

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-6.001	Purpose
5M-6.002	Approved BMPS
5M-6.003	Presumption of Compliance
5M-6.004	Notice of Intent to Implement
5M-6.005	Record Keeping
5M-6.006	Previously Submitted Notices of Intent to Implement

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of agricultural best management practices (BMPs) that have minimal individual or cumulative adverse impacts to the water resources of the state. The effect will be the adoption of Best Management Practices for the Florida nursery industry.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision will create a statewide nursery BMP manual and implementation criteria for the container, field-grown, and cut-foliage industries.

RULEMAKING AUTHORITY: 403.067(7)(c)2., 570.07(10), 570.07(23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, FL 32301 (850)617-1700 or Fax (850)617-1701
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.:	RULE TITLES:
59C-1.040	Hospital Inpatient General Psychiatric Services
59C-1.041	Hospital Inpatient Substance Abuse Services

PURPOSE AND EFFECT: The Agency is proposing to amend Rule 59C-1.040, F.A.C., to remove, update and condense language regarding new hospital inpatient psychiatric services and hospital inpatient substance abuse services. The amendments will also incorporate material regarding population estimates.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to this rule include: updates to definitions, updates to language on excluded hospitals, adding incorporated material, updating statutory language, improving/condensing the language for the needs assessment methodology, removing references to State and Local Health Council District health plans, removing language citing Rule 59C-1.038, F.A.C., (repealed), removing language requiring accreditation pursuant to Section 408.043(4), F.S., removing obsolete language and items from the utilization reporting requirement, removing language regarding amended licenses and removing language regarding the applicability of the amended rule.

RULEMAKING AUTHORITY: 408.034(3), (6), 408.15(8) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(b), (c), 408.039(4)(a) FS.

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

DATE AND TIME: January 13, 2014, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

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 1 day before the workshop/meeting by contacting: James McLemore, James.McLemore@ahca.myflorida.com, (850)412-4346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James McLemore, James.McLemore@ahca.myflorida.com, (850)412-4346

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:

61-6.001 Biennial Licensing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the unnecessary listing of several license categories which were regulated by the former Board of Funeral Directors and Embalmers from the schedule for biennial license renewal provided in this rule.

SUBJECT AREA TO BE ADDRESSED: The removal of license categories that are no longer within the Department’s purview from the list of license categories scheduled for biennial license renewal.

RULEMAKING AUTHORITY: 455.203(1), (5) FS.

LAW IMPLEMENTED: 455.203(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brittany B. Griffith, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

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

**Section II
Proposed Rules**

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:

- 40D-1.002 Delegation of Authority
- 40D-1.1001 Variances from Water Well Construction Rules (Chapter 40D-3, F.A.C.)
- 40D-1.1002 Variances from Water Shortage Rules and Orders (Chapter 40D-21, F.A.C.)
- 40D-1.1010 Point of Entry into Proceedings
- 40D-1.102 Definitions
- 40D-1.1022 Emergency Authorization for Well Construction Permits
- 40D-1.140 District Funds
- 40D-1.602 Permits Required

- 40D-1.603 Permit Application Procedures
- 40D-1.6031 Authority to Transact Business
- 40D-1.604 Bonds
- 40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications
- 40D-1.607 Permit Processing Fee
- 40D-1.608 Permit Fee Reduction for Certain Counties, Municipalities, and Other Authorized Entities
- 40D-1.659 Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to simplify the notice of receipt of application language for permit applications; to require foreign corporate entities to be registered to conduct business in Florida; to consolidate and streamline the variance and waiver process for water shortage orders and year-round conservation measures; to expand the waiver of application fees in certain instances; to clarify that local government fee reduction requests must be signed by authorized agents; to streamline the District’s water shortage variance and waiver petition form; to delete obsolete provisions regarding subscription fees; to reflect the District’s organizational structure; and to conform Chapter 40D-1 to Florida Statutes, District Rules, and FDEP Rules. The effect of this rulemaking will result in a more efficient and cost-effective permit application process and will improve rule clarity for applicants.

SUMMARY: Procedural.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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: 120.54, 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.308, 373.309, 373.337, 373.4135, 373.4136, 373.414, 373.418 FS.

LAW IMPLEMENTED: 120.54, 120.60, 218.075, 253.002, 253.115, 373.019, 373.046, 373.073, 373.079, 373.083, 373.084, 373.085, 373.103, 373.106, 373.109, 373.116, 373.118, 373.119, 373.129, 373.136, 373.149, 373.171, 373.175, 373.206, 373.207, 373.209, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.2295, 373.239, 373.246, 373.306, 373.308, 373.309, 373.313, 373.316, 373.323, 373.324, 373.326, 373.342, 373.403, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.419, 373.421, 373.426, 373.427, 373.553, 373.705, 373.707, 380.06(9), 668.50 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2013047)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use state-owned sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, the Assistant Executive Director, the Division Deputy Executive Director for Resource Regulation, and the Environmental Resource Permit Bureau Chief, or the Regulation Managers the Director of Regulation Performance Management and the Regulation Department Directors, when

an application to use state-owned sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapter 62-330 40D-40 or 40D-400, F.A.C.

(2) The Governing Board delegates to the Executive Director, the Assistant Deputy Executive Director, the Division Director for Resource Regulation, the Water Use Permit Bureau Chief, Tampa Regulation Director, and the Demand Management Program Manager the authority to take final agency action on petitions for variances and waivers pursuant to subsection 40D-1.1002(5) and Rule 40D-22.303, F.A.C.

(3) The Governing Board hereby incorporates by reference the following documents, copies of which may be obtained from the District's website at www.WaterMatters.org/permits/wellconstruction or from the Southwest Florida Water Management District, Document Services Section, 2379 Broad Street, Brooksville, Florida 34604-6899:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County, effective June 1, 2010.

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County effective June 1, 2010.

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective October 1, 2009, and amendment, effective October 1, 2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00714>. Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History--New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10, 12-4-11,_____.

40D-1.1001 Variances from Water Well Construction Rules. (~~Chapter 40D-3, F.A.C.~~)

(1) The District finds that in certain cases compliance with the requirements of Chapter 40D-3, F.A.C., may result in an undue hardship in the construction, repair, modification or abandonment of wells.

(2) Any affected person may request a variance from any part of Chapter 40D-3, F.A.C., for an individual well by making written request which must include those specific requirements from which a variance is requested, any alternate or substitute methods or conditions considered appropriate, and reasons why the variance is considered necessary. When

submitting an abandonment plan as part of a variance request to the District, the contractor shall supply any available logs, including but not limited to caliper, natural gamma and lithologic logs of the hole.

(3) The Executive Director or his designee shall grant a variance if the request is not contrary to accepted public health and sanitary engineering practices and will not adversely affect the water resource. The variance shall be the minimum necessary to ameliorate the hardship.

(4) Upon issuance of a variance, the District shall impose such special conditions as may be necessary to protect the intent and purpose of Chapter 373, Part III, F.S., and this chapter.

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.54(5), 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, Formerly 40D-3.501, Amended 7-2-98, 6-17-99, _____.

40D-1.1002 Variances and Waivers from Water Shortage Rules and Orders. (~~Chapter 40D-21, F.A.C.~~)

(1) General – Users may request relief from the provisions of Chapter 40D-21 and 22, F.A.C., and orders issued pursuant thereto, by filing with the District a Petition For Variance or Waiver, in accordance with Section 120.542, F.S., and Chapter 28-104, F.A.C., or by filing Form No. LEG-R.42.00-058(~~09**/**28/**10~~), incorporated herein by reference and available upon request from the District. Relief from provisions of a local government ordinance imposing more severe restrictions shall be by petition to such local government.

~~(2) Criteria for Issuance—No petition for variance shall be granted unless the petitioner affirmatively demonstrates that 1 or more of the following circumstances exists:~~

~~(a) The variance is essential to protect public health or safety;~~

~~(b) Compliance with this rule will require measures which, because of their extent or cost impose undue hardship, cannot be accomplished within the anticipated duration of the shortage or will not ensure equitable distribution;~~

~~(c) Alternative restrictions which achieve the same level of demand reduction as the restrictions from which a variance is sought are available and are binding and enforceable.~~

~~1. These alternative restrictions shall be summarized within a short term water reduction plan, prepared by the petitioner, to be submitted to the District for consideration.~~

~~2. Any user who has submitted a short term water reduction plan in compliance with a Board order shall, upon approval, be bound by such plan unless good cause exists for changes to such plan and the plan is amended accordingly.~~

~~(3) Limiting Conditions—Variances granted shall be subject to the following conditions, unless waived or modified by the Board.~~

~~(a) The variance granted shall be the minimum necessary to alleviate the circumstance for which the variance was requested under subsection 40D 1.1002(2), F.A.C., and is limited to the water shortage phase in which the variance is granted, unless otherwise specified in the variance, or unless modified or renewed by the District in writing upon request of the variance holder for good cause shown;~~

~~(b) All variances shall expire upon a declaration by the Board that a water shortage no longer exists, provided, however, that variance conditions which require the petitioner to modify water use facilities shall remain in full force and effect until such modifications have been completed; and~~

~~(c) Variances granted under subsection 40D 1.1002(2), F.A.C., shall prescribe a timetable for compliance with the restrictions from which a variance was sought.~~

~~(4) Petitions for Variance—The petition shall contain the following:~~

~~(a) The petitioner's name, address and telephone number;~~

~~(b) The specific section of the rule or order from which the petitioner is requesting relief;~~

~~(c) A detailed statement of the facts which the petitioner believes demonstrate that the request qualifies for a variance under subsection 40D 1.1002(2), F.A.C., which may include reports by qualified technical experts;~~

~~(d) A description of the relief desired;~~

~~(e) The period of time for which the variance is sought, including the reasons and facts in support thereof;~~

~~(f) The damage or harm resulting or which may result to petitioner from compliance with the rule or order;~~

~~(g) The restrictions which petitioner can meet and the date when petitioner can comply with such restrictions;~~

~~(h) A short term water use reduction plan, describing any and all alternative reductions implemented in lieu of the restrictions for which variance is sought, if applicable;~~

~~(i) The steps the petitioner is taking to meet the order or specific restriction from which the variance is sought and when compliance will be achieved; and~~

~~(j) Any other information the petitioner believes is material.~~

~~(5) Procedures:~~

~~(2)(a) Unless the petitioner requests otherwise, the petition for variance or waiver shall be considered a petition for informal proceeding under Chapter 120, F.S.~~

~~(b) Within 5 working days after receipt of a complete petition for variance, the staff shall recommend to the~~

~~Executive Director whether the petition complies with the provisions of subsections (2) through (4) of Rule 40D 1.1002, F.A.C.~~

~~(c) The Executive Director shall review the petition and the staff recommendation. Petitions which do not require immediate action or which do not comply with the provisions of subsections 40D 1.1002(2) through (4), F.A.C., may be deferred for Board action. Petitions which require immediate action and which comply with the provisions of subsections 40D 1.1002(2) through (4), F.A.C., may be temporarily granted by the Executive Director. Orders temporarily granting a petition shall be presented to the Board for concurrence, rejection, or modification.~~

~~(d) The Board shall consider all deferred petitions as well as those temporarily granted by the Executive Director at its next scheduled water shortage hearing or regularly scheduled meeting. The Board may grant or deny the deferred petitions and may concur with, reject, or modify those petitions temporarily granted by the Executive Director. A petitioner whose variance has been granted shall be furnished an appropriate notice of water shortage variance.~~

~~Rulemaking Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, Formerly 40D-21.291, Amended 7-2-98, 12-7-10,_____.~~

40D-1.1010 Point of Entry into Proceedings.

(1) For all District permitting decisions under Part II and Part IV of Chapter 373, F.S., and decision on petitions for formal determination of wetlands or other surface waters, the District shall require an applicant to publish, or inform an applicant that the applicant has the right to publish, written notice of a District decision in a newspaper of general circulation as set forth in Chapter 50, F.S., in the county or counties where the activity is proposed.

(2)(a) "Written notice" as set forth in Rule 28-106.111, F.A.C., means either receipt of actual written notice that the District has taken or intends to take final agency action, or publication of notice that the District has taken or intends to take final agency action. If final agency action materially differs from a written notice of the District's intended action, persons who may be substantially affected shall have an additional 21 days, or for a notice of consolidated intent an additional 14 days, from the date of receipt or publication of notice of such action to request an administrative hearing. Such requests for an administrative hearing shall only address those aspects of the agency action which differ from the proposed agency action.

(b) Receipt of written notice of a District decision shall be deemed to be the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed, the date that the notice is sent if actual notice is issued

by electronic mail, or the date that notice is published if actual notice is not issued to the persons who may be substantially affected. If the date of publication of a notice of District decision ~~precedes~~ precedes the date that actual notice is received, the applicable 21-day or 14-day period in which to request an administrative hearing will be determined from the date that notice of District decision was published.

(3) When publication is made or notice is issued of a District decision on a permitting matter, the notice shall contain as a minimum:

(a) Name of applicant and a brief description of the proposed activity and its location;

(b) Location of the application and its availability;

(c) Statement of the District's intended action and basis for the issuance or denial except when issuance is a ministerial act;

(d) Scheduled date of Board action, if such action is necessary;

(e) Notification of administrative hearing opportunity or right to judicial review, the procedures which must be followed and applicable time limits; and

(f) Notification of whether mediation under Section 120.573, F.S., is available as an alternative remedy.

(4) When an applicant publishes written notice of a District decision, the applicant shall provide an affidavit of publication to the District within 14 days of publication.

(5) For notices of agency action on a consolidated application for an ERP and use of ~~state-owned sovereignty submerged~~ lands concurrently reviewed by the District pursuant to Section 373.427, F.S., any petition for an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., must be filed within 14 days of receipt of written notice of consolidated intent to issue or deny a permit.

~~Rulemaking Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 120.60, 253.115, 373.079(4)(a), 373.083(5), 373.216, 373.219, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427 FS. History—New 7-2-98, Amended 11-2-08, 11-2-09, 3-22-12,_____.~~

40D-1.102 Definitions.

The terms set forth herein shall have the meanings ascribed to them unless the context clearly indicates otherwise, and such meanings shall apply throughout these rules. To facilitate easier reference, certain terms defined by applicable statute have been included herein with appropriate citation. Terms which apply to only 1 chapter of these rules are defined in the respective chapter.

(1) "Act" means the Florida Water Resources Act of 1972, as amended, together with all provisions of Chapter 373, F.S., relating to Water Management Districts and any amendments thereto which may be made from time to time.

(2) "Aquifer" means a hydrologic unit which consists of a geologic formation, a related group of formations, or only part of a formation, which is saturated with water and capable of transmitting usable quantities of water to wells or springs.

(3) "Board" means the Governing Board.

(4) "Consumptive use" means any use of water ~~that which~~ reduces the supply from which it is withdrawn or diverted.

(5) "District" means the Southwest Florida Water Management District.

(6) "Domestic use" means any use of water for individual personal needs or for household purposes such as drinking, bathing, heating, cooking, or sanitation. Section 373.019(6), F.S.

(7) "Executive Director" means the Executive Director of the District or the person designated by the Board to act in his absence.

(8) "Governing Board" means the Governing Board of Southwest Florida Water Management District.

(9) "Impoundment" means any natural or manmade lake, reservoir, pond, or other containment of water occupying a bed or depression in the earth's surface and having a discernible shoreline.

(10) "Material change" means information which is reasonably expected to lead to a different agency action on the application or an impact or design specification that is different in degree or kind than previously proposed.

~~(11)(40)~~ "Minimum rate of flow" means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to the water resources or ecology of the area.

~~(12)(44)~~ "Minimum level" means the level of the water table or of the potentiometric surface of water in an aquifer or the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

~~(13)(43)~~ "Other watercourse" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. Section 373.019(14), F.S.

~~(14)(43)~~ "Otherwise control" means any contractual right, rental agreement, ~~license~~, or permit from an owner which an applicant has to exercise authority over certain property, especially insofar as it relates to the water resources of the property.

~~(14) "Person" means any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business trust, corporation, company, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof. The enumeration herein is not intended to be exclusive or exhaustive. Section 373.019(15), F.S.~~

~~(15) "Reasonable beneficial use" means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest. Section 373.019(16), F.S.~~

~~(16) "Reservoir" means any artificial or natural holding area which contains or will contain the water impounded by a dam. Section 373.403(4), F.S.~~

~~(17) "Stream" means any river, creek, slough or natural watercourse.~~

~~(18) "Water" or "waters in the District" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the District.~~

~~(19) "Water Regulatory District" means the Southwest Florida Water Management District (Regulatory) created October 30, 1968, pursuant to authority of Chapter 373, F.S. Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.019, 373.046, 373.073, 373.079, 373.103, 373.403 FS. History- Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.02, 40D-0.021, Amended _____.~~

40D-1.1022 Emergency Authorizations for Activities Regulated Under Part III of Chapter 373, F.S. Well Construction Permits.

(1) Emergency well construction permits shall be issued by the Executive Director or the Executive Director's designee when one † of the following conditions exist which justifies the issuance:

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

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

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

(2) If Chapter 40D-2, F.A.C., Consumptive Use of Water, also applies to the well, an emergency permit may be issued only if, in addition to qualifying under (1) above, an application for a WUP has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the WUP.

(3) The applicant for an emergency permit shall submit the application and fee in accordance with Rules 40D-3.101 and 40D-1.607(7) ~~40D-3.201~~, F.A.C., along with any other requested information within 48 hours after making oral application.

(4) Rule 40D-3.411, F.A.C., shall apply to all construction performed under an emergency permit.

(5) In emergency situations when compliance with the requirements of Part III of Chapter 373, F.S., or Chapter 40D-3, F.A.C., will result in undue hardship when an unexpected problem is encountered during the construction, repair or abandonment of a well, the Executive Director or the Executive Director's designee, shall authorize an exemption, by telephone, from the conditions required by a permit or rule requirements for a well. A Well Completion Report documenting the exemption must be submitted to the District in writing within 30 days of completion.

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.171, 373.308, 373.309 FS. Law Implemented 120.54(5), 373.306, 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—Readopted 10-5-74, Formerly 16J-3.12, Amended 7-1-90, 9-30-91, Formerly 40D-3.451, Amended 7-2-98, 6-17-99,_____.

40D-1.140 District Funds.

District funds shall be disbursed by wire or electronic transfer according to the following procedure:

(1) The Executive Director, or the Executive Director's ~~his~~ designee, shall authorize and supervise all wire or electronic transfers of District funds, and shall report all wire or electronic transfer transactions to the Board at its regular meeting following such transaction.

(2) The Executive Director shall provide written instructions to each financial entity that will be transferring District funds by wire or electronic transfer indicating which District staff shall have the authority to request wire or electronic transfers of District funds, and stating that such financial entity may not wire or electronically transfer District funds without receiving prior instructions for each transfer.

(3) The Executive Director, or any staff member authorized by the Executive Director to request wire or electronic transfers of District funds as provided in subsection (2) above, shall provide a request for confirmation of transfer and detailed instructions, by telecopy transmission, hand delivery, or U.S. mail, to the financial entity transferring the funds indicating the accounts from and to which District funds are to be transferred prior to each wire or electronic transfer of District funds.

Rulemaking Authority 373.044, 373.113, 373.149 FS. Law Implemented 373.553 FS. History—New 3-1-93, Formerly 40D-1.201, Amended_____.

40D-1.602 Permits Required.

Unless expressly exempt by law or District rule, or authorized pursuant to Section 403.814(12), F.S., the following permits shall be obtained from the District prior to commencement of the following activities:

(1) A water use permit (WUP) under Chapter 40D-2, F.A.C., must be obtained prior to the consumptive use ~~or withdrawal~~ of water;

(2) A well construction permit under Chapter 40D-3, F.A.C., must be obtained prior to the construction, repair or abandonment of a well.

(3) A surface water, individual, general, or noticed general permit under Chapter 40D-4, 40D-40 or 40D-400, F.A.C., must be obtained prior to construction, alteration, abandonment, operation, or removal, of any surface water management system, dam, impoundment, reservoir, appurtenant work or works, including dredging or filling, as prescribed by District rules. An individual permit is required for the establishment and operation of mitigation banks.

(4) A conceptual environmental resource permit may be obtained for proposed surface water management systems or mitigation banks. However, a conceptual permit does not authorize construction or operation. A conceptual mitigation bank permit can be utilized to estimate the legal and financial requirements for the mitigation bank, information required for evaluation of the mitigation bank permit application, and potential mitigation credits that would be awarded to the specific project proposal.

(5) A proprietary authorization is required by Chapters 253 and 258, F.S., for activities which are located on state-owned submerged lands ~~owned by the Board of Trustees of the Internal Improvement Trust Fund~~. Such authorization shall be reviewed by the District for activities which also require an environmental resource permit (ERP) or exemption under Chapters 40D-4, 40D-40, and 40D-400, F.A.C., or a permit under Sections 373.414(11)-(16), F.S., under Section 373.427, F.S., Chapters 18-20 and 18-21, and Rules 62-312.065 and 62-343.075, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS. Law Implemented 373.106, 373.118, 373.171, 373.216, 373.219, 373.308, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426, 380.06(9) FS. History—New 10-1-84, Amended 12-22-94, 10-16-96, 2-14-00, 9-26-02, 6-5-05,_____.

40D-1.603 Permit Application Procedures.

(1) A permit application shall be:

(a) Filed with the District on the appropriate form or forms incorporated by reference in the applicable rule, with all application blanks filled in and containing signatures as required for each form;

(b) Accompanied by the required number of copies at the time of submittal, as specified in the appropriate rule; and

(c) Accompanied by the appropriate fee as set forth in Rule 40D-1.607, F.A.C.

(d) Any requirement to submit multiple copies of an application shall not apply when the complete application package is ~~submitted~~ ~~received~~ electronically through the District's electronic permitting process.

(2) No later than 30 days after submittal of an initial application or an application for modification of an individual surface water management permit, an individual ERP or an initial application or application for renewal or modification of an individual WUP for annual average withdrawals of 500,000 gpd or greater pursuant to Chapter 40D-2, F.A.C., the applicant shall publish at the applicant's expense a notice of the District's receipt of the application in a newspaper having general circulation as defined in Chapter 50, F.S., in the county or counties in which the activity is proposed. No later than 30 days after receipt of an application for an initial or modification of a general surface water management permit or ERP pursuant to Chapter 40D-40, F.A.C., or a noticed general ERP pursuant to Chapter 40D-400, F.A.C., or for an initial application or application for renewal or modification of a general WUP for annual average withdrawals of less than 500,000 gpd pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof on the District's website at www.watmatters.org. In the event that after posting of notice an application for a general permit is modified such that it is an application for an individual permit, notice of the application shall be published by the applicant in a newspaper as provided herein.

(3) Persons who wish to be notified in writing or by electronic mail of receipt of permit applications affecting a particular geographic area shall notify the District in writing or by electronic mail, and shall specify their area of interest by county or by section, township and range. Persons may request to be notified by regular U.S. mail or by electronic mail. The District shall, within 30 days of receipt of an application, provide by regular or electronic mail as requested, a notice of receipt of the application to any person who has filed a written or electronic mail request for notification of any pending applications affecting the particular designated area in which the activity is proposed. ~~Persons electing to receive mailed notices of application shall be assessed a subscription fee to cover duplication and mailing costs as provided in subsection (14) below.~~

(4) Each notice of receipt of application shall state where interested persons may inspect a copy of the application and that written comments or objections concerning the application may be filed with the District. Comments or objections must be received within 14 days of the date of the notice in order to be considered by the District. The District may request persons submitting objections or comments to

furnish additional information. Upon request, the District will provide the applicant with a copy of all objections and comments received. Submittal of comments or objections concerning a permit application does not constitute a petition for administrative hearing pursuant to Chapter 120, F.S.

(5) Each notice of ~~application~~ receipt of application shall further advise that if notice of intended agency action and ~~an~~ opportunity to request an administrative hearing pursuant to Chapter 120, F.S., regarding a permit application is desired, a written or electronic mail request referencing the permit application number must be filed with and received by the District.

(6) Publication or posting of the notice of application pursuant to subsection (2) shall constitute constructive notice of the permit application to all substantially affected persons. Notices of intended agency action will be issued only to applicants and persons who have filed requests for notification in writing or by electronic mail that specifically reference the relevant permit application number.

(7) When information submitted to the District incorporates or results in a material change to the proposed activity for which the applicant seeks a permit, the District shall notify the applicant that the application is deemed to be amended, the proposal contained in the original application is deemed withdrawn and the 30 and 90 day time requirements provided in Section 120.60(1), F.S., shall restart. ~~For purposes of this subsection (7), the term "material change" shall mean information which is reasonably expected to lead to a different agency action on the application or an impact or design specification that is different in degree or kind than previously proposed.~~

(8) Only 1 application shall be filed for a permit required under the Part II of Chapter 373, F.S., and District rules Chapter 40D-2, F.A.C., for an activity on or involving the same property and project, including initial permit applications as well as applications for modification of a permit, at any time prior to final action on the application first received by the District. If the District determines that more than 1 application has been so filed, the District will notify the applicant that the most recent application is deemed an amendment of the pending application, and if the amendment constitutes a material change, the application will be processed in accordance with subsection (7) above.

(9) In addition to, and concurrent with the noticing required pursuant to subsection (2), when the applicant is an entity with the power of eminent domain that does not have current ownership or control of the entire project area described in the application, the applicant shall provide the property owner(s) identified in the application:

(a) With a written notice of receipt of the application in accordance with subsection (2); and

(b) With a written notice of the intended agency action on the application. The owners of property, not owned by the applicant, identified in the application shall be those identified in the County Property Appraiser's records within 30 days prior to the filing of the application.

(10) Applicants who seek to renew a permit must submit a timely and sufficient application for renewal in order to avoid expiration of the permit. ~~An Application for renewal shall be considered of a permit is~~ timely only if ~~it is actually~~ received by the District ~~no not~~ later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District. If the permit's expiration date falls on a weekend or recognized holiday, the application for renewal must be received by the District on the next business day after the weekend or holiday. When timely and sufficient application for renewal is made, the existing permit shall not expire until the application for renewal has been finally acted upon by the District, or if the permit is denied or the terms of the permit are limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

(11) Published notices of receipt of an application for a surface water management permit or Environmental Resource Permit shall contain information and be in a format substantially as follows:

Notice is hereby given that the Southwest Florida Water Management District has received [surface water or Environmental Resource] permit application number [application number] from [name and address of applicant]. Application received: [date]. Proposed activity: [specify commercial, industrial, residential or other development]. Project name: [name or description of project]. Project size: [specify acres] Location: Section(s) [specify] Township [specify] East, Range [specify] South, in [specify] County. Outstanding Florida Water: [yes or no]. Aquatic preserve: [yes or no]. The application is available for public inspection Monday through Friday at [specify District office and address]. Interested persons may inspect a copy of the application and submit written comments concerning the application. Comments must include the permit application number and be received within 14 days from the date of this notice. If you wish to be notified of intended agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest Florida Water Management District, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899 or submit your request through the District's website at www.watermatters.org. The District does not discriminate

based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

(12) Published notices of receipt of an application for a water use permit shall contain the information included in and substantially conform to the following format ~~be in a format substantially as follows:~~

Notice is hereby given that the Southwest Florida Water Management District has received an application for a [new or modification of] water use permit application number [application number] from [name and address of applicant] to withdraw water from wells and/or surface waters ~~from [applicant name and address].~~ Application number: ~~[insert application number].~~ Application received: [date]. Predominant use type(s): [specify public supply, recreation/aesthetic, commercial, agricultural, mining/dewatering]. Quantity [quantity]. Total requested withdrawal average daily gallons per day: [specify]. Peak month average gallons per day: [specify]. Maximum daily gallons per day: [specify]. From ~~[number of] [wells or other withdrawal points].~~ Location: Section(s) [specify] Township [specify] East, Range [specify] South, in [specify] County. The application is available for public inspection Monday through Friday at 7601 U.S. Highway 301 North, Tampa, Florida 33637 or through the "Application & Permit Search Tools" function on the District's website at www.watermatters.org/permits/. ~~[specify District service office and address].~~ Interested persons may inspect a copy of the application and submit written objections and comments concerning the application within 14 days from the date of this notice. ~~Comments must include the permit application number and be received within 14 days from the date of this notice.~~ If you wish to be notified of intended agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest Florida Water Management District, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899 or submit your request through the District's website at www.watermatters.org. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476; TDD only 1(800)231-6103.

(13) Applicants required to publish a notice of receipt of application ~~receipt~~ must provide to the District a publisher's affidavit establishing proof of publication pursuant to Sections 50.041 and 50.051, F.S., before the application will be considered complete and the applicable 90-day timeframe for taking agency action on the application will commence.

~~(14)(a) A pre paid subscription fee shall be assessed for processing requests to receive notices of District receipt of permit applications sent by regular U.S. mail to cover costs of duplication and mailing. Subscription fees for a maximum term of up to 6 months duration are as follows:~~

- ~~1. \$ 10.00 per designated section, township and range;~~
- ~~2. \$ 50.00 per designated county; or~~
- ~~3. \$ 5.00 per designated application.~~

~~(b) Duplication costs equal to those allowable for producing copies of public records pursuant to Section 119.07, F.S., and actual postage costs shall be assessed against the subscription fee until the pre paid fee is exhausted. Persons who have pre paid the subscription fee will be notified when their subscription fee balance has been exhausted, and no further notices will be sent until additional subscription fees are paid pursuant to this subsection. Persons having pre paid subscription fees remaining at the expiration or cancellation of a subscription term may request that the fees be refunded or applied toward another subscription or subscription term.~~

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60(4), 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, 12-24-07, 4-7-08, 11-2-08, 9-1-09, 12-11-12, _____.

40D-1.6031 Authority to Transact Business.

A foreign for-profit or not-for-profit corporation, foreign limited liability company, or foreign partnership must have the authority to transact business in the State of Florida pursuant to Chapters 607, 608, 617, and 620, F.S., prior to obtaining a permit pursuant to Chapters 40D-2, 40D-3, 40D-4, 40D-40, 40D-400 and 62-330, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.129, 373.136 FS. History—New _____.

40D-1.604 Bonds.

(1) The District may require the applicant for a permit to furnish a bond made payable to the District and its successors, with a reputable bonding corporation authorized to do business in this State as surety, conditioned upon full compliance with the terms of the permit. The amount of the bond shall be in such amount as the District shall determine to be adequate.

~~(2) In the alternative to subsection (1), the District may require liability insurance in such amount as the District shall determine endorsed in favor of the District or a hold harmless agreement satisfactory to the District.~~

~~(2)(3)~~ The District may require that such bond or liability insurance be maintained as a condition of the continued validity of the permit.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.085, 373.413, 373.416 FS. History—Readopted 10-5-74, Formerly 16J-0.13, 40D-1.391, 40D-1.1900, Amended, 6-5-05, 11-2-09, _____.

40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.

(1) Within 30 days after receipt of an application, the District shall notify the applicant if the application is incomplete and request the additional information required to make the application complete. The applicant shall have up to 90 days to submit all information requested. If additional information is not supplied within 90 days after notice by the District, the application will be denied for lack of completeness as provided in subsection (2). Within 30 days after receiving all additional information requested from the applicant, the District shall review it and may request only clarifications of the information or request answers to new questions raised or directly related to the information previously furnished. The applicant shall have up to 90 days from issuance of the District's request for clarifying or additional information to submit the information requested. If the requested information is not supplied within 90 days after notice by the District, the application will be denied for lack of completeness as provided in subsection (2). If the applicant believes the request of the District for such clarifying or additional information is not authorized by law or rule, upon receipt of the applicant's written request the District shall deem the application complete and proceed to process the permit application.

(a) The applicant shall include with each submittal of information in support of a pending permit application an Applicant Transmittal Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00741> Form No. LEG-R.046.01 (08/11), which form is incorporated herein by reference and can be obtained from the District's website at www.WaterMatters.org or from District offices. The applicant shall specify on the Applicant Transmittal Form the application number for which the information or material is being submitted and the contents of the submittal and shall state whether the accompanying submittal completes the applicant's response to the District's request for additional or clarifying information. District staff shall proceed to process the permit application upon receipt of the applicant's information and statement that the submittal completes the applicant's response, upon receipt of the applicant's written request that the District proceed to process the application or, if no statement and additional information is received, upon the conclusion of the 90-day response period.

(b) Upon written request by the applicant, an extension of time may be granted by the District staff upon a showing by the applicant that a good faith effort is being made to provide the additional information and the additional time is required.

(c) Denial of an application for lack of completeness is without prejudice to the applicant’s right to file a new application on the same subject matter.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, or if an application remains incomplete for more than 365 days and no further extension of time will be granted, District staff shall issue to the applicant a notice advising of staff’s intent to deny the application and that the applicant may request referral of the application to the Governing Board for final action. Upon such request and provided the request is made in sufficient time for agency action to occur within the time limits required by Chapter 120, F.S., or other applicable law, the application will be referred to the Governing Board for final action. Applications not referred to the Governing Board will be denied by staff issuance of a notice of final action to deny the permit application for lack of completeness.

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.079(4)(a)1., 373.083(5), 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History—New 7-2-98, Formerly 40D-1.1020, Amended 9-1-09, 9-5-10, 12-12-11,_____.

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

(1) Environmental resource permit applications and related determinations under Chapter 62-330, F.A.C.

(a) Processing fees required by the District for activities regulated under Chapter 62-330, F.A.C., are listed below. The term “N/A” means the requested activity determination is not currently available from the District and is only available from the Department of Environmental Protection.

FEE CATEGORY	FEE AMOUNT
1. Activities qualifying for an electronic self-certification:	
a. Self-certifications in accordance with Section 403.814(12), F.S.	N/A
b. Self-certifications for activities other than those under Section 403.814(12), F.S.	N/A
2. Determination of qualification for an activity exemption:	
a. Under Rules 62-330.050 and 62-330.051, F.A.C.	\$100
b. Under Rule 62-330.0511, F.A.C.	\$0
3. Determination of Qualification to use a General Permit.	\$250
4. Individual or Conceptual Approval Permits excluding permits for a mitigation bank:	
a. New applications. The processing fee for a new permit application shall be as determined from the categories below.	
(I) Total project area of less than 10 acres and no works in on or over wetlands or other surface waters except where exempt under paragraphs 62-330.051(9)(a) through (c), F.A.C.	\$364
(II) Total project area of less than 10 acres that does not meet 4.a.(I) above but that involves less than 1 acre of works in, on or over wetlands and other surface waters, AND less than 10 new boat slips.	\$2,912
(III) Project exceeds any of the thresholds in 4.a.(II) above but involves a total project area of less than 40 acres less than 3 acres of works in on or over wetlands and other surface waters AND less than 30 new boat slips.	\$3,322
(IV) Project exceeds any of the thresholds in 4.a.(III) above but involves a total project area of less than 100 acres less than 10 acres of works in on or over wetlands and other surface waters AND less than 50 new boat slips.	\$3,731
(V) Project exceeds any of the thresholds in 4.a.(IV) above but involves a total project area of less than 640 acres, AND less than 50 acres of works in, on or over wetlands and other surface waters.	\$4,141
(VI) Project exceeds any of the thresholds in 4.a.(V) above.	\$4,550

(VII) Project exclusively for agricultural or silvicultural purposes and involving a total project area of less than 10 acres AND less than 1 acre of works (i.e. dredging filling construction or alteration) in on or over wetlands and other surface waters.	\$2,912
(VIII) Project exclusively for agricultural or silvicultural purposes that exceeds any of the thresholds in 4.a.(VII), above, but involving a total project area of less than 40 acres AND less than 3 acres of works in, on or over wetlands and other surface waters.	\$3,322
(IX) Project exclusively for agricultural or silvicultural purposes that exceeds any of the thresholds in 4.a.(VIII), above, but involving a total project area of less than 100 acres AND less than 10 acres of works in, on or over wetlands and other surface waters.	\$3,731
(X) Project exclusively for agricultural or silvicultural purposes that exceeds any of the thresholds in 4.a.(IX), above, but involving a total project area of less than 640 acres AND less than 50 acres of works in, on or over wetlands and other surface waters.	\$4,141
(XI) Project exclusively for agricultural or silvicultural purposes that exceeds any of the thresholds in 4.a.(X), above.	\$4,550
(XII) Individual or conceptual approval permit solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For the purposes of this provision, the term “environmental restoration or enhancement” means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to a more healthy, functional, and sustaining condition for first, wildlife, and and sustaining condition for fish, wildlife, and listed species.	Based on aforementioned thresholds
(XIII) Individual or conceptual approval permit solely to retrofit an existing stormwater management management system or systems.	Based on aforementioned thresholds
(b) Major Modifications exceeding any of the thresholds in subsection 62-330.315(3) F.A.C.:	
(I) Major modification to an individual permit that is consistent with and existing conceptual approval permit.	50% of the fee prescribed under 4.a. above
(II) Major modification to an Individual or Conceptual Approval Permit that increase the project area.	50% of the fee prescribed under 4.a. above
(III) All other major modifications.	50% of the fee prescribed under 4.a. above
5. Individual or Conceptual Permits for a Mitigation Bank	
a. New application for a mitigation bank with a permit area of:	
(I) Less than 100 acres	\$3,632
(II) At least 100 acres but less than 640 acres	\$3,632
(III) 640 acres or more	\$3,632
b. Major modification exceeding any of the thresholds in subsection 62-330.315(3), F.A.C.:	
(I) Affecting one of the following: service area credit assessment success or release criteria hydrologic structures or alterations elimination of lands monitoring or management plans or construction or mitigation design that does not increase the project area	\$1,816
(II) Affecting two of the components in 5.b.(I) above.	\$1,816
(III) Affecting three of the components in 5.b.(I) above.	\$1,816

(IV) All other major modifications.	\$1,816
c. Mitigation bank credit release.	\$0
d. Mitigation bank credit withdrawal.	\$0
6. Minor Modification of an individual or conceptual approval permit including a permit for a mitigation bank, that does not exceed any of the thresholds in subsection 62 330.315(3), F.A.C.	
a. Extension of permit duration, where not exempted from fees under Florida statutes.	\$0
b. To correct minor errors that do not involve technical review.	\$0
c. To transfer a permit to a new owner/permittee or to transfer a permit to an operation and maintenance entity.	\$0
d. All other minor modifications.	\$0
7. Variance or Waiver.	
a. Under Section 120.542, F.S.	\$0
b. Under Section 373.414(17), F.S.	\$0
8. Fee Reductions.	
a. Application for an individual or conceptual approval permit or modification thereof submitted using the District's electronic application system where the processing fee in (a)4. or 5. above exceeds \$250.	25% reduction
b. Application for any activity by an entity qualifying under Section 218.075, F.S., when the fee under paragraph (a) exceeds \$100.	\$100
c. Applications for any activity when submitted by the U.S. Department of Defense.	\$0
9. Determination of the Landward Extent of Wetlands and Other Surface Waters.	
a. Informal Determination. Fee shall be based on the acreage of the entire property for which the request applies, as follows:	
(I) Total area to be included in the determination is up to 1 acre.	\$353
(II) Additional fee per acre (or portion thereof) beyond the first 1 acre, total fee not to exceed \$500.	\$20
b. Petition for formal determination. Fee shall be based on the acreage of the entire property for which the petition is filed, as follows:	
(I) Total area to be included in the determination is less than 10 acres.	\$777
(II) Total area to be included in the determination is at least 10, but less than 40 acres.	\$1,060
(III) Total area to be included in the determination is at least 40, but no more than 100 acres.	\$2,119
(IV) Additional fee per 100 acres (or portion thereof) that exceeds the first 100 acres.	\$283
c. Reissuance of a formal determination.	\$353

(2) Application fees for proprietary authorization under Chapters 253 and 258, F.S., are in accordance with the fee schedule provided in Chapter 18-21, F.A.C.

(3) For projects grandfathered pursuant to Section 373.414 or 373.4131, F.S., the conceptual, individual or general surface water management or environmental resource permit application fee shall be the same as the conceptual, individual or general ERP application fees listed in subsection (1) above.

(4) For projects grandfathered pursuant to Section 373.414, F.S., the wetland resource (dredge and fill) permit application fee shall be as set forth in paragraphs 40D-1.607(5)(a)-(g), F.A.C., as it existed on December 29, 2011:

(5) Water use permit application fees shall be as follows:

(a) Chapter 40D-2, F.A.C., new individual permit no greater than 10 years.	\$1,000
(b) Chapter 40D-2, F.A.C., new individual permit no greater than 20 years.	\$2,000

(c) Chapter 40D-2, F.A.C., renewal individual permit no greater than 10 years.	\$750
(d) Chapter 40D-2, F.A.C., renewal individual permit no greater than 20 years.	\$1,500
(e) Chapter 40D-2, F.A.C., individual permit modification.	\$300
(f) Chapter 40D-2, F.A.C., individual permit temporary.	\$200
(g) Chapter 40D-2, F.A.C., new general permit no greater than 10 years.	\$250
(h) Chapter 40D-2, F.A.C., new general permit no greater than 20 years.	\$500
(i) Chapter 40D-2, F.A.C., renewal general permit greater than 10 years.	\$185
(j) Chapter 40D-2, F.A.C., renewal general permit no greater than 20 years.	\$370
(k) Chapter 40D-2, F.A.C., general permit modification.	\$75

(l) Chapter 40D-2, F.A.C., general permit temporary.	\$50
(m) Chapter 40D-2, F.A.C., new Small General Permit no greater than 10 years.	\$50
(n) Chapter 40D-2, F.A.C., new Small General Permit no greater than 20 years.	\$100
(o) Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 10 years.	\$35
(p) Chapter 40D-2, F.A.C., renewal Small General Permit no greater than 20 years.	\$70
(q) Chapter 40D-2, F.A.C., Small General Permit modification.	\$15

(r) Chapter 40D-2, F.A.C., permit fees for those new and renewal permits and modifications to permits that are issued for a duration greater than 20 years shall be equal to the ratio of the number of years granted to 20 years multiplied by the corresponding 20 year permit fee specified above.

(s) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (r) above.

~~(6) The following types of applications are exempt from the fees identified in subsection (5):~~

~~(a) PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for permit modifications using the Modification Short Form authorized pursuant to paragraph 40D 2.331(2)(b), F.A.C.~~

~~(b) RESUBMITTALS: Any resubmittal of an application that was denied or withdrawn within the preceding twelve months, provided the same type of application with substantially similar quantities is resubmitted.~~

~~(6)(7) Permit application fees for water well construction or repair shall be as follows:~~

(a) Chapter 40D-3, F.A.C., non-public supply water wells.	\$50
(b) Chapter 40D-3, F.A.C., public supply water wells or other wells constructed to public supply standards.	\$130
(c) Chapter 40D-3, F.A.C., non-public supply potable water wells in Chapter 62-524, F.A.C., delineated areas.	\$100
(d) Chapter 40D-3, F.A.C., public supply water wells in Chapter 62-524, F.A.C., delineated areas.	\$500

~~(7)(8) The following type of application is exempt from the fees identified in subsection (7): ABANDONMENT PERMIT APPLICATIONS: Applications for permits to abandon water wells.~~

~~(8)(9) Chapter 40D-40, F.A.C., general site conditions assessment permit:~~

(a) Within a contiguous project area of 100 acres or more and/or with more than one acre of wetlands on site, basic fee.	\$1,715
(b) Within a contiguous project area of less than 100 acres and with 1 acre or less of wetlands on site basic fee.	\$1,098

~~(c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, extension, or conversion to Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:~~

~~1. For adjustment, expansion, transfer or extension of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;~~

~~2. Modification to convert to Chapter 40D-4 or 40D-40, F.A.C., construction permit:~~

~~a. When the construction permit applicant is the original permittee for a valid site conditions assessment permit, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., general construction permit, as applicable; if a construction permit is issued, a credit equal to the basic fee amount paid in connection with the site conditions assessment permit shall be reimbursed after submittal of the project Statement of Completion and as-built information by the original permittee, and operation approval by the District.~~

~~b. When the construction permit applicant is not the original permittee, and the applicant has a valid site conditions assessment permit that was transferred, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., general construction permit, as applicable; but the permit application processing fee credit in sub-subparagraph 2.a. shall not apply.~~

~~(9)(10) The District will use the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S.~~

(10) Fee Exemptions.

(a) The following types of applications are exempt from the fees identified in subsection (5):

1. PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.

2. RESUBMITTALS: Any resubmittal of an application that was denied or withdrawn within the preceding twelve months, or upon the conclusion of any administrative or judicial process to challenge a denial, provided the same type of application with substantially similar quantities is resubmitted.

(b) The following type of application is exempt from the fees identified in subsection (6):

1. ABANDONMENT PERMIT APPLICATIONS: Applications for permits to abandon water wells.

2. RESUBMITTALS: Any resubmittal of an application that was denied or withdrawn within the preceding twelve months or upon the conclusion of any administrative or judicial process to challenge a denial.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08, 12-7-09, 6-30-10, 9-5-10, 12-29-11, 10-1-13,_____.

40D-1.608 Permit Fee Reduction for Certain Counties, Municipalities and Other Authorized Entities.

(1) A permit applicant requesting a permit fee reduction pursuant to Section 218.075, F.S., shall submit, at the time of application for a permit, documentation that the population requirements of the statute have been met and:

(a) Certification by the governing body of an entity authorized to request a fee reduction, as required by Section 218.075, F.S., that the cost of a permit processing fee constitutes a fiscal hardship; or,

(b) Documentation demonstrating the environmental need for the proposed project or activity.

(2) The submission of a certification pursuant to Section 218.075, F.S., and this section shall be a factor in determining whether the permit applicant can provide reasonable assurance of conditions of issuance for an environmental resource permit with required mitigation.

(3) A request for a permit fee reduction pursuant to Section 218.075, F.S., and this Rule must be signed by an officer or employee authorized to act on behalf of the governing body of the county, municipality, or other authorized entity requesting the fee reduction. Documentation

of such authorization shall be submitted with the permit fee reduction request.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 218.075 FS. History—New 12-22-94, Amended 10-19-95, 3-31-96, 6-5-05, 5-20-13,_____.

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 offices or the District’s website at www.WaterMatters.org.

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

(e) PETITION FOR VARIANCE OR WAIVER, FORM NO LEG-R.42.00-058 (~~09/28/10~~), incorporated by reference in subsections 40D-1.1002(1) and 40D-22.303, F.A.C.

(f) through (3)(g) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 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, 373.705, 373.707, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, 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(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 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, 1-27-10, 4-12-10, 4-27-10, 9-5-10, 9-12-10, 12-7-10, 1-16-11, 6-16-11, 12-12-11, 12-29-11, 2-9-12, 10-14-12, 2-13-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura Donaldson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 7, 2013

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.603	Permit Application Procedures
40D-1.607	Permit Processing Fee
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: To implement revisions related to the statewide effort headed by the Florida Department of Environmental Protection (DEP) and the five water management districts (WMDs) to increase consistency in the consumptive use permitting (CUP), minimum flows and levels

(MFLs), and water supply related programs of the WMDs. Chapters 40D-1, 40D-2, 40D-8, 40D-21, and 40D-80, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual Part B are being amended to (1) make the CUP rules less confusing for applicants; (2) treat applicants equitably statewide; (3) provide consistent protection of the environment; (4) streamline the application and permitting process; and (5) incentivize behavior that protects water resources, including water conservation.

SUMMARY: The proposed amendments include (1) conforming changes to reflect the elimination of several permit types resulting in only individual water use permits and general water use permits by rule; (2) adopting new statewide forms; (3) incorporating existing forms that have been revised to include changes to Chapters 40D-1; 40D-2; 40D-8; 40D-21; and 40D-80, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual Part B; (4) correcting typographical errors; (5) conforming terminology changes; and (6) deleting obsolete forms related to consumptive use permitting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 120.60, 373.0421, 373.109, 373.116, 373.118, 373.223, 373.227, 373.229, 373.413 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Laura Donaldson, General Counsel, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481, (Ext. 4660) or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.603 Permit Application Procedures.

(1) No change.

(2) No later than 30 days after submittal of an initial application or an application for modification of an individual surface water management permit, an individual ERP or an initial application or application for renewal or modification ~~modification~~ of an individual WUP for annual average quantities withdrawals of 500,000 gpd or greater pursuant to Chapter 40D-2, F.A.C., the applicant shall publish at the applicant's expense a notice of the District's receipt of the application in a newspaper having general circulation as defined in Chapter 50, F.S., in the county or counties in which the activity is proposed. No later than 30 days after receipt of an application for an initial or modification of a general surface water management permit or ERP pursuant to Chapter 40D-40, F.A.C., or a noticed general ERP pursuant to Chapter 40D-400, F.A.C., or for an initial application or application for renewal or modification of an individual ~~a general~~ WUP for annual average quantities withdrawals of less than 500,000 gpd pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof on the District's website at www.watermatters.org. In the event that after the posting of notice of an application for ~~a general permit is modified such that it is an application for~~ an individual WUP for annual average quantities of less than 500,000 gpd is modified to 500,000 gpd or greater ~~permit~~, notice of the application shall be published by the applicant in a newspaper as provided herein.

(3) through (14) No change.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60(4), 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, 12-24-07, 4-7-08, 11-2-08, 9-1-09, 12-11-12, _____.

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an

application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

- (1) through (4) No change.
- (5) Water use permit application fees shall be as follows:

(a) For a Chapter 40D-2, F.A.C., individual permit that authorizes annual average quantities from any source or combined sources that is 500,000 gpd or greater, the fees shall be as follows:

1. <u>new individual permit no greater than 10 years</u>	\$1,000.00
2. (b) Chapter 40D 2, F.A.C., <u>new individual permit no greater than 20 years</u>	\$2,000.00
3. (c) Chapter 40D 2, F.A.C., <u>renewal individual permit no greater than 10 years</u>	\$ 750.00
4. (d) Chapter 40D 2, F.A.C., <u>renewal individual permit no greater than 20 years</u>	\$1,500.00
5. (e) Chapter 40D 2, F.A.C., <u>individual permit modification</u>	\$ 300.00
6. (f) Chapter 40D 2, F.A.C., <u>individual permit temporary</u>	\$ 200.00

(b) For a Chapter 40D-2, F.A.C., individual permit that authorizes:

1. Annual average quantities from any source or combined sources that is 100,000 gpd or greater but less than 500,000 gpd; or

2. Annual average quantities from any source or combined sources that is less than 100,000 gpd and:

a. The drought annual average quantities are 100,000 gpd or greater in the Southern Water Use Caution Area;

b. Annual average quantities are for mining or dewatering;

c. The primary source is from surface water and the combined annual average quantities is at least 50,000 gpd;

d. The withdrawal is required by the permit to be metered and reported to the District;

e. The maximum quantity equals or exceeds 3,000,000 gpd for crop protection or other use; or

f. At least one permitted facility is located within the Dover-Plant City Water Use Caution Area and requires crop protection quantities.

the fees shall be as follows:

1. ~~(g) Chapter 40D 2, F.A.C., new individual general permit no greater than 10 years~~ \$ 500.00
\$ 250.00

2. ~~(h) Chapter 40D 2, F.A.C., new individual general permit no greater than 20 years~~

3. ~~(i) Chapter 40D 2, F.A.C., renewal individual general permit greater than 10 years~~ \$ 185.00

4. ~~(j) Chapter 40D 2, F.A.C., renewal individual general permit no greater than 20 years~~ \$ 370.00

5. ~~(k) Chapter 40D 2, F.A.C., general individual permit modification~~ \$ 75.00

6. ~~(l) Chapter 40D 2, F.A.C., general individual permit temporary~~ \$ 50.00

(c) For a Chapter 40D-2, F.A.C., individual permit that authorizes annual average quantities from any source or combined sources that is less than 100,000 gpd unless the criteria listed in 40D-1.607(7)(b)2. apply, the fees shall be as follows:

1. ~~(m) Chapter 40D 2, F.A.C., new individual permit Small General Permit no greater than 10~~ \$ 50.00
years

2. ~~(n) Chapter 40D 2, F.A.C., new individual permit Small General Permit no greater than 20~~ \$ 100.00
years

3. ~~(o) Chapter 40D 2, F.A.C., renewal individual permit Small General Permit no greater than~~ \$ 35.00
10 years

~~4.(p) Chapter 40D-2, F.A.C., renewal individual permit Small General Permit~~ no greater than \$ 70.00
20 years

~~5.(q) Chapter 40D-2, F.A.C., Small General individual permit Permit modification~~ \$ 15.00

~~(d)(*)~~ Chapter 40D-2, F.A.C., permit fees for those new and renewal permits and modifications to permits that are issued for a duration greater than 20 years shall be equal to the ratio of the number of years granted to 20 years multiplied by the corresponding 20 year permit fee specified above.

~~(e)(*)~~ For those public supply utilities ~~that which~~ are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (e) above.

(6) through (10) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08, 12-7-09, 6-30-10, 9-5-10, 12-29-11, _____.

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 offices or the District’s website at www.WaterMatters.org.

(1) GROUND WATER

(a) APPLICATION FOR A WATER WELL CONTRACTOR’S LICENSE, FORM NO. LEG-R.003.01 (6/10), [\(HYPERLINK\)](#), incorporated by reference in subsection 40D-3.037(5), F.A.C.

(b) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR’S LICENSE, FORM NO. LEG-R.004.02 (4/09), [\(HYPERLINK\)](#), incorporated by reference in subsection 40D-3.037(5), F.A.C.

(c) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM, FORM NO. LEG-R.006.01 (4/09), [\(HYPERLINK\)](#), incorporated by reference in paragraph 40D-2.101(5)(a), F.A.C.

(d) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL, FORM NO. LEG-R.040.01 (6/10), [\(HYPERLINK\)](#), incorporated by reference in subsection 40D-3.101(1), F.A.C.

(e) State of Florida WELL COMPLETION REPORT, FORM NO. LEG-R.005.02 (6/10), [\(HYPERLINK\)](#), incorporated by reference in paragraph 40D-3.411(1)(a), F.A.C.

(f) WELL GROUTING/ABANDONMENT FORM, FORM NO. LEG-R-041.00 (4/09), [\(HYPERLINK\)](#), incorporated by reference in subsection 40D-3.531(5), F.A.C.

(g) WELL VERIFICATION FOR ALL NON-DOMESTIC USE WELLS LOCATED IN THE MOST IMPACTED AREA OF THE SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.016.01 (4/09), [\(HYPERLINK\)](#), incorporated by reference in subsection 40D-3.101(1), F.A.C.

~~(h) SMALL GENERAL WATER USE PERMIT APPLICATION FORM NO. LEG R.027.01 (9/12), incorporated by reference in paragraph 40D-2.101(2)(e), F.A.C.~~

~~(i) GENERAL WATER USE PERMIT APPLICATION FORM NO. LEG R.028.01 (9/12), incorporated by reference in paragraph 40D-2.101(2)(b), F.A.C.~~

~~(j) INDIVIDUAL WATER USE PERMIT APPLICATION FORM NO. LEG-R.100.00 (EFFECTIVE DATE) (HYPERLINK), LEG R.029.01 (9/12), incorporated by reference in subsection 40D-2.101(1)(2)(a), F.A.C.~~

~~(i)(*) WATER USE PERMIT APPLICATION AGRICULTURAL USE – SUPPLEMENTAL FORM A, SUPPLEMENTAL FORM – AGRICULTURE, Form No. LEG-R.030.02 (EFFECTIVE DATE) (HYPERLINK), LEG-R.030.01 (12/10) incorporated by reference in subsection subparagraph 40D-2.101(1)(2)(a)1, F.A.C.~~

~~(j)(*) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM INDUSTRIAL/ OR COMMERCIAL USE – SUPPLEMENTAL FORM B, FORM NO. LEG-R.031.01 (EFFECTIVE DATE) (HYPERLINK), LEG-R.031.00 (3/09), incorporated by reference in subsection subparagraph 40D-2.101(1)(2)(a)2, F.A.C.~~

~~(k) WATER USE PERMIT APPLICATION – LANDSCAPE/RECREATION USE – SUPPLEMENTAL FORM C, FORM NO. LEG-R.034.01 (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in subsection 40D-2.101(1), F.A.C.~~

~~(l)(mm)~~ WATER USE PERMIT APPLICATION ~~SUPPLEMENTAL FORM – MINING/ OR DEWATERING USE – SUPPLEMENTAL FORM D~~, FORM NO. LEG-R.112.00 (EFFECTIVE DATE) (HYPERLINK), ~~LEG-R.032.01 (9/09)~~, incorporated by reference in subsection subparagraph 40D-2.101(1)(2)(a)3, F.A.C.

~~(m)(nn)~~ WATER USE PERMIT APPLICATION ~~SUPPLEMENTAL FORM – PUBLIC SUPPLY USE – SUPPLEMENTAL FORM E~~, FORM NO. LEG-R.033.02 (EFFECTIVE DATE) (HYPERLINK), ~~LEG-R.033.01 (9/09)~~, incorporated by reference in subsection subparagraph 40D-2.101(1)(2)(a)4, F.A.C.

~~(n)(oo)~~ WATER USE PERMIT APPLICATION ~~SUPPLEMENTAL FORM – OTHER USE – SUPPLEMENTAL FORM F~~, ~~RECREATION OR AESTHETIC~~, FORM NO. LEG-R.109.00 (EFFECTIVE DATE) (HYPERLINK), ~~LEG-R.034.00 (3/09)~~, incorporated by reference in subsection subparagraph 40D-2.101(1)(2)(a)5, F.A.C.

~~(o)~~ WATER USE PERMIT APPLICATION – ~~INSTITUTIONAL USE – SUPPLEMENTAL FORM G~~, Form No. 110.00 (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in subsection 40D-2.101(1), F.A.C.

~~(p)~~ MODIFICATION SHORT FORM APPLICATION, FORM NO. LEG-R.035.02 (EFFECTIVE DATE) (HYPERLINK), ~~LEG-R.035.00 (3/09)~~, incorporated by reference in subsection paragraph 40D-2.331(2)2-231(2)(b), F.A.C.

~~(q)~~ ANNUAL CROP SUMMARY REPORT, ~~FORM AGRICULTURAL WATER USE FORM – SEASONAL CROPS, NORTHERN TAMPA BAY WATER USE CAUTION AREA~~, FORM NO. LEG-R.102.00 (EFFECTIVE DATE) (HYPERLINK), FORM NO. LEG-R.024.00 (4/09), incorporated by reference in subsection paragraph 40D-2.091(2)(f), F.A.C.

~~(r)~~ IRRIGATION WATER USE FORM – ANNUAL CROPS, NORTHERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. LEG-R.025.00 (4/09), incorporated by reference in paragraph 40D-2.091(2)(g), F.A.C.

~~(r)(s)~~ AGRICULTURAL WATER ALLOTMENT FORM, FORM NO. LEG-R.042.00 (4/09), (HYPERLINK), incorporated by reference in paragraph 40D-2.101(5)(b), F.A.C.

~~(s)(t)~~ APPLICATION TO TRANSFER A WATER USE PERMIT, FORM NO. LEG-R.002.05 (EFFECTIVE DATE) (HYPERLINK), ~~LEG-R.002.04 (9/12)~~, incorporated by reference in subsection 40D-2.351(1), F.A.C.

~~(t)(uu)~~ SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.02 (9/12), (HYPERLINK), incorporated by reference in subsection 40D-2.101(6), F.A.C.

~~(u)(vv)~~ NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.01 (9/12), (HYPERLINK), incorporated by reference in paragraph 40D-2.101(6)(b), F.A.C.

~~(v)(ww)~~ SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.02 (9/12), (HYPERLINK), incorporated by reference in paragraph 40D-2.101(6)(b), F.A.C.

~~(w)(xx)~~ PUBLIC SUPPLY WELL INFORMATION AND CLASSIFICATION FORM, FORM NO. LEG-R.015.02 (08/11), (HYPERLINK), incorporated by reference in paragraph 40D-3.101(2)(b), F.A.C.

~~(x)(yy)~~ IRRIGATION WATER USE FORM – ANNUAL CROPS, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.017.01 (9/12), (HYPERLINK), incorporated by reference in paragraph 40D-2.091(2)(b), F.A.C.

~~(y)(zz)~~ IRRIGATION WATER USE FORM – ANNUAL LANDSCAPE/RECREATION, ~~RECREATIONAL/AESTHETIC/GOLF~~, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.018.02 (EFFECTIVE DATE) (HYPERLINK), ~~LEG-R.018.01 (9/12)~~, incorporated by reference in paragraph 40D-2.091(2)(c), F.A.C.

~~(z)(aa)~~ IRRIGATION WATER USE FORM – SUMMER/FALL SEASONAL, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.019.01 (9/12), (HYPERLINK), incorporated by reference in paragraph 40D-2.091(2)(d), F.A.C.

~~(aa)(bb)~~ IRRIGATION WATER USE FORM – WINTER/SPRING SEASONAL, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.020.01 (9/12), (HYPERLINK), incorporated by reference in paragraph 40D-2.091(2)(e), F.A.C.

~~(cc)~~ APPLICATION TO RENEW A SMALL GENERAL WATER USE PERMIT FOR AGRICULTURAL USE, FORM NO. LEG-R.036.01 (9/12), incorporated by reference in paragraph 40D-2.101(2)(e), F.A.C.

~~(dd)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – AGRICULTURE ATTACHMENT, FORM NO. LEG-R.037.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(e)1, F.A.C.

~~(ee) SMALL GENERAL WATER USE PERMIT APPLICATION — INDUSTRIAL OR COMMERCIAL ATTACHMENT, FORM NO. LEG R.038.00 (3/09), incorporated by reference in subparagraph 40D 2.101(2)(c)2., F.A.C.~~

~~(ff) SMALL GENERAL WATER USE PERMIT APPLICATION — RECREATION OR AESTHETIC ATTACHMENT, FORM NO. LEG R.039.00 (3/09), incorporated by reference in subparagraph 40D 2.101(2)(c)3., F.A.C.~~

~~(gg) WATER USE PERMIT APPLICATION — MINING AND DEWATERING MATERIALS OTHER THAN PHOSPHATE, FORM NO. LEG R.048.01 (9/12), incorporated by reference in paragraph 40D 2.101(2)(d), F.A.C.~~

~~(hh) SMALL GENERAL WATER USE PERMIT APPLICATION — PUBLIC SUPPLY ATTACHMENT, FORM NO. LEG R.045.00 (12/09), incorporated by reference in subparagraph 40D 2.101(2)(c)4., F.A.C.~~

~~(bb)(ii) PUBLIC SUPPLY ANNUAL REPORT FOR GENERAL AND INDIVIDUAL PERMITS OVER 100,000 GPD ANNUAL AVERAGE QUANTITIES, FORM NO. LEG-R.103.00 (EFFECTIVE DATE) (HYPERLINK), LEG-R.023.00 (09/09), incorporated by reference in paragraph 40D-2.091(2)(h), F.A.C.~~

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

~~(kk) 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.~~

~~(dd)(H) DOVER/PLANT CITY WATER USE CAUTION AREA SUPPLEMENTAL FORM — FORM NO. LEG-R.050.01 (08/11), (HYPERLINK), incorporated by reference in subsection 40D-2.101(7), F.A.C.~~

~~(ee)(mm) NET BENEFIT SUPPLEMENTAL FORM DOVER/PLANT CITY WATER USE CAUTION AREA — FORM NO. LEG-R.051.00 (12/10), (HYPERLINK), incorporated by reference in subsection 40D-2.101(7), F.A.C.~~

~~(ff)(K) FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S LANDSCAPE GUIDANCE: MODELS FOR ORDINANCES, COVENANTS, AND RESTRICTIONS; (1/09) (HYPERLINK);~~

~~(gg)(I) LANDSCAPE IRRIGATION AND FLORIDA FRIENDLY DESIGN STANDARDS, dated December (12/06) 2006 (HYPERLINK);~~ and

~~(hh)(m) 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) (HYPERLINK).~~

~~(ii)(n) FLOW METER PRE-INSTALLATION INFORMATION WORK SHEET, FORM NO. LEG-R.052.00 (9/12)- <http://www.flrules.org/Gateway/reference.asp?No=Ref-02198>.~~

~~(jj)(o) FLOW METER POST-INSTALLATION INFORMATION REIMBURSEMENT FORM, FORM NO. LEG-R.053.00 (9/12)- <http://www.flrules.org/Gateway/reference.asp?No=Ref-02199>.~~

~~(kk) FLOW METER ACCURACY REPORT FORM, FORM NO. LEG-R.101.00 (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in subsection 40D-2.091(2), F.A.C.~~

~~(ll) CROP PROTECTION REPORT FORM, FORM NO. LEG-R.104.00 (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in subsection 40D-2.091(2), F.A.C.~~

~~(mm) WATER USE/PUMPAGE REPORT FORM, FORM NO. LEG-R.105.00 (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in subsection 40D-2.091(2), F.A.C.~~

~~(nn) WATER QUALITY REPORT FORM, FORM NO. LEG-R.106.00 (EFFECTIVE DATE) (HYPERLINK), incorporated by reference in subsection 40D-2.091(2), F.A.C.~~

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.116, 373.206, 373.207, 373.209, 373.216, 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, 373.705, 373.707, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, 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(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 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, 1-27-10, 4-12-10, 4-27-10, 9-5-10, 9-12-10, 12-7-10, 1-16-11, 6-16-11, 12-12-11, 12-29-11, 2-9-12, 10-14-12, 2-13-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Donaldson
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Southwest Florida Water Management
 District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 19, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: July 20, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend the District's fee rule to establish a 50% fee reduction for petitions for formal determination of wetlands and other surface waters for certain parcels which have had a prior formal determination completed.

SUMMARY: Environmental Resource Permitting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. The amendments will allow a fee reduction for persons who qualify. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2), 373.4131 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2013060)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) Environmental resource permit applications and related determinations under Chapter 62-330, F.A.C.

(a) Processing fees required by the District for activities regulated under Chapter 62-330, F.A.C., are listed below. The term "N/A" means the requested activity determination is not currently available from the District and is only available from the Department of Environmental Protection.

1. through 8. No change.

9. Determination of the Landward Extent of Wetlands and Other Surface Waters

a. Informal Determination. No change.

b. Petition for formal determinations. No change.

c. Reissuance of a formal determination

(I) submitted 60 days prior to expiration \$353

(II) submitted within 2 years of expiration of a formal 50% of the fee prescribed determination provided petitioner certifies no unpermitted alterations in physical

conditions and no change in delineation methodology since issuance of prior formal determination, as confirmed by staff.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2), 373.4131 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08, 12-7-09, 6-30-10, 9-5-10, 12-29-11, 10-1-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 22, 2013

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.021	Definitions
40D-2.031	Implementation
40D-2.041	Permits Required
40D-2.051	Exemptions
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.321	Duration of Permits
40D-2.331	Modification of Permits
40D-2.341	Revocation and Cancellation of Permits
40D-2.351	Transfer of Permits
40D-2.361	Renewal of Permits
40D-2.371	Ten Year Compliance Reporting
40D-2.381	Standard Permit Conditions
40D-2.401	Identification Tags
40D-2.501	Permit Use Types
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use Caution Areas

PURPOSE AND EFFECT: To implement revisions related to the statewide effort by the Florida Department of Environmental Protection (DEP) and the five water management districts (WMDs) to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. Chapters 40D-1, 40D-2, 40D-8, 40D-20, 40D-21, and 40D-80, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual are being amended to (1) make the CUP rules less confusing for applicants; (2) treat

applicants equitably statewide; (3) provide consistent protection of the environment; (4) streamline the application and permitting process; and (5) incentivize behavior that protects water resources, including water conservation.

SUMMARY: The proposed amendments: (1) eliminates several permit types resulting in only individual water use permits and general water use permits by rule; (2) reclassifies specified activities from exempt activities to activities authorized by a general permit by rule; (3) limits when the requirement that contiguous properties be served by a consolidated individual water use permit; (4) incorporates by reference new and revised applications and forms; (5) includes hyperlinks for forms; (6) deletes obsolete forms; (7) incorporates the newly structured and revised Water Use Permit Information Manual Part B; (8) conforming changes to ensure that there are no increased regulatory requirements for those applicants now required to receive an individual permit; (9) conforming changes to reflect changes to chapter 40D-2 and the Water Use Permit Information Manual Part B; (10) revises conditions for issuance; (11) incorporates recent legislative changes; (12) clarifies the permit modification process and the appropriate applications to be used; (13) authorizes the extension of a permit expiration due date to demonstrable conservation savings; (14) provides provisions related to the 10 year compliance report and associated review; (15) incorporates new standard permitting conditions; (16) clarifies that designation of permit use types is only required for withdrawal quantities authorized by an individual permit; (17) creates two new permit use types; (18) conforms rules to the water Resource Implementation Rule on minimum flows and levels; (19) provides for modifications of permits by letter for certain types of projects or activities; (20) deletes obsolete and duplicative provisions; and (21) makes conforming, technical and clarifying changes.

In addition, the proposed amendments renames SWFWMD’s “Water Use Permit Information Manual Part B” to the “Water Use Permit Applicant’s Handbook Part B” and contains a consistent order of appearance as well as contain consistent criteria on several topics. The Applicant’s Handbook also includes the following revisions: (1) inclusion of an extension of the permit duration if conservation measures outlined in the Conservation Plan are achieved; (2) conformity of provisions related to changes made in Chapters 62-40 and 40D-2, F.A.C.; (3) a table of contents; (4) deletion of duplicative provisions; (5) deletion of obsolete provisions; (6) clarification regarding whether conservation credits may be relocated; (7) allowance for new conservation credit calculations at time of permit renewal; (8) terminology and technical revisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243, 373.227, 373.103, 373.203, 373.216, 373.250 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Laura Donaldson, General Counsel, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481, (Ext. 4660) or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.021 Definitions.

The following definitions shall apply Districtwide when used in this chapter and in the District's Water Use Permit Applicant's Handbook Information Manual Part B, "Basis of Review" (WUP Applicant's Handbook Basis of Review) incorporated by reference in Rule 40D-2.091, F.A.C., except as specifically limited:

(1) "Alternative water supplies" and "alternative water supply" is defined in Section 373.019(1), F.S. means saltwater; brackish surface water and brackish groundwater; surface water captured predominately during wet weather flows; sources made available through the addition of new storage capacity for surface or ground water; water that has been reclaimed after 1 or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan. Inclusion of reclaimed water and seawater in this definition of alternative water supplies does not alter the exemption from water use permitting for these sources (see Section 1.2, WUP Basis of Review).

(2) "Annual Average" means the annual average quantities ~~daily quantity~~ that is the total quantity authorized by the District ~~to be withdrawn~~ from water sources in 1 year, divided by 365 days and expressed in gallons per day (gpd).

(3) "Change in Ownership or Control" with respect to Self-Relocation within the Southern Water Use Caution Area (SWUCA) and the Dover/Plant City Water Use Caution Area (D/PCWUCA) ~~WUCA~~ means a person other than the permittee that has been granted a real property interest or lease interest in the property subject to the permit; but does not include a person with a familial relationship to the permittee.

(4) No change.

(5) "Dover/Plant City WUCA" or "D/PCWUCA" means the Dover/Plant City Water Use Caution Area as described in paragraph 40D-2.801(3)(c)(~~d~~), F.A.C.

(6) "Drought Annual Average" means the annual average quantities ~~daily quantity~~ in the SWUCA that is the total quantity authorized by the District ~~to be withdrawn~~ in 1 calendar year for irrigation based on a two-in-ten year drought, divided by 365 days and expressed in gallons per day (gpd).

(7) through (8) No change.

(9) "New Quantities" means groundwater for annual average quantities and crop protection that is not currently authorized to be used for the intended use by the applicant. Within ~~within~~ the SWUCA, means groundwater that is not

currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. Within the Dover/Plant City WUCA, “New Quantities” means groundwater for crop frost/freeze protection that is not currently authorized to be used withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase quantities, and/or change the Permit Use Type (affecting only the modified portion) and applications for an initial permit, but does not include a full or partial permit transfer. A modification to change crops or plants grown under an ~~Agricultural Permit Use Type Classification~~ or to change withdrawal location or Use Type that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type provided that the quantities do not increase. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the water use permit (WUP) that existed prior to mining, such activity does not constitute a change in Use Type or New Quantity.

(10) “Reclaimed Water,” is defined in Section 373.019(17), F.S. except as specifically provided in Chapter 62-610, F.A.C., means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

(11) No change.

(12) “Self-Relocation” means a permit modification that authorizes a permittee to move all or a portion of its withdrawal located within the SWUCA or D/PCWUCA ~~Southern Water Use Caution Area~~ to a new location or locations owned or controlled by the permittee within the SWUCA or D/PCWUCA, ~~Southern Water Use Caution Area~~, with no change in ownership, control, or Use Type as set forth in Rule 40D-2.501, F.A.C., and no increase in quantities. Self-Relocation does not include changes in withdrawal location or Use Type that are authorized by the terms of the existing permit.

(13) through (14) No change.

(15) “Water Use Permit” means a permit issued pursuant to part II of Chapter 373, F.S. and Chapter 40D-2, F.A.C., which shall also be referred to as a “WUP”.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.116, 373.117, 373.118, 373.149, 373.171, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243, 373.709 FS. History—New 1-1-07, Amended 12-30-08, 4-27-10, 6-16-11, _____.

40D-2.031 Implementation.

~~(1) Historical Background.~~

~~(a) A program for issuance of permits authorizing the consumptive use of water was implemented commencing January 1, 1975, within the Hillsborough River, Northwest Hillsborough, Green Swamp, Alafia River, Coastal Rivers, Peace River, Withlacoochee River, and Pinellas Anclote River Basins.~~

~~(b) This program was also implemented commencing August 3, 1977, within the areas annexed into the Peace and Withlacoochee River Basins and within the Manasota Basin.~~

~~(2) Amendments to these rules adopted June 9, 1989, shall become effective on October 1, 1989.~~

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 9-4-77, 10-16-78, Formerly 16J-2.03, Amended 3-23-81, 10-1-89, Repealed _____.

40D-2.041 Permits Required.

(1) The District issues two types of WUPs, a general WUP by rule issued pursuant to subsection (3) and an individual WUP issued pursuant to subsection (4). Unless expressly exempted by law or District rule, a WUP must be obtained from the District prior to any use, withdrawal or diversion of water.

(2) A water user shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented to be separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either (a) share the same irrigation infrastructure or (b) are operated as a common enterprise. However, when multiple use types, as defined in Rule 40D-2.501, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate individual permits. This requirement to aggregate two or more properties shall not apply when the separate properties have existing individual permits that require metering for all withdrawals or the water user requests a permit modification to the permits to require metering for all withdrawals.

(3) A general WUP by rule is hereby established for withdrawals of water listed below that do not meet or exceed any permitting threshold. The Governing Board hereby grants a General Permit by Rule for all non-exempt withdrawals of water within the District that satisfy the following criteria:

(a) The withdrawal of water if the following thresholds are met:

1. Total withdrawal capacity from any source or combined sources is less than 1,000,000 gpd annual average quantities;

2. Annual average quantities from any source or combined sources is less than 100,000 gpd;

3. Withdrawal is from a well having an outside diameter of less than 6 inches;

4. Withdrawal is from a surface water body and the outside diameter of the withdrawal pipe or the sum of the outside diameters of the withdrawal pipes is less than 4 inches;

5. The withdrawal is not located within the MIA;

6. Are consistent with requirements of any applicable mandatory reuse zones; and

7. Does not exceed any of the specific thresholds identified in subsection (3) of this rule.

(b) Temporary uses for contamination cleanup, provided that:

1. The United States Environmental Protection Agency, the State of Florida Department of Environmental Protection, the State of Florida Department of Health and Rehabilitative Services and other agencies have been appropriately notified of the cleanup activity;

2. Well construction permits are obtained from the District, including an acceptable plan for abandonment of these wells; and

3. The quantities authorized do not exceed the quantities in paragraphs 40D-2.041(3)(a)1. and 2., F.A.C.

(c) Temporary withdrawals from test wells, provided that an attendant testing program has been submitted to and approved by the District. A WUP must be obtained prior to converting a test well to a production well.

(d) Temporary dewatering for construction of buildings or other foundations and roadways or for installation of utility pipeline, cables, culverts, and catch basins.

(e) Water used strictly for fire fighting purposes. The general permit by rule shall be subject to the standard conditions in Rule 40D-2.381, F.A.C. and any applicable special conditions for the use type.

(4) Unless expressly exempted by law or District rule, a WUP must be obtained from the District prior to any use, withdrawal, or diversion of water. An individual ~~Unless expressly exempted by law or District rule, a~~ WUP must be obtained from the District prior to withdrawal of water if any of the following thresholds are met or exceeded:

(a) Total withdrawal capacity from any source or combined sources is greater than or equal to 1,000,000 gpd annual average quantities gallons per day (gpd).

(b) Annual average quantities daily withdrawal from any source or combined sources is greater than or equal to 100,000 gpd.

(c) Withdrawal is from a well having an outside diameter of 6 inches or greater more at the surface.

(d) Withdrawal is from a surface water body and the outside diameter of the withdrawal pipe or the sum of the

outside diameters of the withdrawal pipes is 4 inches or greater.

(e) In addition to the thresholds set forth in paragraphs (4)(a)-(d) ~~(1)(a)-(d)~~ above, a permit is required within the MIA as set forth in subparagraph 40D-2.801(3)(b)2., F.A.C., when withdrawal is from wells having a cumulative outside diameter greater than 6 inches at the surface, any of which wells is constructed after April 11, 1994. This paragraph (e) shall not apply to any proposed well less than 6 inches in diameter at the surface when it is of the same diameter or smaller than a well it replaces and an application to plug the replaced well in accordance with Rule 40D-3.531, F.A.C., is filed with the application to construct the replacement well in accordance with Rule 40D-3.041, F.A.C.

~~(5)(2)~~ WUP categories are based on the combined annual average quantities ~~daily water demand~~, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during 1 year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in ~~gpd gallons per day (gpd)~~. ~~The District issues the following categories of WUPs:~~

~~(a) Individual.~~

~~WUPs for a combined annual average daily water demand of 500,000 gpd or greater are issued as individual WUPs.~~

~~(b) General.~~

~~WUPs for the following are issued by District staff as general WUPs, except as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the WUP Basis of Review:~~

~~1. A combined annual average daily water demand less than 500,000 gpd but greater than or equal to 100,000 gpd; or~~

~~2. A combined annual average daily water demand less than 100,000 gpd when:~~

~~a. The drought annual average is 100,000 gpd or more in the Southern Water Use Caution Area;~~

~~b. Withdrawal is for mining or dewatering;~~

~~c. The primary withdrawal source is a surface water and the combined annual average daily water demand is at least 50,000 gpd;~~

~~d. The withdrawals are required by the permit to be metered and withdrawal quantities reported to the District; or~~

~~e. The maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover Plant City Water Use Caution Area and has frost/freeze protection quantities.~~

~~(c) Small General.~~

~~WUPs for a combined annual average daily water demand less than 100,000 gpd are issued as small general WUPs unless any criteria listed above for general WUPs apply. Small general WUPs are issued by staff.~~

(6) Notwithstanding the criteria enumerated in subsection (3), an individual WUP is required for all withdrawals of water:

(a) when the use of water does not meet the criteria in subsection (3); or

(b) evidence indicates the withdrawal is likely to cause adverse impacts to existing water or land uses or the water resources or the use is within an area that is experiencing or is projected to experience withdrawal-related adverse water resource or environmental impacts. The District shall require a WUP when evidence indicates the withdrawal is likely to cause significant adverse impacts to existing water or land uses or the water resource or the withdrawal is within an area that is experiencing or is projected to experience withdrawal-related adverse water resource or environmental impacts.

(7) Any person whose use otherwise meets the criteria for a general WUP as specified in paragraph (3) may submit an application to obtain an individual WUP at their sole discretion.

~~(8)~~(4) Upon the effective date of amendments defining WUPs as provided in subsection (2) above, any permit issued which, as a result of such amendments, is thereafter defined as a different permit for which a higher fee is required shall be converted by the District to the applicable permit without any fee payment. If a submitted application for a permit is pending as of the effective date of amendments defining WUPs and, as result of such amendments, will be issued as a permit requiring a higher application fee payment, no additional fee payment shall be required in order for the application to be considered complete.

Rulemaking Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08, 5-17-09, 11-2-09, 6-16-11, _____.

40D-2.051 Exemptions.

(1) No permit is required for the following uses:

(a) ~~The domestic consumption~~ Domestic consumption of water by individual users. The District shall presume, unless otherwise shown to the contrary, that any use of water exceeding the quantities set forth in Rule ~~40D-2.041(3), 40D-2.041,~~ F.A.C., is not limited to individual domestic consumption and is not exempt by this provision.

(b) Those certified uses defined in Chapter 62-17, F.A.C., entitled Electrical Power Plant Siting effective April 14, 1986.

~~(c) Temporary withdrawals for contamination cleanup, provided that:~~

~~1. The United States Environmental Protection Agency, the State of Florida Department of Environmental Protection, the State of Florida Department of Health and Rehabilitative~~

~~Services and other agencies have been appropriately notified of the cleanup activity;~~

~~2. Well construction permits are obtained from the District, including an acceptable plan for abandonment of these wells; and~~

~~3. The quantities withdrawn do not exceed the quantities in paragraphs 40D-2.041(1)(a) and (b), F.A.C.~~

~~(d) Temporary withdrawals from test wells, provided that an attendant testing program has been submitted to the District. A WUP must be obtained prior to converting a test well to a production well.~~

~~(e) Temporary dewatering for construction of buildings or other foundations and roadways or for installation of utility pipeline, cables, culverts, and catch basins.~~

~~(2) All holders of permit agreements for water use executed or issued prior to July 1, 1973, shall remain in full force and effect in accordance with its terms unless otherwise modified or revoked by the Governing Board.~~

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS., 76-243, Laws of Florida. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(3), Amended 10-1-89, 2-24-03, _____.

40D-2.091 Publications and Forms Incorporated by Reference.

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

(a) Water Use Permit Applicant’s Handbook Part B Information Manual Part B, Basis of Review for Water Use Permit Applications (also referred to as the WUP Applicant’s Handbook) (EFFECTIVE DATE) (HYPERLINK) ~~Basis of Review~~ ~~(2-18-13)~~ ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02196>)~~.

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

(2) The following forms for reporting information to the District are hereby incorporated by reference, and are available from the District upon request:

(a) Flow Meter Accuracy Report Verification Form, Form No. LEG-R.101.00 (EFFECTIVE DATE) (HYPERLINK). ~~LEG-R.021.01 (4/09)~~.

(b) through (e) No change.

(f) Annual Crop Summary Report, Form No. LEG-R.102.00 (EFFECTIVE DATE) (HYPERLINK). Irrigation Water Use Form—Seasonal Crops, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.024.00 (4/09).

~~(g)~~ Irrigation Water Use Form—Annual Crops, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.025.00 (4/09).

~~(g)(h)~~ Public Supply Annual Report For General and Individual Permits Over 100,000 GPD Annual Average Quantities, Form No. LEG-R.103.00 (EFFECTIVE DATE) (HYPERLINK), LEG-R.023.00 (09/09).

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

~~(j)~~ Public Supply Annual Report General Water Use Permit For Less Than 100,000 GPD Annual Average Quantities, Form No. LEG-R.047.00 (09/09).

~~(i)(k)~~ Florida Department of Environmental Protection’s Landscape Guidance: Models for Ordinances, Covenants, and Restrictions (1/09) (HYPERLINK), 1/09;

~~(j)(l)~~ Landscape Irrigation and Florida Friendly Design Standards, (12/2006) (HYPERLINK), dated December 2006; and

~~(k)(m)~~ 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) (EFFECTIVE DATE) (HYPERLINK).

~~(l)(n)~~ Flow Meter Pre-Installation Information Work Sheet, Form No. LEG-R.052.00 (9/12)-

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02198>.

~~(m)(o)~~ Flow Meter Post-Installation Information Reimbursement Form, Form No LEG-R.053.00 (9/12)-

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02199>.

~~(n)~~ Crop Protection Report Form, Form No. LEG-R.104.00 (EFFECTIVE DATE) (HYPERLINK).

~~(o)~~ Water Use/Pumpage Report Form, Form No. LEG-R.105.00 (EFFECTIVE DATE) (HYPERLINK).

~~(p)~~ Water Quality Report Form, Form No. LEG-R.106.00 (EFFECTIVE DATE) (HYPERLINK).

(3) The following rules of the Florida Department of Environmental Protection: 62-40.416(7) and 62-40.416(8), effective May 6, 2013, which are hereby incorporated by reference as of May 6, 2013.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 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, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11, 12-12-11, 10-14-12, 2-7-13, 2-18-13, _____.

40D-2.101 Content of Application.

~~(1)~~ In order to obtain a WUP, an applicant shall file with the District the appropriate “Water Use Permit Application” form including the appropriate supplemental forms or attachments as may be required for the type of permit and the water use or uses for which application is being made. The application shall consist of all completed forms and other documentation submitted in support of the application for the WUP, which shall constitute information sufficient to demonstrate that the water use meets the criteria and conditions established in Rule 40D-2.301, F.A.C.

~~(2)~~ The following District application forms shall be used to obtain a new WUP or to renew an existing WUP. All permit application forms described herein have been approved by the District Governing Board and are incorporated by reference into this chapter. Forms are available upon request from the District’s website at www.WaterMatters.org or from District offices.

~~(a) Individual Water Use Permit.~~

Application for a new or renewal of an existing Individual WUP Water Use Permit shall be made using the Individual Water Use Permit Application, Form No. LEG-R.100.00 (EFFECTIVE DATE) (HYPERLINK). Applicants shall also submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

~~(1)~~ In order to obtain an individual a WUP, an applicant shall file with the District a the appropriate “Water Use Permit Application” form including the appropriate supplemental forms or attachments as may be required for the type of permit and the water use or uses for which with application is being made. The application shall consist of all completed forms and other documentation submitted in support of the application for the WUP, which shall constitute information sufficient to demonstrate what the water use meets the criteria and conditions established in Rule 40D-2.301, F.A.C.

~~(2)~~ The FOLLOWING District application forms shall be used to obtain a new WUP or to renew an existing WUP. All permit application forms described herein have been approved by the District Governing Board and are incorporated by reference into this chapter. Forms are available upon request from the District’s website at www.WaterMaters.org or from District offices.

~~(a) Individual Water Use Permit.~~

Application for a new or renewal of an existing Individual Water Use Permit shall be made using the Individual Water Use Permit Application, Form No. LEG-R.029.01 (9/12) (http://www.flrules.org/Gateway/reference.asp?No=Ref_01683).

Applicants shall also submit one or more of the following Supplemental Forms as appropriate for each type of water use proposed in the permit application:

~~a.1. Water Use Permit Application Supplemental Form – Agricultural Use – Supplemental Form A, Agriculture, Form No. LEG-R.030.02 (EFFECTIVE DATE) (HYPERLINK), LEG R.020.01 (2/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref 00283>).~~

~~b.2. Water Use Permit Application Supplemental Form – Industrial/ or Commercial Use – Supplemental Form B, Form No. LEG-R.031.01 (EFFECTIVE DATE) (HYPERLINK), LEG R.031.00 (3/09).~~

~~c.3. Water Use Permit Application – Landscape/Recreation Use – Supplemental Form C, Form No. LEG-R.034.00 (EFFECTIVE DATE) (HYPERLINK).~~

~~d. Water Use Permit Application Supplemental Form – Mining/ or Dewatering Use – Supplemental Form D, Form No. LEG-R.112.00 (EFFECTIVE DATE) (HYPERLINK), LEG R.032.00 (3/09).~~

~~e.4. Water Use Permit Application Supplemental Form – Public Supply Use – Supplemental Form E, Form No. LEG-R.033.02 (EFFECTIVE DATE) (HYPERLINK), LEG R.033.01 (9/09).~~

~~f.5. Water Use Permit Application Supplemental Form – Other Use – Supplemental Form F, Recreation or Aesthetic, Form No. LEG-R.109.00 (EFFECTIVE DATE) (HYPERLINK), LEG R.034.00 (3/09).~~

~~g. Water Use Permit Application – Institutional Use – Supplemental Form G, Form No. LEG-R.110.00 (EFFECTIVE DATE) (HYPERLINK).~~

~~(b) General Water Use Permit.~~

~~Application for a new or renewal of an existing general WUP shall be made using the General Water Use Permit Application Form, No. LEG R.028.01 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref 01682>). Applicants shall also submit one or more supplemental forms listed in paragraph (2)(a) above as appropriate for each type of water use proposed in the permit application. Applicants seeking an initial, renewal, or modification of a general WUP for a combined annual average daily water demand of less than 100,000 gallons per day for public supply use may submit the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG R.034.00 (12/09), in lieu of the Water Use Permit Application Supplemental Form – Public Supply, Form No. LEG R.033.01 (09/09).~~

~~(c) Small General Water Use Permit.~~

~~Application for a new small general WUP shall be made using the Small General Water Use Permit Application Form, No. LEG R.027.01 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref 01681>). To renew a small general WUP issued solely for agricultural use, application shall be made using the Application to Renew a Small General Water Use Permit for Agricultural Use Form, No. LEG R.036.01 (9/12).~~

~~(<http://www.flrules.org/Gateway/Reference.asp?No=Ref 01687>). Application to renew all other small general WUPs shall be made using the Small General Water Use Permit Application Form, No. LEG R.027.01 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref 01681>). One or more of the following Attachment Forms for a specific water use shall be submitted with the application form if the application proposes one of the specified water uses:~~

~~1. Small General Water Use Permit Application – Agriculture Attachment, Form No. LEG R.037.00 (3/09).~~

~~2. Small General Water Use Permit Application – Industrial or Commercial Attachment, Form No. LEG R.038.00 (3/09).~~

~~3. Small General Water Use Permit Application – Recreation or Aesthetic Attachment, Form No. LEG R.039.00 (3/09).~~

~~4. Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG R.045.00 (12/09).~~

~~(d) Mining and Dewater WUP.~~

~~Application for a new or renewal of an existing WUP for mining and dewatering uses other than phosphate mining shall be made using the Water Use Permit Application – Mining and Dewatering Materials Other Than Phosphate, Form No. LEG R.048.01 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref 01684>). The application shall be categorized as an application for an individual or general WUP based upon the combined annual average daily water demand as provided in subsection 40D 2.041(2), F.A.C. Application for a new or renewal of a WUP for phosphate mining shall be made using the individual or general WUP application form and the Water Use Permit Application Supplemental Form – Mining or Dewatering, Form No. LEG R.032.00 (3/09) incorporated herein by reference.~~

~~(2)(3) For projects that which require both a WUP and an environmental resource permit (ERP) a surface water management permit pursuant to District rules, the Applicant must demonstrate that a completed ERP surface water management permit application has been submitted. If the District determines that a permit application involves an area where the WUP may not be granted because of water resource problems, the requirement for a complete ERP surface water management permit application may be waived by the District.~~

~~(3)(4) The District may require additional information deemed necessary to protect the water resources and existing users.~~

~~(4)(5) Optional Application Forms.~~

~~The following forms may be used by applicants in support of permit applications, are hereby incorporated by reference and are available from the District’s website at www.WaterMatters.org or from the District offices:~~

(a) Proposed Well Construction Location and Design Form, Form No. LEG-R.006.01 (4/09) ([HYPERLINK](#)); and

(b) Agricultural Water Allotment Form, Form No. LEG-R.042.00 (4/09) ([HYPERLINK](#)).

~~(5)~~(6) Southern Water Use Caution Area Application Forms –

In addition to the permit application and ~~information~~ forms identified in ~~subsections (1)–(5)~~ above, all ~~applications~~ 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 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01672>) 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 the WUP Applicant’s Handbook Part B. The 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) Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01674>), incorporated herein by reference; and

(b) Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.02 (9/12) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01675>), incorporated herein by reference.

~~(6)~~(7) Dover/Plant City Water Use Caution Area Application Forms – In addition to the permit application and ~~information~~ forms identified in ~~subsections (1)–(6)~~ above, all applicants for permits in the Dover/Plant City Water Use Caution Area shall submit the “Dover/Plant City Water Use Caution Area Supplemental Form” – Form No. LEG-R.050.01 (08/11) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00742>), incorporated herein by reference. Applicants in the Dover/Plant City WUCA shall also submit the “Net Benefit Supplemental Form Dover/Plant City Water Use Caution Area” – Form No. LEG-R.051.00, (12/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00287>), incorporated herein by reference, as appropriate for the intended water use as described in Chapters 3, 4 and 7 of the WUP Applicant’s Handbook. WUP Basis of Review described in Rule 40D-2.091, F.A.C. All application and supplemental information forms may be obtained from the District’s website at www.WaterMatters.org or from District offices.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363, 373.116, 373.117, 373.1175, 373.216, 373.229, 373.236, 403.0877 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, 10-26-09, 1-27-10, 4-27-10, 6-16-11, 12-12-11, 10-14-12, _____.

40D-2.301 Conditions for Issuance of Permits.

(1) To obtain an individual WUP, renewal, or modification, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

(a) Is a reasonable-beneficial use;

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

(a) Is a quantity that is necessary for economic and efficient use;

(b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;

(c) Will utilize a water source that is suitable for the consumptive use;

(d) Will utilize a water source that is capable of producing the requested amount;

(e) Except when the use is for human food preparation or direct human consumption, will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible;

(f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;

(g) Will not cause harm to the water resources of the area in any of the following ways:

1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;

2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;

3. Will not cause harmful saline water intrusion or harmful upconing;

4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters; and

5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area.

(h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S.; and

(i) Will not use water reserved pursuant to Subsection 373.223(4), F.S.

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

~~(a) Is necessary to fulfill a certain reasonable demand.~~

~~(b) Will not cause quantity or quality changes that adversely impact the water resources, including both surface water and groundwater.~~

~~(c) Will comply with the provisions of 4.2 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., regarding adverse impacts to wetlands, lakes, streams, estuaries, fish and wildlife or other natural resources.~~

~~(d) Will not interfere with a reservation of water as set forth in Rule 40D-2.302, F.A.C.~~

~~(e) Will comply with the provisions of 4.3 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., regarding minimum flows and levels (MFLs).~~

~~(f) Will utilize the lowest water quality the Applicant has the ability to use, provided that its use does not interfere with the recovery of a water body to its established MFL and it is not a source that is either currently or projected to be adversely impacted.~~

~~(g) Will comply with the provisions of 4.5 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., regarding saline water intrusion.~~

~~(h) Will not cause pollution of the aquifer.~~

~~(i) Will not adversely impact offsite land uses existing at the time of the application.~~

~~(j) Will not adversely impact an existing legal withdrawal.~~

~~(k) Will incorporate water conservation measures.~~

~~(l) Will incorporate use of alternative water supplies to the greatest extent practicable.~~

~~(m) Will not cause water to go to waste.~~

~~(n) Will not otherwise be harmful to the water resources within the District.~~

~~(3)(2) For projects that require both an ERP Environmental Resource Permit (ERP) and an individual WUP, a Water Use Permit (WUP), an application for an ERP must be deemed complete prior to issuance of the individual WUP when the design of the surface water management system can affect the quantities developed from the project site and the quantities needed to supply project water demands. The applicant may submit an application for a Conceptual ERP to satisfy this requirement, provided that the application contains information from which supplemental irrigation demands, potable water demands, other water use demands, and water supply quantities derived from the surface~~

water management system can be calculated. Otherwise, the applicant shall submit an application for an Individual or General ERP. Phosphate mining projects are not required to have complete ERPs prior to WUP issuance. If the District determines that a permit application involves an area where there are water resource problems and due to the quantity, type or location of the proposed withdrawal it is unlikely that a water use permit will be issued, the requirement for a complete ERP application shall be waived by the District. Where such waivers are granted, and if a WUP is issued, it shall specify that a well construction permit will not be issued and that withdrawals cannot commence until the appropriate ERP is issued.

~~(4)(3) The standards and criteria set forth in the WUP Applicant's Handbook Part B Basis of Review, incorporated in Rule 40D-2.091, F.A.C., shall be used to provide the reasonable assurances required in subsection 40D-2.301(1) and (2), 40D-2.301(1), F.A.C.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History—Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, 1-1-07, 5-26-10, 6-30-10,_____.

40D-2.321 Duration of Permits.

~~(1) When requested by an applicant, a WUP water use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in the WUP Applicant's Handbook Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C. for the requested duration.~~

~~(2) If there are pre-existing adverse impacts resulting from the permittee's existing permit that are being addressed through a mitigation plan that includes a minimum flow and recovery strategy that must be eliminated by the tenth year of the permit, the water use permit shall have a duration of 10 years provided that the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in the WUP Applicant's Handbook Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C. for the permit's duration. Subsection (3) shall not apply to a permit required to have a 10 year duration pursuant to subsection 40D-2.321(2), F.A.C.~~

~~(3) Permits that do not qualify for a 20 year permit duration pursuant to subsection 40D-2.321(1), F.A.C., shall be issued for a shorter duration that reflects the period for which the applicant has provided sufficient data to demonstrate such reasonable assurances that the proposed use meets the~~

conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in the WUP Applicant's Handbook Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C.

(4) The District is authorized to issue permits for a period up to 50 years in accordance with Section 373.236(3), F.S.

~~(5) If the permitted water use activity ceases for more than 2 years, the permit shall be subject to revocation unless documentation is provided indicating that use will recommence within the next year.~~

~~(5)(6)~~ Permits that are modified prior to renewal will maintain the original expiration date unless the applicant requests the modification be deemed by the District to be substantial as described in the WUP Applicant's Handbook Part B Basis of Review Section 1.4.11, 1.12, and treated as a renewal with modification. If the District determines that the criteria of the WUP Applicant's Handbook Part B Basis of Review Section 1.4.11, 1.12 are met, the application shall be processed as a renewal application with modification. Notwithstanding paragraph 40D-2.331(2)(b), F.A.C., —the WUP Applicant's Handbook Part B Basis of Review Section 1.12(2)a.(5), a request for modification solely of the permit expiration date of a WUP water use permit issued from January 1, 2003 to December 31, 2012, shall be approved by letter, provided a Modification Short Form Application is submitted, the permit is in compliance with the criteria in Rule 40D-2.301, F.A.C. and all conditions of the permit, and the permit does not exceed the applicable permit duration provided in subsection 40D-2.321(1), F.A.C. or is a permit required to have a ten year duration pursuant to subsection 40D-2.321(2), F.A.C.

~~(6)(7)~~ 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.

~~(7)~~ The District is authorized to issue permits for a period up to 37 years in accordance with Section 373.236(5)(b), F.S.

~~(8) Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within the CFCA, the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.~~

Rulemaking Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.250 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, 12-30-08, 6-30-10, 1-1-13, _____.

40D-2.331 Modification of Permits.

(1) A permittee may seek modification of any of the terms and conditions of an unexpired permit except when the sole purpose is to modify the expiration date. Notwithstanding, a permittee may seek modification for the sole purpose of modifying the expiration date if its pursuant to subsection 40D-2.321(5), F.A.C. or when a public water supply permittee achieves demonstrable savings attributable to implementation of a water conservation plan pursuant to Sections 2.4.8.6 and 2.4.8.7 of the Applicant's Handbook. A permit expiration date may also be modified. However, upon request and documentation by the permittee, if the modification application is applications that are deemed by the District to be substantial, as described in the WUP Applicant's Handbook Part B Section 1.4.11 resulting in the modification application to Basis of Review Section 1.12 shall be processed as a renewal application with modification. A request for modification shall be reviewed in accordance with the rules in effect at the time the modification is filed.

(2) Modifications ~~may be requested by:~~

(a) Formal Modification – A Formal Modification may be requested through use of an individual Formal application, using the same individual, ~~general or small general~~ WUP Application Form and applicable Supplemental or Attachment Form(s) submitted for a new permit as ~~are~~ incorporated in subsection 40D-2.101(1), F.A.C.; ~~subsection 40D-2.101(2), F.A.C., or~~

(b) Letter Modification – A Letter Modification may be requested through Through use of a Modification Short Form Application, Form No. LEG-R.035.01 (EFFECTIVE DATE), LEG-R.035.00 (3/09), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02652>, incorporated herein by reference and available at any District office or through the District's website at www.WaterMatters.org. A Modification Short Form Application may be submitted, provided the annual average quantities daily withdrawal will not increase by more than 100,000 gpd or more than 10% of the total permitted quantity, the use of the water will not change, the modification does not cause the total annual average quantities daily quantity to equal or exceed 500,000 gpd, the proposed changes would not cause impacts beyond those considered in the initial permit and is not a request to extend a permit term unless pursuant to subsection 40D-2.321(5), F.A.C. Within the SWUCA, except to reactivate standby quantities as provided

in Section ~~2.2.4~~ ~~4-12~~ of the WUP Applicant's Handbook, Basis of Review, a Modification Short Form Application ~~modification short form~~ shall not be used for modifications that include a request to Self-Relocate or to increase water withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level.

A Modification Short Form may be submitted to modify the permit to include or remove a project funded pursuant to Chapter 40D-26, F.A.C., and, if requested by permittee, extend the term of the permit for twenty years. The District shall not reduce permitted quantities conserved by the project funded pursuant to Chapter 40D-26, F.A.C., as long as the permittee operates the project and the conditions for issuance provided for in Chapter 373, F.S. and Chapter 40D-2, F.A.C., are met.

(3) The District shall modify ~~order the modification of~~ any permit if it is shown that the use or disposition of water is detrimental to other water users or to the water resources or no longer meets the conditions for issuance identified in Rule 40D-2.301, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.171, 373.239 FS. History—Readopted 10-5-74, Formerly 16J-2.14(1), Amended 10-1-89, 2-10-93, 7-29-93, 1-1-07, 8-23-07, 7-1-09, 11-2-09,_____.

40D-2.341 Revocation and Cancellation of Permits.

(1) No change.

(2) In determining whether the use is not reasonable beneficial or in the public interest, the Governing Board shall consider:

(a) through (b) No change.

(c) Any violation of any provision of this Chapter which the ~~permittee~~ Permittee does not resolve; ~~or~~

(d) Nonuse of the water supply allowed by the permit for a period of 2 years or more unless the user can prove that ~~the~~ his nonuse was due to extreme hardship caused by factors beyond ~~the permittee's~~ his control; or

(e) No change.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.171, 373.243 FS. History—Readopted 10-5-74, Formerly 16J-2.15, Amended 10-1-89, 2-1-05, 10-19-05,_____.

40D-2.351 Transfer of Permits.

(1) through (3) No change.

(4) Applications for partial transfers of permits shall be made in accordance with ~~the WUP Applicant's Handbook Part B Section 1.4.9, 1-10 of the District's WUP Basis of Review.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, 11-25-07, 8-30-09, 10-14-12,_____.

40D-2.361 Renewal of Permits.

(1) No change.

(2)(a) Subsection (1) above shall be applicable to those permits ~~that which~~ are not extended pursuant to subsection 40D-2.321(5)(6), F.A.C., based on the expiration date on the face of the permit.

(b) Subsection (1) above shall be applicable to those permits ~~that which~~ are extended pursuant to subsection 40D-2.321(5)(6), F.A.C., based on the revised expiration date assigned to the permit.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.103, 373.239 FS. History— Readopted 10-5-74, Formerly 16J-2.14(2), Amended 9-1-84, 10-1-89, 7-28-98, 4-7-08,_____.

40D-2.371 Ten Year Compliance Reporting.

Except for permits issued pursuant to subsection 373.236(6), F.S., permits issued for a duration of 20 years or longer shall require submittal of a compliance report under subsection 373.236(4), F.S., once every ten years, when necessary to maintain reasonable assurances that the conditions for issuance can continue to be met. Permits issued for greater than 20 years pursuant to subsection 373.236(6), F.S., shall require submittal of a compliance report once every five years. The report shall include sufficient information to maintain reasonable assurance that the permittee's use can continue, for the remaining duration of the permit, to meet the conditions for issuance set forth in the rules existing when the District issued the permit. After reviewing this report, the District will modify the permit, if required to ensure that the use of water authorized by the permit can continue to meet the conditions for issuance set forth in the rules existing when the District issued the permit. As required by Sections 120.569 and 120.60, F.S., the District shall provide notice of intent to modify the permit.

For all water use classes, when economic conditions or population growth rates result in the actual water use being lower than permitted water use, a modification to reduce the permitted allocation shall only be made by the District when there is no reasonable likelihood that the allocation will be needed during the permit term. For agricultural WUPs for irrigation, reductions in actual use compared to permitted withdrawal that are due to weather events, crop diseases, nursery stock availability, or changes in crop type shall not result in a permit modification by the District to reduce the permitted allocation during the term of the permit.

Additionally, in order to incentivize conservation of water, if actual water use is less than permitted water use due to documented implementation of water conservation measures, the permitted allocation shall not be modified by the District due to these circumstances during the term of the permit.

Nothing in this subsection shall be construed to alter the District's authority to reduce permitted withdrawals under circumstances not addressed by this section, nor be construed to alter the water conservation requirements of the permit for the duration of the permit.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History--New _____.

40D-2.381 Standard Permit Conditions.

(1) WUPs shall be conditioned, as necessary, to ensure that the permitted withdrawal continues to meet the conditions for issuance in Rule 40D-2.301, F.A.C. There are two categories of permit conditions that will be applied to WUPs. Standard conditions contain general information and operational constraints that generally apply to all water uses unless waived or modified by the District upon a determination that the conditions are inapplicable to the use authorized by the WUP. Special conditions vary among use classes, source classes, and geographic locations, and may be project-specific. The District shall impose on any permit granted under this Chapter such reasonable conditions as are necessary to assure that the permitted operation will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District or existing legal users.

(2) No change.

(3) Every WUP permit acquired under this Chapter shall include the following standard conditions which impose certain limitations on the permitted water withdrawal:

(a) All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Sections 373.136 or 373.243, F.S. In addition, the District may modify this permit to address the noncompliance. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, F.A.C., or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D 2.341, F.A.C., following notice and hearing.

(b) This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data is found to be materially false or inaccurate, the use is not reasonable and beneficial, in the public interest, or does

impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to Sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

(c) A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that Section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.

(d) Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order. In the event the District declares that a water shortage exists pursuant to Chapter 40D 21, F.A.C., the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.

(e) With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities, and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property. The District may shall collect water samples from any withdrawal point listed in the permit or shall require the Permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

(f) This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.

(g) Issuance of this permit does not exempt the Permittee from any other District permitting requirements.

(g)(h) The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in

Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

~~(h)(+)~~ The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

~~(i)(+)~~ The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

~~(j)(+)~~ The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.

~~(k)(+)~~ The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:

1. through 3. No change.

~~(l)(+)~~ The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:

1. through 3. No change.

~~(m)(+)~~ When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

~~(n)(+)~~ A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.

~~(o)(+)~~ Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted withdrawal is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C.

Alternatively, the Permittee may surrender the WUP to the District, thereby relinquishing the right to conduct any activities under the permit. Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land.

~~(p)(+)~~ All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

~~(q)(+)~~ Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing.

~~(4) In addition to the standard terms and conditions listed previously, the District shall impose special conditions as set forth in the WUP, Basis of Review, identified in Rule 40D-2.091, F.A.C., or other special conditions appropriate to any specific project.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.219, 373.223, 373.244 FS. History—New 6-7-78, Amended 9-9-80, 10-21-80, Formerly 16J-2.112, Amended 10-1-89, 2-10-93, 5-2-93, 4-14-02, 1-1-03, 10-19-05, 7-20-08, 11-2-09, 6-16-11, _____.

40D-2.401 Identification Tags.

(1) When an individual a WUP is issued, the Governing Board will issue a permanent tag bearing a use identification number for each withdrawal facility that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, which tag shall be prominently displayed at the site of withdrawal by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the WUP covers several facilities such as a well field, a tag will be issued for each facility.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Formerly 16J-2.05, Amended 10-1-89, 7-20-08, _____.

40D-2.501 Permit Use Types.

Each individual WUP shall authorize water use ~~withdrawals~~ for as many of the following use types as are applicable, and shall be classified according to the use type for which the greatest use of withdrawal quantities are authorized. Permit use types are as follows:

- (1) Public Supply Use,
- (2) Landscape/Recreation or Aesthetic Use,
- (3) No change.
- (4) ~~Industrial/ or Commercial Use, and~~
- (5) ~~Mining/ or Dewatering Use,~~
- (6) Other Use, and
- (7) Institutional Use.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219, 373.246 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-2.16, Amended 11-4-84, 10-1-89, 1-1-03, 12-30-08,_____.

40D-2.621 Water-Conserving Credits.

~~(1) On January 1, 2003, permits authorizing a water withdrawal within the SWUCA for irrigation shall be assigned an initial Water-Conserving Credit by the District for a quantity of water as set forth in Chapter 3 of the WUP Basis of Review, incorporated by reference in Rule 40D 2.091, F.A.C.~~

~~(1)(2) Permittees with an individual or general WUP authorizing a water withdrawal within the SWUCA for irrigation may earn Water-Conserving Credits to withdraw additional quantities of ground-water for use at the site at which they were earned and for the source for which they were earned. Water-Conserving Credits are earned if less than the allowable amount of groundwater is applied to actual-planted acreage as set forth in the WUP Applicant’s Handbook Part B Chapter 3. 3 of the WUP Basis of Review incorporated by reference in Rule 40D 2.091, F.A.C.~~

~~(2)(3) Withdrawals under the Water-Conserving Credits shall meet the Conditions for Issuance set forth in Rule subsection 40D-2.301(1), F.A.C.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 FS. History—New 1-1-03, Amended 1-1-07, 12-30-08,_____.

40D-2.801 Water Use Caution Areas.

(1) When the Governing Board determines that regional action is necessary to address cumulative water withdrawals that which are causing or may cause adverse impacts to the water and related natural resources or the public interest, it shall declare, delineate, or modify Water Use Caution Areas (WUCAs). The Governing Board shall declare a WUCA by adopting a rule or issuing an order imposing special requirements for existing water users and permit applicants to prevent or remedy impacts to water and related natural resources or the public interest.

(2) No change.

(3) The regions described in this rule have been declared WUCAs by the District Governing Board. This rule reaffirms the declaration of WUCAs and creates conditions to be applied to water users in those areas.

(a) Northern Tampa Bay Water Use Caution Area.

To address groundwater withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County and all of Pinellas County a WUCA on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the WUCA in June 2007.

1. No change.

2. Regulations specifically applicable to this WUCA are set forth in the WUP Applicant’s Handbook Part B Section 3.9.3 Sections 4.2, 4.3, 4.5 and 7.3, of the WUP Basis of Review, incorporated by reference in Rule 40D 2.091, F.A.C., and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and the WUP Applicant’s Handbook Parts B and D. Part B and Part D of the Water Use Permit Information Manual, incorporated by reference in Rule 40D 2.091, F.A.C.

3. through 4. No change.

(b) Southern Water Use Caution Area (SWUCA). To address lowered lake levels, stream flows and ground water levels, water quality degradation and adverse impacts to water users, the Governing Board declared all or portions of Manatee, Sarasota, DeSoto, Hardee, Charlotte, Highlands, Hillsborough and Polk Counties within the District’s boundaries a WUCA on October 26, 1992, pursuant to Resolution Number 92-10.

1. through 3. No change.

4. Regulations applicable to this WUCA are specified in this ~~Chapter chapter~~ and in the WUP Applicant’s Handbook Part B Section 3.9.2, and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and the WUP Applicant’s Handbook Parts B and D. WUPBasis of Review, incorporated by reference in Rule 40D 2.091, F.A.C., and are incorporated into this rule. Amendments to those regulations adopted December 12, 2006, shall become effective January 1, 2007. Those amendments and regulations relating to SWUCA effective on January 1, 2003, and January 1, 2007, are not intended to affect, and shall not be construed to affect, any WUP that does not have a withdrawal point within the SWUCA.

5. Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than one (1) WUCA shall be subject to the conservation and reporting requirements of the WUCA within which the

majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including MFL requirements, as set forth in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Part B, WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C. Nothing in the rules and the WUP Applicant's Handbook Part B WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., specific to the SWUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Plan for the Northern Tampa Bay Area as outlined in Rule 40D-80.073, F.A.C.

6. All WUPs with withdrawal points within the SWUCA are hereby modified to conform with this paragraph 40D-2.801(3)(b), F.A.C., except as provided in paragraph 5., above, and the applicable SWUCA criteria specified in the WUP Applicant's Handbook Part B, Basis of Review described in Rule 40D-2.091, F.A.C., are incorporated into all such WUPs.

7. No change.

(e) ~~Central Florida Coordination Area ("CFCA")~~ The CFCA is located within portions of 3 water management districts and includes Polk, Orange, Osceola and Seminole counties, and southern Lake County. The portion of the CFCA located within this District is delineated below. In this area, stress on the water resources is escalating because of rapidly increasing withdrawals of groundwater. The public interest requires protection of the water resources from harm. The CFCA rules address the public interest by providing an interim regulatory framework to allow for the allocation of available groundwater in the area, subject to avoidance and mitigation measures to prevent harm, and by requiring the expeditious implementation of Supplemental Water Supply projects (as defined in Section 3.6 of the Basis of Review). This interim regulatory framework is 1 component of a comprehensive, joint water management district strategy for regional water resource management that also includes regional water supply planning, alternative water supply project funding and water resource investigations and analysis that will result in a long-term approach for water supply within the CFCA. The effective date of implementation of the interim CFCA rules is February 13, 2008. The interim CFCA rules shall remain in effect only through December 31, 2012, except that if the District initiates rulemaking to provide a long term regulatory framework to replace the interim rules and a petition challenging all or part of the proposed rules is filed under Section 120.56 of the F.S., before that date, the interim rules shall remain effective until 100 days after a final determination of the validity or invalidity of the proposed rules.

1. As shown in Figure 2-2, the boundary for the portion of the Central Florida Coordination Area located within this District is as follows:

~~Begin at the northwest corner of Section 6, Township 23 South, Range 24 East same being on the Sumter Lake County line and run thence south along the range line dividing Ranges 23 and 24 East, to the thread of the Withlacoochee River; thence westerly along the thread of said river, to its intersection with the range line dividing Ranges 22 and 23 East; thence south along said range line, to the township line dividing Townships 25 and 26 South; thence west along said township line, to the section line dividing Sections 3 and 4 in Township 26 South, Range 22 East; thence south along the section lines, to the township line dividing Townships 26 and 27 South; thence east along said township line, to the range line dividing Ranges 22 and 23 East; thence south along said range line, to an intersection with the range line between Ranges 22 and 23 East with the township line between Townships 32 and 33 South; thence east along said township line, to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2 section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21, and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4 section line to the intersection of said 1/4 section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2 section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2 section line to the northwest corner of the southeast~~

~~1/4 of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 27 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the Point of Beginning.~~

~~2. Applications for groundwater withdrawals located within the areas encompassed both by the SWUCA, as described in paragraph 40D 2.801(3)(b), F.A.C., or deemed within the SWUCA pursuant to subparagraph 40D-~~

~~2.801(3)(b)5. F.A.C., above, and the District's portion of the CFCA as described in paragraph 40D 2.801(3)(c), F.A.C., shall only be subject to the provisions of Chapter 40D-2, F.A.C., and the WUP Basis of Review described in Rule 40D-2.091, F.A.C., applicable to groundwater withdrawals within the SWUCA. The CFCA provisions shall not be applicable to those permits. These provisions are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Parts B and D of the Water Use Permit Information Manual.~~

~~3. Regulations applicable to the CFCA are specified in Rule 40D 2.321 and paragraph 40D 2.801(3)(c), F.A.C., and in Sections 1.9, 3.6 and 6.2 of the WUP Basis of Review described in Rule 40D 2.091, F.A.C., and are incorporated into this rule, and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and Part B and D of the Water Use Permit Information Manual. The CFCA regulations shall not be construed to affect any WUP application that does not have a groundwater withdrawal point within the CFCA.~~

~~4. Special requirements for Public Supply Utility applicants for groundwater withdrawals are explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Sections 1.9, 3.6 and 6.2 of the WUP Basis of Review described in Rule 40D 2.091, F.A.C. In addition, a Similar Applicant, as defined in Section 3.6 of the WUP Basis of Review, is subject to those requirements.~~

~~5. In adopting the interim CFCA rules, the District acknowledges the increasing stress on the water resources in the CFCA and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, the interim CFCA rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. The CFCA regulatory framework provides a comprehensive strategy for interim allocations of available groundwater and expeditious development of supplemental water supply projects, as defined in Section 3.6, paragraph A.7. under the heading Requirements For Applicants For Groundwater Withdrawals Within The Central Florida Coordination Area, in the WUP Basis of Review, to minimize competition and thereby provide greater certainty of outcome than competition.~~

~~6. Any Public Supply Utility applicant, or Similar Applicant described in subparagraph 40D 2.801(3)(c)4., F.A.C., above, with an existing or proposed groundwater withdrawal point within the boundaries of the CFCA is deemed to be within the CFCA, provided that the regulation of that withdrawal is governed by subparagraph 40D-2.801(3)(c)2., F.A.C., above.~~

~~7. The CFCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.~~

~~(c)(d)~~ Dover/Plant City Water Use Caution Area. To address adverse impacts to water users and offsite land uses due to groundwater withdrawals during frost/freeze events, the Governing Board has established portions of Hillsborough and Polk Counties as a WUCA effective as of 6-16-11.

1. No change.

2. Regulations applicable to this WUCA are specified in this chapter and in the WUP Applicant's Handbook Part B Section 3.9.4, 7.4 of the WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C., and are in addition to all other regulations set forth in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Parts B and D, WUP Basis of Review and Part D of the Water Use Permit Information Manual.

3. The permitting criteria and conditions set forth in Chapter 40D-2, F.A.C., the WUP Applicant's Handbook Part B, WUP Basis of Review, incorporated by reference in Rule 40D-2.091, subsection 40D-8.626(3), and Rule 40D-80.075, F.A.C. shall apply, as specified therein, to the following existing, new, renewal and modification applications for:

a. through d. No change.

4. Any permit with a withdrawal point located within the boundaries of the Dover/Plant City WUCA is deemed to be within the Dover/Plant City WUCA. Permits with permitted withdrawals in more than one WUCA shall be subject to the conservation and reporting requirements, if any, of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including MFL requirements, as set forth in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Part B, WUP Basis of Review, incorporated by reference in Rule 40D-2.091, F.A.C. However, the Dover/Plant City WUCA provisions shall supersede any other rule criteria that creates conflicting or more stringent requirements. Nothing in the rules and the WUP Applicant's Handbook Part B WUP Basis of Review specific to the Dover/Plant City WUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Plan for the Northern Tampa Bay Area as outlined in Rule 40D-80.073, F.A.C.

5. All water use permits with withdrawal points within the Dover/Plant City WUCA are hereby modified to conform with the provisions of paragraph 40D-2.801(3)(c), 40D-2.801(3)(d), F.A.C., except as provided in subparagraph 40D-2.801(3)(c)4., 40D-2.801(3)(d)4., F.A.C., above, and the applicable Dover/Plant City WUCA criteria specified in the WUP Applicant's Handbook Part B, WUP Basis of Review, incorporated in Rule 40D-2.091, F.A.C., are incorporated into all such WUPs.

6. No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07, 2-13-08, 4-7-08, 5-26-10, 6-16-11, 10-14-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura Donaldson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-8.031 Implementation

PURPOSE AND EFFECT: The Southwest Florida Water Management District (SWFWMD) gives notice that it is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and the five water management districts (WMDs) to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. The effect of the amendment is to require SWFWMD to simultaneously adopt a recovery or prevention strategy in certain circumstances in order to allow (1) the orderly provision of adequate water for future and existing reasonable beneficial uses; (2) the phasing or a timetable to avoid abrupt modification of existing permits; and (3) interested parties to more fully understand the effects of a proposed MFL. The amendment also makes conforming changes to incorporate revisions to the Water Use Permit Information Manual Part B and the Environmental Resource Permit Basis of Review.

SUMMARY: This proposed amendment requires that for future minimum flow or level adoption, and modification of MFLs, the development of a minimum flow or level and any needed recovery or prevention strategy should occur simultaneously. After initial adoption of a MFL, if new information reveals that a minimum flow or level is not being met, a recovery or prevention strategy shall be expeditiously developed and implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the

aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.215, 373.219, 373.223 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Laura Donaldson, General Counsel, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481, (Ext. 4660) or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.031 Implementation.

(1) through (2) No change.

(3) New water use or surface water management activity shall not cause an existing water level or flow to be reduced or suppressed below an established Minimum Flow or Level. The manner in which the Minimum Flows and Levels established in this Chapter 40D-8, F.A.C., are implemented in the District's Consumptive Use and Environmental Resource Permitting Programs is described in Rule 40D-2.301, F.A.C.,

and Water Use Permit Applicant's Handbook Part B, Section 3.3 Section 4.3 of the Basis of Review described in Rule 40D-2.091, F.A.C., and Section 10.2.2.4 Sections 3.2.2.4, 4.6.1 and 4.6.2 of the Environmental Resource Permit Applicant's Handbook Volume I and Sections 3.6.1 and 3.6.2 of the Environmental Resource Permit Applicant's Handbook Volume II Basis of Review described in Rule 62-330.010, 40D-4.091, F.A.C.

(4)(a) At the time the minimum flow or level is initially adopted, if the water body is below or is projected to fall within 20 years below, the initial minimum flow or level, the District shall simultaneously approve the recovery or prevention strategy required by Section 373.0421(2), F.S.

(b) After the initial adoption, when a minimum flow or level is revised, if the water body is below or is projected to fall within 20 years below, the revised minimum flow or level, the District shall simultaneously approve the recovery or prevention strategy required by Section 373.0421(2), F.S. or modify an existing recovery or prevention strategy. The District may adopt the revised minimum flow and level prior to the approval of the recovery or prevention strategy if the revised minimum flow and level is less constraining on existing or projected future consumptive uses.

(c) For water bodies without a prevention or recovery strategy, when the District determines the water body has fallen below, or is projected to fall within 20 years below, the adopted minimum flow or level, the District shall expeditiously approve a recovery or prevention strategy. Where the actual flow or level of a water body is below the Minimum Flow or Level, pursuant to Section 373.0421(2), F.S., the District shall expeditiously implement a recovery strategy with the intent to achieve recovery to the established Minimum Flow and Level as soon as practicable. Where required by law, the portion of the recovery strategy containing criteria that must be met by permittees and applicants under Chapters 40D 2 and 40D 4, F.A.C., shall be adopted by rule. The entire recovery strategy shall be contained in the District's applicable Regional Water Supply Plan for the area, and the District's Water Management Plan.

(5) Establishment of a Minimum Flow or Level shall not be deemed to supercede or replace any other permitting criteria unless specifically provided for by such permitting criteria nor to be a determination by the Governing Board that any quantity above the established Minimum Flow or Level is available for allocation to consumptive uses. For example, the District may by regulation or order reserve such quantities as it deems necessary pursuant to Section 373.223(3), F.S.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.216, 373.219, 373.223, 373.413, 373.414, 373.416 FS. History—New 6-7-78, Amended 10-16-78, 1-22-79, Formerly 16J-8.03, Amended 3-23-81, 8-7-00, 2-18-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Donaldson
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Southwest Florida Water Management
 District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 24, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: July 20, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:
 40D-21.631 Phase II: Severe Water Shortage
 40D-21.641 Phase III: Extreme Water Shortage
 40D-21.651 Phase IV: Critical Water Shortage

PURPOSE AND EFFECT: To implement revisions related to the statewide effort headed by the Florida Department of Environmental Protection (DEP) and the five water management districts (WMDs) to increase consistency in the consumptive use permitting (CUP), minimum flows and levels (MFLs), and water supply related programs of the WMDs. Chapters 40D-1, 40D-2, 40D-8, 40D-21, and 40D-80, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual Part B are being amended to (1) make the CUP rules less confusing for applicants; (2) treat applicants equitably statewide; (3) provide consistent protection of the environment; (4) streamline the application and permitting process; and (5) incentivize behavior that protects water resources, including water conservation.

SUMMARY: The proposed rules make appropriate amendments to Chapter 40D-21, F.A.C., to incorporate changes to the Water Use Permit Information Manual Part B. The proposed amendments include (1) conforming changes to reflect revisions to SWFWMD’s Water Use Information Manual Part B, and (2) a technical change to the supplemental irrigation hours.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not

result in any adverse economic impacts or regulatory cost increases that require legislative ratification. 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 FS.

LAW IMPLEMENTED: 373.175, 373.185, 373.246 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Laura Donaldson, General Counsel, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 (Ext. 4660) or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-21.631 Phase II: Severe Water Shortage.

(1) through (4) No change.

(5) Agricultural Use. The following restrictions and other required actions shall apply to all agricultural activities, as appropriate. Whether or not a agricultural water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend “Water Conserving Conservation Credits” shall continue to do so pursuant to Rule

40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) No change.

(c) All other users not governed by paragraph 40D-21.631(5)(a) or (b), F.A.C., shall implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable.;
2. Recycle water to the extent practicable.;
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.;
4. Reduce the washing of vehicle and other Mobile Equipment; except for health and safety needs or as otherwise required by BMPs, such to prevent the spread of plant or animal diseases.;
5. Maximize the use of the lesser or least restricted Source Class to which there is access.;
6. through 7. No change.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. The following restrictions and other required actions shall apply to all Golf Course and Driving Range athletic play area activities, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water ~~Conserving~~ ~~Conservation~~ Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. No change.

3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as applicable:

- a. Reduce off-site discharge to the extent practicable.;
- b. Recycle water to the extent practicable.;

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.;

d. Reduce the washing of vehicles and other Mobile Equipment except for health safety needs or as otherwise required by the published BMPs, such as cleaning the blades on commercial lawn mowers to prevent the spread of Turfgrass diseases between properties.;

e. Maximize the use of the least restricted Source Class to which there is access.;

f. Limited supplemental irrigation to the hours of ~~midnight 12:01 a.m.~~ to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of ~~midnight 12:01 a.m.~~ to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. No change.

(b) Other Athletic Play Areas. The following water use restrictions and other required actions shall apply to all Athletic Play Areas, other than Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water ~~Conserving~~ ~~Conservation~~ Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review section, which ~~Basis of Review~~ is incorporated by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as applicable:

- a. Reduce off-site discharge to the extent practicable.;
- b. Recycle water on-site to the extent practicable.;
- c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation or prevent damage to equipment.;

d. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by the BMPs, such as to prevent the spread of Turfgrass disease.;

e. Maximize the use of the least restricted Source Class to which there is access.;

f. Limit supplemental irrigation to the hours of midnight ~~12:01 a.m.~~ to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight ~~12:01 a.m.~~ to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. No change.

(c) Lawns and Landscaping Use, including Cemeteries. The following restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend “Water Conserving Conservation Credits” shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant’s Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review ~~section~~ which is incorporated in Rule 40D-2.091, F.A.C.

2. All Lawn and Landscaping use shall comply with the following demand management measures, as applicable:

a. Limit Supplemental Irrigation to the hours of midnight ~~12:01 a.m.~~ to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times.

b. through i. No change.

(7) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12,_____.

40D-21.641 Phase III: Extreme Water Shortage.

(1) through (4) No change.

(5) Agricultural Uses. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Agricultural Use, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District’s declaration notice and when any major change in water supply

status occurs, notify the District’s Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.;

(b) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend “Water Conserving Conservation Credits” shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant’s Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review ~~section~~, which is incorporated in Rule 40D-2.091, F.A.C.;

(c) No change.

(d) Recycle water to the extent practicable.;

(e) Suspend clean-up requiring water use, except for the minimum required to protect efficiency for the operation and prevent damage to equipment.;

(f) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to protect animal or human health and safety needs, or as otherwise required by published BMPs, such as to prevent the spread of plant disease.;

(g) Maximize use of the least restricted Source Class to which there is access.;

(h) Eliminate unnecessary uses.;

(i) No change.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and required actions shall apply to all Golf Course and Driving Range athletic play areas, including efforts that go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a golf course or driving range water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

1. No change.

2. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend “Water Conserving Conservation Credits” shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated

Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.;

3. Eliminate off-site discharge to the extent practicable.;
4. Recycle water to the extent practicable.;
5. No change.

6. Suspend the washing of golf carts, lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease.;

7. Maximize use of the least restricted Source Class to which there is access.;

8. No change.

9. Limit Supplemental Irrigation ("normal watering") to the allowable hours of midnight 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

10. through 14. No change.

(b) Other Athletic Play Areas. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Athletic Play Areas, except Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for the Phase III declaration.

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in the water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about the primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.;

2. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.;

3. Eliminate off-site discharge to the extent practicable.;

4. Recycle water to the extent practicable.;

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.;

6. Suspend the washing of lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease.;

7. Users having access to more than one Source Class shall maximize use of the least restricted Source Class to which there is access.;

8. Eliminate unnecessary uses and take appropriate actions to avoid water use increases. This includes the following, as appropriate:

a. Reducing wear on athletic fields as practical.

b. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

c. Providing information to players and guests about the current Water Shortage declaration, the steps that the facility is taking to reduce water use and how players and guests can conserve water while visiting the facility.;

9. Limit Supplemental Irrigation ("normal watering") to the allowable hours of midnight 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.;

10. through 12. No change.

(c) Lawn and Landscaping Use, including Cemeteries. In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Conservation Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.

2. through 8. No change.

9. Limit Supplemental Irrigation ("normal watering") to the hours of midnight 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times.

10. Supplemental irrigation accomplished by microirrigation, handwatering or other low volume technology shall only occur during the hours of midnight 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

11. through 15. No change.

(7) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12,_____.

40D-21.651 Phase IV: Critical Water Shortage.

(1) through (5) No change.

(6) Landscape Use and Driving Ranges.

(a) through (b) No change.

(c) Lawn and Landscaping Use, including Cemeteries:

1. All Lawn and Landscaping Use, including Cemeteries, shall continue to comply with applicable provisions of paragraph 40D-21.641(6)(c), F.A.C., with the following modifications:

a. No change.

b. Supplemental Irrigation for properties with an in-ground system shall only occur during the hours of ~~midnight 12:01 a.m.~~ to 4:00 a.m.

c. through f. No change.

2. No change.

(7) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 4-9-06, Amended 7-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Laura Donaldson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-80.073	Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy
40D-80.074	Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area
40D-80.075	Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area

PURPOSE AND EFFECT: To implement revisions related to the statewide effort headed by the Florida Department of Environmental Protection and the five water management districts (WMD's) to increase consistency in the consumptive use permitting, minimum flows and levels, and water supply

related programs of the WMDs. Chapters 40D-1, 40D-2, 40D-8, 40D-21, and 40D-80, F.A.C., and the Southwest Florida Water Management District Water Use Permit Information Manual Part B are being amended to (1) make the CUP rules less confusing for applicants; (2) treat applicants equitably statewide; (3) provide consistent protection of the environment; (4) streamline the application and permitting process; and (5) incentivize behavior that protects water resources,

including water conservation.

SUMMARY: The proposed amendments include (1) conforming changes to reflect revisions to the SWFWMD's Water Use Permit Information Manual Part B and (2) conforming technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.023, 373.036, 373.042, 373.0421, 373.171 FS.

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

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or to ADACoordinator@swfwmd.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 RULE IS: Laura Donaldson, General Counsel, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481 or 1(800)836-0797 (Florida only), laura.donaldson@swfwmd.state.fl.us or Sonya White, Senior Legal Assistant, SWFWMD, 7601 US Hwy. 301, Tampa, FL 33637-6759, (813)985-7481, (Ext. 4660) or 1(800)836-0797 (Florida only), Sonya.White@swfwmd.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-80.073 Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy.

(1) No change.

(2) 90 MGD Facilities, Including Tampa Bay Water’s Central System Facilities.

(a) through (d) No change.

(e) The provisions of subsection 40D-80.073(2), F.A.C., are a comprehensive approach to address unacceptable adverse impacts and MFLs impacts to wetlands, lakes, streams, springs and aquifer levels caused by groundwater withdrawals from 90 MGD Facilities, including the Central System Facilities. This Plan sets forth the criteria to address recovery to MFLs, as well as avoidance and mitigation of unacceptable adverse environmental impacts as described in ~~Sections 4.2, 4.3 and 4.5 in the WUP Applicant’s Handbook Water Use Permit Information Manual Part B, Sections 3.3, 3.4, 3.9.1 and 3.9.3, Basis of Review for Water Use Permit Applications (Basis of Review)~~, incorporated by reference in Rule 40D-2.091, F.A.C. The Comprehensive Plan allows renewal of permits for 90 MGD Facilities, including the Consolidated Permit based, in part, on continued environmental assessment and mitigation, and further development of a plan to avoid or mitigate unacceptable adverse impacts to wetlands, lakes, streams, springs and aquifer levels attributable to groundwater withdrawals from 90 MGD Facilities, including the Central System Facilities.

(f) through (i) No change.

(3) through (4) No change.

(5) Augmentation Supplemental Hydration of Wetlands and Lakes.

In addition to the reduction of groundwater withdrawals, the development of new water supplies and wellfield operational changes addressed by the Comprehensive Plan, augmentation supplemental hydration of wetlands and lakes that are unacceptably adversely impacted or are below their established Minimum Levels through the use of groundwater in appropriate circumstances will contribute to the attainment of the objective of the Comprehensive Plan. The circumstances under which augmentation supplemental

hydration using groundwater will be considered an appropriate recovery mechanism are set forth in WUP Applicant’s Handbook Part B, Section 3.9.3, Sections 4.3 A.1.a.ii.(4) and 4.3 A.1.b. of the Basis of Review For Water Use Permit Applications which is incorporated by reference in Rule 40D-2.091, F.A.C., and is available upon request to the District.

(6) Applications for New Quantities.

Requests for withdrawals of new quantities of water that are projected to impact a water body ~~that which~~ is unacceptably adversely impacted or below its Minimum Flow or Level shall not be approved unless they contribute to the attainment of the objective set forth in the Comprehensive Plan in subsection 40D-80.073(1), F.A.C.

(7) through (8) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.171, 373.0421 FS. History-New 8-3-00, Amended 8-3-00, 11-25-07, 5-26-10, _____.

40D-80.074 Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area.

(1) No change.

(2) Objectives of Recovery Strategy.

Long-term (as defined in the WUP Applicant’s Handbook Part B, Section 3.9.2, 4.3 A of the Basis of Review for Water Use Permits, incorporated by reference in Rule 40D-2.091, F.A.C.) flow rates and water levels for most MFL water bodies are below the MFLs predominantly because ground water withdrawals have lowered Floridan aquifer levels in the SWUCA. As a result of the lowered aquifer levels, salt water intrusion is occurring, and river flows and lake levels are impacted by reduced water levels, including some of those rivers and lakes for which MFLs have been established. The goals of the District’s Recovery Strategy are the recovery of flows and levels to the MFLs and the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses. The Minimum Flows for rivers are described in Rule 40D-8.041, F.A.C. The Minimum Levels for lakes are described in subsection 40D-8.624(13), F.A.C. The Minimum Levels for aquifers are described in subsection 40D-8.626(2), F.A.C. The District intends to maintain on its website at www.watermatters.org a current listing of those water bodies for which a recovery or prevention strategy is in effect.

(3) through (7) No change.

Rulemaking Authority 120.54, 373.0421, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 FS. History–New 1-1-07, Amended _____.

40D-80.075 Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area.

(1) through (2) No change.

(3) Recovery Strategy Mechanisms.

(a) No change.

(b) The water use permitting rules in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Part B, Basis of Review for Water Use Permits, incorporated by reference in Rule 40D-2.091, F.A.C., in particular section 7.4, address groundwater withdrawal impacts, alternative water supplies, frost/freeze protection methods, and resource recovery. In combination, these rules along with the non-regulatory mechanisms are intended to result in recovery to the Minimum Aquifer Level.

(4) Periodic Review of Recovery Strategy. Progress toward achieving the Minimum Aquifer Level will be continuously evaluated, with a comprehensive assessment in 2015. This evaluation will include an assessment of the reduction in groundwater withdrawals used for frost/freeze protection in the Dover/Plant City WUCA and the resulting reduced impact on the Minimum Aquifer Level. If by January 2015 a 10% reduction in groundwater withdrawals for frost/freeze protection from January 2010 quantities has not been achieved, the Recovery Strategy will be reassessed. If by January 2020 a 20% reduction in groundwater withdrawals used for frost/freeze protection has not been achieved or if the Minimum Aquifer Level has not been achieved, the Recovery Strategy will be reassessed. Evaluation of these reduction goals will include the frost/freeze design event specified in ~~Section 7.4.1. of the WUP Applicant's Handbook Part B, Section 3.9.4.2.2.1. Basis of Review.~~

(5) The provisions of subsections 40D-80.075(1)-(4), F.A.C., are intended to provide an overview of resource conditions related to the water bodies for which a Minimum Aquifer Level has been established and the components of the Recovery Strategy. The provisions of the permitting rules in Chapter 40D-2 F.A.C., and the WUP Applicant's Handbook Part B Basis of Review for Water Use Permitting shall control in the event of any conflict or inconsistency with the provisions of subsections 40D-80.075(1)-(4), F.A.C. Rulemaking Authority 120.54, 373.0421, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.023, 373.036, 373.042, 373.0421, 373.171 FS. History--New 6-16-11, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura Donaldson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.018
RULE TITLE: Public Comment

PURPOSE AND EFFECT: Rule proposes to facilitate public comment at board meetings.

SUMMARY: Public comment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Holmes, Executive Director, Florida Commission for the Transportation Disadvantaged, 650 Suwannee Street, MS-49, Tallahassee, Florida 32399, (850)410-5700

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.018 Public Comment.

The Commission for the Transportation Disadvantaged invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Commission after an agenda item is introduced at a properly noticed Commission meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or Commission counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) Members of the public shall notify Commission staff in writing of his or her interest to be heard on a proposition or matter before the Commission. The notification shall identify the person or entity, indicate its support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for the Transportation Disadvantaged
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commission for the Transportation Disadvantaged
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 22, 2013

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

RULE NO.: 59C-1.0355
RULE TITLE: Hospice Programs
PURPOSE AND EFFECT: The Agency is proposing to amend the rule to update materials incorporated by reference and remove unnecessary language.
SUMMARY: The Agency is proposing to update the rule as an annual update of materials incorporated by reference so as to include the most up-to-date figures and information. Also, the amendment incorporates the semi-annual utilization form and removes “a change in licensed bed capacity of a freestanding inpatient hospice facility” from the rule’s regulation due to statutory change.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Based on the fact that the updates to the proposed rule are solely updating materials incorporated and removal of language, the Agency has determined that no SERC is required.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the fact that the updates to the proposed rule are solely updating materials incorporated and removal of language, the Agency has determined that no legislative ratification pursuant to subsection 120.541 (3), F.S. is required.

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: 408.15(8), 408.034(3), (6) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James McLemore, (850)412-4346, James.McLemore@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.0355 Hospice Programs.

(1) Agency Intent. This rule implements the provisions of Sections 408.034(3), 408.036(1)(d), and 408.043(2), F.S. It is the intent of the agency to ensure the availability of hospice programs as defined in this rule to all persons requesting and eligible for hospice services, regardless of ability to pay. This rule regulates the establishment of new hospice programs and the construction of freestanding inpatient hospice facilities as defined in this rule, ~~and a change in licensed bed capacity of a freestanding inpatient hospice facility.~~ A separate certificate of need application shall be submitted for each service area defined in this rule.

(2) through (3)(a) No change.

(b) Conformance with Statutory Review Criteria. A certificate of need for the establishment of a new hospice program, or construction of a freestanding inpatient hospice facility, ~~or change in licensed bed capacity of a freestanding inpatient hospice facility,~~ shall not be approved unless the applicant meets the applicable review criteria in Sections 408.035 and 408.043(2), F.S., and the standards and need determination criteria set forth in this rule. Applications to establish a new hospice program shall not be approved in the absence of a numeric need indicated by the formula in paragraph (4)(a) of this rule, unless other criteria in this rule

and in Sections 408.035 and 408.043(2), F.S., outweigh the lack of a numeric need.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) \geq 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$\begin{aligned} U65C &= (u65c/CT) \times PT \\ 65C &= (65c/CT) \times PT \\ U65NC &= (u65nc/CT) \times PT \\ 65NC &= (65nc/CT) \times PT \end{aligned}$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the

sum of the service area resident deaths for the three most recent calendar years available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates from the Office of the Governor at least 3 months prior to publication of the fixed need pool. The following materials are incorporated by reference within this rule; Department of Health Office of Vital Statistics Florida Vital Statistics Annual Report 2012, 2011 and 2010, Deaths, and the Office of the Governor Florida Population Estimates and Projections by AHCA District 2010 2000 To 2030 2020, released September, 2013 2010. These publications are available on the Agency website at

http://ahca.myflorida.com/MCHQ/CON_FA/Publications/index.shtml and <http://www.flrules.org/Gateway/reference.asp?No=Ref-01677>.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (Hu65c/Tu65c)$$

$$P2 = (H65c/T65c)$$

$$P3 = (Hu65nc/Tu65nc)$$

$$P4 = (H65nc/T65nc)$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (8) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection (8) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(4)(b) through (4)(c) No change.

(d) Approval Under Special Circumstances. In the absence of numeric need identified in paragraph (4)(a), the applicant must demonstrate that circumstances exist to justify the approval of a new hospice. Evidence submitted by the applicant must document one or more of the following:

1. That a specific terminally ill population is not being served.

2. That a county or counties within the service area of a licensed hospice program are not being served.

~~3. That there are persons referred to hospice programs who are not being admitted within 48 hours. The applicant shall indicate the number of such persons.~~

(e) through (7) No change.

(8) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year . The July report shall use the Semi-Annual Report of Hospice Utilization (July), AHCA Form 5000-3545 (created June 2013), incorporated by reference within this rule and available on the Agency website at http://ahca.myflorida.com/MCHQ/CON_FA/Forms/index.shtml. The July report shall indicate the number of new patients admitted during the 6-month period composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall use the Semi-Annual Report of Hospice Utilization (January) AHCA Form 5000-3546 (created June 2013), incorporated by reference within this rule and available on the Agency website at http://ahca.myflorida.com/MCHQ/CON_FA/Forms/index.shtml. The January report shall indicate the number of new patients admitted during the 6-month period composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The following detail shall also be provided.

(8)(a) through (9) No change.

Rulemaking Authority 408.034(3), (6), 408.15(8) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) FS. History—New 4-17-95, Amended 7-30-95, 7-21-09, 5-3-10, 10-14-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Marisol Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

September 19, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

July 2, 2013

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-14.005
 RULE TITLE: Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

PURPOSE, EFFECT AND SUMMARY: NOAA Fisheries eliminated the requirement to possess and use venting tools when fishing for reef fish in federal waters of the Gulf of Mexico (formerly 50 C.F.R. § 622.30(c), effective September 3, 2013). The purpose of this rule amendment is to eliminate the requirement for commercial and recreational fishermen to possess and use venting tools when fishing for reef fish in state waters of the Gulf of Mexico. The requirement to possess and use venting tools was removed for several reasons. While venting can be useful in reducing release mortality of fish caught in deep water, fish do not always need to be vented, and in these cases, venting can cause unnecessary harm to the fish. Improper venting techniques can pierce vital organs and lead to internal bleeding. Venting fish also requires additional handling time and can result in physical injury or physiological stress for the fish, which could decrease the chances that the fish will survive after release. Also, new tools and methods such as descending devices are now available to reduce release mortality of reef fish caught in deep water. The effect of this rule amendment is that federal and state regulations regarding gear requirements for reef fish can be applied consistently in the Gulf of Mexico. The elimination of this rule will allow recreational anglers and commercial fishermen the freedom to use methods and tools of their choosing to increase survival of released reef fish in the Gulf of Mexico.

Rule 68B-14.005 (Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation) would be amended to eliminate language requiring commercial and recreational fishermen to possess and use venting tools when fishing for reef fish in state waters of the Gulf of Mexico.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian

Street, Tallahassee, Florida 32399-1600, (850)487-1764.
 SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) through (2) No change.

(3) Required gear in the Gulf reef fish fishery. Beginning June 1, 2008, for a person on board a vessel harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., the vessel must possess on board and such person must use the gear specified in paragraphs (a); and (b) ~~and~~ (e).

(a) No change.

(b) No change.

~~(c) Venting tool. At least one venting tool is required and must be used to deflate the swimbladders of Gulf reef fish to release the fish with minimum damage. This tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16 gauge needle fixed to a hollow wooden dowel. A tool such as a knife or an ice pick may not be used. The venting tool must be inserted into the fish at a 45 degree angle approximately 1 to 2 inches (2.54 to 5.08 centimeters) from the base of the pectoral fin. The tool must be inserted just deep enough to release the gases, so that the fish may be released with minimum damage.~~

(4) through (5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07, 3-12-08, 4-1-08, 1-19-10, 6-10-13,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-58.001	Designation as a Restricted Species
68B-58.003	Size Limits

68B-58.004	Recreational Bag and Vessel Limits; Exception for Commercial Harvest
68B-58.005	Commercial Seasons
68B-58.006	Allowed and Prohibited Gear and Method of Harvest
68B-58.007	Requirements for Sale
68B-58.011	Reporting Requirement for Non-tournament Landings

PURPOSE AND EFFECT: Recent stock assessments have determined that the North Atlantic swordfish stock has recovered from prior overfishing and the stock is currently rebuilt. However, as a result of several factors, the U.S. has been unable to fully harvest the domestic swordfish quota. In an effort to revitalize the U.S. commercial swordfish fishery utilizing gears that minimize bycatch, NOAA Fisheries Highly Migratory Species (HMS) Division recently implemented new federal swordfish rules. These new rules: (1) created an open access commercial permit for swordfish harvest, (2) allowed for-hire vessels possessing a federal HMS Charter/Headboat to commercially harvest and sell swordfish when not operating as a vessel for-hire, (3) establish allowable gears and regional harvest limits for vessels fishing under the new and modified permits. The purpose of the new rules and rule amendments is to amend state swordfish rules to designate swordfish as a restricted species, allow fishermen operating pursuant to the new and modified federal commercial permits to land and sell swordfish in Florida, require dealers initially purchasing swordfish to possess a valid federal Atlantic swordfish dealer permit, define allowable gears in state waters and allow transit of swordfish legally harvested with other gears in federal waters, close state waters to commercial swordfish harvest if adjacent federal waters are closed, modify the cleithrum-keel minimum size length, and clarify federal rule references in state rules.

The effect of these rule amendments will be to make Florida’s commercial swordfish regulations more consistent with federal regulations, including the requirements for sale and commercial fishing seasons, and allow commercial fishermen possessing new and modified federal permits to harvest and sell swordfish in Florida. A restricted species designation would ensure that Florida’s commercial swordfish fishery remains professional, even with the new federal open access permit. Florida fishermen who make their living from commercial and for-hire fishing, who may already possess or qualify for a restricted species endorsement, would be able to join this new fishery. Changes in rule will also define allowable gears in state waters and include a provision to allow the transit of swordfish legally harvested in federal waters with other gears. Rule amendments would modify the

cleithrum to keel size limit to maintain consistency with federal size measurements. Other effects of the new rules would clarify federal citations in state rule.

SUMMARY: Rule 68B-58.001 will be created to designate swordfish as a restricted species. Rule 68B-58.003 will be amended to modify the minimum cleithrum to keel length measurement to be 25 inches. Rule 68B-58.004 will be given a new title and amended to provide exceptions from recreational bag and vessel limits to persons commercially harvesting swordfish pursuant to the new federal Swordfish General Commercial permit or a federal HMS Charter/Headboat permit when not operating as a vessel for-hire. Rule 68B-58.005 will be created to clarify state waters will close to commercial harvest of swordfish when adjacent federal waters close. 68B-58.006 will be created to clarify that hook and line is the only allowable gear to harvest swordfish in state waters, and also allow swordfish legally harvested with other gears in federal waters to transit through state waters. Requirements for sale will be modified in Rule 68B-58.007 to require a restricted species endorsement to sell swordfish, allow commercial fishermen operating under the federal Swordfish General Commercial permit or a federal HMS Charter/Headboat permit when not operating as a vessel for-hire to sell swordfish and require wholesale dealers initially purchasing swordfish to possess a federal Atlantic swordfish dealer permit. Federal rule references will be modified in 68B-58.011 to update the federal citation in this subsection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the Commission's regular meeting February 12-13, 2013, 8:30 a.m. – 5:00 p.m. each day

PLACE: DoubleTree by Hilton Hotel Tampa Airport – Westshore, 4500 W Cypress Street, Tampa, FL 33607

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: the ADA Coordinator, at (850)488-6411. 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: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-58.001 Designation as Restricted Species.
Swordfish are hereby designated as restricted species pursuant to Section 379.101(32), F.S.
Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68B-58.003 Size Limits.

(1) Size Limit – A person may not harvest or land from Florida Waters, or possess in or on Florida Waters, a swordfish that is less than 47 inches in lower jaw fork length, or ~~25~~ 29 inches in cleithrum to keel length.

(2) A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass is at least 47 inches lower jaw fork length with its head naturally attached or ~~25~~ 29 inches cleithrum to keel length if its head has been removed ~~(consistent with the Federal Standard established in 50 C.F.R. §635.20(f)).~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 9-1-13, Amended _____.

68B-58.004 ~~Recreational~~ Bag and Vessel Limits; Exceptions for Commercial Harvest.

(1) Recreational Limits –

(a) Except as provided in subsections (2) and (3), a recreational harvester may not harvest or land from Florida Waters more than one swordfish per day or possess in or on Florida Waters more than one swordfish (consistent with the

Federal Standard established in 50 C.F.R. §635.22(f) as of September 20, 2013).

(b) Private Vessel Limit – The persons aboard a private vessel in or on Florida Waters may not collectively possess more than four swordfish, regardless of the number of licensed or license-exempt persons onboard. This provision will not be construed to authorize harvest or possession of swordfish in excess of the applicable bag limits.

(c) Vessel for Hire Limit – Possession of more than the daily bag limit of swordfish multiplied by the number of customers fishing, or 15 swordfish, whichever is less, aboard any vessel for hire is prohibited. This provision will not be construed to authorize harvest or possession of swordfish in excess of the applicable bag limits.

(2) Captain and Crew Harvest Prohibited – On a vessel for hire, a person who is the captain or a crew member may not harvest or possess a swordfish ~~(consistent with the Federal Standard established in 50 C.F.R. §635.22(f)).~~

(3) Exceptions for Commercial Limits Harvest–

(a) The bag and vessel limits established in subsection (1) do not apply to a person who is harvesting pursuant to a saltwater products license, restricted species endorsement, and either a federal Limited Access Permit (LAP) for swordfish, valid federal Swordfish General Commercial permit, or valid federal HMS Charter/Headboat permit (when not carrying passengers as a vessel for hire) issued pursuant to 50 C.F.R. 635.4(f) (as of September 20, 2013).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 9-1-13, Amended _____.

68B-58.005 Commercial Seasons.

(1) If at any time adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of swordfish, corresponding state waters shall also be closed to commercial harvest of swordfish, beginning from the date of such closure until federal waters are reopened to the commercial harvest.

(2) During the period of any state waters closure pursuant to subsection (1), the harvest, possession, or landing for commercial purposes, and the purchase, sale or exchange, of swordfish, is prohibited. These prohibitions shall not apply to trade of swordfish that were harvested, offloaded, and purchased, sold, or exchanged prior to the closure.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68B-58.006 Allowed and Prohibited Gear and Method of Harvest.

(1) The harvest or attempted harvest of any swordfish in or from state waters is prohibited except by use of hook and line gear.

(2) The landing requirements contained in this section shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68B-58.007 Requirements for Sale.

(1) A person who harvests a swordfish within or without Florida Waters may not sell a swordfish unless the harvester possesses a valid saltwater products license, a valid restricted species endorsement, and either a valid a–federal Limited Access Permit (LAP) for swordfish, valid federal Swordfish General Commercial permit, or federal HMS Charter/Headboat permit (swordfish may not be harvested on a vessel-for-hire trip) issued pursuant to 50 C.F.R. 635.4(f) (as of September 20, 2013 ~~October 1, 2002~~), and presents both the saltwater products license, restricted species endorsement, and one of these federal permits ~~the LAP~~ to the buyer of the swordfish.

(2) No wholesale dealer, as defined in Section 379.362(1), F.S., shall purchase swordfish, or any part thereof, unless such dealer is in possession of a valid federal Atlantic swordfish dealer permit. No wholesale dealer shall purchase swordfish, or any part thereof without confirming that the seller possesses a valid Florida saltwater products license, valid restricted species endorsement, and the federal licenses and permits specified in subsection (1). This subsection applies only when a swordfish, or any part thereof is sold, exchanged, bartered, distributed, or landed for the first time.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 9-1-13, Amended _____.

68B-58.011 Reporting Requirement for Non-tournament Landings.

A person who harvests a swordfish from Florida Waters pursuant to subsection 68B-58.004(1), F.A.C. shall report the landing of the swordfish as required by 50 C.F.R. §

635.5(c)(2) (as of ~~September 20, 2013~~ ~~October 1, 2002~~) unless the person harvested the swordfish as a participant in a fishing competition in which participants must register or an award is offered for catching or landing a swordfish.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-1-13, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jessica McCawley, Director, Division of Marine Fisheries
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2012 and November 22, 2013

Section III
Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.035
 RULE TITLE: Determining Generally Accepted Professional Medical Standards
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 193, October 3, 2013 issue of the Florida Administrative Register.

59G-1.035 Determining Generally Accepted Professional Medical Standards.

(1) Definitions.

(a) Generally accepted professional medical standards – Standards based on credible scientific evidence published in peer-reviewed scientific literature generally recognized by the relevant medical community or physician specialty society recommendations.

(b) Health service(s) – Diagnostic tests, therapeutic procedures, or medical devices or technologies. Health technology assessment – A multi disciplinary policy analysis that examines the medical, economic, social, and ethical implications of the incremental value, diffusion, and use of a medical technology in health care.

(c) Relevant – Having a significant and demonstrable bearing on the matter at hand. Medical Care Advisory

~~Committee (hereafter referred to as Committee) – A committee established in Title 42, Code of Federal Regulations, section 431.12, to advise the Agency for Health Care Administration (Agency) about health and medical care services with respect to policy and planning for the delivery of these services.~~

~~(2) In accordance with federal requirements for Title XIX of the Social Security Act and the provisions of state law, the Agency is authorized to make payments for diagnostic tests, therapeutic procedures, or medical devices or technologies (hereafter referred to as health services) furnished by qualified providers to recipients who are determined to be eligible on the dates services were provided. Payment for covered health services is subject to the availability of funding and any limitations or directions provided in the General Appropriations Act or Chapter 216, Florida Statutes (F.S.).~~

~~(3) The Division of Medicaid (Medicaid), within the Agency, sets forth coverage, limitation, and exclusion criteria of approved health services in the Florida Medicaid coverage and limitations handbooks and fee schedules, pursuant to the operation of the Administrative Procedure Act (Chapter 120, F.S.).~~

~~(4) Health services must meet all required criteria of medical necessity, as defined in Rule 59G-1.010(166), Florida Administrative Code (F.A.C).~~

~~(2)(5) Pursuant to the criteria set forth in subparagraph 59G-1.010(166)(a)3., Florida Administrative Code (F.A.C.), the Agency for Health Care Administration (hereafter referred to as Agency) subparagraph 3. of the medical necessity definition, Medicaid will determine when health services are consistent with generally accepted professional medical standards and are not experimental or investigational.~~

~~(3)(6) Health services that are covered under the Florida Medicaid program are described in the respective coverage and limitations handbooks and fee schedules, which are incorporated by reference in the F.A.C. The public may request a health service be considered for coverage under the Florida Medicaid program by submitting a written request to the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, MS #8, Tallahassee, FL 32308 Individuals, external to the Agency, must submit a written request for review of a noncovered health service to the Deputy Secretary for Medicaid. The request must include the name, a brief description, and any additional information that supports coverage of the health service, including sources of reliable evidence as defined in paragraph 59G-1.010(84)(b), F.A.C.~~

~~(4) To determine whether the health service is consistent with generally accepted professional medical standards, the Agency may consider the following factors:~~

~~(a) Evidence-based clinical practice guidelines.~~

(b) Credible scientific evidence related to the health service (published in peer-reviewed scientific literature generally recognized by the relevant medical community or practitioner specialty associations).

(c) Effectiveness of the health service in improving the individual’s prognosis or health outcomes.

(d) Utilization trends.

(e) Coverage policy by other creditable insurance payor sources.

(f) Recommendations or assessments by clinical or technical experts on the subject or field.

~~(7) When reviewing a health service, Medicaid analyzes evidence based clinical practice guidelines and credible scientific evidence related to the health service, published in peer reviewed scientific literature generally recognized by the relevant medical community or practitioner specialty society recommendations. Medicaid may request an external assessment of the evidence to be provided by a clinical or technical expert to supplement the analysis of highly complex health services.~~

~~(8) Health services consistent with generally accepted professional medical standards, as determined by Medicaid, and with clinical utility not disputed in medical literature, may be considered for coverage without further evaluation or review by the Committee.~~

~~(9) Health services that do not meet the criteria in section (8), or the complexity of the evidence exceeds Medicaid staff expertise or capability, require review by the Committee.~~

~~(10) Medicaid determines the health service is consistent with generally accepted professional medical standards using the steps as follows:~~

~~(a) Medicaid will develop a preliminary report, which includes:~~

~~1. The Medicaid analysis of the credible scientific evidence related to the health service.~~

~~2. A health technology assessment evaluation.~~

~~3. Findings as to whether equally effective and potentially more cost effective alternatives exist for the requested health service.~~

~~4. Any external assessments provided by a clinical or technical expert.~~

~~5. Any questions regarding the impact on the Medicaid program, target recipient population, or practitioner or facility qualifications not adequately addressed by evidence.~~

~~6. Recommendations as to whether the health service meets generally accepted professional medical standards, and, if so:~~

~~a. Whether there should be imposed individually determined or categorical limitations as to coverage beyond general Medicaid eligibility criteria.~~

~~b. The criteria upon which such limitations should be based.~~

~~(b) The Committee will be provided a copy of the preliminary report and will have an opportunity to provide comments and feedback for the Agency’s consideration.~~

~~(5)(e) Based upon the information collected, a report with The report, along with any recommendations will from the Committee, shall be submitted to the Deputy Secretary for Medicaid (or designee) for review. The Deputy Secretary for Medicaid (or designee) will shall make a final determination as to whether the health service is consistent with generally accepted professional medical standards and not experimental or investigational.~~

~~(6) In order for the health service to be covered under the Florida Medicaid program, it must also meet all other medical necessity criteria as defined in Rule 59G-1.010(166), F.A.C., and funded through the General Appropriations Act or Chapter 216, F.S.~~

~~Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.905, 409.912, 409.913 FS. History—New_____.~~

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development

RULE NO.: RULE TITLE:

73C-23.0041: Application Process and Administrative Requirements

NOTICE IS HEREBY GIVEN that on December 10, 2013, the Department of Economic Opportunity, received a petition for waiver of a restriction in the application form for the Community Development Block Grant Neighborhood Revitalization program, incorporated by reference in paragraph 73C-23.0041(4)(c), Fla. Admin. Code, limiting the applicant’s ability to proceed with unmet needs until all activities identified as addressed needs have been completed. The purpose of the Town’s CDBG NR grant is to make improvements to the Town’s wastewater treatment plant.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Department’s Agency Clerk at the

street address or electronic mail address below. Any interested person may submit comments to the Department within 14 days after the date of publication of this notice by furnishing them to the Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4128, or by email to James.Bellflower@deo.myflorida.com.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.015: Policies and Practices

NOTICE IS HEREBY GIVEN that on December 12, 2013, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(3), Florida Administrative Code, from Youth and Family Alternatives, Inc. and Nancy Delgado. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or master's degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida State Fair Authority Evaluation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2014, 1:00 p.m.

PLACE: Florida State Fairgrounds

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New business.

A copy of the agenda may be obtained by contacting: Sonia Velez at (813)627-4221.

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 2 days before the workshop/meeting by contacting: Sonia Velez at (813)627-4221. 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).

For more information, you may contact: Sonia Velez at (813)627-4221.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

The FAME Committee and Florida Alligator Industry announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 8, 2014, 2:00 p.m.

PLACE: Teleconference meeting: dial-in number (888)670-3525, conference code 9078980736

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The purpose of this meeting is to address special business issue and initiatives of the Florida Alligator Marketing and Education Committee, for the current fiscal year.

A copy of the agenda may be obtained by contacting John Easley or Martin May at (850)617-7280.

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: John Easley or Martin May at (850)617-7280. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: John Easley or Martin May at (850)617-7280.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

The Early Learning Advisory Council Best Practices Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 8, 2014, 3:00 p.m.

PLACE: Office of Early Learning. Teleconference number: 1(888)670-3525; participant code 710-734-3387

GENERAL SUBJECT MATTER TO BE CONSIDERED: ELC Best Practices, ELAC Meeting Participation.

A copy of the agenda may be obtained by contacting: Danielle.Jennings@oel.myflorida.com.

For more information, you may contact: Danielle.Jennings@oel.myflorida.com.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 7, 2014, 9:30 a.m.
PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.
LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.
Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.
The Florida Public Service Commission Conference's Notice, Agenda, related documents, and contact information may be obtained from www.floridapsc.com. Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.
*Changes to this notice will be published at the earliest practicable time on the Commission's website.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council
The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.
DATE AND TIME: January 8, 2014, 2:00 p.m.
PLACE: Historic City Hall, 315 Avenue A, Fort Pierce, FL 34950
GENERAL SUBJECT MATTER TO BE CONSIDERED: As part of the development of a Waterways Plan for Martin and St. Lucie Counties, an educational forum on Land Use & Upland Transportation will be conducted. The forum is intended to increase knowledge regarding different aspects of land development, regulation, and transportation issues.
The forum is free and open to the public.
A copy of the agenda may be obtained by contacting: Kim DeLaney of the Treasure Coast Regional Planning Council at (772)221-4060 or kdelaney@tcrpc.org.
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: Kim DeLaney of the Treasure Coast Regional Planning Council at (772)221-4060 or kdelaney@tcrpc.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
For more information, you may contact: Kim DeLaney of the Treasure Coast Regional Planning Council at (772) 221-4060 or kdelaney@tcrpc.org.

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office
The Department of Elder Affairs, Statewide Office of the Public Guardian, Foundation for Indigent Guardianship, Inc. A Direct Support Organization, announces a public meeting to which all persons are invited.
DATE AND TIME: January 22, 2014, 12:30 p.m.
PLACE: Conference call number 1(888)670-3525, participant code 7919129022#
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting for the Foundation for Indigent Guardianship, Inc.
A copy of the agenda may be obtained by contacting: Angela Runyan, (850)414-2381.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission
The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.
DATE AND TIME: Monday, January 13, 2014, 3:00 p.m. or soon thereafter
PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801.
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.
A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 14, 2014, 8:30 a.m.; meeting will reconvene on Wednesday, January 15, 2014, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Official business of Commission – topics include, but are not limited to, proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.com or Johanne Knudson at johanne.knudson@myfloridalicense.com.

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: Division of Real Estate, (407)481-5662. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing Home Administrators announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 31, 2014, 9:00 a.m.

PLACE: Renaissance at Seaworld, 6677 Sea Harbor Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business

A copy of the agenda may be obtained by contacting: Sherra W. Mears, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida or by accessing the website at: <http://www.floridahealth.gov/licensing-and-regulation/nursing-home/meetings/index.html>.

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: Sherra W. Mears. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: January 2, 2014, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Deliberation for cases pending before the Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151.

(850) 487-2685. 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).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740

Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: RULE TITLE:

73C-23.0041: Application Process and Administrative Requirements

The Department of Economic Opportunity announces workshops to which all persons are invited.

DATES AND TIMES: January 14, 2014, 9:00 a.m. Central Time; January 16, 2014, 9:00 a.m. Eastern Time; January 17, 2014, 9:00 a.m. Eastern Time

PLACES: January 14, 2014: DOT District 3 Office, 1074 Highway 90, Chipley, FL; January 16: DOT District 1 Office, 801 N. Broadway, Bartow, FL; January 17: DOT District 2 Office, 1109 S. Marion Ave., Lake City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a training workshop for representatives of local governments that are eligible to apply for FFY 2013 Small Cities Community Development Block Grant funds. The training will cover the following topics related to completing a CDBG application: eligibility and eligible activities, citizen participation requirements, acquisition of property and easements, defining service areas, surveying beneficiaries, procurement of professional services, economic development projects, fair housing requirements and application rejection issues. There will be some hands-on exercises.

A copy of the agenda may be obtained by contacting: Roger Doherty at (850)717-8417 or roger.doherty@deo.myflorida.com.

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 seven days before the workshop/meeting by contacting: Roger Doherty, Small Cities CDBG Planning Manager, at (850)717-8417 or roger.doherty@deo.myflorida.com. 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).

WILLIAM W. "BILL" HINKLEY CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The William W. "Bill" Hinkley Center for Solid & Hazardous Waste Management announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 14, 2014, 2:30 p.m.

PLACE: GoToMeeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Research Selection Committee will meet via teleconference to discuss pre-proposals received in response to the 2013 RFP. If you wish to join the meeting, please contact the Center for information.

A copy of the agenda may be obtained by contacting: Rhonda Rogers, rogersrd@ufl.edu.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center (NSRC) announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2014, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Families, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes, Solar Winds Timeline, SQL SERVER 2012 Infrastructure Plan, Production Systems Issues/Updates, and Standard Server Naming Convention.

A copy of the agenda may be obtained by contacting: Robin Tucker at (850)717-0072 or by email: robin.tucker@nsrc.myflorida.com.

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: Robin Tucker at (850)717-0072 or by email at robin.tucker@nsrc.myflorida.com. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

CHOCTAWHATCHEE RIVER SOIL AND WATER CONSERVATION DISTRICT

The Choctawhatchee River Soil & Water Conservation District announces public meetings to which all persons are invited.

DATES AND TIMES: January 6, 2014, 6:30 p.m.; April 7, 2014, 6:30 p.m.; July 7, 2014, 6:30 p.m., and October 6, 2014, 6:30 p.m.

PLACE: USDA Service Center, Conference Room, 239 John Baldwin Rd, DeFuniak Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda for quarterly meeting.

A copy of the agenda may be obtained by contacting: Mellody Hughes, (850)892-3712, ext. 3.

For more information, you may contact: Mellody Hughes.

ENTERPRISE FLORIDA, INC.

The Florida Defense Support Task Force announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 27, 2013, 10:00 a.m. EST

PLACE: Telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will discuss the extension of the current contract to provide federal-level advocacy on behalf of Florida's military missions and installations.

A copy of the agenda may be obtained by contacting: Bruce Grant, (850)878-0826, email: bgrant@eflorida.com.

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 1 day before the workshop/meeting by contacting: Bruce Grant, (850)878-0826, email: bgrant@eflorida.com. 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).

For more information, you may contact: Bruce Grant, (850)878-0826, email: bgrant@eflorida.com.

KIMLEY-HORN AND ASSOCIATES, INC. – TALLAHASSEE

The Florida Department of Transportation (FDOT) announces a public kick-off meeting to which all persons are invited.

DATE and TIME: Thursday, January 9, 2014, 5:30 p.m. – 6:30 p.m. (CST)

PLACE: Crestview Community Center, 1446 Commerce Drive, Crestview, Florida 32536

General Subject Matter to be Considered: The Florida Department of Transportation will conduct a public meeting regarding the update of the Interstate 10 Master Plan for the corridor beginning at the Santa Rosa/Okaloosa County line east to the Jackson/Gadsden County line. Financial Project Identification Number: 425832-1-12-01.

The purpose of the meeting is to present project information, outline the master planning process and present the project schedule. There will be no formal presentation; however, maps, drawings and other project information will be on display. FDOT representatives will be available to explain the project and answer questions.

A copy of the handout and other meeting materials may be obtained by contacting: FDOT's Project Manager Virgie Bowen, AICP, 1074 Highway 90, Chipley, Florida 32428, toll-free at (888)638-0250, extension 1530 or via email at virgie.bowen@dot.state.fl.us.

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: Virgie Bowen, at the contact information listed above.

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).

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services received a Petition for Declaratory Statement from Michael Wallace on December 18, 2013. The petition seeks the agency's opinion as to whether replacing an existing window in a third floor condominium unit constitutes a renovation and as such requires the unit to meet all provisions of the Florida Fire Prevention Code for new construction. A copy of the Petition for Declaratory Statement may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Division of Legal Services, 612 Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0333, (850)413-4269.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF FINANCIAL SERVICES
Division of State Fire Marshal

LIST OF APPROVED SPARKLERS ADDED TO
FEBRUARY 1, 2014 TO JANUARY 31, 2015

The Department of Financial Services, Division of State Fire Marshal, pursuant to Section 791.013(1), Florida Statutes, hereby approves the following sparklers for sale from February 1, 2014 to January 31, 2015. The products are listed

by ITEM (the name of the product, and any major words or numbers on the product); BRAND (means by the name or logo of the manufacturer); and DESCRIPTION (a specific physical description of the product, size should be accurate to within one (1) inch). ALL ASSORTMENT PACKAGES OR CONTAINERS MUST CONTAIN APPROVED SPARKLERS.

PLEASE NOTE: This list contains only the sparklers which were provided to the Department on or after January 31, 2013 through September 1, 2013 and approved for use from February 1, 2014 through January 31, 2015.

A complete list of all approved sparklers which are approved for use from February 1, 2013 through January 31, 2014 are available at www.myfloridacfo.com or to obtain a printed copy, please write or fax your request to the Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342, 850/410-2467 or email www.myfloridacfo.com.

NAME Welders Flash Fountain
BRAND Flying Eagle
DESCRIPTION 3 " tall x 1" round

NAME Phantom Whirl Fountain
BRAND Hunan Xingpeng
DESCRIPTION 4" tall x 3" round

NAME Cosmic Pearls Fountain
BRAND Hunan Xingpeng
DESCRIPTION 4 " tall x 3" wide x 3" length

NAME Swarm of Sparks Fountain
BRAND Hunan Xingpeng
DESCRIPTION 4" tall x 3 " wide x 3" length

NAME Breakaway Fountain
BRAND Hunan Xingpeng
DESCRIPTION 4" tall x 3 " round

NAME Phantom Uproar Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 " tall x 3" round

NAME Phantom Flurry Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 " tall x 3 " round

NAME Falling Star Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75" tall x 3 " round

NAME Phantom Firepit Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75" tall x 3" wide x 3" length

NAME Manic Moonlight Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 " tall x 3" round

NAME Point of Impact Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 " tall x 3" round

NAME Solar Phantasy Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 " tall x 3" round

NAME Avalanche of Sparks Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75" tall x 3" round

NAME Phantom Craze Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 " tall x 3" wide x 3" length

NAME Fracture Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75" tall x 3" wide 3" length

NAME Face Off Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75" tall x 3" wide 3" length

NAME Angel Kiss
BRAND World Class
DESCRIPTION 55g fountain

NAME Call Me
BRAND World Class
DESCRIPTION 80g fountain

NAME Color Garden
BRAND World Class
DESCRIPTION 15 g fountain

NAME Cracker Barrel
BRAND World Class
DESCRIPTION 40g fountain

NAME Fire Ball
BRAND World Class
DESCRIPTION 5g fountain

NAME Firefly Fantasy
BRAND World Class
DESCRIPTION 25g fountain

NAME Frisky Starburst
BRAND World Class
DESCRIPTION 50g fountain

NAME Flippin' Awesome
BRAND World Class
DESCRIPTION 55g fountain

NAME Ground Bag
BRAND World Class
DESCRIPTION assortment
NAME Go Girl Go
BRAND World Class
DESCRIPTION 40g fountain

NAME Frog Princess
BRAND World Class
DESCRIPTION 85g fountain

NAME Killer Bee
BRAND Boomer
DESCRIPTION 25g fountain

NAME Kicks
BRAND World Class
DESCRIPTION 15g fountain

NAME Mini lazer
BRAND Boomer
DESCRIPTION novelty

NAME Mama Mia
BRAND World Class
DESCRIPTION 85g fountain

NAME Paparazzi
 BRAND World Class
 DESCRIPTION 25g fountain

NAME Zen Master
 BRAND World Class
 DESCRIPTION 30g fountain

NAME Peach Garden
 BRAND World Class
 DESCRIPTION 45g fountain

NAME Chicken Balloon
 BRAND World Class
 DESCRIPTION novelty

NAME Pint Size
 BRAND World Class
 DESCRIPTION .1g fountain

NAME Firecracker One
 BRAND Boomer
 DESCRIPTION novelty

NAME Pip Squeak
 BRAND World Class
 DESCRIPTION 50g fountain

NAME Flashing Signal
 BRAND World Class
 DESCRIPTION novelty

NAME Poker Asst. Fountains
 BRAND World Class
 DESCRIPTION 30g fountains

NAME Pacific Crab
 BRAND Boomer
 DESCRIPTION novelty

NAME Regal/Colonial
 BRAND Boomer
 DESCRIPTION 15g fountain

NAME Mighty Dragon
 BRAND Boomer
 DESCRIPTION novelty

NAME Sassy Sally
 BRAND World Class
 DESCRIPTION 15 g fountain
 NAME Tick Tock
 BRAND World Class
 DESCRIPTION 60g fountains

NAME Potent Puller
 BRAND Boomer
 DESCRIPTION novelty

NAME Tropical Fantasy
 BRAND World Class
 DESCRIPTION 85g fountain

NAME Rover
 BRAND Boomer
 DESCRIPTION novelty
 NAME Super Turbo Car
 BRAND Generic
 DESCRIPTION novelty

NAME Twinkly Lights
 BRAND Boomer
 DESCRIPTION 30g fountain

NAME Color Clay Smoke
 BRAND World Class
 DESCRIPTION smoke ball

NAME Value Pack
 BRAND World Class
 DESCRIPTION 40g fountains

NAME 5 Minute Smoke
 BRAND Boomer
 DESCRIPTION smoke tube

NAME Visions/Sound not included
 BRAND Boomer
 DESCRIPTION 65g fountain

NAME Revolution
 BRAND Boomer
 DESCRIPTION assortment

NAME Tripping Daisies
BRAND TNT
DESCRIPTION 5"x1-1/7"x4" multi tube cylinder

NAME Unglued
BRAND TNT
DESCRIPTION 5"x1-1/2"x4" multi tube cylinder

NAME Jeez Louise
BRAND TNT
DESCRIPTION 3-1/4"x1-7/8" single tube cylinder

NAME Pyromixer
BRAND TNT
DESCRIPTION 4-1/2"x2-7/8"x1-3/4" multi tube cylinder

NAME Trojan Warrior
BRAND TNT
DESCRIPTION 6"x1-7/8" single tube cylinder w/base

NAME Resolution
BRAND TNT
DESCRIPTION 6"x1-7/8" single tube cylinder w/base

NAME Crackling Crazy Ground Hog
BRAND TNT
DESCRIPTION 3-1/4"x2"x2" single tube cylinder

NAME Red Hot
BRAND TNT
DESCRIPTION 2-3/4"x3/4" single tube cylinder

NAME Sunshine
BRAND TNT
DESCRIPTION 2-3/4"x3/4" single tube cylinder

NAME Stars & Stripes
BRAND TNT
DESCRIPTION 9"x5-3/4"x3-5/8" multi tube cylinder

NAME Heated Fountain
BRAND TNT
DESCRIPTION 6-3/4"x3-1/8"x2-3/4" multi tube cylinder

NAME Crazy Lady
BRAND TNT
DESCRIPTION 7"x4" multi tube cylinder

NAME Haulin' Fast
BRAND Black Cat
DESCRIPTION 25g novelty

NAME Ground Load A, B, & C
BRAND Black Cat
DESCRIPTION 8g fountain

NAME Margarita
BRAND Black Cat
DESCRIPTION 45g fountain

NAME Kaboodle
BRAND Black Cat
DESCRIPTION 55g fountain

NAME Hot Sauce
BRAND Black Cat
DESCRIPTION 60g fountain

NAME Stargate
BRAND Black Cat
DESCRIPTION 55g fountain

NAME Big Bad Mudder
BRAND Zenith Specialties
DESCRIPTION 10g novelty

NAME Strobing Pulsar
BRAND Asia Pyro
DESCRIPTION 15g strobe fountain

NAME Spellbound
BRAND Asia Pyro
DESCRIPTION 30g fountain

NAME Keg of Color
BRAND Asia Pyro
DESCRIPTION 45g fountain
NAME Giant Smoke Grenade
BRAND Legend
DESCRIPTION 40g smoke

NAME Sword from Hell
BRAND Legend
DESCRIPTION 20g fountain

NAME Ground Mine
 BRAND Black Cat
 DESCRIPTION 15g novelty

NAME Smoke Screen
 BRAND Asia Pyro
 DESCRIPTION 65g smoke

NAME Toy Smoke Grenade
 BRAND Asia Pyro
 DESCRIPTION 5g smoke

NAME Red, White, Blue Smoke
 BRAND Asia Pyro
 DESCRIPTION 15g smoke

NAME Shell Shock
 BRAND Asia Pyro
 DESCRIPTION 55g fountain

NAME Cajun Crackler
 BRAND Asia Pyro
 DESCRIPTION 35g fountain

NAME Scrappy
 BRAND Asia Pyro
 DESCRIPTION 15g fountain

NAME Hula Hoops
 BRAND Asia Pyro
 DESCRIPTION 10g novelty

NAME Camo Smoke Tube
 BRAND Asia Pyro
 DESCRIPTION 55g smoke

NAME Sprocket 1 & 2
 BRAND Asia Pyro
 DESCRIPTION 35g fountains

NAME Little Bull
 BRAND Asia Pyro
 DESCRIPTION 55g fountain
 NAME Sumemr Storm A, B, C, & D
 BRAND Asia Pyro
 DESCRIPTION 40g fountains

NAME Major Headache
 BRAND Yijangnan
 DESCRIPTION 85g fountain cylindrical fountain

NAME Fountain of Youth
 BRAND Yijannan
 DESCRIPTION 40g fountain cylindrical fountain

NAME Nervouse Breakdown
 BRAND Yijangnan
 DESCRIPTION 40g fountain cylindrical fountain

NAME Old Faithful
 BRAND Yijangnan
 DESCRIPTION 75g fountain cylindrical fountain

NAME Dragon Party Poppers
BRAND Liuyan Qing Tai
DESCRIPTION .01g poppers

NAME #8 Color Metal
BRAND World Class
DESCRIPTION sparkler

NAME Sanddragons
BRAND Wild Dragon
DESCRIPTION snaps

NAME Morning Glory 36”
BRAND Boomer/World Class
DESCRIPTION sparkler

NAME Spinning Color Changing Ground Spinners
BRAND Jumbo Fireworks
DESCRIPTION 5G ground bloom flower

NAME Morning Glory 14”
BRAND Boomer
DESCRIPTION sparkler

NAME #8 Color Sparklers FF7001
BRAND Jumbo Fireworks
DESCRIPTION color sparklers

NAME Fluorescent Sparkler
BRAND World Class
DESCRIPTION sparkler

NAME #10 Color Sparklers FF7002
BRAND Jumbo Fireworks
DESCRIPTION color sparklers

NAME Tropical Fantasy
BRAND World Class
DESCRIPTION fountain

NAME Bootlegger Screamer
BRAND Asia Pyro
DESCRIPTION fountain

NAME Crackling Balls
BRAND Boomer
DESCRIPTION novelty

NAME Mammoth 4 Color Smoke
BRAND Asia Pyro
DESCRIPTION smoke

NAME Color Snakes
BRAND World Class/Boomer
DESCRIPTION novelty

NAME #10 Color Metal
BRAND World Class
DESCRIPTION sparkler

NAME Cock Crowing at Dawn
BRAND Generic
DESCRIPTION novelty

NAME #8 Cone
BRAND World Class
DESCRIPTION cone fountain

NAME Opening Flower Happy
BRAND Generic
DESCRIPTION fountain

NAME Cuckoo
BRAND Boomer
DESCRIPTION fountain

NAME 4" Happiness Fountain
BRAND Boomer
DESCRIPTION fountain

NAME 3" Happiness Fountain
BRAND Boomer
DESCRIPTION fountain

NAME Phantom Treasure Fountain
BRAND Hunan Xingpeng
DESCRIPTION 7.75 inches tall x 3 inches round

NAME Light of Liberty Fountain
BRAND China National
DESCRIPTION 12.5 inches long x 2.25 inches round

NAME Neon Sparklers
BRAND Welldone Fireworks
DESCRIPTION 17 inches long x 1/8 inches round

FINANCIAL SERVICES COMMISSION
FSC – Financial Institution Regulation
Financial Institutions

NOTICE OF FILINGS

Financial Services Commission
Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

APPLICATION WITHDRAWN

Application for Conversion of a Federal Credit Union to A State Credit Union

Applicant and Location: South Florida Federal Credit Union, 1902 NW 14th Avenue, Miami, Miami-Dade County, Florida 33125

With Title: South Florida Credit Union

Section XIII
Index to Rules Filed During Preceding
Week

RULES FILED BETWEEN DECEMBER 16, 2013 AND
DECEMBER 20, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

2B-1.0041	12/19/2013	1/8/2014	39/225	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Energy

5O-4.001	12/17/2013	1/7/2014	39/205	39/225
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DEPARTMENT OF EDUCATION

State Board of Education

6A-1.0943	12/16/2013	1/5/2014	39/206	39/227; 39/229
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BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

18-24.007	12/17/2013	1/6/2014	39/218	
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DEPARTMENT OF CORRECTIONS

33-203.601	12/16/2013	1/5/2014	39/223	
33-602.203	12/18/2013	1/7/2014	39/225	

LAND AND WATER ADJUDICATORY COMMISSION

Village of Community Development District 10

42PPP-1.001	12/16/2013	1/5/2014	39/221	
42PPP-1.002	12/16/2013	1/5/2014	39/221	39/224
42PPP-1.003	12/16/2013	1/5/2014	39/221	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	12/17/2013	12/17/2013	39/184	
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Office of the Secretary

62S-6.009	12/20/2013	1/9/2014	39/188	
62S-6.012	12/20/2013	1/9/2014	39/188	
62S-6.022	12/20/2013	1/9/2014	39/188	
62S-6.033	12/20/2013	1/9/2014	39/188	
62S-6.034	12/20/2013	1/9/2014	39/188	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-1.007	12/20/2013	1/9/2014	39/225	
64B8-3.002	12/20/2013	1/9/2014	39/225	
64B8-4.009	12/20/2013	1/9/2014	39/228	

Board of Osteopathic Medicine

64B15-9.010	12/20/2013	1/9/2014	39/197	
64B15-13.002	12/19/2013	1/8/2014	39/157	

Division of Disease Control

64D-2.005	12/20/2013	1/9/2014	39/226	
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FISH AND WILDLIFE CONSERVATION COMMISSION

68-1.011	12/18/2013	1/7/2014	39/200	
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Freshwater Fish and Wildlife

68A-23.012	12/18/2013	1/7/2014	39/196	
68A-5.006	12/18/2013	1/7/2014	39/197	

Marine Fisheries

68B-2.009	12/18/2013	1/7/2014	39/200	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

69B-221.155	12/17/2013	1/6/2014	39/218	
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Division of Consumer Services

69J-166.002	12/17/2013	1/6/2014	39/218	
69J-166.031	12/17/2013	1/6/2014	39/218	

**LIST OF RULES AWAITING LEGISLATIVE
APPROVAL PURSUANT TO CHAPTER 2010-279,
LAWS OF FLORIDA**

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

64J-2.006	7/12/13	*****	39/29	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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