose of this definition, emergent vegetation does not include aquatic vegetation as defined in Rule 62-340.200, F.A.C.

(10) “Recycled materials” means those materials that are capable of being recycled and that would otherwise be processed or disposed of as solid waste.

(11) “Registered Professional” means a professional registered or licensed in Florida with the necessary expertise in the fields of hydrology, hydrogeology, hydraulics, drainage, flood control, erosion and sediment control, and stormwater pollution control, and who is qualified by education and experience in the technical analyses, design, and application of

required structures, processes, and systems, to design and certify the stormwater management systems under review. Examples of registered professionals, authorized pursuant to Chapter 455, F.S., and the respective practice acts by which they are regulated, are professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers licensed under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S. Registered professionals may sign and seal only those drawings, documents, and calculations commensurate with their skills, background, knowledge, education, and experience, and in accordance with their respective practice acts.

(12) “Renewable materials” means those materials that are able to be sustained indefinitely because of inexhaustible supplies or new growth.

Rulemaking Authority 373.026(7), 373.043, 373.414, 373.4145, 373.418, 373.421, 403.805(1) FS. Law Implemented 373.019, 373.403, 373.413, 373.414, 373.4145, 373.416, 373.421, 373.4211, 373.426, 378.403, 403.031, 403.803 FS. History—New _____.

62-348.300 Application Requirements.

Applicants using this rule shall submit Form 62-343.900(1) for an environmental resource permit, or within the geographical jurisdiction of the Northwest Florida Water Management District Form 62-312.900(1) for a wetland resource permit and Form 62-346.900(1) for an environmental resource permit. In addition, applicants shall submit the following plans and reports for the high-quality peat extraction area that will be subject to the wetland mitigation provisions of this chapter:

(1) Plans showing the depth to the clay, sand, or rock stratum under the area where peat is proposed for extraction, identified on a grid with a maximum horizontal interval no larger than 50 feet.

(2) Plans showing the proposed depth of excavation and extraction (below existing grade), identified on a grid with a maximum horizontal interval no larger than 50 feet.

(3) Plans and aerial photography showing the existing land use and land cover (acreage and percentages) mapped to at least Level III of the *Florida Land Use, Cover and Classification System* (Florida Department of Transportation, 1999), incorporated by reference herein. Each mapped unit shall be sufficiently homogenous in character to be assessed as a single unit. No mapped unit shall be smaller than 0.1 of an acre.

(4) For historically herbaceous freshwater wetlands that will be subject to the wetland mitigation provisions of this chapter, the application shall include documentation of the historic land cover conditions. Such documentation shall include at least a chronological sequence of dated aerial photographs demonstrating the historical character of the wetland. The applicant may provide any additional information

to supplement the aerial photography to demonstrate their claim that the wetland is a historically herbaceous freshwater wetland.

(5) A prospecting report describing the horizontal and vertical extent of the high-quality peat extraction area that will be subject to the wetland mitigation provisions of this chapter. The report shall be based on core samples from the proposed peat extraction area taken on a grid with a maximum horizontal sample spacing no larger than 100 feet. All core samples shall be included in the prospecting report. The report shall identify the location and relative depths where peat samples were collected and the results of the analysis, including for each core the classification and vertical extent of all layers that can be classified using the von Post Humification Scale. The analysis for any layer classified on the von Post Humification Scale as H1 to H4 shall also include the measurement of pH.

(6) Information required by Chapter 62-345, F.A.C., Uniform Mitigation Assessment Method, for all areas of wetlands proposed for extraction and for all wetland mitigation areas.

(7) Plans for all reclamation and wetland mitigation areas showing the proposed final grade elevations and water levels. Water levels shall include seasonal high and seasonal low water elevations. Wetland mitigation shall meet the design standards of Rule 62-348.600, F.A.C.

(8) Plans for the proposed land use and land cover (acreage and percentages) for all reclamation and wetland mitigation areas mapped to at least Level III of the *Florida Land Use, Cover and Classification System* (Florida Department of Transportation, 1999). Each mapped unit shall be sufficiently homogenous in character to be assessed as a single unit. No mapped unit shall be smaller than 0.1 of an acre.

(9) Form 62-348.900(1), "Horticultural Use Certification for High-Quality Peat."

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.414, 373.415, 373.421, 403.0877 FS. Law Implemented 373.026(7), 373.109, 373.413, 373.414, 373.4141, 373.416, 373.426 FS. History—New _____.

62-348.500 Conditions for Issuance.

To obtain a permit under this chapter, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system will meet all of the following requirements:

(1) Will meet the requirements of Chapters 62-312 and 62-345, F.A.C., for wetland resource permits, or Chapters 62-330, 62-343, 62-345, and 62-346, F.A.C., for environmental resource permits, except for wetland mitigation requirements for high-quality peat extraction areas. Chapter 62-348, F.A.C., specifies alternative wetland mitigation requirements for high-quality peat extraction areas:

(2) Will not include extraction in the underlying clay, sand or rock strata; however, nothing herein shall preclude the applicant from proposing plans for the excavation of sand necessary for the construction of onsite access or drainage features provided the underlying sand stratum is restored using the excavated materials or other clean clay, sand or rock during reclamation;

(3) No portion of the extraction or mitigation area is part of an existing or proposed larger plan of development;

(4) No portion of the mine is located in a body of water designated as Outstanding Florida Waters;

(5) Will not include within the high-quality peat extraction area wetlands having a current condition score of greater than or equal to 0.80, as verified by the Department in accordance with the Uniform Mitigation Assessment Method of Chapter 62-345, F.A.C.;

(6) No less than 80 percent of the peat to be extracted is high-quality peat and at least 80 percent of the high-quality peat will be used by the horticultural industry in products that incorporate other renewable or recycled materials to replace or reduce the use of natural peat; and

(7) Wetland mitigation will meet the design and technical criteria of Section 348.600, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.4145, 373.421, 403.805(1) FS. Law Implemented 373.042, 373.409, 373.413, 373.4142, 373.4145, 373.416, 373.4142, 373.426 FS. History—New _____.

62-348.600 Wetland Mitigation Design and Technical Criteria.

The alternative wetland mitigation criteria for areas qualified for the provisions of this chapter shall meet all of the following requirements:

(1) The applicant shall not be required to modify the design to reduce or eliminate adverse impacts to high-quality peat extraction areas with a current condition score of less than 0.80, as verified by the Department in accordance with the Uniform Mitigation Assessment Method of Chapter 62-345, F.A.C., except to require that the project meet water quality standards, not cause adverse offsite flooding, not adversely impact significant historical and archeological resources pursuant to Section 267.061, F.S., and not cause adverse impacts to listed species or their habitats.

(2) Within extraction areas qualified for the provisions of this chapter, the applicant may reclaim up to 30 percent of the premining wetlands as open water, which shall be considered appropriate and sufficient mitigation for the adverse impacts to the wetlands. If the applicant chooses to reclaim more than 30 percent of the premining wetlands as open water, the applicant must propose wetland mitigation to address adverse impacts of the additional open water beyond the 30 percent. Regardless of the amount of mitigation proposed, the amount of open water within the extraction area shall not exceed 60 percent of the

premining wetlands. The wetland mitigation for open waters beyond 30 percent, shall meet the requirements of Chapters 62-312 and 62-345, F.A.C., for wetland resource permits and Chapters 62-330, 62-343, 62-345, and 62-346, F.A.C., for environmental resource permits, except for Rule 62-345.600, F.A.C.

(3) Wetland mitigation areas constructed within and contiguous to the extraction area, exclusive of the allowable open water, shall meet all of the following standards:

(3) Wetland mitigation areas constructed within and contiguous to the extraction area, exclusive of the allowable open water, shall meet all of the following standards:

(a) The requirements of Chapters 62-312 and 62-345, F.A.C., for wetland resource permits and Chapters 62-330, 62-343, 62-345, and 62-346, F.A.C., for environmental resource permits.

(b) Supports 80 percent cover by obligate and facultative wet emergent herbaceous vegetation.

(c) Slopes no steeper than 6 horizontal to 1 vertical, from the seasonal high water elevation to a depth of five feet below the seasonal high water elevation.

(d) Invasive exotic and nuisance species shall be less than 5 percent of the cover.

(e) The required slopes and vegetation cover shall be complete within three years of the initial contouring of the mitigation area.

(4) The permittee shall ensure that sufficient quantities of peat or sand are available to provide sufficient planting area to complete wetland mitigation within extraction areas.

(5) The annual reports required by subsection 62-348.800(1), F.A.C., shall demonstrate that no less than 80 percent of the extracted peat was high-quality peat and at least 80 percent of the high-quality peat was used by the Florida horticultural industry in products that incorporate other renewable or recycled materials to replace or reduce the use of natural peat.

Rulemaking Authority 373.026(7), 373.043, 373.414, 373.4145, 373.418, 373.421, 403.0877 FS. Law Implemented 373.026(7), 373.109, 373.413, 373.414, 373.4141, 373.416, 373.426 FS. History—New _____.

62-348.700 Transfer of Permit.

In addition to the requirements for transfer of Chapter 62-312, F.A.C., for wetland resource permits, or Chapters 62-330, 62-343, and 62-346, F.A.C., for environmental resource permits, the application for transfer of a permit under this chapter shall include the following:

(1) The permittee shall provide a production report using Form No. 62-348.900(2) “Annual Production Report For High-Quality Peat,” incorporated by reference herein, for that portion of the calendar year when production was under the control of the permittee.

(2) The transferee shall provide certification of the intended use of the resource by submitting Form 62-348.900(1), “Horticultural Use Certification for High-Quality Peat.”

Rulemaking Authority 373.026(7), 373.043, 373.414, 373.4145, 373.418, 403.0877 FS. Law Implemented 373.026(7), 373.109, 373.413, 373.414, 373.4141, 373.416, 373.426 FS. History—New _____.

62-348.800 Reports.

(1) The permittee shall maintain records for the life of the permit of the sales and usage of high-quality peat extracted from areas authorized by the permit. The sales and usage records shall include for each month: the quantity of high-quality peat extracted; a list of customers that received high-quality peat, and the quantity of high-quality peat received; the quantity of high-quality peat sold or used that included recycled or renewable materials to replace or reduce the use of natural peat, and the percentage of product that was recycled or renewable material; and the quantity of high-quality peat sold that did not contain recycled or renewable material. Records shall be available to Department staff upon request.

(2) On or before March 1 of each year, the permittee shall provide a report to the Department for the previous calendar year using Form No. 62-348.900(2) “Annual Production Report For High-Quality Peat,” incorporated by reference herein. The report shall identify only quantities of high-quality peat extracted from areas that will be subject to the provisions of this chapter. The report shall provide all of the following:

(a) Permittee name, project name, permit number, and calendar year of the report.

(b) The quantity of high-quality peat, based on weight or volume, extracted during the calendar year.

(c) The quantity of high-quality peat, based on weight or volume, sold or used during the calendar year that included renewable or recyclable materials used to replace or reduce the use of peat.

(d) The quantity of high-quality peat, based on weight or volume, sold or used during the calendar year that did not include renewable or recyclable materials.

(e) The cumulative total of high-quality peat extracted, sold, and used, from the start of extraction through the most recent calendar year based on previous annual reports.

(3) The Department shall be entitled to audit the monthly sales and usage records required to be maintained by subsection 62-348.800(1), F.A.C.

(4) Upon completion of extraction at a mine, or a portion of a mine, the permittee shall begin reclamation of wetlands within the extraction area. No later than 60 days after achieving final grade, the permittee shall provide to the Department a topographic and bathymetric map of the reclamation area that meets the following criteria:

(a) One-foot contour intervals based on a 10-foot, or finer, resolution grid;

(b) The topography/bathymetry of the site shall be depicted in such a way as to unambiguously show how the site will retain, detain, shed, or otherwise influence the flow and detention of water at the site; and

(c) Certification by a registered professional.

Rulemaking Authority 373.026(7), 373.043, 373.414, 373.4145, 373.418, 403.0877 FS. Law Implemented 373.019, 373.403, 373.413, 373.414, 373.4145, 373.416, 373.421, 373.4211, 373.426, 378.403, 403.031, 403.803 FS. History--New _____.

62-348.900 Forms.

The forms used in this chapter are listed by rule number, which is also the form number, with the subject title and effective date. Copies of forms may be obtained from the Internet site of the Department or from any local district or branch office of the Department, or by writing to the Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, M.S. 715, 2041 East Paul Dirac Drive, Tallahassee, Florida 32310-3760.

(1) Horticultural Use Certification for High-Quality Peat, [Effective Date].

(2) Annual Production Report for High-Quality Peat, [Effective Date].

Rulemaking Authority 373.026(7), 373.043, 373.414, 373.4145, 373.418, 403.0877 FS. Law Implemented 373.019, 373.403, 373.413, 373.414, 373.4145, 373.416, 373.421, 373.4211, 373.426, 378.403, 403.031, 403.803 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.008
RULE TITLE: Board Expert or Technical Advice

PURPOSE AND EFFECT: To set forth in rule how the department uses the expert or technical advice of the boards regulating the health care professions.

SUMMARY: The health care regulatory boards help the department by approving expert witnesses and by recommending experts when the department needs expert or technical advice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.004(6) FS.

LAW IMPLEMENTED: 456.004(6) 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: Diane Orcutt, Deputy Director 4052 Bald Cypress Way, Bin #C75, Tallahassee, Florida 32399-3275

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.008 Board Expert or Technical Advice.

The department shall contact the appropriate board for expert or technical advice as follows:

(1) The board or its designated probable cause panel shall be asked to review expert or technical credentials and shall approve all new expert witnesses with whom the department intends to enter into an agreement to provide services to support its investigations and prosecutions.

(2) As needed by the department, the board shall be asked to recommend an expert or experts for the department to consider for inspections, enforcement investigations, deposition or hearing testimony, or in other areas where the department determines a need for substantive expert or technical advice.

Rulemaking Authority 456.004 FS. Law Implemented 456.004(6), 456.073 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane Orcutt

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: 65C-35.001, 65C-35.002, 65C-35.003
RULE TITLES: Definitions, Behavioral Health Services, Parent or Legal Guardian Involvement

- 65C-35.004 Caregiver Involvement
- 65C-35.005 Child Involvement in Treatment Planning
- 65C-35.006 Taking a Child Into Custody who is Taking Psychotropic Medication
- 65C-35.007 Authority to Provide Psychotropic Medications to Children in Out-of-Home Care Placements
- 65C-35.008 Parent or Legal Guardian Declines to Consent to the Provision of Psychotropic Medication
- 65C-35.009 Parent/legal Guardian Rights Terminated; Parent/Legal Guardian Refuses to Participate; or Parent/legal Guardian Location/Identify Unknown
- 65C-35.010 Emergency Administration of Psychotropic Medication
- 65C-35.011 Medication Administration and Monitoring
- 65C-35.012 Requests for Second Opinions
- 65C-35.013 Medical Report

PURPOSE AND EFFECT: To promulgate rule as required by statute for the provision of psychotropic medications for children in out of home care.

SUMMARY: Psychotropic Medications.

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

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

RULEMAKING AUTHORITY: 39.407(3) FS.

LAW IMPLEMENTED: 39.407(3) FS.

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

DATE AND TIME: December 7, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Department of Children and Families, Winnowed Complex, 1317 Winnowed Boulevard, Building 4, Tallahassee, Florida 32399

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: Alan Abramowitz, Office of Family Safety, 1317 Winewood, Bldg. 1, Tallahassee, FL 32399-0700, phone: (850)488-8762; email: 65C_Psychotropic_Medication_Rule@dcf.state.fl.us. 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 RULES IS: Alan Abramowitz, Office of Family Safety, 1317 Winewood, Bldg. 1, Tallahassee, FL 32399-0700, phone: (850)488-8762; email: 65C_Psychotropic_Medication_Rule@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-35.001 Definitions.

(1) “Assent” when used in this Chapter means a process by which a provider of medical services helps the patient achieve a developmentally appropriate awareness of the nature of his or her condition; informs the patient of what can be expected with tests and treatment; makes a clinical assessment of the patient’s understanding of the situation and the factors influencing how he or she is responding; and solicits an expression of the patient’s willingness to accept the proposed care.

(2) “Behavioral Health Assessment” includes both Comprehensive Behavioral Health Assessments as defined by the Medicaid Community Mental Health Services Coverage and Limitations Handbook and all other assessments performed by mental health professionals.

(3) “Caregiver” means, for purpose of this chapter, the person or persons with whom the child resides or who is responsible for providing the child’s daily needs.

(4) “Chemical Restraint” means the use of a psychotropic drug as a restraint to control behavior or restrict freedom of movement that is not a standard treatment for the person’s medical or psychiatric condition.

(5) “Children’s Legal Services” is a statewide law firm within the Department of Children and Families.

(6) “Child Protective Investigator” means an authorized agent in a professional position within the Department or designated sheriff’s office with the authority and responsibility of investigating reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(58), F.S.

(7) “Department” means the Department of Children and Family Services.

(8) “Dependency Case Manager” means an individual who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children in out-of-home care.

(9) “Dependency case plan” means the dependency case plan as defined in Section 39.01(11), F.S., which refers to the services plan jointly developed between the family and dependency case manager delineating specific interventions aimed at addressing the contributing factors and underlying conditions that lead to child maltreatment.

(10) “Express and Informed Consent” means consent from a child’s parent or legal guardian as defined in Section 394.455(9), F.S. and as described in Section 394.459(3)(a), F.S. See those sections for further details.

(11) “Florida Safe Families Network (FSFN)” is the Statewide Automated Child Welfare Information System (SACWIS) for the state of Florida. FSFN is the electronic system of record for each case. It contains information regarding a particular child and his or her family.

(12) “Lead Agency” means the not-for-profit or governmental community-based care provider responsible for the provision of support and services for eligible children and their families who have been abused, abandoned, or neglected.

(13) “Legal Guardian” means a permanent guardian as described in Section 39.6221, F.S., or a “guardian” as defined in Section 744.102, F.S., or a relative with a court order of temporary custody under Chapter 751, F.S. Dependency case managers and Guardian Ad Litem do not meet the definition of guardian.

(14) “Medical Report” means a report prepared by the prescribing physician that includes information required by Section 39.407(3)(c), F.S. The form for the medical report is “Medical Report” (form CF-FSP 5339 dated October 2009), which is hereby incorporated by reference and is available by contacting the Family Safety Program Office at 1317 Winwood Boulevard, Tallahassee, Florida 32399-0700, or at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

(15) “Out-of-Home Care” means the placement of a child, arranged and supervised by the Department of Children and Families or its agent, outside the home of the child’s custodial parent or legal guardian. This includes placement in licensed shelter, foster home, group home, Residential Treatment Center (including Statewide Inpatient Psychiatric Programs), and non-licensed relative/non-relative settings.

(16) “Prescribing Physician” is a physician licensed under Chapter 458 or 459, Florida Statutes.

(17) “Psychotropic Medication” means, for the purpose of this rule, any chemical substance prescribed with the intent to treat: disturbances of reality testing, cognitive impairment, mood disorders or emotional dysregulation; and those substances, which though prescribed with the intent to treat other medical conditions have the effect of altering brain chemistry or involve any of the medications in the categories listed below. The medications include, without limitation, the following major categories:

- (a) Antipsychotics;
- (b) Antidepressants;
- (c) Sedative Hypnotics;
- (d) Lithium;
- (e) Stimulants;
- (f) Non-stimulant Attention Deficit Hyperactivity Disorder medications;
- (g) Anti-dementia medications and cognition enhancers;
- (h) Anticonvulsants and alpha-2 agonists; and

(i) Any other medication used to stabilize or improve mood, mental status, behavior, or mental illness.

(18) “Residential treatment center” means a 24-hour residential program which provides mental health services to emotionally disturbed children or adolescents as defined in Section 394.492(5) or (6), F.S., that is licensed by the Agency for Health Care Administration. For purposes of this rule, therapeutic group homes are not considered a residential treatment center.

(19) “Resource Record” means the child’s standardized record that contains copies of all available and accessible medical and psychological information pertaining to the child as described in subsections 65C-30.001(24) and 65C-30.011(4)-(6), F.A.C.

(20) “Statewide Inpatient Psychiatric Program” or “SIPP” means those residential mental health treatment programs selected and contracted by the Agency for Healthcare Administration to participate in the Institution for Mental Disease waiver.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History—New _____.

65C-35.002 Behavioral Health Services.

(1) Behavioral health services shall be provided to children in out-of-home care without delay once the need for such services is identified. Prior to prescribing a psychotropic medication, the physician must consider other treatment interventions that may include, but are not limited to, medical, mental health, behavioral, counseling, or other services.

(2) The child’s dependency case manager will ensure that all behavioral health services that are identified in behavioral health assessments or prescribed by a medical or mental health professional have been integrated into the child’s dependency case plan and are provided to the child in a timely manner.

(3) The department and contracted service providers who provide behavioral health services shall comply with the requirements of Section 39.407(3), F.S., and the Florida Rules of Juvenile Procedure 8.355 whenever a child is considered for administration of psychotropic medications.

(4) The Medical Report must include recommendations for behavioral health services that the psychotropic medication will be used in adjunct to as required by Section 39.407(3)(g), F.S.

(5) The administration of psychotropic medication for the sole purpose of chemical restraint is strictly prohibited.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (3), 39.6012(2), 409.1671 FS. History—New _____.

65C-35.003 Parent or Legal Guardian Involvement.

(1) The dependency case manager or child protective investigator shall make reasonable efforts to ensure that the child's parent or legal guardian attends medical appointments and obtains the information about medications, possible side effects, etc.

(2) If the parent or legal guardian is unable to attend medical appointments, the dependency case manager or child protective investigator shall convey the information to the parent or legal guardian. The information conveyed shall include:

(a) A copy of the Medical Report;

(b) The method of administering the medication;

(c) An explanation of the nature and purpose of the treatment;

(d) The recognized side effects, risks and contraindications of the medication;

(e) Drug-interaction precautions;

(f) Possible side effects of stopping the medication; and

(g) How treatment will be monitored.

(h) The physician's plan to reduce and/or eliminate ongoing administration of the medication.

(3) When the court has authorized the provision of psychotropic medications, the dependency case manager or child protective investigator must continue to try to involve the parent or legal guardian in the child's ongoing medical treatment planning, and shall continue to facilitate the parent or legal guardian's communication with the prescribing physician so that the parent or legal guardian has the opportunity to consider whether to authorize the provision of any new medications or dosages, unless the parent or legal guardian's rights have been terminated.

(4) The dependency case manager or child protective investigator shall make the following minimum efforts to enable the prescribing physician to obtain express and informed consent from the child's parent or legal guardian.

(a) Attempt to invite the parent or legal guardian to the doctor's appointment and to offer them transportation to the appointment, if necessary.

(b) Attempt to contact the parent or legal guardian as soon as possible upon learning of the recommendation for psychotropic medication by the prescribing physician and provide specific information to them on how and when to contact the physician.

(c) Facilitate transportation arrangements to the appointment and/or telephone calls between the parent or legal guardian and the prescribing physician.

(5) If there are any changes in medication, including dosage or dosage range, that go beyond the existing authorization, the dependency case manager or child protective investigator will be responsible for facilitating discussions between the prescribing physician and the parent or legal

guardian or pursuing a new court authorization. The dependency case manager or child protective investigator shall inform Children's Legal Services and all parties of any changes in medication and shall provide Children's Legal Services with a copy of the amended Medical Report.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3), 409.1671 FS. History--New _____.

65C-35.004 Caregiver Involvement.

(1) The child's caregiver must make every effort to attend medical appointments and obtain the information about medications, possible side effects, etc. Caregivers do not have the authority to provide express and informed consent for psychotropic medication. However, nothing in this rule prohibits caregivers from expressing their concerns regarding prescribing psychotropic medication to children.

(2) If the caregiver is unable to attend, the child's appointment should be rescheduled to allow attendance. If the appointment cannot be rescheduled, the dependency case manager or child protective investigator shall attend the appointment and convey the information to the caregiver. The information to be conveyed shall include:

(a) The method of administering the medication;

(b) An explanation of the nature and purpose of the treatment;

(c) The recognized side effects, risks and contraindications of the medication;

(d) Drug-interaction precautions;

(e) Possible side effects of stopping the medication;

(f) How treatment will be monitored; and

(g) The physician's plan to reduce and/or eliminate ongoing administration of the medication.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3) FS. History--New _____.

65C-35.005 Child Involvement in Treatment Planning.

(1) The prescribing physician must discuss the proposed course of treatment with the child, in developmentally appropriate language the child can understand. The physician must explain the risks and benefits of the prescribed medication to the child.

(2) The physician will discuss the medication proposed, the reason for the medication, and the signs or symptoms to report to caregivers. Information discussed with the child shall include:

(a) Alternative treatment options;

(b) The method of administering the medication;

(c) An explanation of the nature and purpose of the treatment;

(d) The recognized side effects, risks and contraindications of the medication;

(e) Drug-interaction precautions;

(f) Possible side effects of stopping the medication;

(g) How treatment will be monitored; and

(h) The physician's plan to reduce and/or eliminate ongoing administration of the medication.

(3) The prescribing physician must ascertain the child's position with regard to the medication and consider whether to revise the recommendation based on the child's input. The child's position must be noted in the Medical Report.

(a) It is the physician's responsibility to inform the child as clearly as possible and as fully as is appropriate. However, the child's failure to understand or assent to treatment is not, by itself, sufficient to prevent the administration of a prescribed medication. Likewise, the child's assent to the treatment is not a substitute for express and informed consent by a parent or legal guardian or a court order. Children are more likely to be successful in treatment if they fully understand and participate in treatment decisions.

(b) If a child of sufficient age, understanding, and maturity declines to assent to the psychotropic medication, the dependency case manager or child protective investigator will request that Children's Legal Services request an attorney be appointed for the child.

(4) Whenever the child requests the discontinuation of the psychotropic medication, and the prescribing physician refuses to order the discontinuation, the dependency case manager or child protective investigator will request that Children's Legal Services request an attorney be appointed for the child. Children's Legal Services will notice all parties and file a motion with the court presenting the child's concerns, the physician's recommendation, and any other relevant information, pursuant to Section 39.407(3)(d)1., F.S.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3) FS. History--New _____.

65C-35.006 Taking a Child Into Custody who is Taking Psychotropic Medication.

(1) When a child protective investigator takes a child into custody they must determine whether the child is taking psychotropic medications. If so, the child protective investigator must ascertain the purpose of the medication, the name and phone number of the prescribing physician, the dosage, instructions regarding administration (e.g., timing, whether to administer with food), and any other information.

(a) The child protective investigator must seek written authorization from the parent or legal guardian to continue administration of currently prescribed psychotropic medications. This authorization is good for the first 28 days the child is in shelter.

(b) The child protective investigator must take the following actions:

1. If the medication is in its original container, and clearly marked as a current prescription for the child, the medication must continue to be provided to the child.

2. If the medication is not in the original container, is not clearly marked and current, a physician or pharmacist must confirm that the medication is the child's prescription and that the prescription is current. Current means the child is or should be taking the medication at the time the child is taken into custody, according to the prescription information.

3. If there is a pre-existing prescription and the other conditions regarding the medication's container, labeling, and current date above are met, the psychotropic medication must be provided to the child as prescribed, but only until the emergency shelter hearing is held as required by Section 39.407(3)(b)1., F.S.

4. The child protective investigator may determine that the medication does not meet the conditions of being "in the original container, clearly marked, and current." In this case, the medication provided by the parent or legal guardian will not be administered to the child until the identity of the medication is confirmed by a physician or pharmacist.

5. If a physician or pharmacist is unable to confirm the identity of any provided medications, the child will be evaluated by a physician at the child health check-up (within 72 hours). The physician will determine the on-going need for a currently prescribed psychotropic medication.

(2) To continue administering the medication beyond the date of the shelter hearing, the child protective investigator must have a determination from a physician licensed under Chapter 458 or Chapter 459, Florida Statutes, that the child should continue the psychotropic medication. This determination must be transmitted in writing to Children's Legal Services.

(3) If the dependency case manager or the child protective investigator is unable to contact the prescribing physician prior to the shelter hearing, the information on the medication bottle may be used by the court as evidence of the intent of the prescribing physician to continue the medication until medical advice can be obtained by the dependency case manager or child protective investigator.

(4) In the absence of parent or legal guardian authorization, when a physician determines the child should continue psychotropic medication, Children's Legal Services must file a motion requesting that continuation of the medication be determined at the shelter hearing. The motion must indicate the prescribing physician's reasons for wanting to continue the medication and provide the court with any other available information relevant to the request.

(5) Authorization in a shelter order to continue the medication shall be valid only until the arraignment hearing on the petition for dependency, or for 28 days following the date of removal, whichever occurs first.

(6) Within 28 days of removal, or no later than the arraignment hearing on the petition for dependency, whichever occurs first, the child must be evaluated by a physician to determine whether it is appropriate to continue the medication.

(7) All actions taken by the child protective investigator will be entered into FSFN within three (3) days of receipt of the parent or legal guardian authorization or court order approving the medication.

(8) The parent or legal guardian authorization to continue a psychotropic medication that was obtained at the point of a child's removal is separate from the general "Consent for Treatment and Release of Information". The general consent allows ordinary and necessary medical and dental care, to include immunizations, tuberculin testing, and well child care. The administration of psychotropic medication is considered an extraordinary procedure for which parental informed consent or a court order is required by law.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History--New _____.

65C-35.007 Authority to Provide Psychotropic Medications to Children in Out-of-Home Care Placements.

(1) Parents or legal guardians retain the right to consent to or decline the administration of psychotropic medications for children taken into state care until such time as their parental rights, or court ordered guardianship or custodial rights, have been terminated.

(2) If the parents' or guardians' legal rights have been terminated; their identity or location is unknown; or they decline to approve administration of psychotropic medication, and any party believes that administration of the medication is in the best interest of the child and medically necessary, then authorization to treat with psychotropic medication must be pursued through a court order. Children's Legal Services must file a motion in court that will allow the court to "hear" the request and upon consideration of the facts, circumstances, and law, authorize the provision of the medication. Court authorization must occur before the psychotropic medication is administered to the child except in the circumstances described in Rule 65C-32.010, F.A.C.

(3) In no case may the dependency case manager, child protective investigator, the child's caregiver, representatives from the Department of Juvenile Justice, or staff from Residential Treatment Centers provide express and informed consent for a child in out-of-home care to be prescribed a psychotropic medication unless permitted pursuant to a court order with specificity.

(4) The dependency case manager or child protective investigator must assist the prescribing physician in obtaining express and informed consent and must take steps as required in subsection 65C-35.003(4), F.A.C., to include the parent or legal guardian in the child's consultation with the prescribing physician.

(5) All details about prescribed psychotropic medications, updates, (including changes in dosage or physician prescribed cessation of the medication), including all actions taken by the

dependency case manager or child protective investigator, will be entered into FSFN by the dependency case manager or child protective investigator within three (3) days of the action.

(6) If a child on psychotropic medication is moved from an out-of-home placement and placed into another out-of-home placement, the dependency case manager or child protective investigator must obtain the child's Resource Record and any psychotropic prescription medication currently taken by the child. The dependency case manager or child protective investigator must provide the caregiver receiving the child sufficient information about the medication, as provided below, to ensure that the medication is continued as directed by the prescribing physician. The dependency case manager or child protective investigator shall obtain the medication in labeled medication bottles, inventory the medications provided, and transport the medications to the child's new caregiver. At no time shall the medication be handed to the child. The information provided to the caregiver shall include, at a minimum:

(a) The full name of the child for whom the medication is prescribed;

(b) The condition and purpose for which the medication is prescribed for this child;

(c) The prescribing physician's name and contact information;

(d) The pharmacy from which the prescription was obtained and the contact information;

(e) The prescription number;

(f) The drug name and dosage;

(g) The times, frequency and method of administration, and if the dosages vary at different times;

(h) Any identified side effects, risks and contraindications (including possible side effects of stopping the medication);

(i) Any other specific instructions regarding the medication;

(j) The physician's plan to reduce and/or eliminate ongoing administration of the medication; and

(k) A space for the caregiver to sign and date the medication inventory to indicate receipt of the child's medication.

(7) If the child is moved from an out-of-home placement and placed into another out-of-home placement and the medication is in an unlabeled container or prescription information is insufficient, the dependency case manager or child protective investigator shall contact the prescribing physician to ensure the proper identification and labeling of the medication or to arrange for a medical evaluation in order that treatment not be interrupted.

(8) Whenever a child in out-of-home care is receiving psychotropic medications pursuant to express and informed consent by the parent or legal guardian or as authorized by an order of the court, the Department shall fully inform the court of the child's medical and behavioral status at each subsequent

Judicial Review hearing, and shall furnish copies of all pertinent medical records contained in the child's Resource Record that have been generated since the previous court hearing, including the Medical Report.

(9) When court authorization is needed to provide psychotropic medication, the dependency case manager or child protective investigator shall provide Children's Legal Services a written report that documents efforts made to enable the prescribing physician to obtain express and informed consent from the child's parent or legal guardian. This report must include:

(a) Dates and time the dependency case manager or child protective investigator attempted to contact the parent or legal guardian by phone or other means upon learning of the recommendation for psychotropic medication by the prescribing physician.

(b) Dates, times, and methods used to attempt to contact the parent or legal guardian and provide them with specific information for how and when to contact the physician.

(c) Efforts to facilitate transportation arrangements to the appointment and/or telephone calls between the parent or legal guardian and the prescribing physician.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(2), (3), 409.1671 FS. History--New _____.

65C-35.008 Parent or Legal Guardian Declines to Consent to the Provision of Psychotropic Medication.

(1) If the parent or legal guardian declines to authorize the provision of psychotropic medication, the parent or legal guardian's decision, and any reason provided therefore, must be recorded in the Medical Report. If the prescribing physician determines that the parent or legal guardian cannot provide express and informed consent, the basis for that determination must be recorded in the Medical Report. In either event, the following steps must be taken.

(a) The dependency case manager shall consult with the prescribing physician within one (1) business day of being notified that the parent will not authorize the provision of psychotropic medication or is found by the prescribing physician to lack the ability to provide express and informed consent.

(b) If the prescribing physician determines that the medication is medically necessary for the child despite the lack of authorization; the prescribing physician must include the reasons for recommending the administration of the medication in the Medical Report.

(c) The dependency case manager shall provide Children's Legal Services with the information necessary to inform the court that psychotropic medication has been recommended but not authorized; the reasons the parent or legal guardian did not authorize the provision of the medication, and the prescribing physician's position regarding the need to administer the

medication. Children's Legal Services shall file a motion to authorize medication within one business day of this consultation.

(2) If, after considering the parent or legal guardian's position, the prescribing physician chooses to revise the recommended treatment, the prescribing physician must document this revision in the Medical Report.

(3) When the parent declines to provide express and informed consent, the Department must seek court approval for the administration of psychotropic medication. The following steps must be taken:

(a) The dependency case manager must obtain a completed Medical Report from the prescribing physician.

(b) Within three (3) business days of receiving the Medical Report from the prescribing physician, the dependency case manager must submit the supporting documentation to Children's Legal Services, with a request for legal action to obtain a court order authorizing the administration of the prescribed medication.

(c) Children's Legal Services must file a motion in court that will allow the court to "hear" the request and upon consideration of the facts, circumstances, and law, determine whether to authorize the provision of the medication. Court authorization must occur before the psychotropic medication is administered to the child.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History--New _____.

65C-35.009 Parent/legal Guardian Rights Terminated; Parent/Legal Guardian Refuses to Participate; or Parent/legal Guardian Location/Identify Unknown.

(1) Whenever the parent or legal guardian rights have been terminated, the parent/legal guardian refuses to participate in the child's treatment, or the parent or legal guardian's location or identity is unknown or cannot reasonably be ascertained, the Department must seek court approval for the administration of psychotropic medication.

(2) The dependency case manager or child protective investigator must obtain from the prescribing physician the completed Medical Report.

(3) Within one (1) business day of receiving the Medical Report from the prescribing physician, the dependency case manager or child protective investigator must submit the Medical Report and other documentation to Children's Legal Services, with a request for court authorization to administer the prescribed medication.

(4) Children's Legal Services must file a motion in court that will allow the court to "hear" the request and upon consideration of the facts, circumstances, and law, authorize the provision of the medication. Court authorization must occur before the psychotropic medication is administered to the child.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3), 409.1671 FS. History--New _____.

65C-35.010 Emergency Administration of Psychotropic Medication.

(1) Psychotropic medications may be administered in advance of a court order or parental authorization at the time the child is admitted to any hospital, Crisis Stabilization Unit (CSU) or Psychiatric Residential Treatment Center if the prescribing physician certifies that delay in providing the prescribed psychotropic medication would more likely than not cause significant harm to the child.

(2) The dependency case manager or child protective investigator must assist the prescribing physician in obtaining express and informed consent and must take steps as required in subsection 65C-35.003(4), F.A.C., to include the parent or legal guardian in the child's consultation with the prescribing physician.

(3) If the prescribing physician did not obtain express and informed consent from the parent or legal guardian, the dependency case manager or child protective investigator must obtain a completed copy of the Medical Report that is signed by a treating physician and provide it to Children's Legal Services within two (2) business days after the medication is initiated. This report shall also be provided to the child's Guardian Ad Litem, the child's lawyer and all other parties within two (2) business days of initiation of the medication to the child.

(a) Children's Legal Services shall schedule the motion to be heard at the next regularly scheduled court hearing, or within 30 days after the date of the prescription, whichever occurs sooner. All parties shall be notified within three (3) working days.

(b) If any party objects to the court shall hold a hearing within seven (7) calendar days.

(c) Medication information will be entered into FSFN within three (3) days of beginning the medication.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History--New _____.

65C-35.011 Medication Administration and Monitoring.

(1) Psychotropic medications will be administrated only by the child's caregivers. Children who are age and developmentally appropriate must be given the choice to self administer medication under the supervision of the caregiver or school personnel. Children assessed as appropriate to self administer medication must be educated on the following:

(a) The method of administering the medication;

(b) The recognized side effects, risks and contraindications of the medication;

(c) Drug-interaction precautions;

(d) Possible side effects of stopping the medication; and

(e) How medication administration will be supervised by the caregiver.

(2) The dependency case manager or other designee will attend medication reviews as requested by the prescribing physician and/or agency.

(3) The monitoring of the use of psychotropic medication provided to children will be a joint responsibility between the prescribing physician, caregiver, dependency case manager or child protective investigator, and the supervisor.

(4) The dependency case manager or child protective investigator is responsible for implementing the medication plan developed by the prescribing physician. The dependency case manager or child protective investigator will arrange for any additional medical evaluations and laboratory tests required. All information will be added to the child's Resource Record. Results of evaluations and tests will be reported to Children's Legal Services, all parties, and the prescribing physician.

(5) Any person with information that calls into question the child's health and safety, including but not limited to the signs or symptoms of side effects or adverse reactions to the medication, shall immediately bring that information to the attention of the prescribing physician and child protective investigator's or dependency case manager's supervisor, and emergency services arranged as appropriate to protect the child's safety and well being. This information shall be provided to Children's Legal Services, the court, and all parties within three (3) business days of the reported concerns.

(6) The dependency case manager or child protective investigator, the supervisor, and the caregiver have joint responsibility to assure the physician's directions and intent as documented in the completed Medical Report and Medication Treatment Plan are implemented.

(7) The Department or its contracted service providers will develop locally approved medication logs for documenting the administration of psychotropic medications and any side effects or adverse reactions.

(8) Dependency case manager supervisors and child protective investigator supervisors shall provide on-going review and oversight of children prescribed psychotropic medications.

(9) A statewide workgroup shall be appointed by the Secretary of the Department to give recommendations to the Department that will ensure the safety and efficacy of psychotropic medication, including the utilization of pre-consent reviews or second opinions by child psychiatrists. These recommendations may be amended into the lead agency contracts at the discretion of the Secretary.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(2), (3), 409.1671 FS. History--New _____.

65C-35.012 Requests for Second Opinions.

(1) The child protective investigator or dependency case manager may seek a second medical opinion at any time after consultation with a supervisor as to the need for a second opinion.

(2) When any party files a motion requesting that the court order a second medical opinion, the court may order the Department or its contracted service provider to obtain a second opinion within a reasonable timeframe as established by the court. Within one (1) business day of the court's order, the child protective investigator or the dependency case manager will make a referral for an appointment for the second opinion.

(3) The child protective investigator or dependency case manager must obtain the second opinion within twenty-one (21) calendar days or receipt of the court order. If the second opinion is not obtained within the required timeframes, the reasons for the delay must be reported to the court and all parties.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3)(d) FS. History--New

65C-35.013 Medical Report.

If a court order is required to obtain authorization to administer psychotropic medication, the prescribing physician must complete and sign the Medical Report form that is incorporated by reference in Rule 65C-35.001, F.A.C., and includes all requirements set forth in Section 39.407(3)(c)1.-5., F.S. The physician may submit a medical report on a form of their choice as long as all information required in Section 39.407(3)(c)1.-5., F.S. and the Medical Report incorporated by reference in Rule 65C-35.001, F.A.C., is included.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3)(c) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alan Abramowitz, Office of Family Safety, 1317 Winewood, Bldg. 1, Tallahassee, FL 32399-0700, phone: (850)488-8762; email: 65C_Psychotropic_Medication_Rule@dcf.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009, Vol. 35/38

**Section III
Notices of Changes, Corrections and
Withdrawals**

**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."

SPACE FLORIDA

RULE NOS.:	RULE TITLES:
57-50.001	General
57-50.002	Approval of Travel and Entertainment Expenses
57-50.003	Authority of the President to Make Advance Payment for Travel

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Regulatory Council of Community Association Managers

RULE NO.:	RULE TITLE:
61E14-2.001	Standards of Professional Conduct

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The Board Staff submitted a revised Statement of Estimated Regulatory Costs (SERC), which supersedes the original SERC that was published in the Notice of Rulemaking. A summary of the revised SERC reads as follows:

- 2,768 Management Firms in addition to the already regulated 11,000 Community Association Manager will be required to comply with the rule; furthermore, all licensed Community Association Management Firms and Community Association Managers will be required to comply.
- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- The proposed change will impact 1,000 – 4,999 small businesses. No small county or city will be impacted by the rule.