

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-31.001	Definitions
5C-31.002	Application of Official Individual Identification
5C-31.003	Approved Tagging Site Requirements
5C-31.004	Required Identification for Intrastate Movement
5C-31.005	Documents Incorporated By Reference

PURPOSE AND EFFECT: The Purpose of the rule is to improve the state’s ability to trace livestock (cattle and Bison) in the event of an animal disease emergency. Official individual identification enables Florida producers to market animals into other states under federal and state regulations which require official individual identification. This rule provides definitions, reporting procedures and forms for official individual identification of adult cattle and bison moving within the state. In April, the Department will schedule and announce several rulemaking workshops to solicit public comments regarding the proposed rule text.

SUBJECT AREA TO BE ADDRESSED: This rule will require that, unless specifically exempt, adult cattle and bison moving intrastate within Florida must have official individual identification. This regulation specifies approved forms of official individual identification which will be accepted.

RULEMAKING AUTHORITY: 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS.

LAW IMPLEMENTED: 570.07(15), 585.08(2)(a), 585.11, 585.145 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: Mr. Stephen Monroe, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800, phone: (850)410-0900, fax: (850)410-0929

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-32.002
RULE TITLE: Proof of Graduation
PURPOSE AND EFFECT: The board proposes the rule amendments to clarify the requirements for proof of graduation and to institute procedures to prevent fraud.
SUBJECT AREA TO BE ADDRESSED: Proof of Graduation.
RULEMAKING AUTHORITY: 480.035(7) FS.
LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
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

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-1.1009	Emergency Authorization for Activities Regulated Under Part IV of Chapter 373, F.S
40C-1.135	Delegations of Authority
40C-1.602	Licenses or Permits Required
40C-1.603	Permit Fees
40C-1.608	Denial of a License or Permit
40C-1.612	Transfer of Ownership or Permit

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend rules of the St. Johns River Water Management District (District) consistent with Section 373.4131, F.S. (2012), which requires the Florida Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permit (ERP) rules. These rules are to rely primarily upon existing rules of DEP and the WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement Section 373.4131, F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of subjects covered in DEP’s rulemaking for Chapter

62-330, F.A.C., include: permitting thresholds; permit exemptions; types of permits; permit fee categories; application and notice content and submittal procedures; procedures for processing ERP applications (including variances and general permits); conditions for issuance; and formal wetland determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents that will be known as an Applicant's Handbook (AH). Two volumes of the AH will apply in each WMD: (1) one volume that will include general and environmental criteria and procedures and forms, which volume will apply statewide (AH Volume I); and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD (Applicant's Handbook, Volume II). DEP's proposed rulemaking for Chapter 62-330, F.A.C., will necessitate changes to the District's Chapter 40C-1, F.A.C.

To make the District's rules consistent with DEP's Chapter 62-330, the District proposes the following changes to Chapter 40C-1: (1) amend Rule 40C-1.1009 to conform to DEP's amendments to Chapter 62-330, because systems that currently require a permit under Chapters 40C-4, 40C-40, 40C-42, or 40C-400, F.A.C., will now require a permit under Chapter 62-330; (2) amend Rules 40C-1.135 and 40C-1.602 to conform to DEP's amendments to Chapter 62-330 regarding types of permits and delete references to permit types currently issued pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-400 that will become 62-330 permits; (3) amend rule 40C-1.603 to conform to DEP's amendments to Chapter 62-330 by simplifying ERP fees categories consistent with proposed statewide fees categories, and revising most ERP fees (due to the changes in ERP fees categories) in a manner that will not increase fees (and may reduce fees for certain environmental restoration or stormwater retrofit projects and projects consistent with a conceptual permit), including providing a limited (approximately two years) grandfathering provision for the cost of modifying existing 40C-4, 40C-40, and 40C-42 permits, providing free verification of a noticed exemption for certain minor silvicultural surface water management systems authorized under 62-330.0511, and providing a fee exemption for applications by the U.S. Department of Defense for a permit under Chapter 62-330; (4) amend rule 40C-1.608 to conform to DEP's amendments to Chapter 62-330 by changing the Applicant's Handbook reference to the equivalent provision in subsection 10.2.1 of the new Applicant's Handbook Volume I that will be incorporated by reference in Rules 62-330.010(4) and 40C-4.091(1); and (5) amend Rule 40C-1.612 to conform to: (a) DEP's amendments to Chapter 62-330 by deleting references to the transfer of ERPs under

Chapters 40C-4, 40C-40, 40C-42, or 40C-400, because ERPs will now be issued pursuant to Chapter 62-330 and the transfer of 62-330 permits will be governed by new Rules 62-330.310 and 62-330.340, (b) provide criteria governing the transfer of ERPs under 40C-44, and (c) provide a limited grandfathering provision for the transfer of ERPs issued under Chapters 40C-4, 40C-40, or 40C-42 that pre-date the amendments to Chapter 62-330.

After DEP's amendments to Chapter 62-330 become effective, the District will repeal the following four rules that will be superseded by Chapter 62-330, using the procedure described in paragraph 373.4131(2)(c), F.S.: (1) 40C-1.1002 (variances under Section 373.414, F.S.); (2) 40C-1.1006 (formal wetland determinations); (3) 40C-1.1013 (processing procedures for noticed general permits); and (4) 40C-1.604 (conceptual approval permit procedures).

SUMMARY: The proposed rule amendments will: (1) delete or update references to Rule Chapters 40C-4, 40C-40, 40C-42, and 40C-400, and the Applicant's Handbooks and conform them to the statewide ERP rules; (2) simplify the District's ERP fees categories and conform them to those in the statewide ERP rules; (3) revise the ERP fee amounts as needed based on the revised fee categories, with the intent of not increasing regulatory costs, provide a fee exemption for applications for a 62-330 permit by the U.S. Department of Defense, provide free verification of a noticed exemption for certain minor silvicultural systems authorized under 62-330.0511, and create a limited grandfathering provision for the fee to modify a 40C-4, 40C-40, or 40C-42 permit; and (4) make other necessary conforming changes to reflect adoption of the statewide ERP rules.

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 District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 369.316, 369.318, 373.016(2), 373.085, 373.106, 373.109, 373.118, 373.119, 373.171, 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.418, 373.426, 373.439, 403.812, 403.813 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on April 9, 2013, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Legal Administrative Assistant, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.1009 Emergency Authorization for Activities Regulated Under Part IV of Chapter 373, F.S.

(1) Permission to begin construction, alteration, operation, maintenance, abandonment, or removal of any system requiring a permit under Chapter ~~40C 4, 40C 40, 40C 42, 40C-44, or 62-330 40C-400~~, F.A.C., prior to the issuance of a permit may be applied for, in writing, when emergency conditions can be alleviated by such construction, alteration, operation, maintenance, abandonment, or removal of the system. Emergency conditions are defined as conditions which pose a present or imminent danger and require immediate action to protect: public health, safety or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Unless otherwise provided in the emergency authorization, the issuance of an emergency authorization shall not obviate the need for a permit. If a permit is not obtained within a period of one year following execution of the emergency authorization, then such system shall be returned to the condition that existed prior to execution of the emergency authorization. The one year time limit shall be tolled during any challenge or appeal of the permit which delays the issuance of the permit or stays the effect of the permit.

(2) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 120.54(5), 373.044, 373.113, 373.418 FS. Law Implemented 120.54(5), 373.119, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.439 FS. History—New 12-7-83, Formerly 40C-4.451, 40C-4.0451, Amended 8-4-98, 10-11-01, _____.

40C-1.135 Delegations of Authority.

(1) No change.

(2) 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 sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may further delegate review and decision making authority to District staff. Therefore, the Governing Board delegates this authority to the Executive Director, Assistant Executive Director, Director and Assistant Director of the Division of Regulatory Services, ~~Chief Director~~ of the Bureau of Environmental Resource Regulation, and each Service Center Director, when an application to use sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapter ~~62-330 40C-40 or 40C-400~~, F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 373.016, 373.103, 373.113, 373.118, 373.4131 FS. History—New 8-1-89, Amended 1-4-96, 11-11-03, _____.

40C-1.602 Licenses or Permits Required.

Unless expressly exempted by law or District rule, permits or licenses must be obtained from the District prior to commencement of the following activities:

(1) through (3) No change.

(4) An environmental resource individual or general permit, pursuant to Chapters ~~62-330 40C-4, 40C-40, and 40C-400~~, F.A.C., must be obtained prior to construction, alteration, operation, maintenance, removal, modification, or abandonment of certain stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works, including dredging or filling, as specified in Chapter 62-330, F.A.C. the referenced rules.

(5) An environmental resource conceptual approval permit, pursuant to Chapter ~~62-330 40C-4~~, F.A.C., may be obtained for proposed surface stormwater management systems as specified in Chapter ~~62-330 40C-4~~, F.A.C. ~~No construction is authorized by a conceptual approval permit.~~

(6) No change.

~~(7) An environmental resource permit, pursuant to Chapter 40C-42, F.A.C., must be obtained prior to construction or modification of certain new stormwater management systems or modification of certain existing stormwater management systems, as specified in Chapter 40C-42, F.A.C.~~

~~(8) An environmental resource permit, pursuant to Rule 40C-42.0265, F.A.C., which provides for the discharge of stormwater to wetlands, must be obtained prior to the construction or modification of such a stormwater system as specified in Chapter 40C-42, F.A.C.~~

~~(7)(9)~~ An environmental resource permit for the operation and maintenance of certain existing agricultural surface water management systems and for the construction of certain new agricultural surface water management systems pursuant to Chapters 62-330 and 40C-44, F.A.C., must be obtained from the District in order to discharge wastewaters into waters of the state from such a system.

~~(8)(40)~~ A mitigation bank permit, pursuant to Chapter 62-342, F.A.C., must be obtained in order to establish a mitigation bank. An application for a mitigation bank permit shall also constitute an application for any permit required under Chapter 62-330 40C-4, 40C-40, 40C-41, 40C-42, or 40C-400, F.A.C., to construct, alter, operate, maintain, abandon, or remove any surface stormwater management system or works proposed as part of the bank.

~~(9)(41)~~ A mitigation bank conceptual approval permit, pursuant to Chapter 62-342, F.A.C., may be obtained in order to estimate the legal and financial requirements for establishment of a mitigation bank, the information needed for the mitigation bank application, and the potential mitigation credits for the bank. A mitigation bank conceptual approval permit does not authorize construction or establishment of a bank.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.106, 373.118, 373.171, 373.219, 373.308, 373.323, 373.413, 373.4131, 373.416, 373.426, 403.812 FS. History—New 1-22-76, Amended 1-15-80, Formerly 16I-1.04, 40C-1.04, 40C-1.041, Amended 8-1-89, 8-11-91, 9-25-91, 10-3-95, 11-11-03, _____.

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsections ~~(19) or (20)~~(17). This fee recovers some of the District’s costs of processing applications.

The fee schedule is:

(1) through (4) No change.

(5) Chapter ~~62-330 40C-4~~, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):

(a) New applications (excluding projects described in paragraphs (5)(b) and (5)(c) below) – based on the categories below: Individual and conceptual permits \$5,380

1. Total project area of less than 10 acres, with no works in, on, or over wetlands and other surface waters, and no boat slips \$490

2. Total project area of less than 10 acres, less than 1 acre of works in, on, or over wetlands and other surface waters, and less than 10 new boat slips 1,190

3. Project exceeds any of the thresholds in subparagraph (5)(a)2. 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\$2,110

4. Project exceeds any of the thresholds in subparagraph (5)(a)3. 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 \$5,610

5. Project exceeds any of the thresholds in subparagraph (5)(a)4. 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 \$9,120

6. Project exceeds any of the thresholds in subparagraph (5)(a)5. above \$11,220

(b) New applications for environmental restoration or enhancement activities (not associated with a mitigation bank and not implemented as mitigation). For purposes of this fee category, “environmental restoration or enhancement” means actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters back to communities typical of those historically present, or to improve the ecological value of wetlands or other surface waters in comparison to their existing condition. \$250

(c) New applications solely for stormwater retrofit projects \$250

(d) Major modifications of Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):

1. Major modifications that are consistent with an existing conceptual approval permit 50% of the fee for a new permit

2. Major modifications to a permit that increase the total project area Same as fee for a new permit for the activity proposed in the modification

3. Other major modifications 50% of initial application

(e) Minor modifications of Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):

1. Transfers or statutory extensions of permits and correction of minor errors that do not require technical review \$0

2. All other minor modifications 25% of initial application
 (6)(b) Mitigation Bank permits and conceptual approvals \$11,960

(a) Major modifications of mitigation bank permits and conceptual approvals involving changes to one or more of the following components: service area; credit assessment; success or release criteria; hydrologic structures or alterations; constructions or mitigation design that does not increase the project area; elimination of lands; or monitoring or management plans \$1,410

(b) Other major modifications that do not qualify for a modification under paragraph (6)(a) above or paragraph (6)(c) below \$4,230

(c) Minor modifications of mitigation bank permits and conceptual approvals:

1. Transfers or statutory extensions of permits; correction of minor errors that do not require technical review; mitigation bank credit withdrawals and releases \$0

2. All other minor modifications authorized by rule 62-330.315(2), F.A.C. \$270

(e) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is not increased \$1,410

(d) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is increased \$4,230

(e) Requests for modification by letter of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits \$270

(f) Chapter 40C-40, F.A.C., standard environmental resource permits:

1. Systems which have a project area greater than or equal to 40 acres \$1,790

2. Systems which have a project area of less than 40 acres and greater than one acre \$1,190

3. Systems which have a project area of less than or equal to one acre \$590

4. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits, where the total land area is not increased \$1,100

5. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits, where the total land area of a project is increased \$3,300

6. Requests for modification by letter of Chapter 40C-40, F.A.C., standard environmental resource permits, where the total land area of a project is not increased \$160

(7)(g) Chapter 62-330 40C-400, F.A.C., noticed general environmental resource permits set forth in Rules 62-330.407 40C-400.417 through 62-330.635 40C-400.500, F.A.C. \$250

(8)(h) Variances or waivers associated with any environmental resource permit application:

(a) Under Section 120.542, F.S. \$0

(b) All other variances or waivers \$550 or cost of application, whichever is less

(9)(i) Formal Determinations:

(a) 1- For property less than or equal to 10 acres \$860

(b) 2- For property that is at least greater than 10 acres but less than or equal to 40 acres \$1,180

(c) 3- For property that is at least greater than 40 acres but less than or equal to 120 100 acres \$2,370

(d) 4- For property that is greater than 100 120 acres, plus \$310 for each additional 100 acres or portion thereof \$2,370

(e) 5- For properties with an existing formal determination that qualify for reissuance a lower fee in accordance with subsection 373.421(2), F.S. 40C-1.1006(7), F.A.C. \$350

(j) For permit applications which involve a combination of fee categories listed in this subsection, the highest fee that applies shall be charged.

(10)(k) Management and storage of surface waters permits under Chapters 40C-4 and 40C-40, F.A.C., as such rules existed prior to the adoption of rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of Sections 373.414(12) through (16), F.S.

(a) 1- Individual and conceptual permits \$3,530

(b) 2- General permits \$980

(c) 4- Permit applications and formal determinations which require wetland delineations pursuant to Section 373.421(7), F.S., will be charged a supplemental application fee of seven hundred dollars (\$700), in addition to the application fees above.

(6) Chapter 40C-42, F.A.C., environmental resource stormwater permits and conceptual approval environmental resource stormwater permits:

(a) Stormwater facility serving a project with a total land area less than or equal to one acre \$280

(b) Stormwater facility serving a project with a total land area greater than one acre permit applications under Chapter 40C-42, F.A.C., as such rule existed prior to the effective date of the rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of Sections 373.414(12) through (16), F.S. \$490

1. Stormwater facility serving a project with a total land area less than or equal to one acre \$220

- 2. Stormwater facility serving a project with a total land area greater than one acre \$440
- (e) Requests for modification by letter of Chapter 40C-42, F.A.C., permits \$110
- (11)(7) No change.
- (8) Chapters 62-4 and 62-312, F.A.C., wetland resource management (dredge and fill) permits issued pursuant to the grandfathering provisions of Sections 373.414(11) through (16), F.S.
 - (a) General permits \$150
 - (b) Short form permits:
 - 1. Involving the construction of new docking or boardwalk facilities, pursuant to Rule 62-312.070, F.A.C., that provide:
 - a. 0-2 new boat slips \$460
 - b. 3-9 new boat slips \$760
 - 2. Involving dredging and filling activities that affect 10 acres or less of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C.:
 - a. Up to and including five years duration \$760
 - b. From six years up to and including 10 years duration \$4,600
 - (c) Standard form permits:
 - 1. Up to and including five years duration \$6,130
 - 2. For six years duration \$9,200
 - 3. For seven years duration \$10,740
 - 4. For eight years duration \$12,270
 - 5. For nine years duration 13,810
 - 6. For ten years duration \$15,640
 - 7. For 11 years duration \$16,880
 - 8. For 12 years duration \$18,410
 - 9. For 13 years duration \$19,940
 - 10. For 14 years duration \$21,480
 - 11. For 15 years duration \$23,010
 - 12. For 16 years duration \$24,550
 - 13. For 17 years duration \$26,080
 - 14. For 18 years duration \$27,620
 - 15. For 19 years duration \$29,150
 - 16. For 20 years duration \$30,690
 - 17. For 21 years duration \$32,220
 - 18. For 22 years duration \$33,760
 - 19. For 23 years duration \$35,290
 - 20. For 24 years duration \$36,830
 - 21. For 25 years duration \$38,360
 - (d) For permit applications which involve a combination of fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.
 - (e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application:

- 1. Variances from prohibition of subsection 62-312.080(7), F.A.C. \$550
- 2. Other variances \$100
- (f) In determining a wetland resource management permit fee, the permit's duration term shall be reduced by the time period (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.
- (g) A single additional fee of \$760 shall be required for projects in which monitoring and evaluation to determine success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee will be due at that time. If it is determined after the time of permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.
- (h) Minor modifications of permits that do not require substantial technical evaluation by the District, do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:
 - 1. That consist of transfers of permits or time extensions \$70
 - 2. Involving minor technical changes when the existing permit fee is less than \$460.00 \$70
 - 3. Involving minor technical changes when the existing permit fee is more than or equal to \$460.00 \$380
- (12)(9) Chapter 40C-44, F.A.C., environmental resource agricultural system permits that only require a permit under paragraph 62-330.020(2)(i), F.A.C., and section 1.2.3 of the document entitled "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District," which is incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C.:
 - (a) Individual Standard General Permits for agricultural operations less than 40 acres \$420
 - (b) Individual Standard General Permits for agricultural operations greater than 40 acres \$1,050
 - (c) Individual Permits \$2,820

~~(d) Permit applications under Chapter 40C-44, F.A.C., as such rule existed prior to the effective date of the rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of Sections 373.414(12) through (16), F.S.~~

- ~~1. General Permits for agricultural operations less than 40 acres \$470~~
- ~~2. General Permits for agricultural operations greater than 40 acres \$940~~
- ~~3. Individual Permits \$2,840~~

~~(13)(10) Modifications of Permits. Unless the fee for modification of a permit is specifically provided above, the fee required with an application for modification shall be that which is established for the applicable type of permit. However, when an applicant for a permit under Chapter 62-330, F.A.C., resubmits within 365 days after withdrawing an application for an activity on part of the same project area for which it already paid the application fee, no fee shall be charged except for any additional fee required due to a change in the project. Additionally, until July 1, 2015, the fee for minor modification of a permit issued pursuant to Chapters 40C-4, 40C-40, or 40C-42, F.A.C., before (effective date) shall continue to be the applicable fee that existed in rule 40C-1.603 on February 10, 2010, unless the permittee elects review in accordance with the rules adopted pursuant to section 373.4131, F.S. Beginning July 1, 2015, the fee for minor modification of any permit issued pursuant to Chapters 40C-4, 40C-40, or 40C-42, F.A.C., shall be the fee for the equivalent modification that would be authorized under Rule 62-330.315 or Chapter 62-342, F.A.C.~~

~~(14)(11) Permit applications under Chapter 62-4, 62-312, 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., submitted and made complete prior to the effective date of the rules adopted pursuant to Section 373.4131 373.414(9), F.S., shall be required to submit the permit application fees in existence prior to effective date 4-12-95, unless the applicant elects review in accordance with the rules adopted pursuant to Section 373.4131.~~

~~(15)(12) No change.~~

~~(13) For individual, conceptual, and standard environmental resource permit, environmental resource stormwater permit, and mitigation bank permit and conceptual approval permit applications that fail to provide five copies of the application package (which package includes the signed application form, construction plan drawings, and other supporting information), for each missing application package the application fee shall be increased as follows:~~

- ~~(a) Chapter 40C-4, F.A.C., individual and conceptual environmental resource permits, and mitigation bank permits and conceptual approval permits \$220~~
- ~~(b) Chapter 40C-40, F.A.C., standard environmental resource permits \$110~~

~~(e) Chapter 40C-42, F.A.C., permits \$110~~

~~However, this additional fee shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com.~~

~~(16)(14) No change.~~

~~(17)(15) Verification that an activity is exempt from regulation;~~

~~(a) Under rules 62-330.050 and 62-330.051, F.A.C. Part IV of Chapter 373 or Section 403.813, F.S. \$100~~

~~(b) Under Rule 62-330.0511, F.A.C. \$0~~

~~(16) through (17) renumbered (18) and (19) No change.~~

~~(20) No fee shall be charged for applications for Chapter 62-330, F.A.C., permits by the following branches of the U.S. Department of Defense: U.S. Army, Navy, Air Force, Coast Guard, and National Guard.~~

~~This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.~~

~~Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05, 2-16-10,_____.~~

~~40C-1.608 Denial of a License or Permit.~~

~~(1) The District shall set forth in writing the reasons for denial of the license or permit application. For applications for environmental resource permits, the District will also explain, in general terms, what changes in the permit application, if any, would address such reasons for denial. Such changes shall not be limited to those modifications as described in subsection 10.2.1 12.2.1 of the Applicant's Handbook Volume I (General and Environmental): Management and Storage of Surface Waters, which is incorporated adopted by reference in Rule 40C-41.063(6)(d)4.4.094, F.A.C.~~

~~(2) through (4) No change.~~

~~This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.~~

~~Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.308, 373.413, 373.4131, 373.4136, 373.416, 373.426 FS. History—New 8-1-89, Amended 10-3-95, 8-4-98,_____.~~

40C-1.612 Transfer of Ownership or Permit.

~~(1) Transfer of Permitted Facility. Within 30 days of any sale, conveyance, or other transfer of a facility, system solely authorized under Chapter 40C-44, F.A.C., or well permitted by the District, the existing permittee must notify the District, in writing, of such transfer, giving the name and address of the transferee and providing a copy of the instrument effectuating the transfer.~~

~~(1)(2) Transfer of Ownership or Control Interest in Real Property. Within 30 days of any transfer of ownership or control of the real property at which any permitted facility, system or activity solely authorized under rule 62-330.020(2)(i), F.A.C., and section 1.2.3 of the document entitled "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District," which is incorporated by reference in rule 40C-4.091(1)(a), F.A.C., for a permit under Chapter 40C-44, F.A.C. (hereafter referred to as a "40C-44 system or activity"), or consumptive use, or activity is located or authorized, or transfer of ownership or control of any such facility, system, activity, or well with a permitted consumptive use, the permittee must notify the District, in writing, of the transfer, giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer.~~

~~(2)(3) Transfer of Permit.~~

~~(a) Transfer without Conversion to Operation Phase. To transfer a permit, the permittee must provide the information required in subsections (1) above and (2), together with a written statement from the proposed transferee that it will be bound by all terms and conditions of the permit unless the transfer is associated with the conversion of the construction permit to its operation phase and the maintenance entity exists as approved by the permit. A request for conversion of a permit from a construction permit to an operation phase permit must comply with Rule 40C-42.028, F.A.C. Additionally, where applicable, the proposed transferee must demonstrate that it is capable of constructing, operating, and maintaining the permitted facility, 40C-44 system or activity, consumptive use, or well or activity. Once the required information has been provided, the District shall transfer the permit to the proposed transferee in accordance with paragraph subsection (5)(a)(6) below. A permit issued pursuant to Chapters 62-330 or 62-342, F.A.C., other than a permit for a 40C-44 system or activity, shall not be subject to this rule.~~

~~(b) Transfer with Conversion to Operation Phase. To transfer a construction permit for a 40C-44 system or activity to its operation phase, a written statement from the proposed transferee is not required when the permit transfer would be to the operation and maintenance entity approved by the permit.~~

Otherwise, all remaining requirements in paragraph (2)(a) above apply to a request under paragraph (2)(b). Once the required information has been provided, the District shall convert the permit to its operation phase and transfer the permit to the proposed transferee in accordance with paragraph (5)(b) below.

(c) Transfer of an Operating Permit for Entire 40C-44 System or Activity. Except as otherwise provided in sections 373.426 and 373.429, F.S., when a permittee notifies the District in writing within 30 days of a change in ownership or control of an entire 40C-44 system or activity covered by a 40C-44 operating permit, the District shall transfer that operating permit to the new owner or person in control. If the permittee fails to notify the District in writing within 30 days of the change in ownership or control or if a transfer of ownership or control does not include the entire permitted 40C-44 system or activity, then the transfer shall be governed by paragraphs (2)(a) and (5)(a).

~~(3)(4) The permittee is encouraged to request a permit transfer prior to the sale or legal transfer of the real property at which a permitted facility, 40C-44 system or activity, or consumptive use, or activity is located or authorized. However, the permit transfer shall not be effective prior to the sale or legal transfer.~~

~~(4)(5) Until the permit this transfer has occurred, the permittee and any other person constructing, operating, or maintaining the permitted facility or system shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the permit facility.~~

~~(5)(6) Timeframes for Transfers.~~

(a) Transfer without Conversion to Operation Phase. Except for those transfers associated with the conversion of a construction permit for a 40C-44 system or activity to its operation phase (which are addressed in paragraph (5)(b) below), the District shall transfer a permit within forty five (45) days of receiving a complete request for transfer pursuant to subsections (1) and paragraph (2)(a) through (3) above. However, the District may toll the time for the transfer by notifying both the permittee and the transferee, within thirty (30) days of receipt of the request, that additional information is required to adequately review the transfer request pursuant to subsections (1) and paragraph (2)(a) through (3) above, or that deficiencies in the permitted facility, 40C-44 system or activity, consumptive use, or well must be corrected prior to transfer. Within 30 days of receipt of the additional information that meets the requirements of subsection (1) and paragraph (2)(a) above and of verification of the corrected deficiencies, the District shall transfer the permit. If the District thereafter

fails to transfer the permit within 30 days, the transfer shall be deemed approved. If the permittee fails to provide the requested information within 120 days of receipt of the request for additional information, then the request for transfer shall be subject to administrative denial without prejudice and the provisions of rule 40C-1.1008, F.A.C., shall apply. This time will resume upon receipt of the additional information. If the District fails to transfer the permit within the forty-five (45) days, the transfer shall be deemed approved.

(b) Transfer with Conversion to Operation Phase. Within ~~60~~ ~~ninety (90)~~ days of receiving a complete request to convert a construction permit for a 40C-44 system or activity to its operation phase and to transfer the permit to the operation and maintenance entity, pursuant to ~~paragraph subsection (2)(b) (3)~~ above, the District shall convert the permit from its construction phase to its operation phase and transfer the permit to its operation and maintenance entity. However, the District may toll the time by notifying the permittee, within 30 days of receipt of the request, that additional information is required to adequately review the request, pursuant to subsections (1) and paragraph (2)(b) through (3) above, or that deficiencies in the permitted ~~facility, system, consumptive use, well~~ or activity, must be corrected prior to conversion and transfer. Within ~~thirty (30)~~ days of receipt of the additional information that meets the requirements of subsection (1) and paragraph (2)(b) above and of verification of the corrected deficiencies, the District ~~shall will~~ convert the construction permit to its operation phase and transfer the permit to the operation and maintenance entity. If the District thereafter fails to convert or transfer the permit within ~~the thirty (30)~~ days, the conversion and transfer shall be deemed approved. If the permittee fails to provide the requested information within 120 days of receipt of the request for additional information, then the request for transfer shall be subject to administrative denial without prejudice and the provisions of rule 40C-1.1008, F.A.C., shall apply.

(c) Transfer of an Operating Permit for Entire 40C-44 System or Activity. Except as otherwise provided in sections 373.426 and 373.429, F.S., the District shall transfer a 40C-44 operating permit for an entire 40C-44 system or activity to the new owner or person in control within 60 days of receiving written notice in accordance with paragraph (2)(c) above.

(6) For any system or activity authorized by a permit issued pursuant to Chapters 40C-4, 40C-40, or 40C-42, F.A.C., before (*effective date*), the provisions in subsections (1) through (5) above shall apply except that any references to 40C-44 systems or activities will be replaced with the rule chapter that authorized the permit (40C-4, 40C-40, or 40C-42).

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.171, 373.309, 373.4131, 373.416, 373.426, 373.429, 373.436 FS. History—New 8-1-89, Amended 10-19-89, 7-20-95, 11-6-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108 and Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2012

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:

RULE TITLE:

40C-4.091

Publications Incorporated by Reference

PURPOSE AND EFFECT: By notice published in the Florida Administrative Weekly on August 24, 2012, the St. Johns River Water Management District (“SJRWMD”) initiated rulemaking to amend its rules consistent with Section 373.4131, F.S. Section 373.4131, F.S. became effective on July 1, 2012, and requires the Department of Environmental Protection (“DEP”) in coordination with the five water management districts (“WMDs”) to develop statewide environmental resource permitting (“ERP”) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective and streamlined approach in the state’s ERP program.

To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. As part of its rulemaking, DEP intends to incorporate by reference documents to be known collectively as an applicant’s handbook. Two volumes of the applicant’s handbook will apply in each WMD: (1) one volume that will include general and environmental procedures and forms that will apply statewide (Volume I) and (2) a second volume specific to, and adopted by, the WMD (Volume II) that will (a) set forth design

and performance standards for stormwater quality and quantity, (b) include drainage basin designations and basin specific rules within the WMD and (c) address any District-specific thresholds and exemptions referenced in chapter 62-330. These volumes will replace the SJRWMD’s existing handbooks, including “Applicant’s Handbook: Management and Storage of Surface Waters (December 27, 2010)” (MSSW Handbook).

Rule 40C-4.091 incorporates by reference certain portions of the MSSW Handbook. Many, but not all, of the provisions in this handbook will be superseded by provisions in the new state-wide Volume I. Therefore, Rule 40C-4.091 will be amended to delete reference to the District’s existing MSSW Applicant’s Handbook and incorporate by reference applicable portions of SJRWMD Volume II. The incorporated portions include or are based on existing provisions in the District’s MSSW Handbook and, in some instances, SJRWMD’s “Applicant’s Handbook : Regulation of Stormwater Management Systems (Chapter 40C-42)” (December 27, 2010)(Stormwater Handbook) and “Applicant’s Handbook: Agricultural Surface Water Management Systems (Chapter 40C-44)” (December 27, 2010) (Agricultural Handbook). For example, except for the definitions of “floodway” and “hydrologically sensitive area” (existing definitions in the MSSW Handbook), all of the definitions in section 2.1 of Volume II are existing rule definitions from the Stormwater Handbook, and sections 13.6 through 13.6.3 (“Special Karst Area Basin Design Criteria”) are existing provisions from the Stormwater Handbook. In sum, the purpose and effect of the proposed amendments to Rule 40C-4.091 are to reflect adoption of the statewide ERP rules that will include a new Environmental Resource Permit Applicant’s Handbook.

With the exception of rules 40C-4.031 and 40C-4.091, the remaining rules in chapter 40C-4 will be repealed in accordance with section 373.4131(2)(c), F.S.

SUMMARY: As amended, subsection 40C-4.091 will incorporate a document entitled “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”. This handbook volume accompanies Applicant’s Handbook – Volume I (General and Environmental) and will be used in conjunction with Volume I to implement the State’s ERP program within the boundaries of SJRWMD. Generally, the volume’s provisions address: (1) design and performance standards, and criteria for water quality and quantity for stormwater management systems, works and other regulated activities, including alternative criteria for those systems; (2) explanations of standards and criteria pertaining to water flows and levels, flood protection, and the design of dams; (3) explanations of basin criteria; (4) description of drainage basins and regional watersheds; and (5) description of District-specific thresholds and exemptions to be referenced in amended chapter 62-330.

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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.117, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.461 FS.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.117, 373.118, 373.129, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461(3), 403.0877 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on April 9, 2013, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference

(1) The Governing Board hereby adopts by reference:

(a) Part I “Introduction, Organization, Definitions and Applicability” ~~“Policy and Procedures,”~~ Part II “General Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3

of Part III “Stormwater Quantity/Flood Control,” Part IV “Stormwater Quality,” Part VI “Basin Criteria,” Appendix A “Drainage Basins for Cumulative Impacts Evaluation and Regional Watersheds for Mitigation Banking,” and Appendix B K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District Applicant’s Handbook: Management and Storage of Surface Waters,” effective (*effective date*) December 27, 2010, available at <http://floridaswater.com/ruledevelopment/>.

(b) through (d) No change.

(2) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, ~~373.117, 373.4131~~, 373.4136, 373.414, 373.415, 373.416, 373.418, ~~373.421, 373.461~~ FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, ~~373.109, 373.117~~, 373.129, ~~373.146(1), 373.406~~, 373.413, ~~373.4131~~, 373.4135, 373.4136, 373.414, ~~373.4141~~, 373.415, 373.416, ~~373.417, 373.418, 373.419, 373.421(2)(6)~~, 373.423, 373.426, 373.461(3), ~~373.613, 380.06(9), 403.0877, 403.813(2)~~ FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10, 12-27-10, _____.

The sections of St. Johns River Water Management District Applicant’s Handbook (Volume II), that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka,

Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2012

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-41.011	Policy and Purpose
40C-41.023	Basin Boundaries
40C-41.043	Application of Chapter
40C-41.051	Exemptions
40C-41.063	Conditions for Issuance of Permits

PURPOSE AND EFFECT: By notice published in the Florida Administrative Weekly on August 24, 2012, the St. Johns River Water Management District (“SJRWMD”) initiated rulemaking to amend its rules consistent with Section 373.4131, F.S. Section 373.4131, F.S. became effective on July 1, 2012, and requires the Department of Environmental Protection (“DEP”) in coordination with the five water management districts (“WMDs”) to develop statewide environmental resource permitting (“ERP”) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective and streamlined approach in the state’s ERP program.

To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. As part of its rulemaking, DEP intends to incorporate by reference documents to be known collectively as an applicant’s handbook. Two volumes of the applicant’s handbook will apply in each WMD: (1) one volume that will include general and environmental procedures and forms that will apply statewide (Volume I) and (2) a second volume specific to, and adopted by, the WMD that will include, among other things, basin specific rules within the WMD (Volume II). These volumes will replace the SJRWMD’s existing handbooks.

Section 62-330.301 as proposed by DEP will require applicants to show that a regulated activity complies with any applicable special basin or geographic criteria established in the rules of the WMD where a regulated activity is proposed. Within SJRWMD, applicants for an environmental resource permit must, therefore, show that their proposed activity

complies with Chapter 40C-41 and applicable sections of Volume I and SJRWMD's Volume II. The purposes of the proposed rule amendments to Chapter 40C-41 are to: (1) delete or update references to rule chapters 40C-4, 40C-40, 40C-42 and 40C-400 and to sections of SJRWMD's existing handbooks, that will be superseded by Chapter 62-330 and by Volume I and SJRWMD's Volume II; and (2) make any other necessary changes to reflect adoption of statewide ERP rules. None of the proposed amendments are designed to change the substantive requirements of SJRWMD's special basin criteria.

SUMMARY: The proposed rule amendments would revise references to Chapters 40C-4, 40C-40, 40C-400 and 40C-42 to reference the applicable provision in Chapter 62-330 and revise references to the SJRWMD's existing handbooks so that the rules reference Volume I or SJRWMD's Volume II, as applicable. The proposed amendments do not incorporate by reference sections of Volume I because these sections will be incorporated by reference in chapter 62-330 and, pursuant to section 373.4131(2)(a), F.S., SJRWMD must implement the amendments to chapter 62-330 without further rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District has determined that this rule will not have an impact on small business and will not increase regulatory costs in excess of \$200,000 within one year. A SERC has not been prepared by the agency.

The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.171, 373.4131, 373.415, 373.418 FS.

LAW IMPLEMENTED: 369.316, 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on April 9, 2013, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management standards and criteria for the Upper St. Johns River Hydrologic Basin, the Oklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, the Sensitive Karst Areas Basin, and the Lake Apopka Hydrologic Basin, which ensure that development within the basins incorporates the appropriate water quantity and water quality control and other environmental measures necessary to protect the integrity of the public investments in the basins and which minimize adverse impacts to the water resources of the District. Standards and criteria delineated in this chapter are in addition to those criteria specified in Chapters ~~62-330~~ ~~40C-4~~, ~~40C-40~~, ~~40C-42~~, and 40C-44, F.A.C., in accordance with Rule 40C-41.043, F.A.C. The standards, criteria, exemptions, and additional requirements specified in this chapter are not intended to supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this chapter.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.171, 373.4131, 373.415 FS. Law Implemented 369.318, 373.413, 373.4131, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03, 12-3-06, _____.

40C-41.023 Basin Boundaries.

(1) The Upper St. Johns River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”, *(effective date)* Applicant’s Handbook, Appendix B. K as which is hereby incorporated by reference in Rule 40C-4.091, F.A.C., available at <http://floridaswater.com/ruledevelopment/>.

(2) The Oklawaha River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook, Appendix B. K as incorporated by reference in Rule 40C-4.091, F.A.C.

(3) The Wekiva River Hydrologic Basin is that area generally depicted in Figures 41-1 and 41-6 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook, Appendix B. K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) The Wekiva Recharge Protection Basin is that area generally depicted in Figure 41-6 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook, Appendix B. K as incorporated by reference in Rule 40C-4.091, F.A.C.

(5) The Econlockhatchee River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook, Appendix B. K as incorporated by reference in Rule 40C-4.091, F.A.C.

Figure 41-16 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin

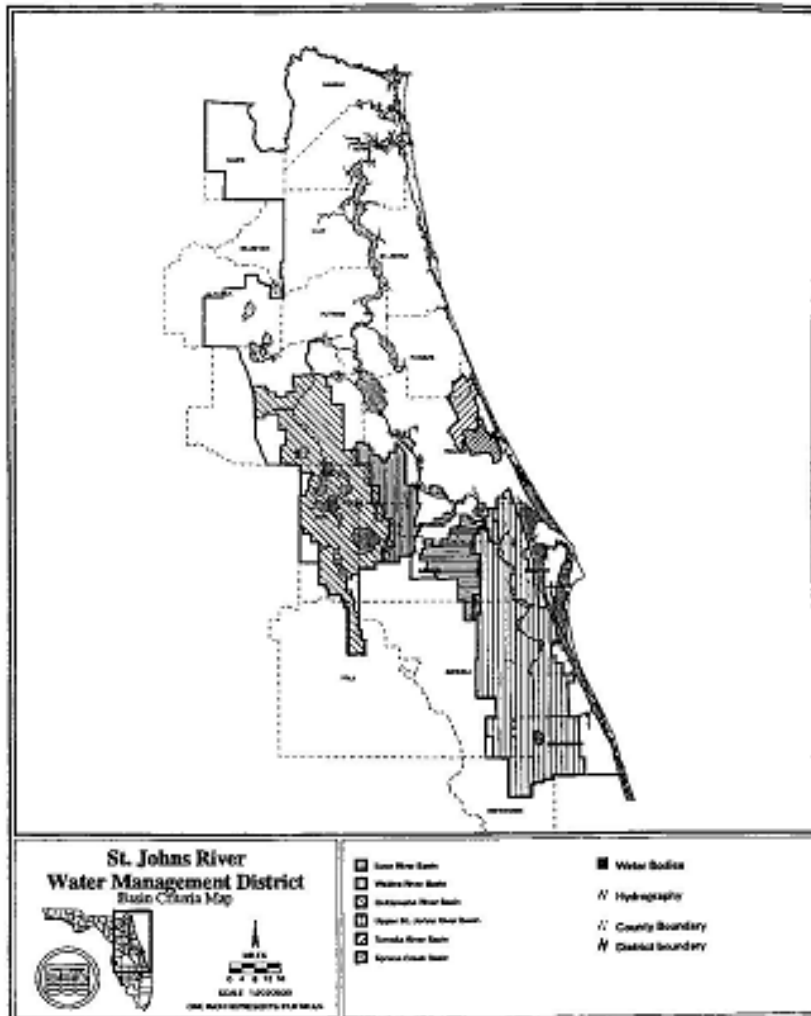
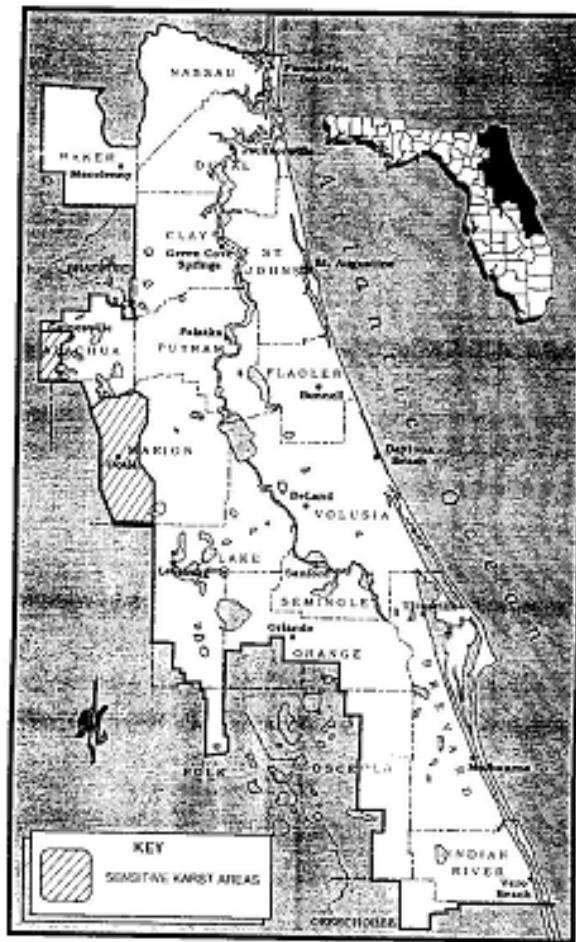


Figure 41-1



SENSITIVE KARST AREAS IN THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Figure 41-2

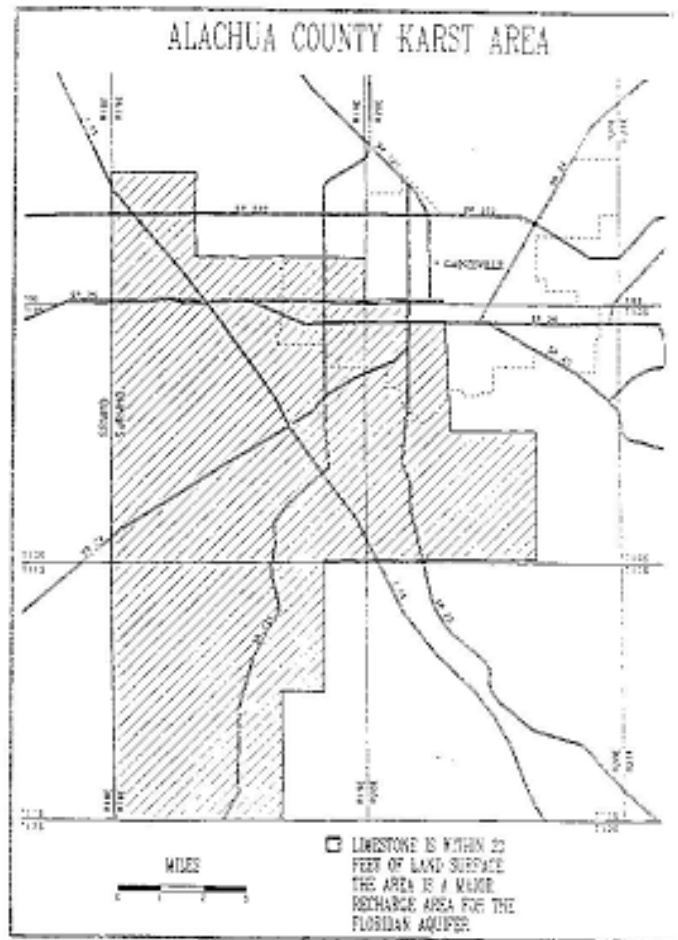


Figure 41-3

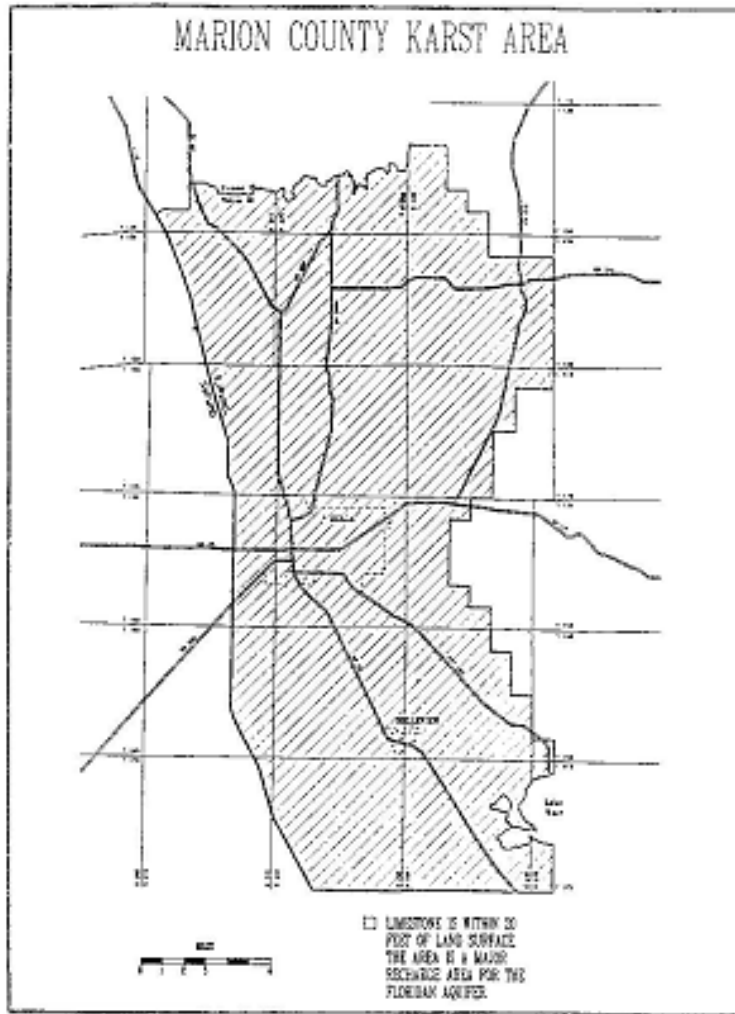


Figure 41-4

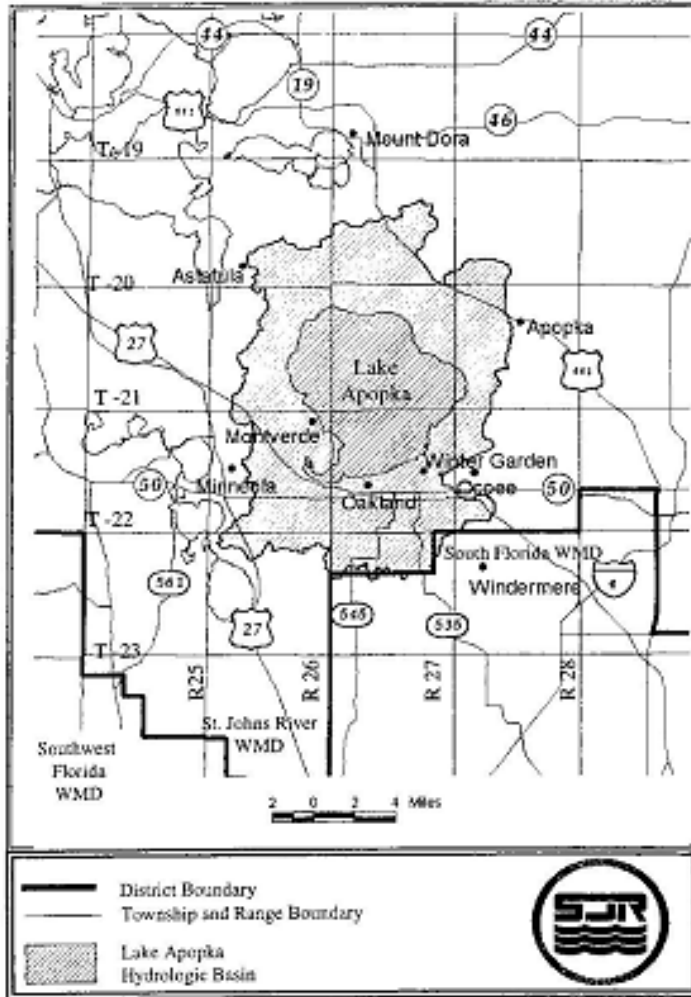
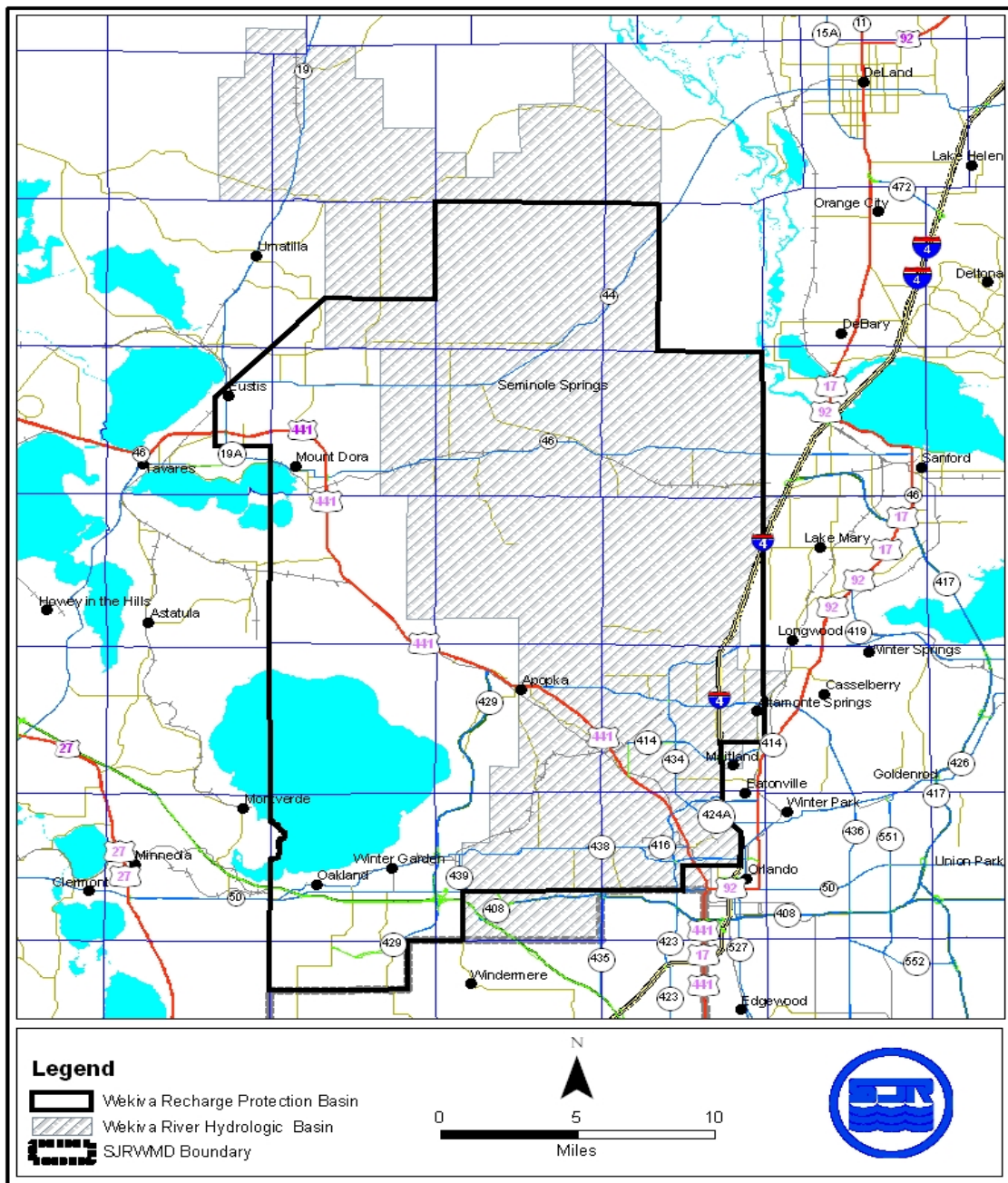


Figure 41-5
Lake Apopka Drainage Basin

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



(6) The Tomoka River and Spruce Creek Hydrologic Basins are the areas generally depicted in Figure 41-1 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook, Appendix B, K as incorporated by reference in Rule 40C 4.091, F.A.C.

(7) The Sensitive Karst Areas Basin is that area generally depicted in Figures 41-2, 41-3, and 41-4 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”, Appendix B, K as incorporated by reference in Rule 40C 4.091, F.A.C.

(8) The Lake Apopka Hydrologic Basin is that area generally depicted in Figure 41-5 and defined in “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”, Appendix B, K as incorporated by reference in Rule 40C 4.091, F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.316, 369.318, 373.413, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 4-3-91, 9-25-91, 11-25-98, 3-7-03, 12-3-06.

40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Oklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, the Sensitive Karst Areas Basin, or the Lake Apopka Hydrologic Basin, requiring permits pursuant to paragraphs 62-330.020(2)(a), (b), (c), (d), (e), (f), (g), (h), or (j) or section 1.2.2, “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C. 40C 4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-41.063, and ~~either Rules 62-330.301 40C 4.301 and 62-330.302 40C 4.302, or 40C-40.302, F.A.C.~~, unless specifically exempted in Rule 40C-41.051, F.A.C., or otherwise provided in subsection 40C-41.043(3) or 40C-41.043(4), F.A.C. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and Chapter ~~62-330 40C-4~~, F.A.C., will be fulfilled using alternate criteria.

~~(2) All projects located within the Sensitive Karst Areas Basin requiring permits pursuant to Rule 40C 42.022, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the requirements and criteria specified in Rules 40C 42.023 and 40C 41.063, F.A.C., unless specifically exempted. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and Chapter 40C-42, F.A.C., will be fulfilled using alternate criteria.~~

~~(2)(3) Stormwater management systems requiring permits pursuant to Rule 62-330.020 40C 42.022, F.A.C., that will be located within the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rules 62-330.301 and 62-330.302 40C 42.023, F.A.C., and subsection 40C-41.063(8), F.A.C.~~

~~(3)(4) Agricultural surface water management systems requiring permits pursuant to Rule 40C-44.041, F.A.C., that will be located within the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and subsection 40C-41.063(8), F.A.C.~~

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

~~(4)(6) Agricultural surface water management systems requiring permits pursuant to Rule 40C-44.041, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.~~

~~(5) The Governing Board hereby incorporates by reference Part VI (sections 13.0-13.8.3), “Basin Criteria” of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”, (effective date), available at <http://floridaswater.com/ruledevelopment/>.~~

~~This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.~~

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.4131, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.4131, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98, 3-7-03, 12-3-06,_____.

40C-41.051 Exemptions.

(1) The following systems located wholly or partially in the Econlockhatchee River Hydrologic Basin are exempted from the standards and criteria in subsection 40C-41.063(5), F.A.C., and section ~~13.4~~ ~~11-4~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters:

(a) through (f) No change.

(2) A single family dwelling unit located wholly or partially within the Tomoka River Hydrologic Basin or the Spruce Creek Hydrologic Basin, provided the unit is not part of a larger common plan of development or sale, is exempted from the standards and criteria in subsection 40C-41.063(6), F.A.C., and section ~~13.5~~ ~~11-5~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters.

(3) Stormwater management systems exempted in Rule ~~62-330.051~~ ~~40C-42.0225~~, F.A.C., which are either located wholly or partially within the Lake Apopka Hydrologic Basin or which discharge water to Lake Apopka or its tributaries, are exempted from the standards and criteria in subsection 40C-41.063(8), F.A.C.

(4) Systems that qualify for a ~~noticed~~ general permit under ~~Part IV of Chapter 62-330~~ ~~40C-400~~, F.A.C., are exempted from the standards and criteria in Rule 40C-41.063, F.A.C., and Sections ~~13.0-13.7~~ ~~11-0-11-7~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416, 373.426, 373.461 FS. History—New 4-3-91, Amended 11-25-98, 3-7-03,_____.

40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

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

(a) Recharge Standard – Applicants required to obtain a permit pursuant to Chapter ~~62-330~~ ~~40C-4~~, ~~40C-40~~, ~~40C-42~~, or ~~40C-44~~, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as Type “A” Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989) and Soil Survey of Seminole County Area, Florida (1990), which are incorporated by reference in paragraph 40C-4.091(3)(a), F.A.C. For purposes of this rule, areas with Type “A” Soils shall be considered “Most Effective Recharge Areas.” Section ~~13.8.1~~ ~~18-1~~ “Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” contains a list of Type “A” soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of 12-3-06. Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type “A” soils.

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

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

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

- a. Serves a project which is located wholly or partially within this zone; or
- b. Serves a project with a total land area equal to or exceeding 120 acres.

2. The applicant proposing such a system must give reasonable assurance in the erosion and sediment control plan that during construction or alteration of the system (including revegetation and stabilization), erosion will be minimized and sediment will be retained on-site. The plan must be in conformance with the erosion and sediment control principles set forth in Section “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters, and must contain the information set forth in Section 13.8.3 18.3, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters.

3. For a project which will be located wholly or partially within 100 feet of an Outstanding Florida Water or within 100 feet of any wetland abutting such a water, an applicant must provide reasonable assurance that the construction or alteration of the system will not cause sedimentation within these wetlands or waters and that filtration of runoff will occur prior to discharge into these wetlands and waters. It is presumed that this standard will be met if, in addition to implementation of the plan required in subparagraph 1., any one of the following criteria is met:

a. A minimum 100 foot width of undisturbed vegetation must be retained landward of the Outstanding Florida Water or the abutting wetland, whichever is more landward. During construction or alteration, runoff (including turbid discharges from dewatering activities) must be allowed to sheetflow across this undisturbed vegetation as the natural topography allows. Concentrated or channelized runoff from construction or alteration areas must be dispersed before flowing across this undisturbed vegetation. Construction or alteration of limited scope necessary for outfall structures may occur within this area of undisturbed vegetation.

b. Construction of the following perimeter controls at all outfall points to the Outstanding Florida Water or its abutting wetlands must be completed prior to the start of any construction or alteration of the remainder of the system:

i. Stormwater discharge facility meeting the requirements of “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a) and subsection 40C-42.091(1), F.A.C. Chapter 40C-42, F.A.C.;

ii. Sedimentation trap or basin located immediately upstream of the stormwater discharge facility referred to above; and

iii. Spreader swale to reduce the velocity of discharge from the stormwater facility to non-erosive rates before discharge to wetlands abutting the Outstanding Florida Water.

These perimeter controls must be maintained routinely and operated throughout construction or alteration of the entire system. A minimum 25 foot width of undisturbed vegetation must be retained landward of the Outstanding Florida Water or the abutting wetland, whichever is more landward. Construction or alteration of limited scope necessary for outfall structures may occur within this area of undisturbed vegetation.

c. During construction or alteration, no direct discharge to the Outstanding Florida Water or its abutting wetland may occur during the 10 year 24 hour storm event or due to discharge from dewatering activities. Any on-site storage required to satisfy this criteria must be available (recovered) within 14 days following the rainfall event. A minimum 25 foot width of undisturbed vegetation must be retained landward of the Outstanding Florida Water or the abutting wetland, whichever is more landward. Construction or alteration of limited scope necessary for outfall structures may occur within this area of undisturbed vegetation.

In determining whether construction or alteration is of “limited scope necessary”, pursuant to any of the three presumptive criteria above, the District shall require that the area of disturbance be minimized and that the length of time between initial disturbance and stabilization of the area also be minimized.

(d) Standard for Limiting Drawdown – Within the Wekiva River Hydrologic Basin, a Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 62-330.301(1)(d) 40C-4.301(1)(d), F.A.C., is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

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

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

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

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

1. The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

a. The wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of the northernmost crossing of the Little Wekiva River with S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

2. Any of the following activities within the Riparian Habitat Protection Zone is presumed to adversely affect the abundance, food sources, or habitat of aquatic or wetland dependent species provided by the zone: construction of buildings, golf courses, impoundments, roads, canals, ditches, swales, and any land clearing which results in the creation of any system. (Activities not listed above do not receive a presumption of no adverse effect.)

3. The presumption in subparagraph 2. shall not apply to any activity which promotes a more endemic state, where the land in the zone has been changed by man. An example of such an activity would be construction undertaken to return lands managed for agriculture or silviculture to a vegetative community that is more compatible with the endemic land cover.

(4) Local Government Notification for Wekiva River Protection Area – The District shall not issue a conceptual approval, individual, standard, or general permit for a proposed surface water management system located wholly or partially within the Wekiva River Protection Area, as defined in Section 369.303(9), F.S., until the appropriate local government has provided written notification that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The applicant proposing such a system must submit to the District form no. 40C-41.063(4), entitled “Local Government Notification”, after it has been completed and executed by the local government. This form is hereby incorporated by reference and

is available upon request from the St. Johns River Water Management District, 4049 Reid Street, ~~Palatka~~ Tallahassee, Florida 32177-2529. Permit applications for systems within the Wekiva River Protection Area shall be processed by the District staff pursuant to the time frames established in Section 120.60, F.S., and any District rule regarding permit processing, except that any agency action to approve or approve with conditions shall not occur until the Local Government Notification has been received by the District.

(5) Within the Econlockhatchee River Hydrologic Basin the following standards and criteria are established:

(a) Design Storm Criteria. A system must meet the peak discharge requirement for the following 24 hour duration design storm events:

1. Mean annual storm (2.3 year return period).

2. 25-year return period. System outlet control structures can be designed to meet the control peak discharge rates for both design storms by use of a two-stage weir, v-notch weir, multiple orifices, or other similar structures.

(b) Floodplain Storage Criteria. A system may not cause a net reduction in flood storage within the 100 year floodplain of the Econlockhatchee River or any of its tributaries, at a location with an upstream drainage area of 1 square mile or greater, except for structures elevated on pilings or traversing works that comply with conveyance requirements in subsection ~~3.3.2~~ ~~40-5-2~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”, as incorporated by reference in paragraph ~~40C-4.091(1)(a)~~, ~~F.A.C. Applicant’s Handbook: Management and Storage of Surface Waters~~.

(c) Riparian Wildlife Habitat Standard.

1. The applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a system within the following designated Riparian Habitat Protection Zone will not adversely affect the abundance, diversity, food sources or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species:

a. The wetlands contiguous with the Econlockhatchee River and the following tributaries: Little Econlockhatchee River north of University Boulevard, Mills Creek, Silcox Branch (branch of Mills Creek), Mills Branch (branch of Mills Creek), Long Branch, Hart Branch, Cowpen Branch, Green Branch, Turkey Creek, Little Creek, and Fourmile Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above; and

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Econlockhatchee River and the above named tributaries. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this

subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

d. The following portions of streams typically lack a defined water's edge, and subparagraph c. shall not apply:

i. Mills Creek upstream of the intersection of the creek with the Fort Christmas Road in Section 2, Township 22 South, Range 32 East;

ii. Long Branch upstream of the intersections of the creek with SR 520;

iii. Hart Branch upstream of the intersection of the creek and the Old Railroad Grade in Section 18, Township 23 South, Range 32 East;

iv. Cowpen Branch upstream of the southernmost bifurcation of the creek in Section 20, Township 23 South, Range 32 East;

v. Green Branch upstream of the intersection of the creek with the north-south section line between Section 29 and 30, Township 23 South, Range 32 East;

vi. Turkey Creek including Turkey Creek Bay upstream of the intersection of the creek with the Weewahootee Road in Section 5, Township 24 South, Range 32 East;

vii. Little Creek upstream of the intersection of the creek with the north-south section line between Sections 22 and 23, Township 24 South, Range 32 East;

viii. Fourmile Creek including Bee Tree Swamp upstream of a point along the creek exactly halfway between section lines at the south end of Section 21 and the north end of Section 33 within Section 28, Township 24 South, Range 32 East; and

ix. all of the Econlockhatchee River Swamp (a portion of the Econlockhatchee River).

2. Any of the following activities within the Riparian Habitat Protection Zone are presumed to adversely affect the abundance, food sources, or habitat of aquatic or wetland dependent species provided by the zone: construction of buildings, golf courses, impoundments, roads, canals, ditches, swales, and any land clearing which results in the creation of any system. (activities not listed above do not receive a presumption of no adverse effect.)

3. The presumption in subparagraph 2. shall not apply to any activity which promotes a more endemic state, where the land in the zone has been changed by man. An example of such an activity would be construction undertaken to return lands managed for agriculture or silviculture to a vegetative community that is more compatible with the endemic land cover.

4. Applicants seeking to develop within the Riparian Habitat Protection Zone shall be given the opportunity to demonstrate that the particular development for which permitting is being sought will not have an adverse effect on

the functions provided by the zone to aquatic or wetland dependent species. The functions provided by the zone are dependent on many factors. When assessing the value of the zone to aquatic and wetland dependent species, factors which the District will consider include: vegetative land cover, hydrologic regime, topography, soils, and land uses, existing within and adjacent to the zone; and range, habitat, and food source needs of aquatic and wetland dependent species, as well as sightings, tracks, or other such empirical evidence of use.

5. The standard of subparagraph 40C-41.063(5)(c)(~~d~~)1., F.A.C., may be met by demonstrating that the overall merits of the proposed plan of development, including the preservation, creation or enhancement of viable wildlife habitat, provide a degree of resource protection to these types of fish and wildlife which offsets adverse effects that the system may have on the abundance, diversity, food sources, or habitat of aquatic or wetland dependent species provided by the zone. Mitigation plans will be considered on a case-by-case basis upon detailed site specific analyses. The goal of this analysis shall be the determination of the value of the proposed mitigation plan to aquatic and wetland dependent species with particular attention to threatened or endangered species. Mitigation plans should include: the information set forth in subsection 10.3.3 12.3.3, "Environmental Resource Permit Applicant's Handbook, Volume I (General and Environmental)", implemented pursuant to paragraph 373.4131(2)(a), F.S. (2012) and available at [http://floridaswater.com/ruledevelopment/Applicant's Handbook: Management and Storage of Surface Waters](http://floridaswater.com/ruledevelopment/Applicant's%20Handbook%20Management%20and%20Storage%20of%20Surface%20Waters), for the uplands and wetlands within the zone and within other areas to be preserved, created or enhanced as mitigation for impacts within the zone; as well as other pertinent information, including land use, and the proximity of the site to publicly owned land dedicated to conservation. Implementation of this paragraph contemplates that the proximity of development to the river and tributaries named herein and activities permitted in the zone may vary from place to place in support of a functional resource protection plan. Furthermore, some reasonable use of the land within the protection zone can be allowed under paragraph 40C-41.063(5)(c)(~~d~~), F.A.C.

6. Roads or other traversing works which cross the zone have the potential to fragment the zone and adversely affect the habitat value of the zone to aquatic and wetland dependent species. To minimize adverse effects to the zone, applicants for permits to construct traversing works in the zone must first demonstrate the need for the traversing works to provide for regional transportation, regional utility services, or reasonable property access, in addition to meeting the requirement of subparagraph 40C-41.063(5)(c)(~~d~~)1., F.A.C., above. Traversing works must also be designed to meet all requirements of the district rules related to water quality and quantity. Permittees responsible for traversing works shall be

required to be responsible for maintaining the traversing works clean and free from trash and debris to the greatest extent practical.

(6) Within the Tomoka River Hydrologic Basin or the Spruce Creek Hydrologic Basin the following standards and criteria are established:

(a) Recharge Standard. For projects or portions of projects within the Most Effective Recharge Area, three inches of runoff from the directly connected impervious areas in the Most Effective Recharge Areas, as defined in subsection 13.5.1 ~~11.5.1~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters, must be retained within the Most Effective Recharge Area. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity.

(b) Floodplain Storage Criteria. A system may not cause a net reduction in flood storage within the 100 year floodplain of the Tomoka River, Spruce Creek, or any of their tributaries except for structures elevated on pilings or traversing works that comply with conveyance requirements in subsection 3.3.2 ~~10.5.2~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C. Applicant’s Handbook: Management and Storage of Surface Waters.

(c) Stormwater Management Standard. Construction of new stormwater management systems must be in accordance with the design and performance standards of “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a) and subsection 40C-42.091(1), F.A.C. Chapter 40C-42, F.A.C. However, systems which serve drainage areas in excess of 10 acres cannot use detention with filtration treatment as the sole stormwater treatment methodology. Additionally, when retention systems are not feasible due to limited percolation capacity, wet detention treatment or other treatment demonstrated to be equivalent to retention or wet detention, in accordance with “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a) and subsection 40C-42.091(1), F.A.C., Chapter 40C-42, F.A.C., must be used.

(d) Riparian Wildlife Habitat Standard.

1. The applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a system within the following designated Riparian Habitat Protection Zone will not adversely affect the

abundance, diversity, food sources or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species:

a. The wetlands and uplands which are within 50 feet landward of the landward extent of the wetlands which abut Spruce Creek north of Pioneer Trail to the FEC railroad, and the Tomoka River north of I-4 to US 1 and the following tributaries:

i. Spruce Creek east of the western section line of Section 35, Township 16 South, Range 32 East, Volusia County, Florida;

ii. Spruce Creek east of the power line easement in Section 27, Township 16 South, Range 32 East, Volusia County, Florida;

iii. Spruce Creek west of SR 415 and south of the northern section line of Section 23, Township 16 South, Range 32 East, Volusia County, Florida;

iv. The Little Tomoka River north of SR 40 and south of the western section line of Section 22, Range 31 East, Township 14 South, Flagler County;

v. Priest Branch east of the power line easement in Section 6, Township 15 South, Range 32 East, Volusia County, Florida; and

b. The uplands which are within 550 feet landward of the stream’s edge of the following portions of the streams. The stream’s edge is defined, for the purpose of this subsection, as the waterward extent of the wetlands abutting the stream:

i. Spruce Creek north of the southern section line of Section 25, Range 32 East, Township 16 South, Volusia County, Florida;

ii. Tomoka River north of the confluence of the Tomoka River and Priest Branch; and

c. The uplands which are within 320 feet landward of the stream’s edge of the following portions of the streams. The stream’s edge is defined, for the purpose of this subsection, as the waterward extent of the wetlands abutting the stream: Spruce Creek east of I-95 and west of the FEC railroad; and

d. The uplands that are within 275 feet landward of the edge of the following streams:

i. Spruce Creek south of the southern section line of Section 25, Range 32 East, Township 16 South, Volusia County, Florida

ii. Spruce Creek east of the western section line of Section 35, Township 16 South, Range 32 East, Volusia County, Florida;

iii. Spruce Creek east of the power line easement in Section 27, Township 16 South, Range 32 East, Volusia County, Florida;

iv. Spruce Creek west of SR 415 and south of the northern section line of Section 23, Township 16 South, Range 32 East, Volusia County, Florida;

v. The Tomoka River south of the confluence of the Tomoka River and Priest Branch in Section 36, Range 31 East, Township 14 South, Volusia County, Florida;

vi. The Little Tomoka River north of SR 40 and south of the western section line of Section 22, Range 31 East, Township 14 South, Flagler County, Florida; and

vii. Priest Branch east of the power line easement in Section 6, Township 15 South, Range 32 East, Volusia County, Florida.

2. Any of the following activities within the Riparian Habitat Protection Zone are presumed to adversely affect the abundance, food sources, or habitat of aquatic or wetland dependent species provided by the Zone: construction of buildings, golf courses, impoundments, roads, canals, ditches, swales, and any land clearing which results in the creation of any system. (Activities not listed above do not receive a presumption of no adverse effect.)

3. The presumption in subparagraph 2. shall not apply to any activity which promotes a more endemic state, where the land in the Zone has been changed by man. An example of such an activity would be construction undertaken to return lands managed for agriculture or silviculture to a vegetative community that is more compatible with the endemic land cover.

4. The standard of subparagraph 1. may be met by demonstrating that the overall merits of the proposed plan of development, including mitigation as described in section 10.0 12.3, "Environmental Resource Permit Applicant's Handbook, Volume I (General and Environmental)", implemented pursuant to paragraph 373.4131(2)(a), F.S. (2012) and available at <http://floridaswater.com/ruledevelopment/Applicant's Handbook: Management and Storage of Surface Waters>, provide a degree of resource protection to these types of fish and wildlife which offsets adverse effects of the proposed system on the uplands and wetlands within the Zone. Some reasonable use of the land within the Protection Zone can be allowed under this section.

5. Roads or other traversing works which cross the Zone have the potential to fragment the Zone and adversely affect the habitat value of the Zone to aquatic and wetland dependent species. To minimize adverse effects to the Zone, applicants for permits to construct traversing works in the Zone must first demonstrate the need for the traversing works to provide for regional transportation, regional utility services, or reasonable property access, in addition to meeting the requirement of subparagraph 1., above. Traversing works must also be designed to meet all requirements of the district rules related to water quality and quantity.

(7) Within the Sensitive Karst Areas Basin, stormwater management systems shall be designed to assure adequate treatment (pursuant to Sections 13.6 through 13.6.3, "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St.

Johns River Water Management District" Rule 62-28.700, F.A.C.) of the stormwater before it enters the Floridan Aquifer, and to preclude the formation of solution pipe sinkholes in the stormwater system. Many different stormwater management system designs will achieve these goals, therefore the District does not require any specific system design. However, to assure protection of the Floridan Aquifer, the District does require certain design features. The individual site characteristics may affect what design features will be required. However, for all projects in sensitive karst areas, the following minimum design features are required:

(a) A minimum of three feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom and sides of the stormwater basin. Excavation and backfill of suitable material may be made to meet this criteria;

(b) Stormwater basin depth should be as shallow as possible with a horizontal bottom (no deep spots);

(c) Maximum stormwater basin depth of 10 feet; and

(d) Fully vegetated basin side slopes and bottoms. The District recommends that Saint Augustine or Bermuda grass be used for this purpose.

(e) The above requirements represent the minimum requirements for stormwater management system design in sensitive karst areas. However, depending on the potential for contamination to the Floridan Aquifer, more stringent requirements may apply for certain projects (e.g., industrial and some commercial sites). Examples for more stringent design features include:

1. More than three feet of material between the limestone bedrock surface and the bottom and sides of the stormwater basin,

2. Basin liners – clay or geotextile,

3. Sediment sumps at stormwater inlets,

4. Off-line treatment,

5. Special stormwater system design,

6. Ground water monitoring, and

7. Paint/solvent and water separators.

(8) Any surface water management system that requires a permit pursuant to Chapter 62-330 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., and that will be located within the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, must comply with the requirements of Section 13.7 41.7, "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District" Applicant's Handbook: Management and Storage of Surface Waters, adopted by reference in subsection 40C-4.091(1), F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.4131, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, 12-3-06, _____.

The sections of St. Johns River Water Management District Applicant’s Handbook (Volume II only), that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2012

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-42.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: By notice published in the Florida Administrative Weekly on August 24, 2012, the St. Johns River Water Management District (“SJRWMD”) initiated rulemaking to amend its rules consistent with Section 373.4131, F.S. Section 373.4131, F.S. became effective on July 1, 2012, and requires the Department of Environmental Protection (“DEP”) in coordination with the five water management districts (“WMDs”) to develop statewide environmental resource permitting (“ERP”) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective and streamlined approach in the state’s ERP program.

To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. As part of its rulemaking, DEP intends to incorporate by reference documents to be known collectively as an applicant’s handbook. Two volumes of the applicant’s handbook will apply in each WMD: (1) one volume that will include general and environmental procedures and forms that will apply statewide (Volume I) and (2) a second volume specific to, and

adopted by, the WMD that will include, among other things, design and performance standards for stormwater quality and quantity (Volume II). These volumes will replace the SJRWMD’s existing handbooks, including “Applicant’s Handbook: Regulation of Stormwater Management Systems (Chapter 40C-42)” (December 27, 2010) (Stormwater Handbook)

Rule 40C-42.091 incorporates by reference portions of the Stormwater Handbook that describe design and performance standards and criteria for water quality and quantity for stormwater management systems, including alternative criteria for those systems. The District will continue to evaluate ERP applications under the statewide ERP rules in light of these standards and criteria. Therefore, Rule 40C-42.091 will be amended to delete reference to the District’s existing Stormwater Handbook and incorporate by reference applicable portions of SJRWMD Volume II. The incorporated portions include or are based on existing provisions in Rule 40C-42 and the District’s Stormwater Handbook, updated as necessary to reflect DEP’s adoption of amendments to Chapter 62-330. In sum, the proposed amendments to Rule 40C-42.091 are designed to reflect adoption of the statewide ERP rules that will include a new Environmental Resource Permit Applicant’s Handbook.

With the exception of Rule 40C-42.091, the remaining rules in Chapter 40C-42 will be repealed in accordance with subparagraph 373.4131(2)(c), F.S.

SUMMARY: As amended, subsection 40C-42.091 will incorporate Part V (“Best Management Practices”) of a document entitled “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”. This handbook volume accompanies Applicant’s Handbook – Volume I (General and Environmental) and will be used in conjunction with Volume I to implement the State of Florida ERP program within the boundaries of SJRWMD. Generally, the incorporated provisions contain design and performance standards for different types of stormwater management practices including retention, underdrain, exfiltration, wet detention, swale, dry detention, and wetlands stormwater management.

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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon

request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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: 369.318, 373.044, 373.113, 373.118, 373.406, 373.4131, 373.414, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on April 9, 2013 which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part V (“Best Management Practices”) I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Boundaries of the St. Johns River Water Management District Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective (*effective date*) ~~12-27-10~~, available at <http://floridaswater.com/ruledevelopment/>.

(2) This document provides information regarding the stormwater management system permitting program.

(2)(3) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.406, ~~373.4131~~, 373.414, 373.418 FS. Law Implemented 369.318, ~~373.079~~, ~~373.083~~, ~~373.109~~, 373.117, ~~373.118~~, ~~373.406~~, 373.413, ~~373.4131~~, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, ~~403.0877~~, ~~403.813~~ FS. History—New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05, 12-3-06, 12-27-10, _____.

The sections of St. Johns River Water Management District Applicant’s Handbook (Volume II only) that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2012

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.011	Purpose and Scope
40C-44.021	Definitions
40C-44.041	Permits Required
40C-44.051	Exemptions
40C-44.061	Individual Environmental Resource
	Agricultural System Permits
40C-44.065	Performance Standards
40C-44.066	Water Quality Practices
40C-44.071	Relationship to Other Permitting
	Requirements
40C-44.091	Publications Incorporated by
	Reference
40C-44.101	Content of the Application
40C-44.301	Conditions for Issuance of Permits
40C-44.341	Revocation or Modification of
	Permits
40C-44.900	Forms and Instructions

PURPOSE AND EFFECT: By notice published in the Florida Administrative Weekly on August 24, 2012, the St. Johns River Water Management District (“SJRWMD”) initiated rulemaking to amend its rules consistent with Section 373.4131, F.S. Section 373.4131, F.S. became effective on July 1, 2012, and requires the Department of Environmental

Protection (“DEP”) in coordination with the five water management districts (“WMDs”) to develop statewide environmental resource permitting (“ERP”) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective and streamlined approach in the state’s ERP program.

To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. As part of its rulemaking, DEP intends to incorporate by reference documents to be known collectively as an applicant’s handbook. Two volumes of the applicant’s handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide (Volume I); and (2) a second volume, specific to, and adopted by, the WMD that, among other things, will set forth design and performance standards for stormwater quality and quantity, and address any District-specific thresholds and exemptions in Chapter 62-330 (Volume II). These volumes will replace and/or amend SJRWMD’s existing Applicant’s Handbooks, including “Applicant’s Handbook: Agricultural Surface Water Management Systems (Chapter 40C-44, F.A.C.)” (December 27, 2010) (Agricultural Handbook).

During the rulemaking process, DEP has indicated that the statewide environmental resource permitting rules will be designed so that they do not substantively affect agricultural or silvicultural activities within each WMD. Consistent with this goal, the new statewide ERP rules in Chapter 62-330 will incorporate by reference the District’s existing rules in Chapter 40C-44 regarding agricultural surface water management systems.

The purposes of the proposed rule amendments to Chapter 40C-44 are to: (1) delete or update references to rule chapters 40C-4 and 40C-40 and Applicant’s Handbook Sections that will be superseded by Chapter 62-330 and new Applicant’s Handbook volumes; (2) make any other necessary changes to reflect adoption of the statewide ERP rules; and (3) implement amendments consistent with the District’s 2012-2013 Regulatory Plan. None of the proposed amendments are designed to create changes in the substantive requirements for agricultural surface water management systems under Chapter 40C-44 within SJRWMD.

SUMMARY: The proposed rule amendments would: (1) revise references to Chapter 40C-4 and 40C-40 to reference the applicable provisions in Chapter 62-330; (2) revise references to the District’s existing Applicant’s Handbooks so that the rule references the applicable Volume I or Volume II of the handbook that has been developed as part of DEP’s statewide ERP rulemaking process; (3) merge Rules 40C-44.055 and 40C-44.061 into one section providing for individual permits since Chapter 62-330 does not provide for standard general ERPs; (4) amend Rule 40C-44.101 to reference the new statewide application form and an addendum that will replace

existing forms in the rule; (5) amend Rule 40C-44.091 to delete reference to the District’s existing Agricultural Handbook; and (6) amend Rules 40C-44.011 and 40C-44.021 consistent with the District’s 2012-2013 Regulatory Plan; and (7) incorporate by reference Part VII (“Agricultural Surface Water Management Systems”) of new SJRWMD Volume II. Part VII is based on the District’s existing Agricultural Handbook. The proposed amendments do not incorporate by reference sections of Volume I because these sections will be incorporated by reference in Chapter 62-330 and, pursuant to Section 373.4131(2)(a), F.S., SJRWMD must implement the amendments to Chapter 62-330 without further rulemaking.

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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District’s staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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: 369.318, 373.016, 373.044, 373.113, 373.118, 373.171, 373.406, 373.413, 373.4131, 373.416, 373.418 FS.

LAW IMPLEMENTED: 373.016, 369.318, 373.016, 373.103, 373.406, 373.409, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.461 373.603, 373.609, 373.613 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Following the regularly scheduled Governing Board Meeting on April 9, 2013, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-44.011 Purpose and Scope.

~~(1) The purpose of Chapter 40C 44, F.A.C., is to implement portions of the permitting program contemplated in Part IV, Chapter 373, F.S., in a manner which is consistent with the objectives and policies of the St. Johns River Water Management District, and the declared water policy of the State of Florida.~~

~~(2) The District's goal under this chapter is to prevent discharges of agricultural stormwater and associated wastewater in a manner which is inconsistent with the objectives of the District or which may cause harm to the water resources of the District.~~

~~(3) This chapter provides an overall framework for agricultural permitting District wide. The District may implement basin-specific criteria for agriculture or other land uses, when appropriate, in accordance with Surface Water Improvement and Management Plans, other basin-specific studies and Chapter 62 40, F.A.C.~~

~~(1)(4) An individual environmental resource agricultural system permit under this chapter will be required for the maintenance and operation of certain existing agricultural surface water management systems as defined herein, and the construction of certain new agricultural surface water management systems which are below thresholds described in Chapter 40C 4, F.A.C.~~

~~(2)(5) Agricultural operations which are required to obtain an environmental resource permit pursuant to Chapter 62-330 40C 4, F.A.C., shall satisfy the requirements of the District in terms of the quality of water discharged from the system, by implementing the performance standards and water quality practices described in this chapter.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.4131, 373.418 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, _____.

40C-44.021 Definitions.

(1) "Agriculture," for the purposes of this chapter, means the commercial production of crops, animals or animal products, or farm commodities including but not limited to vegetables, citrus and other fruits, grain, forage, sod, livestock, poultry, and foliage plants. ~~For the purposes of this chapter, Agriculture also includes horticulture and floriculture.~~

(2) through (6) No change.

(7) "Hayland" means a tract of land used for forage production, which has been planted with desirable forage plant species, ~~listed by the Soil Conservation Service for Pasture and~~

~~Hayland Management in the Field Office Technical Guide, and to which nitrogen or phosphorus is applied at an average annual application rate equal to or exceeding 50% of the medium fertilizer requirements recommended by the Soil Conservation Service for Pasture and Hayland Management in the Field Office Technical Guide.~~

(8) "Improved Pasture" means a tract of land used for livestock grazing, which has been planted with desirable forage plant species, ~~listed by the Soil Conservation Service for Pasture and Hayland Management in the Field Office Technical Guide, and to which nitrogen or phosphorus is applied at an average annual application rate equal to or exceeding 50% of the medium fertilizer requirements recommended by the Soil Conservation Service for Pasture and Hayland Management in the Field Office Technical Guide.~~

(9) through (12) No change.

(13) "Stormwater Management System" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system.

(14) through (15) renumbered (13) through (14) No change.

(16) "Water" or "waters in the state" 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 of the ground, as well as all coastal waters within the jurisdiction of the state.

(17) "Waters of the State" are defined as "waters" in subsection 403.031(13), F.S.

(15)(18) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.413, 373.019, 373.403, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, _____.

40C-44.041 Permits Required.

(1) Unless expressly exempt by Section 373.406, F.S., or Rules 62-330.051 ~~40C 4.051~~ or 40C-44.051, F.A.C., a permit is required under this chapter for the maintenance and operation of existing agricultural surface water management systems which serve an agricultural operation as described in paragraph (a) or (b) below.

(a) An individual ~~or standard general~~ environmental resource ~~agricultural system~~ permit is required for the maintenance and operation of existing agricultural surface

water management systems which incorporate pumped discharges from stationary or portable facilities as part of the surface water management system and which have pumps with a capacity, either individually or cumulatively, of 10,000 gallons per minute (GPM) or greater. The pump operator or person in control of the pump is required to obtain the maintenance and operation permit.

(b) Case by case designation. Notwithstanding any other provision of this section, the District shall require that an agricultural operation, including pumped or gravity-drained systems, obtain an individual environmental resource ~~agricultural system~~ permit for an agricultural system pursuant to this chapter or modification of a permit issued pursuant to Chapter ~~62-330 40C-4~~, F.A.C., if it causes or contributes to a violation of state water quality standards within waters of the state. In determining whether an individual permit is required under these circumstances, the District will consider the following information;

1. Water quality monitoring data collected by the District or other agency;
2. The size of the agricultural operation and the amount of stormwater and associated wastewater reaching waters of the state, relative to the size and nature of the immediate drainage basin;
3. The means of conveyance of stormwater and associated wastewater to waters of the state;
4. Characteristics of the site including the slope, vegetation, rainfall, and other factors relating to the likelihood or frequency of discharge of stormwater and associated wastewater to waters of the state;
5. The status, results and recommendations of available basin-specific studies, including those conducted as part of a Surface Water Improvement and Management Plan or pursuant to Chapter 62-40, F.A.C.;
6. The existence of mixing zones, variances or site specific alternative criteria granted by the Department of Environmental Protection pursuant to Chapters 62-4 and 62-302, F.A.C.; and

(2) Unless expressly exempt by Section 373.406, F.S., or Rules ~~62-330.051 40C-4.051~~ or 40C-44.051, F.A.C., or authorized under subsection 403.814(12), F.S., an environmental resource ~~agricultural system~~ permit must be obtained for the construction, maintenance and operation of new agricultural surface water management systems, or alteration of existing systems, which:

- (a) drain an agricultural area greater than 2 acres;
- (b) Are below thresholds described in paragraphs 62-330.020(2)(a) and (e), F.A.C.;
- (c) Serve a project with a total land area less than 40 acres;
and

(d) Do not provide for the placement of 12 or more acres of impervious surface that constitutes 40 or more percent of the total land area and are not required to obtain a permit pursuant to Chapter ~~40C-4~~ or 40C-40, F.A.C.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.409, 373.413, 373.416, 373.418 FS. History—New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95,_____.

40C-44.051 Exemptions.

The following types of agricultural surface water management systems are exempt from the permit requirements of this chapter:

- (1) through (4) No change.
- (5) Minor alterations, as defined in subsection 40C-44.071(3), F.A.C., of new or existing agricultural surface water management systems permitted under this chapter or Chapter ~~62-330 40C-4~~ or ~~40C-40~~, F.A.C.
- (6) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.406, 373.418 FS. Law Implemented 373.413, 373.406, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95,_____.

40C-44.061 Individual Environmental Resource ~~Agricultural System~~ Permits for Agricultural Systems.

(1) Agricultural surface water management systems which are required to obtain a permit pursuant to Rule 40C-44.041, F.A.C., ~~shall and which do not qualify for a standard general environmental resource agricultural system permit, are required to~~ obtain an individual environmental resource ~~agricultural system~~ permit in accordance with this rule.

(2) The following types of agricultural surface water management systems will qualify for an individual environmental resource permit for an agricultural system, provided they comply with the criteria specified in Rule 40C-44.301, F.A.C.:

- (a) Agricultural surface water management systems which are required to obtain a permit pursuant to subsection 40C-44.041(1), F.A.C., provided that they have obtained a Conservation Plan, pursuant to subsection 40C-44.021(4), F.A.C., implement the Conservation Plan within 180 days of permit issuance, and maintain the Conservation Plan.

(b) Agricultural surface water management systems which are required to obtain a permit pursuant to subsection 40C-44.041(1), F.A.C., and which have been authorized pursuant to paragraph 40C-44.031(2) or (3), F.A.C., provided they:

1. Continue to maintain and operate the surface water management system, and associated treatment system, as previously permitted or authorized by consent order, and

2. Demonstrate compliance with the performance standards described in Rule 40C-44.065, F.A.C., based upon data collected in compliance with monitoring conditions. If the District staff determines that the compliance monitoring data does not demonstrate compliance with the performance standards, staff will notify the applicant, in writing, of the specific pollutant or pollutants for which treatment will be required.

(c) Minor alterations, as defined in subsection 40C-44.071(3), F.A.C., provided the applicant provides reasonable assurance, through plans, test results or other information, that the alteration complies with subsection 40C-44.071(2), F.A.C.

(d) Surface water management systems which drain an agricultural operation of less than 120 acres, which do not contain a concentrated animal feeding operation, which implement a Conservation Plan, pursuant to subsection 40C-44.021(4), F.A.C., within 180 days of permit issuance and which maintain the Conservation Plan, provided the permittee satisfies the following conditions:

1. The permittee must maintain hour meters, in operating order, on each drainage pump. If the hour meters are not installed at the time of permit issuance, they must be installed within 60 days of the issuance of the permit. Reports of pump operating hours for each pump must be submitted to the District quarterly, using Form EN-14M provided in Appendix F of the Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District, which is hereby incorporated by reference as of (effective date), available at <http://floridaswater.com/ruledevelopment/>.

2. The permittee must maintain a surveyed staff gauge, referenced to NGVD or NAVD, in each detention pond. If the staff gauges are not installed at the time of permit issuance, they must be installed within 60 days of the issuance of the permit. Water levels must be recorded a minimum of 3 nonconsecutive days per week, or as an alternative, once a week and daily during pump operation. Reports of water levels for each pond must be submitted quarterly to the District using Form EN-52 provided in Appendix G of the "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District", which is hereby incorporated by reference as of (effective date), available at <http://floridaswater.com/ruledevelopment/>.

3. The permittee must monitor the water quality on a quarterly basis at each discharge point from pumps or pond outfalls to waters of the state. If no discharge has occurred during a particular quarter, no sampling is required. Water samples must be analyzed for the parameters listed in Table 1 of Appendix E, Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District, which is hereby incorporated by reference as of (effective date), available at <http://floridaswater.com/ruledevelopment/>. Samples must be analyzed by a laboratory certified by the Florida Department of Health.

4. If, after five years of water quality monitoring, the permittee demonstrates that the data collected represents steady state conditions and is adequate to project future compliance with state water quality standards, the District shall amend the monitoring conditions by reducing the frequency of monitoring or the number of parameters monitored, or eliminating such requirements.

5. If, after five years of water quality monitoring, the District notifies the permittee in writing that discharges from the surface water management system have not complied with the performance standards described in subsections 40C-44.065(1) and (2), F.A.C., then the permittee must apply for an individual permit in accordance with subsection 40C-44.061(3), F.A.C.

(e) Surface water management systems which drain an agricultural operation which do not contain a concentrated animal feeding operation, provided they have obtained a Conservation Plan, pursuant to subsection 40C-44.021(4), F.A.C., implement the Conservation Plan within 180 days of permit issuance, and maintain the Conservation Plan, and which have not been issued a permit or consent order which authorized operation as described in paragraph 40C-44.031(2) or (3), F.A.C., provided the permittee satisfies the monitoring conditions described below:

1. The permittee must maintain hour meters, in operating order, on each drainage pump. If the hour meters are not installed at the time of permit issuance, they must be installed within 60 days of the issuance of the permit. Reports of pump operating hours for each pump must be submitted to the District quarterly, using Form EN-14M provided in the Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District.

2. The permittee must maintain a surveyed staff gauge, referenced to NGVD or NAVD, in each detention pond. If the staff gauges are not installed at the time of permit issuance, they must be installed within 60 days of the issuance of the permit. Water levels must be recorded a minimum of 3 nonconsecutive days per week, or as an alternative, once a week and daily during pump operation. Reports of water levels for each pond must be submitted quarterly to the District using

Form EN-52 provided in Appendix G of the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the S. Johns River Water Management District.”

3. The permittee must monitor the water quality on a quarterly basis at each discharge point from pumps or pond outfalls to waters of the state following implementation of the Conservation Plan or within 180 days of permit issuance, whichever occurs sooner. If no discharge has occurred during a particular quarter, no sampling is required. Water samples must be analyzed for the parameters listed in Table 1 of Appendix E, Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District. Samples must be analyzed by a laboratory certified by the Florida Department of Health.

4. If, after five years of water quality monitoring, the permittee demonstrates that the data collected represents steady state conditions and is adequate to project future compliance with state water quality standards, the District shall amend the monitoring conditions by reducing the frequency of monitoring or the number of parameters monitored, or eliminating such requirements.

5. If, after one year of water quality monitoring, the District notifies the permittee in writing that discharges from the surface water management system have not complied with the performance standards described in subsections 40C-44.065(1) and (2), F.A.C., then the permittee must apply for an individual permit in accordance with subsection 40C-44.061(3), F.A.C.

(3)(2) An individual environmental resource agricultural system permit for an agricultural system may be issued to the applicant, upon such conditions as the District may direct, only if the applicant affirmatively provides the District with reasonable assurance based on plans, test results or other information, that the construction, expansion, alteration, modification, operation or activity of the surface water management system will comply with the performance standards described in Rule 40C-44.065, F.A.C., and the criteria specified in Rule 40C-44.301, F.A.C.

(a)(3) For existing systems, incorporation of the appropriate water quality practices, as described in Rule 40C-44.066, F.A.C., shall be presumed to provide reasonable assurance of compliance with the performance standards as described in Rule 40C-44.065, F.A.C., provided that provisions have been made for maintenance and operation of the proposed surface water management system and water quality practices pursuant to Rule 40C-44.069, F.A.C.

(b)(4) For new systems, incorporation of the appropriate water quality practices, as described in Rule 40C-44.066, F.A.C., and installation of a surface water management system designed to provide a level of treatment and pollutant reduction so that pollutant loads discharged to surface waters of the state

on an average annual basis, from a particular agricultural operation are 80% less than those from a similar operation which did not incorporate a treatment system or water quality practices, shall be presumed to provide reasonable assurance of compliance with the performance standards as described in Rule 40C-44.065, F.A.C., provided that provisions have been made for maintenance and operation of the proposed surface water management system and water quality practices pursuant to Rule 40C-44.069, F.A.C.

(c)(5) New and existing systems which discharge to Class I, Class II, or Outstanding Florida Waters shall be required to provide an additional level of treatment to provide reasonable assurance pursuant to subsection (3)(2) above.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, _____.

40C-44.065 Performance Standards.

(1) through (2) No change.

(3) In addition to subsections (1) and (2), the applicant is advised that discharges from the agricultural surface water management system will be required to comply with a waste load allocation, or a pollutant load reduction goal pursuant to Chapter 62-40, F.A.C., when said allocation or goal is adopted by District rule, such that the operation is consistent with the objectives of the District as set forth in section 189.0 of “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the S. Johns River Water Management District”, which is hereby incorporated by reference as of (effective date) and available at <http://floridaswater.com/ruledevelopment/> the Applicant’s Handbook: Agricultural Surface Water Management Systems. Nothing herein shall be construed to exempt discharges from meeting said allocation or goal.

(4) No change.

(5) Agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Sections 13.3 through 13.3.5 ~~41-3-1~~, “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District”, as incorporated by reference in subsection 40C-41.043(5), F.A.C. ~~Applicant’s Handbook: Management and Storage of Surface Waters.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.171, 373.415, 373.416, 373.418, 373.461 FS. Law Implemented 369.318, 373.016, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.461 FS. History—New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 3-7-03, 12-3-06, _____.

40C-44.066 Water Quality Practices.

The practices listed below are set forth in this rule for the purpose of evaluating compliance with this chapter. It is presumed the water quality practices implemented in accordance with this section will provide reasonable assurance that the system will comply with the performance standards described in Rule 40C-44.065, F.A.C. The water quality practices or other alternatives shall be implemented to the extent necessary to comply with the performance standards described in Rule 40C-44.065, F.A.C. In some cases, the implementation of these practices may not result in compliance with the performance standards for issuance of an individual environmental resource ~~agricultural system~~ permit for an agricultural system. In those cases, the applicant shall provide for implementation of such additional water quality practices and/or treatment methodologies as necessary to provide reasonable assurance that the discharge will comply with the performance standards described in Rule 40C-44.065, F.A.C.

(1) through (4) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 373.016, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, _____.

40C-44.071 Relationship to Other Permitting Requirements.

(1) No change.

(2) Alterations of existing agricultural surface water management systems, which would otherwise require permits pursuant to paragraph Rule 62-330.020(2)(a) 40C-4.041, F.A.C., will be considered minor alterations and will qualify for an standard general or individual environmental resource ~~agricultural system~~ permit, as appropriate, pursuant to this chapter, provided they do not increase the peak discharge rate and total discharge volume, when applicable (“Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters, Section 3.2 10.3 and 10.4), or

alter off-site storage and conveyance capabilities of the water resource (“Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters, Section 3.4 10.5), or adversely affect wetland functions, (“Environmental Resource Permit Applicant’s Handbook, Volume I (General and Environmental)” Applicant’s Handbook: Management and Storage of Surface Waters, Section 10.2.2 12.2.2) or increase the off-site pollutant loading (“Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Management and Storage of Surface Waters, Section 4.0 10.7.2), all as incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C., or implemented pursuant to paragraph 373.4131(2)(a), F.S. (2012).

(3) The following activities, for the purposes of this rule, are presumed to be minor alterations:

(a) through (c) No change.

(d) Modification or expansion of existing detention ponds within previously diked areas, provided that public safety concerns related to levee failure are addressed, no floodplain encroachment occurs, and impacts to wetlands do not require a permit pursuant to paragraph Rule 62-330.020(2)(a) 40C-4.041, F.A.C.

(e) Construction of new detention ponds within previously diked areas, provided that public safety concerns related to levee failure are addressed, no floodplain encroachment occurs, and impacts to wetlands do not require a permit pursuant to paragraph Rule 62-330.020(2)(a) 40C-4.041, F.A.C.

(4) Whenever the alteration, modification or construction of a new or existing agricultural surface water management system requires that an environmental resource permit be secured pursuant to paragraph Chapter 62-330.020(2)(a), (b), (c), (d), (e), (f), (g), (h), or (j) or section 1.2.2 “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C., 40C-4 or 40C-40, F.A.C., the performance standards and water quality practices established in this chapter shall be reviewed as part of those permit applications. A separate permit application under this chapter shall not be required. However, the applicant must provide the required technical information as part of those applications to demonstrate compliance with this chapter.

~~(5) When a permit is required pursuant to this chapter and an individual environmental resource permit is required pursuant to Chapter 40C-4, F.A.C., for the same system, the time frames of Chapter 40C-4, F.A.C., shall apply to issuance of a permit under this chapter.~~

~~(5)(6) No change.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.4131, 373.416, 373.418 FS. Law Implemented 373.4131, 373.416, 373.418 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 11-11-03, _____.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part VII (sections 14.0-19.2.6) and Appendices D, E, F, and G “Policy and Procedures” and Part II “Criteria for Evaluation,” of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District,” “Applicant’s Handbook: Agricultural Surface Water Management Systems,” effective _____ 12-27-10, available at <http://floridaswater.com/ruledevelopment/>.

(a) The purpose of the document is to provide information regarding the environmental resource ~~agricultural system~~ permit program for agricultural systems.

(b) The document may be obtained by contacting:

Director, Bureau of Regulatory Support
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177-2529.

(2) and (3) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.171, 373.406, 373.4131, 373.416, 373.418 FS. Law Implemented 369.318, 373.118, 373.406, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.461, 373.603, 373.609, 373.613 FS. History—New 10-20-92, Amended 7-4-93, 10-3-95, 1-11-99, 4-10-02, 3-7-03, 12-3-06, 12-27-10, _____.

40C-44.101 Content of the Application.

(1) All applications for environmental resource ~~agricultural system maintenance and operation~~ permits for agricultural systems shall be processed in accordance with the procedures of Chapters 120 and 373, F.S., and subsection 15.4.1 of the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in subsection 40C-44.091(1), F.A.C. Chapter 40C-1, F.A.C. 40C-44.101 Content of the Application.

(2) Applicants ~~Each application~~ for an individual environmental resource ~~agricultural system~~ permit for an agricultural system under this chapter shall complete be filed

~~on and contain the information required to be included on District form 40C-44.900(1), (Supplemental Information for Agricultural Systems) incorporated herein by reference, as of (effective date), available at <http://floridaswater.com/ruledevelopment/> in Rule 40C-44.900, F.A.C., and Section A of form 62-330.060(1) available at <http://floridaswater.com/ruledevelopment/>, and implemented pursuant to paragraph 373.4131(2)(a), F.S. (2012).~~

~~(3) Each application for a standard general environmental resource agricultural system permit shall be filed on and contain the information required to be included on District form 40C-44.900(2) or 40C-44.900(3), incorporated by reference in Rule 40C-44.900, F.A.C.~~

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, ~~373.146~~, 373.4131, 373.416, 373.461 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, _____.

40C-44.301 Conditions for Issuance of Permits.

(1)(a) To obtain ~~an standard general or~~ individual environmental resource ~~agricultural system~~ permit for operation, maintenance, removal or abandonment of ~~an agricultural~~ system each applicant must give reasonable assurance that such activity will not:

1. through 10. No change.

11. Otherwise be inconsistent with the overall objectives of the District as set forth in Section 189.0 of the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-44.091(1), F.A.C. Applicant’s Handbook: Agricultural Surface Water Management Systems.

(b) Because a system may result in both beneficial and harmful effects in terms of various individual objectives, in determining whether the applicant has provided evidence of reasonable assurance of compliance with paragraph (1)(a) above, the District shall consider a balancing of specific effects to show the system is not inconsistent with the overall objectives of the District.

(2)(a) To obtain ~~an standard general or~~ individual environmental resource ~~agricultural system~~ permit for construction, alteration, operation, or maintenance of ~~an agricultural~~ system, each applicant must give reasonable assurance that such activity is not harmful to the water resources by meeting the following standards:

1. Significant adverse water quantity impacts will not be caused to receiving waters and adjacent lands;

2. Surface and ground water levels and surface water flow will not be significantly adversely affected;

3. Existing surface water storage and conveyance capabilities will not be significantly adversely affected;

4. The system must be capable of being effectively operated;

5. The activity must not result in significant adverse impacts to the operation of Works of the District established pursuant to Section 373.086, F.S.; and

6. Hydrologically-related environmental functions will not be significantly adversely affected;

(b) If the applicant has provided reasonable assurance that the design criteria specified in the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” Applicant’s Handbook: Agricultural Surface Water Management Systems, Part VII, SubPart BH “Criteria for Evaluation” adopted by reference in subsection 40C-44.091(1), F.A.C., have been met, then it is presumed that the standards contained in paragraph (2)(a) above have been satisfied.

(3) No change.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.016, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.016, 373.409, 373.4131, 373.416, 373.418 FS. History– New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, _____.

40C-44.341 Revocation or Modification of Permits.

(1) The District may revoke or modify a permit in accordance with the provisions of Section 373.429, F.S., and Chapter 40C-1, F.A.C.

(2) The following shall constitute grounds for modification or revocation:

(a) Consistent noncompliance with permit conditions, or

(b) Consistent noncompliance with state water quality standards, or

(c) Noncompliance with waste load allocations, when adopted by District rule, such that the operation has become inconsistent with the objectives of the District, as set forth in section 189.0 of the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the S. Johns River Water Management District” as incorporated by reference in subsection 40C-44.091(1), F.A.C. Applicant’s Handbook: Agricultural Surface Water Management Systems, or

(d) Noncompliance with a pollutant load reduction goal, when adopted by District rule, such that the operation has become inconsistent with the objectives of the District, as set forth in section 189.0 of the “Environmental Resource Permit

Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the S. Johns River Water Management District” as incorporated by reference in subsection 40C-44.091(1), F.A.C. Applicant’s Handbook: Agricultural Surface Water Management Systems.

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.4131, 373.429 FS. History–New 8-11-91, Amended 10-20-92, 7-4-93, 12-27-10, _____.

40C-44.900 Forms and Instructions.

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

(1) ~~Supplemental Information for Agricultural Systems Individual Environmental Resource Agricultural System Permit Application~~, form no. 40C-44.900(1), adopted ~~12-3-06,~~ available at <http://floridaswater.com/ruledevelopment/>.

(2) ~~Standard General Environmental Resource Agricultural System Permit Application~~, form no. 40C-44.900(2), adopted 12-3-06.

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

This rule will become effective on July 1, 2013, or upon the date that amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection to implement the statutory mandate in Section 373.4131, F.S. (2012), take effect, whichever is later.

Rulemaking Authority ~~420.53(1),~~ 369.318, 373.044, 373.113, 373.406, 373.416, 373.418 FS. Law Implemented ~~420.52(16), 420.53(1),~~ 369.318, 373.103, 373.413, 373.4131, 373.416, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, _____.

The sections of St. Johns River Water Management District Applicant’s Handbook (Volume II only) that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2012

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-6.010
 RULE TITLE: Continuing Education for Reactivation, Reinstatement or Renewal

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being repealed.

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: 456.013(9), 456.036, 457.104, 457.107 FS.

LAW IMPLEMENTED: 456.013(9), 456.036, 457.107 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.010 Continuing Education for Reactivation, Reinstatement or Renewal.

~~Rulemaking Specific Authority 456.013(9), 456.036, 457.104, 457.107 FS. Law Implemented 456.013(9), 456.036, 457.107 FS. History–New 2-25-90, Formerly 21AA-6.010, 61F1-6.010, 59M-6.010, Repealed_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2013

**Section III
 Notices of Changes, Corrections and
 Withdrawals**

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.036
 RULE TITLE: Arts and Cultural Grants
 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. 48, March 11, 2013 issue of the Florida Administrative Register.

STATEMENT OF RATIFICATION: 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 upon past experience the grant programs do not have an adverse impact or regulatory costs. The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with cultural-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

IT-1.036 Arts and Cultural Grants.

(1) This rule provides the requirements for grant programs administered by the Division of Cultural Affairs (Division). Each program is governed by guidelines which contain eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms. All grant awards are subject to the approval of the Secretary of State.

(2) All grant applicants must meet the requirements set forth in the ~~2014-2015~~ ~~2013-2014~~ guidelines for the following programs, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference:

(a) Cultural and Museum Grants Program, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01018>. Provides general program support for local arts agencies, state service organizations, and organizations that have general program activity in any of the art and cultural disciplines in Section 265.283(7), F.S.

(b) Specific Cultural Projects Program, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01019>. Provides funding for arts in education, underserved cultural community development, culture builds Florida, and other nonprofit public or private organizations having specific cultural project activity in any of the arts and cultural disciplines in Section 265.283(7), F.S.

(3) The following application form is available from the Division at www.Florida-arts.org and is hereby incorporated by reference: Cultural and Museums Grants Program and Specific Cultural Projects Program Application (Form CA2E145), effective ~~6/2013~~ ~~4/2012~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01014>.

(4) The following forms are used in the administration of all grant programs in this rule and are hereby incorporated by reference and available at www.Florida-arts.org:

(a) Grant Report Form and State Funds Expenditure Log (Form CA2E004), effective ~~5/2013~~ ~~4/2012~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01017>.

(b) Grant Amendment Request (Form CA2E002), effective ~~5/2013~~ ~~4/2012~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01015>.

(c) Grant Award Agreement (Form CA2E142), effective 4/2012, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01016>.

Rulemaking Authority 265.286(11) FS. Law Implemented 265.286 FS. History—New 10-27-09, Amended 6-1-10, 4-2-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Stage, Arts Administrator, Division of Cultural Affairs, (850)245-6459

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy, Director, Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 9, 2013

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.039
 RULE TITLE: Cultural Facilities Program
 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. 50, March 13, 2013 issue of the Florida Administrative Register.

PURPOSE AND EFFECT: The purpose of this amendment is delete the “calendar year” from dates within the rule and to change the dates that refer to the forms listed in the rule.

The Cultural Facilities Guidelines have been revised to remove the year and replace the year with the word “current” in reference to the guidelines and to change the dates of the forms.

The changes to the guidelines and forms are posted to the Division of Cultural Affairs Web site. As a result of the changes to the rule, it will not be necessary for the Division of Cultural Affairs to have the rule and guidelines approved each year. The new application is necessary because the process will now be conducted on the Florida Department of State Web site instead of through Oasis.

SUMMARY OF THE RULE: The proposed amendment to the rule addresses the dates in the rule, guidelines and new application.

FACTS AND CIRCUMSTANCES JUSTIFYING THE PROPOSED RULE: The Cultural Facilities Program guidelines and application form have been updated to reflect the change in the application format from a vendor to online application.

FEDERAL STANDARDS STATEMENT: There are no Federal standards for these programs.

STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule 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: Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with cultural-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

RULEMAKING AUTHORITY: 265.701(5) FS.

LAW IMPLEMENTED: 265.701 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsie J. Rogers, Division of Cultural Affairs, Brokaw McDougall House, 329 North Meridian Street, Tallahassee, 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.039 Cultural Facilities Program.

(1) This rule provides the requirements for the Cultural Facilities Program administered by the Division of Cultural Affairs (Division). All grant applicants must meet the requirements set forth in the 2014-2015 ~~2013-2014~~ guidelines <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference. The program guidelines contain eligibility requirements, application review procedures, evaluation and funding criteria, ~~grant administration procedures~~, and application forms. All grant awards are subject to the approval of the Secretary of State and Legislative appropriation.

(2) The Cultural Facilities Program Application (Form CA2E147), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247> must be submitted on-line at www.Florida-arts.org, is available from the Division, and is hereby incorporated by reference.

(3) The following forms must be used in the administration of the Cultural Facilities Program and are hereby incorporated by reference and available at www.Florida-arts.org:

(a) Cultural Facilities Report Form (Form CA2E048), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(b) State Funds Expenditure Log (Form CA2E119), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(c) Grant Amendment Request (Form CA2E047), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(d) Grant Award Agreement (Form CA2E038), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(e) Request for Warrant (Form CA2E001), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

Rulemaking Authority 265.701(5) FS. Law Implemented 265.701 FS. History—New 7-13-10, Amended 6-5-12,_____.

Editorial Note: Formerly IT-1.001(3), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elsie Rogers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 39, No. 45, published March 6, 2013

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: 59B-12.001
RULE TITLE: Bone Marrow Transplantation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 31, February 14, 2013 issue of the Florida Administrative Register.

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39/31, No. 12626604, February 14, 2013 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on February 14, 2013 omitted a reference to the publication date of the notice of rule development and did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification.

Publication date of the notice of rule development: June 10, 2011; Vol. 37, No. 23.

Information that should have been included under the 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. The Agency has determined that no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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

The person to be contacted regarding the proposed rule and a copy of the proposed rule, as advertised on February 14, 2013 is: Karin Jacobson, Bureau of Managed Health Care, (850)412-4312.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: on February 22, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Anika's Kitchen located in Stuart. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 39/43 on March 4, 2013. The Order for this Petition was signed and approved on March 11, 2013. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Nita's Spa (Nita Mangrola) are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Nita's Spa (Nita Mangrola) changes, an updated, signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: on February 22, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from The Quarry Golf Snack Shack located in Naples. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to share the three-compartment sink located within an adjacent business under the same ownership.

The Petition for this variance was published in Vol. 39/43 on March 4, 2013. The Order for this Petition was signed and approved on March 11, 2013. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that the dishwashing area within The Quarry Golf Clubhouse (SEA2102900) is maintained in a clean and sanitary manner, provided with hot and cold running water under pressure and is available during all hours of operation. If the ownership of The Quarry Golf Clubhouse (SEA2102900) changes, a written agreement must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 7, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Manatee Players. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators sump pump which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-073).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 7, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Alachua County State Attorney Building. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-074).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 6, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Crestwood Nursing Center. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, 3.10.4(t), 2.7.4, 3.11.1, 3.4.5 and 3.10.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations, in-car stop switch, car emergency signaling devices, restricted door openings, top-of-car operating devices and car illumination which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-072).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 8, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Seasons Largo ALF. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.18.5.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-075).

A copy of the Petition for Variance or Waiver may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

The Florida Lettuce Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2013, 12:00 Noon.

PLACE: Everglades Research and Education Center

GENERAL SUBJECT MATTER TO BE CONSIDERED:

12:00 Lunch.

12:15 Welcome and Introductions

12:25 Introduction to Biologics and Tech Overview of Mode of Action, Overview of Serende Soil, & Performance of Biologics in Leafy Vegetables – Dominique Depaz, Technical Sales Coordinator, Bayer CropScience.

Questions and Answers – General Discussion.

1:00 Overview of Helena Chemical's Fertilizer Product Offerings for Leafy Greens – Chris Albright, Fort Pierce Fertilizer Plant Manager, Helena Chemical Company & Tommy Davidson, Fertilizer Sales Representative, Helena Chemical Company.

Questions and Answers – General Discussion.

1:30 Locating Resistant Genes with Molecular Markers in Lettuce- Ramkrishna Kandel, EREC Ph.D. student.

1:45 Old Business.

1:55 New Business.

a. Division of Plant Industry Representatives

b. EREC staff project updates
 2:20 Questions and Answers – General Discussion.
 2:30 Adjourn.

*Lunch is sponsored by Bayer CropScience

A copy of the agenda may be obtained by contacting: Stephen Basore, TKM-Bengard Farms, LLC, (561)996-1980, 2305 Cypress Lane, Belle Glade, FL 33430.

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: Stephen Basore, TKM-Bengard Farms, LLC, (561)996-1980, 2305 Cypress Lane, Belle Glade, FL 33430. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission announces public meetings to which all persons are invited.

DATES AND TIMES: Monday, May 6, 2013: Officer Discipline Class, 8:00 a.m.

Tuesday, May 7, 2013: Florida Criminal Justice Educators Association Meeting, 8:30 a.m.; Officer Discipline Class, 8:30 a.m.; Training Center Director Board Meeting, 1:00 p.m.; Training Center Director Basic Recruit Committee Meeting, 2:00 p.m.; Training Center Director Officer Wellness Committee Meeting and Workshop, 2:00 p.m.; Training Center Director Advanced Training Committee Meeting, 3:00 p.m.; Training Center Director Rules Committee Meeting, 3:00 p.m.; Training Center Director Technology Committee Meeting, 3:00 p.m.; Training Center Director Open Forum, 4:00 p.m.

Wednesday, May 8, 2013: Officer Discipline Class, 8:30 a.m.; Training Center Director Association Business Meeting, 8:30 a.m.; Probable Cause Determination Hearings, 10:00 a.m.; Regional Criminal Justice Selection Center Director Association, 1:00 p.m.; Post Basic Needs Assessment Workshop, 2:00 p.m.; Officer Discipline Penalty Guidelines Task Force Workshop, 3:30 p.m.

Thursday, May 9, 2013: Criminal Justice Standards and Training Commission Business Agenda, 8:00 a.m.; Officer Discipline Class, 8:30 a.m.; Criminal Justice Standards and Training Commission Officer Disciplinary Hearings, 9:30 a.m. PLACE: Hyatt Regency Sarasota, 1000 Boulevard of the Arts, Sarasota, Florida 34236. Reservations: (888)421-1442; reservation deadline: April 19, 2013.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and

recertification of criminal justice training schools. The Commission packet will be posted to the FDLE website by April 23, 2013.

If you have questions about the Commission Meeting Agenda or agenda items, please contact Donna Hunt at (850)410-8615, donnahunt@fdle.state.fl.us. If you have questions about hotel meeting rooms or guest room accommodations, please contact Cheryl Taylor at (850)410-8657, cheryltaylor@fdle.state.fl.us. If you have questions about the Officer Discipline Agenda please contact Lori Morea at (850)410-8625, LoriMorea@fdle.state.fl.us.

A copy of the agenda may be obtained by contacting: Donna Hunt, (850)410-8615, donnahunt@fdle.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 5 days before the workshop/meeting by contacting Donna Hunt at (850)410-8615, donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact Donna Hunt at (850)410-8615, donnahunt@fdle.state.fl.us.

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-2.021: Purpose

NOTICE OF RESCHEDULING A PUBLIC HEARING

The Department of Revenue announces a public hearing to which all persons are invited.

DATE AND TIME: April 2, 2013, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m. A notice of public meeting for the March 19, 2013, meeting of the Governor and Cabinet, was published in the February 20, 2013, (Vol. 39, No. 35, pp. 924-925), Florida Administrative Register.

PLACE: Meeting to be held in St. Augustine, Florida, specific location to be determined. Please refer to the Cabinet Agenda posted to the Department's Internet site at <http://dor.myflorida.com/dor/rules> prior to attending the meeting for the location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments and repeals to the rules listed below. These proposed rule amendments and repeals were noticed in the January 7, 2013 (Vol. 39, No. 4, pp. 67-102), Florida Administrative Register:

Rule Chapter 12-2, F.A.C. – Organization and General Information (Rules 12-2.021, 12-2.027, and 12-2.028, F.A.C.)
 Rule Chapter 12-3, F.A.C. – General; Procedure (Rule 12-3.006, F.A.C.)

Rule Chapter 12-15, F.A.C. – Debt Collection Services (Rules 12-15.001, and 12-15.005, F.A.C.)

Rule Chapter 12-18, F.A.C. – Compensation for Tax Information (Rule 12-18.008, F.A.C.)

Rule Chapter 12-19, F.A.C. – Reports or Large Currency Transactions (Rule 12-19.001, F.A.C.)

Rule Chapter 12-22, F.A.C. – Confidentiality and Disclosure of Tax Information (Rules 12-22.001, 12-22.002, 12-22.003, 12-22.004, and 12-22.005, F.A.C.)

A Notice of Change to Rule 12-22.005, F.A.C. (Disclosure Procedures), published in the February 6, 2013 (Vol. 39, No. 25, pp. 700-701), Florida Administrative Register.

Rule Chapter 12-24, F.A.C. – Payment of Taxes and Submissions of Returns by Electronic Means; Taxpayer Recordkeeping and Retention Requirements (Rules 12-24.011, 12-24.028, and 12-24.030, F.A.C.)

Rule Chapter 12A-1, F.A.C. – Sales and Use Tax (Rules 12A-1.003, 12A-1.014, 12A-1.034, 12A-1.035, 12A-1.0371, 12A-1.038, 12A-1.039, 12A-1.044, 12A-1.056(4), 12A-1.059, 12A-1.061, 12A-1.064, 12A-1.0641, 12A-1.068, 12A-1.0911, and 12A-1.097(20), F.A.C.)

Rule Chapter 12A-3, F.A.C. – Tourist Development Tax (Rules 12A-3.001, 12A-3.002, and 12A-3.006, F.A.C.)

Rule Chapter 12A-8, F.A.C. – Dade County Convention Development Tax (Rules 12A-8.001 and 12A-8.002, F.A.C.)

Rule Chapter 12A-9, F.A.C. – Duval County Convention Development Tax (Rules 12A-9.001 and 12A-9.002, F.A.C.)

Rule Chapter 12A-10, F.A.C. – Volusia County Convention Development Taxes (Rules 12A-10.001 and 12A-10.002, F.A.C.)

Rule Chapter 12A-13, F.A.C. – Fee on the Sale or Lease of Motor Vehicles (Rules 12A-13.001 and 12A-13.002, F.A.C.)

Rule Chapter 12A-19, F.A.C. – Communications Services Tax (Rules 12A-19.050 and 12A-19.100(7), F.A.C.)

Rule Chapter 12B-5, F.A.C. – Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants (Rules 12B-5.090, 12B-5.100, 12B-5.150(13), and 12B-5.200, F.A.C.)

Rule Chapter 12B-7, F.A.C. – Severance Taxes, Fees, and Surcharges (Rules 12B-7.003, 12B-7.004, 12B-7.008, 12B-7.022, and 12B-7.026, F.A.C.)

A Notice of Change to Rule 12B-7.004, F.A.C. (Rate of Tax; Oil, Gas and Sulfur), published in the February 6, 2013 (Vol. 39, No. 25, p. 701), Florida Administrative Register.

Rule Chapter 12B-12, F.A.C. – Tax on Perchloroethylene (Rule 12B-12.007, F.A.C.)

Rule Chapter 12C-1, F.A.C. – Corporate Income Tax (Rule 12C-1.318, F.A.C.)

Rule Chapter 12C-2, F.A.C. – Intangible Personal Property Tax (Rules 12C-2.0115 and 12C-2.012, F.A.C.)

Rule Chapter 12E-1, F.A.C. – Child Support Enforcement (Rules 12E-1.001, 12E-1.002, 12E-1.003, 12E-1.004, 12E-1.005, 12E-1.009, 12E-1.013, 12E-1.015, 12E-1.016, 12E-1.017, 12E-1.019, 12E-1.020, 12E-1.024, 12E-1.025, and 12E-1.026, F.A.C.)

A Notice of Change to Rule 12E-1.015, F.A.C. (Reciprocity Requests), published in the February 15, 2013 (Vol. 39, No. 32, pp. 845-846), Florida Administrative Register.

A copy of the agenda and the meeting materials may be obtained by going to the Department's Internet site at <http://dor.myflorida.com/dor/rules> or by contacting Tammy Miller at (850)617-8347.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TTY) or (800)955-8770 (Voice).

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:

12B-4.013: Conveyances Subject to Tax

12B-4.014: Conveyances Not Subject to Tax

12B-4.054: Exempt Transactions

NOTICE OF RESCHEDULING A PUBLIC HEARING

The Department of Revenue announces a public hearing to which all persons are invited.

DATE AND TIME: April 2, 2013, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m. A notice of public meeting for the March 19, 2013, meeting of the Governor and Cabinet, was published in the February 20, 2013, (Vol. 39, No. 35, p. 925), Florida Administrative Register.

PLACE: Meeting to be held in St. Augustine, Florida, specific location to be determined. Please refer to the Cabinet Agenda posted to the Department's Internet site at <http://dor.myflorida.com/dor/rules> prior to attending the meeting for the location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rule for Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), and Rule 12B-4.054, F.A.C. (Exempt Transactions).

A copy of the agenda and the meeting materials may be obtained by going to the Department's Internet site at <http://dor.myflorida.com/dor/rules> or by contacting Tammy Miller at (850)617-8347.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Tammy

Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TTY) or (800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

The State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 4, 2013, 9:00 a.m. – 10:00 a.m. (EST)

PLACE: Hermitage Room, First Floor, The Hermitage Centre, 1801 Hermitage Blvd, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this special meeting is to discuss and approve the Office of Internal Audit budget for fiscal year 2013-14 and follow-up actions on certain recommendations.

A copy of the agenda may be obtained by contacting: Elizabeth Scott, (850)413-1248, email: Elizabeth.Scott@sbafla.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: James Linn, (850)413-1166, email: James.Linn@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF ELDER AFFAIRS

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 25, 2013, 9:00 a.m. – 11:00 a.m. (EST)

PLACE: Reserve your Webinar seat now at: <https://www2.gotomeeting.com/register/615051946>.

Audio information: This webinar will be presented using Voice Over Internet Protocol (VOIP). To utilize VOIP, please have speakers and a microphone connected to your computer. If speakers and a microphone are not available to you, or your computer doesn't have a sound card, please login to the webinar and follow the prompts to call the conference line (long distance charges apply). To avoid long distance charges, please see the audio options below. If you have any questions prior to the webinar regarding the audio options, please contact: Shandra McGlohon, Florida Department of Elder Affairs, email: mcglohonsa@elderaffairs.org, (850)414-2317. Audio options (USB equipment is ideal): (1) USB or analog headset. (2) Headphones and microphone. (3) Speakers and microphone. (4) Speakers only – Questions and comments can be submitted via the Question Pane. After registering you will receive a confirmation email containing information about joining the Webinar. System Requirements, PC-based attendees: required – Windows® 7, Vista, XP, 2003 Server or 2000. Macintosh®-based attendees: required – Mac OS® X 10.4.11 (Tiger®) or newer.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Purple Ribbon Task Force will be discussed.

A copy of the agenda may be obtained by contacting: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: bistd@elderaffairs.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 72 hours before the workshop/meeting by contacting: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: bistd@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: bistd@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency for Healthcare Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 24, 2013, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Central Florida Behavioral Hospital, 6601 Central Florida Parkway, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of this meeting is to have a dialogue between the Medicaid managed care plans, behavioral health providers, Advocates, and Stakeholders.

The purpose of the discussion will be to identify ways to enhance the provision of behavioral health services to Medicaid recipients in managed care.

Please take note that this meeting is not affiliated with the Statewide Medicaid Managed Care implementation.

For those unable to attend in person, an audio recording of the meeting will be available by contacting Dawn Rosier, (850)412-4314, Dawn.Rosier@ahca.myflorida.com.

A copy of the agenda may be obtained by contacting Dawn Rosier, Dawn.Rosier@ahca.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 5 days before the workshop/meeting by contacting: Dawn Rosier, (850)412-4314, Dawn.Rosier@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency for Healthcare Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 24, 2013, 9:00 a.m. – 11:30 a.m. (EST).

PLACE: Central Florida Behavioral Hospital, 6601 Central Florida Parkway, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of this meeting is to have a dialogue between the Medicaid managed care plans, behavioral health providers, Assisted Living Administrators, Advocates, and Stakeholders. The purpose of the discussion will be to identify ways to enhance the provision of behavioral health services to Medicaid recipients in managed care living in an Assisted Living Facility. Please take note that this meeting is not affiliated with the Statewide Medicaid Managed Care implementation.

For those unable to attend in person, an audio recording of the meeting will be available by contacting: Dawn Rosier by email at Dawn.Rosier@ahca.myflorida.com, 412-4314.

A copy of the agenda may be obtained by contacting: Dawn Rosier by email at Dawn.Rosier@ahca.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 5 days before the workshop/meeting by contacting: Dawn Rosier by email at Dawn.Rosier@ahca.myflorida.com or (850)412-4314. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.003: Medicaid Providers Who Bill on the UB-04

The Agency for Health Care Administration announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, March 21, 2013, 3:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a workshop in Tallahassee, FL for the purpose of discussing the Florida Medicaid Provider Reimbursement Handbook, UB-04. The Agency is proposing additional changes to the handbook.

A copy of the agenda may be obtained by contacting: Jonathan Jean-Marie, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, telephone: (850)412-4211, e-mail: jonathan.jean-maire@ahca.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: Jonathan Jean-Marie, Bureau of Medicaid Services at (850)412-4211. 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 Building Commission

The Florida Building Commission, "the Commission", Fire Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2013, 1:00 p.m. – 2:00 p.m.

PLACE: Meeting to be conducted using media technology: specifically, webinar and conference call. You must access both the webinar for visual aids only and teleconference for audio only.

To join the online meeting (Now from mobile devices!)

1. Go to <https://suncom.webex.com/suncom/j.php?ED=174043432&UID=1344338947&RT=MIMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click "Join".

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=174043432&UID=1344338947&ORT=MIMxMQ%3D%3D>.

To join the teleconference only, provide your phone number when you join the meeting to receive a call back. Alternatively, you can call: (720)389-1212 (US); toll-free, (888)670-3525 (US); attendee access code: 297 701 3986. Public point of access: Suite 90, 1940 North Monroe Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider and make recommendations regarding a request for declaratory statement and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Ken Cureton, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399; or, call (850)487-1824 or visit our website at: http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1824, fax (850)414-8436. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: Mr. Ken Cureton, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399; call (850)487-1824 or visit our website at: http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Office on Homelessness

The Department of Children and Families, announces a meeting of the state's Council on Homelessness to which all interested persons are invited.

DATE AND TIME: Tuesday, May 14, 2013, 10:00 a.m. - 3:00 p.m.

PLACE: Clara White Mission, 613 West Ashley Street, Jacksonville, Florida 32202. The meeting can also be accessed by conference call at (888)670-3525, conference code 9798513235.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Take public input on homeless issues, and finalize the Council's recommendations for inclusion in the 2013 Report to the Legislature.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness by calling (850)922-4691.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice). For more information, you may contact: The Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

DESOTO COUNTY HOSPITAL DISTRICT

The DeSoto County Hospital District announces a hearing to which all persons are invited.

DATE AND TIME: March 28, 2013, 5:30 p.m.

PLACE: DeSoto Memorial Hospital McSwain Room.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing relative to the fair market value analysis of DeSoto County Hospital District d/b/a DeSoto Memorial Hospital as required by Florida Statute 155.40.

A copy of the agenda may be obtained by contacting: Andrea Griffis-Carson, (863)494-8402.

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: Andrea Griffis-Carson, (863)494-8402. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: Andrea Griffis-Carson, (863)494-8402.

NORTH FLORIDA BROADBAND AUTHORITY

The North Florida Broadband Authority announces a workshop to which all persons are invited.

DATE AND TIME: Monday, March 18, 2013, 1:00 p.m.

PLACE: The Riverwalk at Fanning Springs Clubhouse, 7150 T.L. Johnson Boulevard, Fanning Springs, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will be meeting with representatives from the National Telecommunications and Information Administration.

A copy of the agenda may be obtained by contacting: no agenda.

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: Jennifer Springfield, Esq., (352)371-9909. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: Jennifer Springfield, Esq., (352)371-9909.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

NONE

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices 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 ENVIRONMENTAL PROTECTION
Office of the Secretary**

NOTICE OF ROUTINE PROGRAM CHANGE REQUEST

The Florida Coastal Management Program (FCMP) has requested the concurrence of the federal Office of Ocean and Coastal Resource Management (OCRM), of the National Oceanic and Atmospheric Administration (NOAA), in updating the FCMP's authorities as a routine program change. The Department of Environmental Protection has determined

that the proposed program changes are a routine program change as defined by 15 CFR 923.84. This routine program change submission will incorporate relevant statutory changes enacted by the Florida Legislature during the 2012 legislative session to statutes included in the FCMP, including incorporation of Sections 253.0347, 258.601, 339.2821, 339.65, 373.4131, 373.4271, 373.4591, 373.618, and 381.00651, Florida Statutes, as enforceable policies. A list of all statutes that make up the FCMP is available at http://www.dep.state.fl.us/cmp/federal/24_statutes.htm.

Staff has evaluated these changes pursuant to 15 CFR 923, Subpart H and concluded that the changes are not amendments to the FCMP. These changes will not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest.

This notice has been sent to affected parties, including local governments, state agencies, and regional offices of relevant federal agencies as required by 15 CFR 923.84(b)(2). A list of persons and organizations notified is available for inspection or can be provided upon request from the Department contact below.

Pursuant to 15 CFR 923.84, comments on whether the changes constitute a routine program change of the FCMP may be submitted to Margaret Davidson, NOAA/OCRM, 1305 East-West Highway, Silver Spring, MD 20910 within 21 days of the date of publication of this notice.

The Routine Program Change (RPC) submittal is available at <http://www.dep.state.fl.us/cmp/federal/fedconsv.htm>. For more information on this RPC submittal, please contact: Ms. Ann Lazar, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2168 or ann.lazar@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Emergency Action

On March 12, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certification of Nicholas J. Hewitt, P.M.D., Certification # PMD 516440. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Emergency Action

On March 13, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certification of Jeremy D. Wert, PMD, Certification # PMD 200915. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On March 12, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Shawntee Eunice Abernathy, RN, License # RN 9167584. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

AVAILABILITY OF GRANT FUNDS-BOATING INFRASTRUCTURE GRANT PROGRAM

The Florida Fish and Wildlife Conservation Commission is accepting applications for grant funding through the Boating Infrastructure Grant (BIG) Program as a second opportunity for fiscal year 2013-14. The deadline for receiving applications is 5:00 p.m., April 22, 2013. Applications received after the deadline will be ineligible for consideration.

The BIG Program is funded from the US Fish and Wildlife Service for the construction and renovation of tie-up facilities for transient boaters in vessels 26 feet or more in length. Information on the BIG Program, Program Guidelines, and Request for Applications and Clarification of Applications Requirements are available at <http://myfwc.com/boating/grant-programs/bigp/>. Email questions to bigp@myfwc.com or phone (850)488-5600.

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 the following applications. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel's Office
Tallahassee, Florida		The Fletcher Building, Suite 526
32314-8050		101 East Gaines Street
Phone (850) 410-9800		Tallahassee, Florida 32399-0379
Fax: (850) 410-9548		Phone: (850) 410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 4, 2013):

APPLICATION TO ORGANIZE A SUCCESSOR INSTITUTION

Application to Establish a Successor Institution: NT Interim Bank, Orlando, Florida

Received: March 13, 2013

APPLICATION TO MERGE

Constituent Institutions: NT Interim Bank, Orlando, Florida and New Traditions National Bank, Orlando, Florida

Resulting Institution: NT Interim Bank

With Title: New Traditions Bank

Received: March 13, 2013

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
