

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-63.091 Publications Incorporated by Reference

40E-63.104 EAA Basin Boundaries

40E-63.106 Works of the District within the Everglades

PURPOSE AND EFFECT: The purpose of this rulemaking is to update methods used to assess compliance with a requirement for best management practice (BMP) implementation to achieve a reduction in phosphorus load in discharges from the Everglades Agricultural Area (EAA). The update is necessary to account for completed projects that affect EAA Basin boundary data used in the calculations.

SUMMARY: These rules establish the methods used to calculate the phosphorous in discharges from the Everglades Agricultural Area (EAA) Basin, as required by the Everglades Forever Act (EFA), Section 373.4592, Florida Statutes. The EFA directs the District to assess compliance with a requirement for a 25% reduction in phosphorus load in discharges in comparison with the phosphorus levels measured during an established period prior to the BMP program being implemented. Since the rules were last amended the District has completed several construction projects, such as STA-3/4, the STA-2 expansion, the A-1 Flow Equalization Basin, and the Lake Okeechobee Diversion Project structures. These projects have resulted in new data, and basin boundary inflow and outflow points, that must be considered in these calculations. Amendments to Rules 40E-63.091, 40E-63.104, and 40E-63.106, F.A.C., will account for these projects and include hyperlinks to incorporated materials in accordance with Section 120.54(1)(i)3., F.S., and Rule 1-1.013, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS (SERC) 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.

This determination is based on the proposed amendments incorporating new data into existing statutorily mandated regulatory activities. The use of new data in the existing compliance calculations, including acreage and phosphorus loads from monitored inflow and outflow stations, are necessary because of the completion of associated construction projects. No additional regulatory costs are expected as a result of the amendments, because the permittee and District activities and requirements previously established in the rules are unchanged. The proposed changes relate to the presentation and use of data or information already required to be collected under other programs.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form, which is available upon request. Based on the completed “Is a SERC Required?” form, the proposed rule amendments are not expected to require legislative ratification pursuant to the 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: 373.044, 373.113, FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592, FS.

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

DATE AND TIME: March 8, 2018, beginning at 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406 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: South Florida Water Management District Clerk’s Office (800) 432-2045, ext. 6805, or (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carmela Bedregal, P.E., Section Lead, Bureau of Everglades Technical Support, Everglades Policy and Coordination Division, South Florida Water Management

District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: (561)682-2737, email: cbedrega@sfwmd.gov. For procedures regarding the rulemaking process, contact Jan Sluth, CP, FRP, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-63.091 Publications Incorporated by Reference.

(1) “Appendix A1 – Description: Regulated Portion of Everglades Agricultural Area ~~S-5A, S-6, S-7 and S-8~~ Basins Palm Beach, Broward and Hendry Counties”, dated [to be determined] January 2001, [\[HYPERLINK\]](#).

(2) “Appendix A2 – No Change.

(3) “Appendix A3 – EAA Basin Compliance”, dated [to be determined] January 2001, [\[HYPERLINK\]](#), and setting forth the procedures the District will follow to determine whether the entire EAA Basin has met the applicable total Phosphorus reduction goals based upon mathematical data analysis.

(4) “Appendix A3.1 – FORTRAN Program for Calculating EAA Basin Flows and Phosphorus Loads”, dated [to be determined] January 2001, [\[HYPERLINK\]](#).

(5) “Appendix A3.2 – Flow Computation Methods Used to Calculate EAA Basin Flows”, dated [to be determined] January 2001, [\[HYPERLINK\]](#), providing applicable mathematical formulas for calculating flow rates through water management structures.

(6) “Appendix A4 – EAA Basin Farm Scale Allocation”, dated [to be determined] January 2001, [\[HYPERLINK\]](#), setting forth the procedure the District will follow to regulate total Phosphorus loads from individual farms when the EAA Basin has been determined to be not in compliance with applicable requirements.

(7) “Appendix A5” – No Change.

(8) “Appendix A6” – No Change.

(9) South Florida Water Management District Form 0779, dated January 2001, entitled “Application for a Works of the District Permit”.

(10) “South Florida Water Management District Guidance for Preparing an application for “A Works of the District” Permit in the Everglades Pursuant to Chapter 40E-63, F.A.C.” – No Change.

(11) The documents listed in subsections (1) through (10) are hereby incorporated by reference herein, ~~are published by the District and are available at no cost by contacting the South Florida Water Management District Clerk, on the District’s website (sfwmd.gov) or from the District at 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6805 or (561) 682-6805 686-8800, upon request.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.451, 373.453, 373.4592 FS. History–New 7-3-01, Amended.

40E-63.104 EAA Basin Boundaries.

(1) The Everglades Protection Area is generally described as: Water Conservation Areas 1, 2A, 2B, 3A and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades National Park. It is depicted on maps and legally described in “Appendix A1,” ~~which is incorporated by reference in Rule 40E-63.091, F.A.C. of Chapter 40E-63, F.A.C., which is published by reference and incorporated into this chapter.~~

(2) The EAA is generally described as:

(a) the area including, but not limited to, the drainage basins of S-2, S-3, S-5A, S-6, S-7, S-8 and S-150. The EAA is depicted on maps and legally described in “Appendix A1,” which is incorporated by reference in Rule 40E-63.091, F.A.C.; ~~and of Chapter 40E-63, F.A.C.~~

(b) The Everglades Construction Project diversion basins, consisting of the areas within the boundaries of the South Florida Conservancy District, South Shore Drainage District, East Shore Water Control District, East Beach Water Control District, and Closter Farms (also known as 715 Farms or the lessee of agricultural lease number 3420). These basins previously released stormwater to Lake Okeechobee, but stormwater was redirected as new releases to Works of the District within the Everglades under Rule 40E-63.108, F.A.C., when the diversion projects were completed. The Everglades Construction Project Diversion Basins are depicted on maps and described in “Appendix A1,” which is incorporated by reference in Rule 40E-63.091, F.A.C.

(3) The areas described in subparagraphs (2) (a) and (b) are regulated under Part I of this Chapter and are included in calculating phosphorus load reductions as set forth in “Appendix A3” and “Appendix A4,” which are incorporated by reference in Rule 40E-63.091, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS. History–New 1-22-92, Amended 7-3-01, _____.

40E-63.106 Works of the District within the Everglades.

~~The following~~ Works of The District within the Everglades Agricultural Area Basin include ~~are or have been used for calculating compliance with the phosphorus load reduction objectives of the Everglades program:~~ S-2, S-3, S-5A, S-6, S-7, S-8, S-150, G-88, G-136, G-200, G-344A, G-344B, G-344C, G-344D, G-349B, G-350B, G-357, G-404, G-410, G-402-A, G-402-B, G-402-C, G-402-D, G-605, G-606, Miami Canal, North New River Canal, Hillsboro Canal, C-51 (at both current and ultimate discharge locations into the Everglades Protection

Area), and their open channel connections. The Works of the District and other structures which are or have been used for calculating compliance with the phosphorus load reduction objectives of the Everglades program are set forth in "Appendix A3," which is incorporated by reference in Rule 40E-63.091, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.452 FS. History—New 1-22-92, Amended 7-3-01, _____.

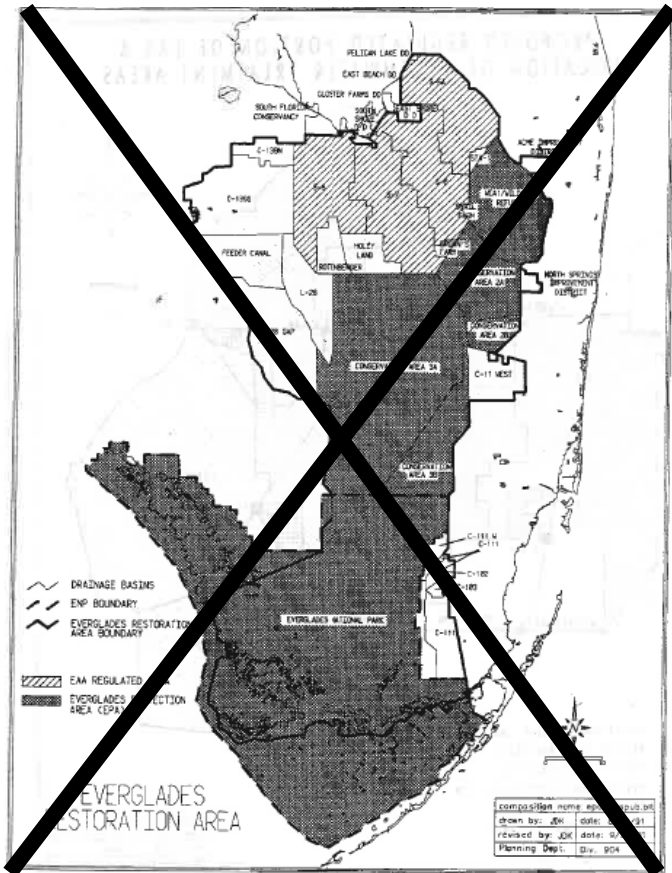


FIGURE 40E-63-1

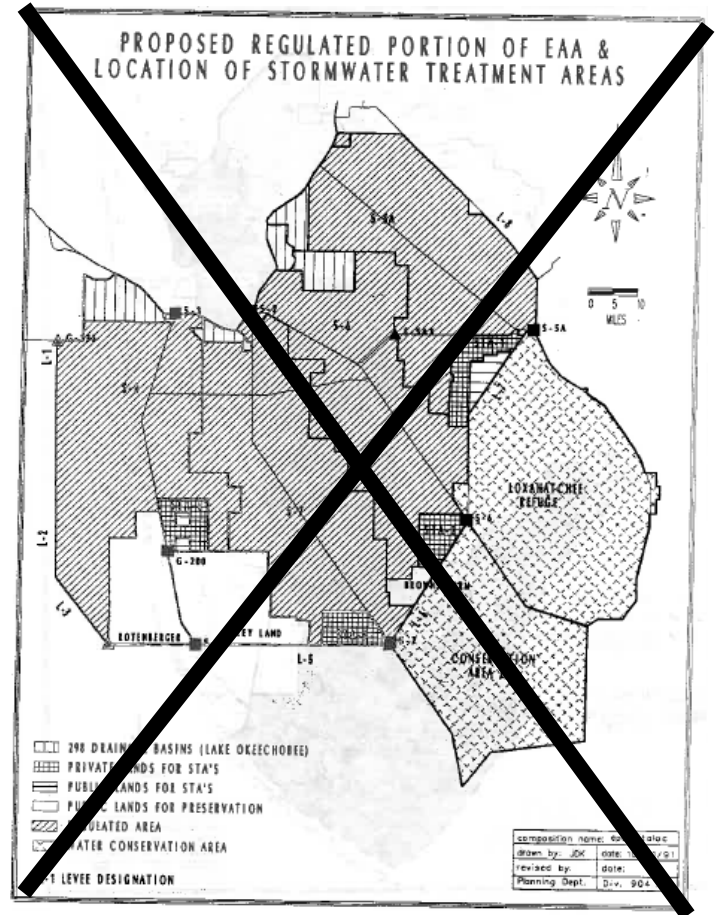


FIGURE 40E-63-2

APPENDIX 40E-63-3
BASIN COMPLIANCE

INTRODUCTION
This appendix sets forth the procedures the District will follow in the future to determine whether the entire EAA Basin meets the goal of reducing total phosphorus (TP) discharge by 25 percent, under any set of hydrologic conditions that could arise, after installation of farm-level BMPs. The determination requires calculation of future TP load leaving the structures bordering the EAA (location shown in Figure 40E-63-4 and listed in Table 40E-63-1). The load will also include phosphorus carried into Lake Okechobee through pumping when this occurs. It also requires the adjustment of pass-through flows released from Lake Okechobee to the St. John Land, Water Conservation Areas and the Lower East Coast.

Load is the amount of phosphorus carried past a monitoring point by the movement of water. Data on water quality concentration and water quantity (flow) are required to calculate the phosphorus load discharged from a monitoring point. Data on water quality and quantity at the EAA structures are available from several sources — the District, the U.S. Army Corps of Engineers, and the U.S. Geological Service. Several methods of collecting this data are also used. Accordingly, the best method of data collection and source of data to use in a load calculation must be identified.

The water quality and quantity collection sources and methods currently available are described below. However, methods are improved continuously as new equipment becomes available and technology improves. However, existing methods of data collection are continued concurrently with the new methods for a substantial period of time. When the District reports the results of a determination of whether the EAA Basin has reduced total phosphorus load by 25% for the period of May 1 — April 30, annually beginning in 1996, the sources and methods of data collection used in the calculation will be described and available for inspection. Any changes in methods from the prior year will be specified. Substantially interested persons will have an opportunity to request administrative hearing. The District shall incorporate permanent changes in methods into this Appendix periodically through Chapter 120, Florida Statutes, rulemaking proceedings.

The load calculations involve detailed procedures, which have been automated by a computer program in FORTRAN language. A flow chart of the program is shown in Figure 40E-63.3. The methods and calculations used in the program are outlined in Appendix 40E-63-3A, which is published by reference and incorporated into this Chapter. They are also available on diskette.

DATA COLLECTION SOURCES AND METHODS
Water Quantity

The South Florida Water Management District and the U.S. Geological Survey compute flow at all the major water control structures in the Everglades Agricultural Area. Water control structures include pumps, gated spillways, and gated culvert pump stations S-2, S-3, and S-6 allow water to flow in the opposite direction of pumping by siphoning. All pump stations except S-6 have an adjacent gated spillway.

The SFWMD uses various methods to compute flow at

control structures. Flow at pump stations is calculated using discharge rating equations provided by the pump manufacturer and calibrated by discharge measurements. Flow at gated spillways is calculated using formulas derived by the Corps of Engineers from the Bernoulli equation. Discharge through culverts is calculated using standard equations for weir flow, orifice flow, pipe flow, and open channel flow. Flow computation methods are outlined in Appendix 40E-63-3B, which is published by reference and incorporated into this Chapter.

The SFWMD obtains field measurements of stage and control operations through various means. Real-time stage and control operations data are collected via the telemetry system. Analog data is obtained from chart recorders. Digital data are provided by pump tapes and solid state data loggers. Pump station operators log readings of stage and control operations hours during pumping operations. In addition, staff gauge readings, gate opening measurements, and flashboard elevation measurements are conducted by field personnel who routinely visit unmanned structures.

The SFWMD's hydrologic database stores multiple flow data sets at each structure. Each flow data set is created using a unique combination of sources of stage and control operations data. The USGS publishes one set of flow data for each structure. If convenient, the USGS presents combined flow data from different locations. The SFWMD uses the USGS's data as well as its own data to perform water budget analyses and estimation techniques to obtain a "referred" flow data set at each structure. Table 40E-63-1 shows all the flow data sets available in the SFWMD's hydrologic database (DBHYDRO).

Water Quality

A water sample collected in the field is called a "raw water sample", in differentiation with a "water sample" used in the chemistry laboratory. Current raw water sample collection methods at different structures are listed in Table 40E-63-2. All raw water samples collected in EAA in the future for compliance will be collected by automatic samplers. Automatic samplers will be programmed to take flow proportional composite samples. Where on-site real-time flow computation is impossible, time proportional composite samples will be taken. Grab samples will also be continued until the relationships between results from automatic and manual methods has been sufficiently established. After that time, grab samples will be taken when autosamplers are not functioning, or when necessary for other purposes.

Only a portion of a well-mixed raw water sample is used as a water sample in actual qualitative analysis of a given water quality parameter. The chemical analysis is performed by a certified laboratory using accepted standard methods. In case of change of laboratories or analytical methods, concurrent analyses shall be done until correlation between them can be established. Water quality parameters are identified by structure and collection site project code, sample date, and serial number of the sample. The data are stored in data base WQDMAIN.

Data Upgrades

There are three ways in which the quality and reliability of District flow data are being improved: (1) establishment of single time series of flow for each station from multiple

sources of stage and control operations data, (2) verification and calibration of flow equations through intensified discharge measurements at all major EAA structures, and (3) installation of AVM systems for future use as an additional source of flow data.

Efforts are currently under way to establish a single time series of flow data calculated at each flow station. A prioritization of sources of stage and control operations data will be established for each flow station. Flow will be computed from the highest ranking sources. When the highest ranking source of data is missing, the next highest source will be used, and so on. This method will ensure the calculation of the best flow values from all sources and will minimize missing data.

Stream gauging is being intensified to provide discharge measurements at all major EAA structures. Statistical analysis are under way to verify or calibrate the discharge rating equations. The upgrading of stream gauging equipment, including a portable acoustic flow velocity meter, as well as improved measuring techniques will ensure valuable field measurements. Statistical analysis and calibration of rating equations will continue to increase the accuracy of the calculated flow values.

AVM systems are in place at most major EAA structures. Calibration of these systems is satisfactorily completed by the USGS. When these systems are satisfactorily calibrated, the data will be used to verify the District's flow computations. If these systems prove to be highly reliable and accurate, they may provide the highest ranking source of flow data for the prioritization of single time series.

If any upgrades in water quality sampling are undertaken in the future, concurrent samples will be taken by the existing methods to maintain data continuity, at least until the upgraded methods have been tested and documented as reliable.

DETERMINATION OF COMPLIANCE WITH 25% REDUCTION OF TOTAL PHOSPHORUS LOAD

The future TP load will be evaluated for compliance with the 25% TP load reduction requirement year by year from April 30, a date which corresponds generally with the change from the dry to the wet rainfall periods. Hydrology, that is discharge and rainfall, are dominant factors when computing TP loads. Because rainfall and stream flow are subject to large temporal and spatial variations in south Florida, the evaluation for compliance adjusts the TP load for hydrologic variability. Otherwise, the hydrologic variability could be large enough to obscure the effectiveness of BMPs to reduce TP loadings.

The adjustment for hydrologic variability includes two components:

1. A model to estimate future TP loads. The model estimates a future TP load of the EAA Basin by substituting future hydrologic conditions for the conditions that occurred during a base period (water years 1978—1988). The estimation is based on hydrologic data collected from any future time period of May 1 — April 30. The estimation incorporates a calculation for the required 25% TP load reduction.

2. Accommodation for possible statistical error in the model by specifying a required level of statistical confidence in the prediction of the long-term average TP load. The 90th

percentile confidence level was selected as reasonable. Evaluation of the EAA Basin for compliance with the TP load reduction requirement will be based upon the following:

1. If the actual measured TP loading from the EAA Basin in a future May 1 — April 30 period is less than the model TP load estimate (Target), then the EAA Basin will be determined to be "In Compliance", that is, to have met the 25% TP load reduction requirement. After completion of the STAs, the actual percentage of the May period TP load which must be met to be determined "In Compliance" will be reduced to reflect land take out of agricultural production. However, the average unit area reduction required will be the same as the pre- and post-STA completion.

2. If the actual measured TP loading from the EAA Basin exceeds the model TP load estimate (Target) in 3 or more consecutive May 1 — April 30 periods, then the EAA Basin will be determined to be "Not In Compliance" — that is it will not have met the 25% load reduction requirement. If the Target is exceeded in a May 1 — April 30 period, and the District determines that the adjusted rainfall for the period exceeds 63.76 inches, the Target will be suspended and the EAA Basin will not be determined to be "Not In Compliance" for that period only. Any periods in which the Target is suspended will be excluded from the determination of whether the Target has been exceeded in 3 or more consecutive May 1 — April 30 periods, that is, the EAA Basin will be determined to be "Not In Compliance" when the Target is exceeded for 3 May 1 — April 30 periods, without an intervening May 1 — April 30 period in which the EAA Basin has been determined to be "In Compliance", even though the three periods may be interrupted by periods of compliance.

3. If the actual measured TP loading from the EAA Basin exceeds the upper 90% confidence limit of the Target (Limit), any May 1 — April 30 period, the EAA Basin will be determined to be "Not In Compliance", that is it will not have met the 25% load reduction requirement. If the Limit is exceeded in a May 1 — April 30 period, and the District determines that the adjusted rainfall for the period exceeds 63.76 inches, the Limit will be suspended and the EAA Basin will not be determined to be "Not In Compliance" for that period only.

4. A determination of suspension under paragraphs 2. and 3. above and a Notice of Rights to petition for a hearing under Section 120.57, Florida Statutes, and Section 373.114, Florida Statutes, shall be published in the Florida Administrative Weekly.

5. The Target and Limit will be calculated according to the following equations and explained below:

To reflect the required 25% reduction, the TP loads are multiplied by 0.75 before performing the following regression:
$$\ln(L) = -7.998 + 2.868 X + 3.020 C - 0.0003 S$$

[Explained Variance = 90.8%, Standard Error of Estimate = .183]

Predictors (X, C, S) are calculated from the first three moments (m_1, m_2, m_3) of the 12 monthly rainfall totals ($m_1 = 1, 12$, inches) for the current year:

$$\bar{m} = \text{Sum } [m_i]/12$$

$$m_2 = \text{Sum } [(m_i - \bar{m})^2]/12$$

$$m_3 = \text{Sum } [(m_i - \bar{m})^3]/12$$

$$X = \ln(\bar{m})$$

$$C = [(12/11) \bar{m}^2/m_2]$$

$$S = (12/11) m_3/m_2$$

where,
 $L = 12$ -month load attributed to runoff, reduced by 25% (metric tons)
 $X =$ natural logarithm of 12-month total rainfall (inches)
 $C =$ coefficient of variation calculated from 12 monthly rainfall totals
 $S =$ skewness coefficient calculated from 12 monthly rainfall totals

The first predictor (X) indicates that load increases approximately with the cube of total annual rainfall. The second and third predictors (C & S) indicate that the load resulting from a given annual rainfall is higher when the distribution of monthly rainfall has higher variance or lower skewness. For a given annual rainfall, the lowest load occurs when rainfall is evenly distributed across months and the highest load occurs when most of the rain falls in one month.

Real cases fall in between.

Compliance will be tracked by comparing the actual EAA Load with:

Target = $\exp [-7.998 + 2.868 X + 3.020 C - 0.0003 S]$
Limit = Target exp (1.476 SE)
SE = $1.833 [1 + 1/9 + 5.000 (X - X_w)^2 + 17.613 (C - C_w)^2 + 0.5309 (S_w)^2 + 8.4339 (X - X_w)(C - C_w) - 1.2800 (X - X_w)(S - S_w) - 3.038 (C - C_w)(S - S_w)]^{.5}$

where,
 $X_w =$ descriptor denoting average value of predictor in base period ($X_w = 3.866, C_w = 0.7205, S_w = 0.7339$)
Target = predicted load for future rainfall conditions (metric tons/yr)
Limit = upper 90% confidence limit for Target (metric tons/yr)

SE = standard error of predicted $\ln(L)$ for May — April interval
F = factor to adjust variations in model standard error as a function of months (last in 12-month interval), calculated on base period:

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	1.975	1.609	1.346	1.000	1.440	1.238	1.321	2.045	2.669	2.474	2.420	2.420

Figure 40E-63-3

Flowchart - Calculation of EAA Basin Phosphorus Loads

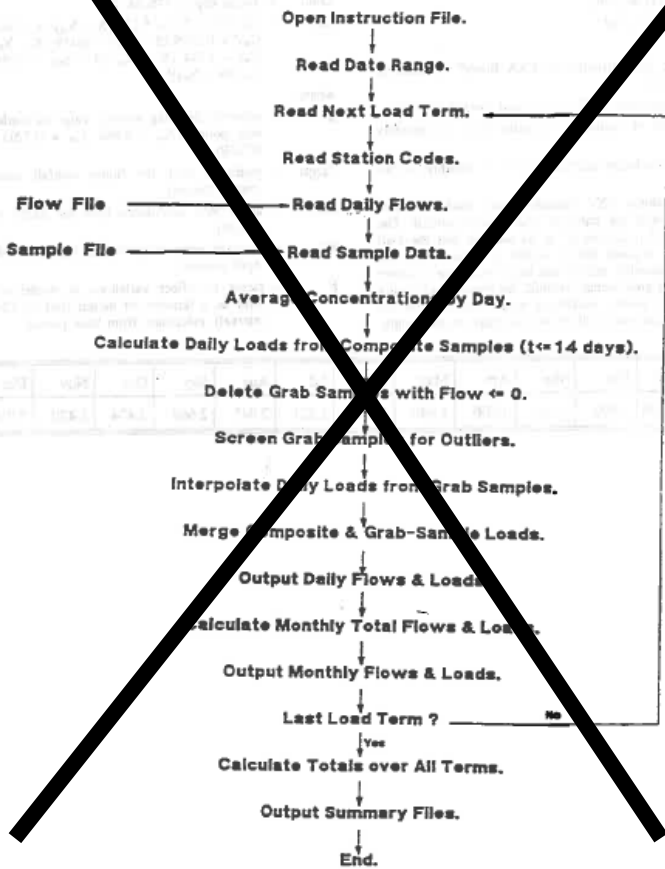
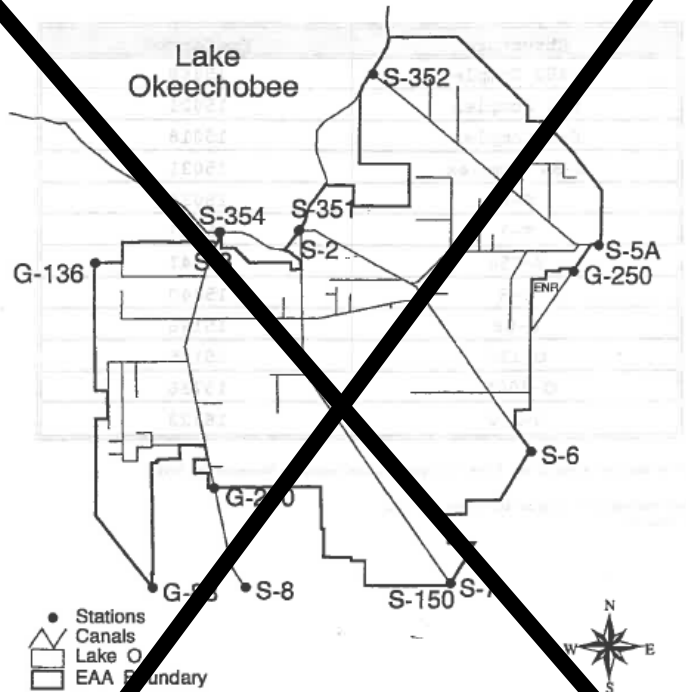


Figure 40E-63-4



DISCHARGE MONITORING STATIONS
EVERGLADES AGRICULTURAL AREA

TABLE 40E-63-1. DATABASE KEYS TO FLOW DATA TIME SERIES

Structure	Preferred
S-352 Complex	15068
S-351 Complex	15021
S-3 Complex	15018
S-5A Complex	15031
S-6	15034
S-7	15037
S-150	15041
S-8	15040
G-88	15196
G-200	15205
G-200A*	15736
G-250	16222

* New, 1991 data time series for the Holey Land pump station begins on November 25, 1991

The reference numbers in the table are keys to the data sets, known as "dbkeys".

TABLE 40E-63-2 CURRENT WATER QUALITY SAMPLING METHOD

Structure	Collection Site	Instrument
S-352	GRAVITY	G
S-2	PUMP	A
	GRAVITY	G
S-3	PUMP	A
	GRAVITY	A
S-5A Complex	PUMP	A
	GRAVITY	G
S-6	PUMP	A
	GRAVITY	G
S-7	PUMP	A
	GRAVITY	G
S-150	GRAVITY	G
S-8	PUMP	A
	GRAVITY	G
G-136	GRAVITY	G
G-200A	GRAVITY	G
G-250	PUMP	A

G = grab sample primary method

A = automatic sampler primary method, grab sample back-up

APPENDIX 40E-63-4 FARM SCALE ALLOCATION

This appendix sets forth the procedure the District will follow in the future to regulate total phosphorus (TP) loads from individual farms when the EAA Basin has been determined to be Not In Compliance with the Target or Limit according to the procedures set forth in Appendix 40E-63-3.

1. Individual permittees may participate in an Early Baseline Option to establish a base-year data set by monitoring the farm's total water quality and quantity discharge for a period of one year beginning January 1, 1993. The permittee who elects this option will be required to have approved BMPs in place by January 1, 1994. These permittees will be required to reduce their rainfall-adjusted phosphorus loading by at least 25 percent as compared to the rainfall-adjusted base-year loading. The procedure outlined in Appendix C will be used for rainfall adjustment.

2. The base year data will be verified for reasonableness. The determination will be based on an analysis of outliers, an analysis of consistency with existing total phosphorus data, rainfall data, and other relevant information. Permitted structures for which monitoring data are determined to be unreasonable shall be excluded from further participation in the Early Baseline Option.

3. In determining compliance in any future year, the measured EAA total basin load for the specified May 1 - April 30 period will be compared to the Target for the EAA Basin for the specified May 1 - April 30 period, calculated according to Appendix 40E-63-3. The comparison will be represented by the following ratio:

Y = Target/Measured
 4. The Unit Area Loading (UAL) for a permitted structure and acreage tributary to it will be calculated. The calculation will be based on concentration and flow data reported by the permittee pursuant to the approved monitoring plan for the specified May 1 - April 30 period.

The UAL will be calculated according to the following equation:

$$UAL_i = L_i/A_i$$

where,

UAL_i = Unit Area Load for Farm, (lbs/acre-year)

L_i = Load calculated by SFWM from flow and concentration data supplied by Farm i, plus other data obtained by SWMD, as necessary (lbs/year)

A_i = Area of Farm i (acres)

5. The UAL will be adjusted to reflect average rainfall conditions observed in the 1979-1988 base period and to reflect spatial variations in rainfall among EAA subbasins in the current year. The adjusted Unit Area Load (AUAL) will be based on observed rainfall in the corresponding EAA subbasin (SSA S6, S7, or S8) in the specified May 1 - April 30 period. It will be calculated according to the following:

$$AUAL_i = UAL_i (R_{adj}/R_b)^{1.000}$$

R_{adj} = exp [X + 1.053 (C - C_m) - 0.1170 (S - S_m)]

R_b = subscript denoting average value of rainfall statistic in base period for EAA Subbasin containing Farm i (see attached Table)

X = base period log-mean adjusted rainfall for EAA Subbasin containing Farm i (inches, see attached Table)

R_a = Adjusted subbasin rainfall in current year (inches)

X, C, S = values as defined in Appendix 40E-63-3 and computed for each subbasin

Basin	X _m	C _m	S _m	R _{adj}
EAA Total	3.866	0.7205	0.7339	47.73
SSA	3.918	0.7636	0.9999	50.71
S6	3.907	0.7302	0.7476	49.71
S7	3.835	0.7198	0.6112	46.27
S8	3.822	0.8409	0.8409	45.68

6. The AUAL for the entire EAA Basin (ALOAD, lbs/yr) will be calculated according to the following:

$$ALOAD = \text{SUM } AUAL_i * A_i$$

7. The Farm-Level Target Load (FTLOAD, lbs/yr) will be calculated based on the assumption that the percentage reduction in total load required at the Farm scale equals the percentage reduction required at the Basin scale. The calculation will be based on the following:

$$FTLOAD = ALOAD * Y$$

8. For those permittees who elected to participate in the Early Baseline Option, compliance will be determined by adjusting both current and base-year measured loads to average rainfall conditions using the procedure given in paragraph 5 above. Permittees who have achieved the 25 percent load reduction will be identified by comparing the adjusted load for the base year with the adjusted load for the current year.

9. Permittees who did not elect to participate in the Early Baseline Option are subject to a Maximum Unit Area Loading (MUAL, lbs/acre-yr) discharge limit, which is computed by solving the following equation:

$$FTLOAD = \text{SUM } MUAL * A_i + \text{SUM } AUAL_j * A_j$$

The first summation (j) is over all farms with AUAL_j greater than MUAL, excluding those who have taken the Early Baseline Option and achieved a minimum 25 percent load reduction. The second summation is over all remaining farms, which include (a) farms with AUAL_j less than MUAL; and (b) farms which elected the Early Baseline Option and met the minimum 25 percent load reduction requirement.

10. Revised BMP plans will be required for all permitted structures and tributary acreages whose AUAL_i exceed MUAL. Revised BMP plans will also be required from all permittees who elected the Early Baseline Option, but did not achieve at least a 25 percent load reduction. Compliance and enforcement procedures are set forth in Rule 40E-63.145(3), (4), and (5), F.A.C.

APPENDIX 40E-63-5

OUTLINE OF COMPLIANCE AND ENFORCEMENT PROCEDURES

DATE	ACTIVITY	ASSOCIATED COMPLIANCE AND ENFORCEMENT ACTION
Present		SFWMD & Other Agencies Authorized To Enforce Existing Regulations & Permittee Program Applicable to EAA Basin
9/92	Due Date For Permit Applications	
10/92	Early Baseline Option - Final Agency Action On Monitoring Plans	Begin Enforcement For Failure To Submit Application (All 40E-63.145(4) Options Available)
1/1/93	Early Baseline Option - Permittees Begin Monitoring Water Quality & Quantity	Begin Enforcement of Monitoring Plan - Water Quality & Quantity (All 40E-63.145(4) Options Available)
7/93	Final Agency Action On Permit Applications	Begin Enforcement of Installation of BMPs According To Plan (All 40E-63.145(4) Options Available)
10/93	Permittees Begin Monitoring Water Quality	Begin Enforcement of Monitoring Plan - Water Quality (All 40E-63.145(4) Options Available)
1/94	Early Baseline Option - BMP Installation Complete	Begin Enforcement of BMP Operation & Maintenance (All 40E-63.145(4) Options Available)
1/94	Early Baseline Option - Baseline For Determining 25 percent Reduction Load Based On Data For May 1 - April 30, 1994	
1/94	Permittees Begin Monitoring Water Quality	Begin Enforcement of Monitoring Plan - Water Quality (All 40E-63.145(4) Options Available)
7/1/94	District Provides Results of Early Baseline Calculations	
1/95	BMP Installation Complete	Begin Enforcement of BMP Operation & Maintenance (All 40E-63.145(4) Options Available)
4/30/96	Water Year Ends & District Begins Determination of Whether EAA Basin Is In Compliance With 25 Percent Phosphorus Load Reduction Requirement (Appendix 40E-63-3 Procedures)	

7/1/96	District Provides Results of Appendix 40E-63-3 Evaluation	EAA Basin In Compliance	EAA Basin Not In Compliance
		A. Continuing Compliance Action In Regard To Monitoring Plans & BMP Operation (All 40E-63.145(4) Options Available) & Other Applicable Regulations	A. Continuing Compliance Action In Regard To Monitoring Plans & BMP Operation (All 40E-63.145(4) Options Available) & Other Applicable Regulations B. Compliance Actions Applicable To Permittees Who Elected the Early Baseline Option: 1. District Determines Whether Permittee has Reduced The Baseline Load By 25 percent. 2. Permittees Who Have Reduced The Baseline Load By 25 percent Are Not Subject To Further compliance And Enforcement Actions, So Long As The Reduction Is Maintained, Or Unless This Chapter Is Amended To Provide Otherwise. 3. Permittees Who Do Not Meet the 25 percent Reduction Requirement Are Required To Submit And Implement Revised BMP Plans. C. Compliance Actions Applicable To All Permittees Except Those Described In Section B. Above; (40E-63.145(4) Options Not Applicable If The Following Are Implemented In Good Faith): 1. Notices Sent To Permittees With AUAL ₁ Exceeding AUAL ₂ & MUAL ₁ Assigned. 2. Revised BMP Plans Due, Must Be Designed To Meet MUAL ₁ . 3. Final Agency Action On Revised BMP Plans. 4. Revised BMP Installation Complete.
7/1/96			
8/15/96			
10/15/96			
4/15/97	Water Year Begins		
4/30/98	Water Year Ends & District Begins To Determine Whether EAA Basin In Compliance With 25 percent phosphorus load reduction requirements (Appendix 40E-63.145(4) Procedures)	EAA Basin In Compliance	EAA Basin Not In Compliance
7/1/98	District Provides Results of Appendix 40E-63.145(4) Evaluation	A. Continuing Compliance Action In Regard To Monitoring Plans & BMP Operation (All 40E-63.145(4) Options Available) & Other Applicable Regulations No Further Compliance Action In Regard To Appendix 40E-63-3 (25 percent Phosphorus Load Reduction Requirement)	A. Continuing Compliance Action In Regard To Monitoring Plans & BMP Operation (All 40E-63.145(4) Options Available) & Other Applicable Regulations Early Baseline Option: Permittees Who Have Reduced Baseline Load by 25 percent and Have An AUAL ₁ Exceeding AUAL ₂ are: 1. Assigned MUAL ₁ And 2. Required To Meet If The Next Year The Basin Is Determined to Be Non-Compliance & If Not Met, Permittee Subject To 40E-63.145(4) Options
7/1/98			
			Compliance Actions Applicable To All Permittees Who Have Not Elected the Early Baseline Option: 1. Notices Sent To Permittees With AUAL ₁ Exceeding AUAL ₂ & MUAL ₁ Assigned In 1996. 2. Permittees Not Required To Submit Revised BMP Plans In 1996 - Not Subject To 40E-63-145(4) Options If Meet MUAL Assigned In 1996. 3. Permittees Required To Submit Revised BMP Plans In 1996 - Not Subject To 40E-63-145(4) Options If Meet MUAL Assigned In 1996. 4. Permittees Required To Submit Revised BMP Plans In 1996 - Subject To 40E-63-145(4) Options (Including Penalties) If MUAL Assigned In 1996. 5. Revised BMP Plans Due, Must Be Designed To Meet MUAL Assigned In 1996. 6. Final Agency Action On Revised BMP Plans. 7. Revised BMP Installation Complete.
8/15/98			
10/15/98			
4/15/99	Water Year Begins		

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 28, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: RULE TITLE:

61G14-11.008: Cross Licensing

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language regarding cross licensed deputy pilots.

SUMMARY: Language regarding cross licensed deputy pilots will be clarified.

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 determined that there was no reason to believe the amendment would increase costs and 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: 310.061, 310.185 FS.

LAW IMPLEMENTED: 310.061, 310.081 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: Krista Woodard, Executive Director, Board of Pilot Commissioners, 2601 Blair Stone Road, Tallahassee, FL 32399-0790.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-11.008 Cross Licensing.

Amendments to Appendices A1, A3, A3.1, A3.2 and A.4 are available online at https://www.sfwmd.gov/sites/default/files/documents/draft_40E_63_draft_rev_appendices_20171214.pdf, or may be requested by contacting Carmela Bedregal or Jan Sluth at the phone numbers provided in this notice.
NAME OF PERSON ORIGINATING PROPOSED RULE: Eva Velez, Division Director, Everglades Policy and Coordination Division
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

Whereas the Board of Pilot Commissioners recognizes the unique circumstances which exist from time to time in the smaller ports of Florida, as well as the new innovative approaches to ship design which may open new areas of the State to sea-going vessels and thus require pilot service, and whereas the Board is compelled to act to protect the health, safety and welfare of the people of the State of Florida and to insure the safe and efficient operation of such ports, the Board of Pilot Commissioners shall, when necessary to accomplish the foregoing, authorize limited cross licensing between or among ports as follows:

(1) through (6) No change.

(7) When such port areas are combined, the certificated deputy pilots in one port may apply for and become certificated cross licensed deputy pilots for the other port areas, provided:

~~(a) The deputy pilot successfully passes the state pilot exam for the deputy pilot's port;~~

~~(a)~~^(b) The deputy pilot receives a score of at least 75% on the examination for the other port. The examination for the other port shall consist~~ing~~ of the subject areas specified in paragraphs 61G14-11.003(1)(e) and (f), F.A.C.;

~~(b)~~^(c) The deputy pilot possesses the appropriate federal license for all of the waters of the other port in which the ~~state deputy pilot license certificate~~ is requested if such license is available. In non-designated ports or port areas where no federal endorsement exists, or where pilots are unable to obtain federal endorsement, the deputy pilot shall be considered to have satisfied the requirements for a federal first class pilotage endorsement if the conditions of Rule 61G14-11.009, F.A.C., are met; and,

~~(c)~~^(d) No change.

(8) No change.

Rulemaking Authority 310.061, 310.185 FS. Law Implemented 310.061, 310.081, 455.217 FS. History—New 8-4-80, Amended 2-13-84, 9-13-84, Formerly 21SS-5.17, Amended 5-31-87, 6-20-89, 3-15-92, Formerly 21SS-5.017, 21SS-11.008, Amended 3-15-94, 2-22-95, 6-5-95, 3-15-99, 2-29-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 6, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-14.0042
RULE TITLE: Delinquency Fee.

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a rule designating a delinquency fee.

SUMMARY: A rule designating a delinquency fee will be promulgated.

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 because the Legislature required the fee. 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: 310.185, 455.271 FS.

LAW IMPLEMENTED: 455.271 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: Krista Woodard, Executive Director, Board of Pilot Commissioners, 2601 Blair Stone Road, Tallahassee, FL 32399-0790.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-14.0042 Delinquency Fee

Whenever a pilot applies for renewal of a delinquent license or a deputy pilot applies for renewal of a delinquent certificate, the pilot or deputy pilot shall be charged a \$25.00 delinquency fee at the time of renewal.

Rulemaking Authority 310.185, 455.271, F.S. Law Implemented 455.271, F.S. History-New, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 31, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: December 6, 2017

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-1.009 RULE TITLE: Definitions
PURPOSE AND EFFECT: The rule is being amended to add a
definition to the rule to address recent statutory change.
SUMMARY: Add definition.

**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: 468.606, 468.607 FS.

LAW IMPLEMENTED: 468.603, 468.609 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: Robyn Barineau, Executive Director,
Board of Building Code Administrators and Inspectors, 1940
North Monroe Street, Tallahassee, FL 32399-0783, (850)717-

1394 or by electronic mail -
Robyn.Barineau@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-1.009 Definitions.
(1) through (12) No change.
(13) “Internship Certification Program” means a board-
approved program(s) of learning for individuals seeking
certification as either a building, electrical, plumbing,
mechanical inspector or plans examiner while employed full-
time by a governmental jurisdiction, which emphasizes on-the-
job-training and provides an alternative to the typical
prerequisite experience/education for licensure as an inspector
or plans examiner.

Rulemaking Authority 468.606, 468.607 FS. Law Implemented
468.603, 468.609 FS. History—New 5-23-94, Amended 5-21-95, 11-
20-95, 1-16-03, 6-8-17,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Building Code Administrators and
Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 20, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: July 21, 2017

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.012 RULE TITLE: Provisional Certificates
PURPOSE AND EFFECT: Changes existing rule to
accommodate recent statutory modifications. Implements
newly created internship program option for certification as
inspector or plans examiner.

SUMMARY: Internship Program
**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: 468.606, 468.609(7) FS.

LAW IMPLEMENTED: 455.2179, 468.609(7) 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: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394 or by electronic mail - Robyn.Barineau@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.012 Provisional Certificates.

(1) The Board shall issue a provisional certificate to any newly employed or newly promoted building code administrator, ~~plans examiner, or building code inspector~~ subject to the provisions of Section 468.609, F.S., and the provisions of this rule. The board shall issue a provisional certificate to any building code inspector or plans examiner who meets the eligibility requirements subject to the provisions of Section 468.609, F.S., and the provisions of this rule.

(2) No change.

(3) Provisional certificates shall only be issued to persons employed or contracted by an agency of government and the authority of the certificate shall be limited to the jurisdiction of the government agency with which the applicant was employed at the time the provisional certificate was originally issued.

(4) Provisional certificates for building code inspectors or plans examiners may be issued for the duration of a sponsored internship with a maximum length of four years. When an internship is partially completed and the intern wishes to change employers, the intern must, within thirty days of change in employment, submit an application to the Board identifying the new employer and requesting the continuance of the provisional certificate with the new building official.

~~(5)(4) through (6)(5)~~ No change.

Rulemaking Authority 468.606, 468.609(7) FS. Law Implemented 468.609(7) FS. History—New 5-23-94, Amended 5-21-95, 8-28-95, 12-6-95, 1-3-96, 2-23-99, 4-30-01, 1-10-07, 1-16-08, 10-7-12,

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 21, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:

61G19-6.0035 Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The purpose of the amendment is update the rule text.

SUMMARY: Update rule text.

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: 468.606, 468.609 FS

LAW IMPLEMENTED: 468.609 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: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940

North Monroe Street, Tallahassee, FL 32399-0783, (850) 717-1394 or by electronic mail - Robyn.Barineau@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) through (3) No change.

(4) The Board shall reciprocate license certifications from another state provided the applicant obtained the out-of-state certification by successfully passing an examination administered by the International Code Council and the applicant has passed the Florida Principles and Practice Exam and has met the requirements of 468.609(2), F.S..

Rulemaking Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History—New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03, 2-6-07, 10-4-07, 12-17-12, 9-20-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 29, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:

61G19-7.005 Approval of Internship Training Programs

PURPOSE AND EFFECT: This rule is being created to outline requirements for approval of Internship Training Programs.

SUMMARY: Requirements for Internship Training Programs.

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: 468.609(10) FS.

LAW IMPLEMENTED: 468.609(2)(c)7 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: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394 or by electronic mail - Robyn.Barineau@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.005 Approval of Internship Training Programs.

(1) Approved programs shall demonstrate the educational and on-the-job-training (OJT) content sufficient to bring the intern’s inspection or plans examiner skills and technical skills to a level which will qualify the individual for licensure in the category sought. On-the-job training will be provided by individuals who hold the requisite standard license in the training category.

(2) Program approval shall be valid for ten years from the date of approval barring any modifications in applicable law or failure on the part of the jurisdiction to administer the program consistent with board approval. All training shall be consistent with the current code cycle.

(3) The Board shall approve or deny any application for program approval at the first Board meeting held more than thirty days after the date the application is received by the Department.

(4) Any internship program which has been rejected by the Board may be resubmitted with modifications.

(5) The Department shall assign the approved program a program number. The Department assigned number must be included on all documentation provided to the Department in connection with the program.

(6) Applicants seeking a standard certification as an inspector or plans examiner shall satisfactorily complete a comprehensive internship program comprised of no fewer than 40 hours of a board approved code training in the certification category sought.

(7) Internship programs for individuals currently holding a standard certification shall include not less than a combination

of OJT and classroom training totaling 240 hours in the category sought. The required 40 hours of code training course may be included as a part.

(8) The Building Official shall be responsible for verification of an applicant's experience prior to admission into a program and shall provide attestation verifying compliance with the approved internship application.

Rulemaking Authority: 468.606, 468.609(10) FS. Laws Implemented: 468.609(2)(c)7 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Building Code Administrators and Inspectors Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 26, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
 61G19-7.0016 Internship Certification Program
 PURPOSE AND EFFECT: This rule is being created to outline Internship Certification Program requirements.
 SUMMARY: Outline requirements
 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: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(2)(c)7, 468.609(10) 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: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394 or by electronic mail - Robyn.Barineau@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.0016 Internship Certification Program

(1) A person may seek certification as a building code inspector or plans examiner by completing a four-year comprehensive internship-training program. The internship program shall provide an applicant with a trade understanding, technical knowledge, and skills to perform building code inspections or plan reviews of the trade category sought. The four-year program shall contain beneficial educational material from basic principles to advanced technical aspects of the category sought, enhanced with practical daily professional training.

(a) All applicants shall be government employees under the direct supervision of the sponsoring standard licensed building code administrator.

(b) Related vocational degree, college degree, or verifiable work experience may be substituted for up to three years of the internship program.

(c) Partial completion of an internship program from one jurisdiction may be transferred to another jurisdiction. The supervising building code administrator of a partially completed internship shall attest to the area of studies and practical professional training covered under the partially completed internship program.

(d) Upon successful completion of the internship certification program the supervising building code administrator must provide a favorable attestation of the applicant's program completion.

(2) Applicants who complete an internship certification program as a building code inspector or plans examiner are eligible for standard certification in the category sought. Applicants participating in an internship must complete the following:

(a) Applicants must pass the ICC technical exam in the category sought prior to entering the internship program.

(b) Applicants must pass the Principles and Practice Exam prior to completing the internship.

(c) Applicants must pass a board approved 40-hour code-training course in the category sought prior to completing the internship.

(d) Applicants may apply for a provisional license in the category sought which would be valid for the duration of the internship, if approved. When employment changes from the original jurisdiction, the applicant must notify the Board in writing of the change in employment and internship within 30 days of said change.

(e) Applicants must obtain a favorable attestation from the supervising building code administrator upon completing the program or parts thereof.

(f) At least 30 days and no more than 60 days prior to the completion of the internship, an applicant shall apply to the Board for Standard Certification.

(3) Individuals who hold a current standard license as a building code inspector or plans examiner may qualify for an additional certification by completing a one-year specific internship in another license category provided they:

(a) Pass the ICC technical exam in the category sought prior to entering the internship program.

(b) Pass a board approved 40-hour code-training course in the category sought prior to completing internship.

(c) Document no less than 200 hours of on-the-job experience over the 12-month internship period while under the supervision of a standard certified inspector or plans examiner in the trade sought.

Rulemaking Authority 468.606, 468.609(10) FS. Law Implemented 468.609(2)(c)7, 468.609(10) FS. History-New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Building Code Administrators and Inspectors Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 29, 2017

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NO.: RULE TITLE:

62-304.505 Middle St. Johns River Basin TMDLS.
 PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for certain waters impaired for nutrients in the Middle St. Johns River Basin. Furthermore, in accordance with paragraph 62-302.531(2)(a), F.A.C., the nutrient TMDLs for Lake George, St. Johns River above Ocklawaha River, St. Johns River below Lake George, Lake Adair, Lake Alma, Lake Searcy, and Bear Gully Lake will constitute site specific numeric interpretations

of the narrative nutrient criterion set forth in paragraph 62-302.530(90)(b), F.A.C., that will supersede the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2), F.A.C., for these surface water segments.

SUMMARY: These TMDLs address certain nutrient impairments in the Middle St. Johns River Basin. Specifically, the nutrient TMDL rules being proposed for adoption are for the Lake George (2893A), St. Johns River above Ocklawaha River (22130), St. Johns River below Lake George (2893A5), Lake Adair (2997R), Lake Alma (2986D), Lake Searcy (2986E), and Bear Gully Lake (3009). All water bodies were verified for nutrient impairments due to elevated chlorophyll a concentrations, using the methodology established in Chapter 62-303, F.A.C. This rulemaking has been given an OGC case number 17-1139 for rule 62-304.505.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 been prepared by the Agency.

The SERC estimates that there will be no additional costs within one year after the rule becoming effective, but total costs after implementation of the rule are estimated to be \$243,649,784 per year for Lake George, St. Johns River above Ocklawaha River, and St. Johns River below Lake George; \$580,300 per year for Lake Adair; \$699,800 per year for Lake Alma; \$309,900 per year for Lake Searcy; \$3,228,472 per year for Bear Gully Lake, the majority of which is expected to be borne by governmental entities in the watersheds.

Pursuant to paragraph 403.067(6)(c), Florida Statutes, the proposed rules do not require legislative ratification.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: February 9, 2018, 2:00 p.m.

PLACE: Bob Martinez Center, 2600 Blair Stone Road, Conference Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erin Rasnake, (850)245-8338. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Erin Rasnake, Division of Environmental Assessment and Restoration, Water Quality Evaluation and TMDL Program, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8338.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.505 Middle St. Johns River Basin TMDLs
TMDLs.

(1) through (17) No change.

(18) Lake George. The nutrient TMDL for Lake George is a seven-year average of annual loads of 4,132,773 kilograms per year (kg/year) TN and 219,324 kg/year TP, which are intended to achieve an annual geometric mean chlorophyll *a* concentration of 23 µg/L, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 7 % reduction of TN and a 29 % reduction of TP from the 2003-2013 period.

(c) The LA for nonpoint sources is a 7 % reduction of TN and a 29 % reduction of TP based on average loads from the 2003-2013 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

(19) St. Johns River above Ocklawaha River. The nutrient TMDL for the St. Johns River above the Ocklawaha River is a seven-year average of annual loads of 4,132,773 kg/year TN and 219,324 kg/year TP, which are intended to achieve an annual geometric mean chlorophyll *a* concentration of 22 µg/L, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 7 % reduction of TN and a 29 % reduction of TP from the 2003-2013 period.

(c) The LA for nonpoint sources is a 7 % reduction of TN and a 29 % reduction of TP based on average loads from the 2003-2013 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

(20) St. Johns River below Lake George. The nutrient TMDL for the St. Johns River below Lake George is a seven-year average of annual loads of 4,132,773 kg/year TN and 219,324 kg/year TP, which are intended to achieve an annual geometric mean chlorophyll *a* concentration of 23 µg/L, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 7 % reduction of TN and a 29 % reduction of TP from the 2003-2013 period.

(c) The LA for nonpoint sources is a 7 % reduction of TN and a 29 % reduction of TP based on average loads from the 2003-2013 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP has been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

(21) Lake Adair. The nutrient TMDL for Lake Adair is a seven-year average of annual loads of 1,201 pounds per year (lbs/year) TN and 72 lbs/year TP, which are intended to achieve the applicable annual geometric mean chlorophyll *a* criterion for low color and high alkalinity lakes, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 45 % reduction of TN and a 54 % reduction of TP from the 2003-2013 period.

(c) The LA for nonpoint sources is a 45 % reduction of TN and a 54 % reduction of TP based on average loads from the 2003-2013 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired

waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

(22) Lake Alma. The nutrient TMDL for Lake Alma is a seven-year average of annual loads of 1,036 lbs/year TN and 91 lbs/year TP, which are intended to achieve an annual geometric mean chlorophyll *a* concentration of 30 µg/L, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 43 % reduction of TN and a 17 % reduction of TP from the 2003-2014 period.

(c) The LA for nonpoint sources is a 43 % reduction of TN and a 17 % reduction of TP based on average loads from the 2003-2014 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

(23) Lake Searcy. The nutrient TMDL for Lake Searcy is a seven-year average of annual loads of 845 lbs/year TN and 96 lbs/year TP, which are intended to achieve the applicable annual geometric mean chlorophyll *a* criterion for high color lakes, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 65 % reduction of TN and a 38 % reduction of TP from the 2003-2014 period.

(c) The LA for nonpoint sources is a 65 % reduction of TN and a 38 % reduction of TP based on average loads from the 2003-2014 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

(24) Bear Gully Lake. The nutrient TMDL for Bear Gully Lake is a seven-year average of annual loads of 23,166 lbs/year TN and 1,387 lbs/year TP, which are intended to achieve the applicable annual geometric mean chlorophyll *a* criterion for high color lakes, and is allocated as follows:

(a) The WLA for wastewater point sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES MS4 Permitting Program is a 20 % reduction of TN and a 18 % reduction of TP from the 2003-2014 period.

(c) The LA for nonpoint sources is a 20 % reduction of TN and a 18 % reduction of TP based on average loads from the 2003-2014 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for TN and TP have been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 8-3-06, Amended 10-15-09, 7-17-14, 10-18-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Frick, Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 17, 2017

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-342.700: Financial Responsibility

PURPOSE AND EFFECT: The Department proposes to amend Chapter 62-342.700, F.A.C., to allow mitigation banks established under Part IV of Chapter 373, F.S., to use certain forms of insurance and escrow as a means of demonstrating the financial responsibility required pursuant to Section 373.4136(1)(i), F.S. The effect would be to establish additional mechanisms for demonstrating the required "financial responsibility for the construction, operation, and long-term management of a mitigation bank" in rule, in accordance with Section 373.4136(11)(a), F.S. Other mechanisms of demonstrating financial responsibility currently authorized in the rule (i.e., surety bond, performance bond, trust fund, standby trust fund and irrevocable letter of credit) would remain unaffected.

SUMMARY: Rule 62-342.700, F.A.C., will be amended to allow mitigation banks to use certain forms of insurance and escrow accounts as a means of demonstrating financial responsibility.

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: Based upon the Department's economic review, neither a SERC or legislative ratification is required because the adoption of additional options for proving financial responsibility does not increase costs to the regulated public. This change will allow an applicant greater choice and flexibility to provide single or multiple mechanisms, likely resulting in lower costs and less time or process to obtain such mechanisms.

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

RULEMAKING AUTHORITY: 373.4131, 373.4136(11) FS.
LAW IMPLEMENTED: 373.4131, 373.4135, 373.4136 FS
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19th, 2018, 1:00 p.m., ET

PLACE: This hearing will be broadcast via webinar. Parties can register to attend the webinar via their personal computers with audio by telephone (regular long distance telephone charges will apply) or by speakers connected to their computer (no telephone charges will apply). Webinar registration is via <https://attendee.gotowebinar.com/register/6379418528932848897>. Alternatively, persons may view the webinar at the following location where staff will be present to accept comments: Florida Department of Environmental Protection, Bob Martinez Building, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: John Humphreys at (850)245-8487. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Humphreys, Florida Department

of Environmental Protection, Submerged Lands and Environmental Resources Coordination, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, telephone: (850)245-8487, e-mail: John.Humphreys@dep.state.fl.us or facsimile (850)245-8499.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-342.700 Financial Responsibility.

(1) To provide reasonable assurances that the proposed Mitigation Bank will meet the requirements of Section 373.4136, F.S., this ~~section~~rule and the associated permit conditions, non-governmental bankers shall provide proof of financial responsibility for: (a) the construction and implementation ~~phase~~ of the bank, and (b) the perpetual management of the bank, as required in this section. Governmental entities shall provide proof of financial responsibility under subsection 62-342.700(15) ~~62-342.700(12)~~, F.A.C. The amount of financial responsibility provided in the mechanisms required in this ~~section~~rule shall be based on the cost estimates determined under subsection 62-342.700(13) ~~62-342.700(10)~~, F.A.C.

(2) Submitting Financial Responsibility Documentation. The applicant shall provide draft documentation of the cost estimate and required financial responsibility mechanisms described in subsections 62-342.700(5) and 62-342.700(13) with the permit application, and shall submit to the Agency the executed or finalized documentation within the time frames specified in the permit. The provisions of this section shall also apply to ~~for~~ any modifications to the Mitigation Bank Permit.

(3) General Terms for Financial Responsibility Mechanisms. In addition to the specific provisions regarding financial responsibility mechanisms for construction and implementation in subsection 62-342.700(4), F.A.C., and perpetual management in subsection 62-342.700(12) ~~62-342.700(9)~~, F.A.C., the following terms shall be complied with:

(a) The financial responsibility mechanisms shall be payable at the direction of the Agency to its designee or to a standby trust or standby escrow agreement. The financial responsibility mechanism shall be retained by the Agency if it is of a type which is retained by the beneficiary according to industry standards.

(b) Demonstration of financial responsibility shall be continuous until complete satisfaction of the applicable permit conditions and approved release of financial responsibility by the Agency.

(c) Collectively, the AH financial responsibility mechanisms must guarantee that the banker will perform all of its obligations under the permit, provide alternative financial assurance of a type allowed by this section, and obtain the Agency's written approval of the alternative assurance provided

~~within~~ Within 90 days after receipt by both the banker and the Agency of a notice of cancellation or termination of a financial responsibility mechanism, the banker shall establish a financial responsibility mechanism that meets the criteria of this rule, subject to the Agency's written approval of a bond or intent not to extend the expiration date of a letter of credit.

(d) A banker may satisfy the requirements of this section by establishing more than one acceptable financial responsibility mechanism per Mitigation Bank. Whenever more than one mechanism is used, the banker shall identify the specific financial responsibility mechanism for each individual activity on the cost estimate as required under subsection 62-342.700(13), F.A.C.

(e) A banker may use a financial assurance responsibility mechanism allowed under this section for more than one Mitigation Bank. The amount of funds available through the mechanism must be no less than the sum of funds that would be required for available through separate mechanisms ~~acceptable~~ for each Mitigation Bank.

(f) A banker must notify the Agency by certified mail within 10 days after the commencement of a voluntary or involuntary proceeding:

1. To dissolve the banker;
2. To place the banker in receivership;
3. For entry of an order for relief against the banker under Title 11 of the United States Code; or
4. A general assignment of its assets for the benefit of creditors under Chapter 727, F.S.

~~A banker may not assign its assets for the benefit of creditors. A banker will be without the required financial assurance in the event of a bankruptcy of the trustee of any trust provided under this rule, or the suspension or revocation of the authority of any trustee to act as trustee, or in the event of a bankruptcy or receivership of the issuing institution of a financial responsibility mechanism of any bond or letter of credit, or the revocation of the authority of such institution to issue such instruments. The banker must notify the Agency within 10 days, and establish other financial assurance within 60 days after such an event.~~

(4) Financial Responsibility for Construction and Implementation.

(a) No financial responsibility shall be required where the construction and implementation of the Mitigation Bank, or a phase thereof, is completed and successful, as determined by the Agency pursuant to the final success criteria in the Permit, prior to the withdrawal of any credits.

(b) Financial responsibility for the construction and implementation activities of each phase of the Mitigation Bank, or each phase thereof, may be established by surety bonds, performance bonds, irrevocable letters of credit, insurance policies, escrow accounts, or trust funds, as described below. If

~~a bond or an irrevocable letter of credit is used as the financial mechanism, a standby trust fund shall be established, in which all payments under the bonds or irrevocable letter of credit shall be directly deposited.~~

(c) The amount of financial responsibility established shall equal 110 percent of the cost of construction and implementation of the Mitigation Bank, or each phase thereof, in accordance with subsection 62-342.700(13), F.A.C., and as adjusted in accordance with subsection 62-342.700(14), F.A.C., during the course of the project (or each phase of the Mitigation Bank) which is being constructed and implemented. When the bank (or appropriate phase) has been completely constructed, implemented, and is trending toward success in compliance with the permit, the respective amount of financial responsibility shall be released.

(d) The financial responsibility mechanism shall become effective prior to the release of any mitigation credits.

(5) Surety or Performance Bond.

(a) A banker may satisfy the requirements of subsection 62-342.700(4), F.A.C., by obtaining a surety or performance bond that conforms to the requirements of this subsection. The company issuing the bond must be authorized licensed to do business in Florida, ~~and~~ The company must also be among those listed as acceptable sureties ~~on federal bonds~~ in the latest Circular 570 of the U.S. Department of the Treasury, or a Florida-domiciled surety or insurance company with at least an A+ rating in the ~~latest printing of the~~ A.M. Best's Key Rating Guide and authorized to write individual bonds up to 10 percent of the policyholder's surplus. The banker shall provide documentation evidencing proof that the bond company meets these requirements.

(b) The surety or performance bond shall be worded in substantial conformance with Form ~~62-342.700(5) 62-342.700(4),~~ "Mitigation Bank Performance Bond to Demonstrate Construction and Implementation Financial Assurance" (effective date February 19, 2015), which is incorporated by reference herein and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05067>. This form and all the forms incorporated in Rule 62-342.700, F.A.C., also are available from the Department of Environmental Protection's Internet site, <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>; or by contacting the Division of Water Resource Management, Submerged Lands and Environmental Resources Coordination Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, (850)245-8336. Deviations from the form shall be identified and submitted to the Agency for review and approval.

(c) Under the terms of the bond, the surety shall become liable on the bond obligation when the mitigation banker fails to perform under the terms of the Mitigation Bank Permit. In all

cases, the surety's liability shall be limited to the sum stated in the bond.

(d) The mitigation banker who uses a surety or performance bond to satisfy the requirements of subsection 62-342.700(4), F.A.C., must establish a standby escrow or standby trust fund when the surety or performance bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby escrow or standby trust fund for distribution by the agent or trustee in accordance with the Agency's instructions. The standby escrow agreement and standby trust fund agreement must meet the requirements specified in subsections 62-342.700(9) and 62-342.700(10) ~~subsection 62-342.700(7)~~, F.A.C., respectively.

(e) The bonding company shall provide notice of cancellation of a bond by certified mail to the banker and to the Agency. Cancellation may occur no sooner than 120 days from the date of receipt of the notice of cancellation by both the banker and the Agency, as evidenced by the return receipt.

(f) A bond may be canceled by the banker if the Agency has given prior written consent. The Agency shall provide such consent when either the banker substitutes alternative financial assurance allowed under this rule and such alternate financial assurance is approved by the Agency and is effective or the Agency releases the banker from the requirements of this subsection.

(6) Irrevocable Letter of Credit.

(a) A mitigation banker may satisfy the requirements of subsection 62-342.700(4), F.A.C., by obtaining an irrevocable letter of credit that conforms to the requirements of this subsection. The irrevocable letter of credit shall be provided by a federally insured depository that is "well capitalized" or "adequately capitalized" as defined in Section 38 of the Federal Deposit Insurance Act [12 USC 1831o(b)]. The banker shall submit documentation evidencing proof of such that the federally insured depository is appropriately capitalized to the Agency.

(b) The irrevocable letter of credit shall be worded in substantial conformance with Form 62-342.700(6) ~~62-342.700(2)~~, "Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction and Implementation Financial Assurance" (effective date ~~February 19, 2015~~) [available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05068> and as described in paragraph (5)(b) above], incorporated by reference herein. Deviations from the form shall be identified and submitted to the Agency for review and approval.

(c) A mitigation banker who uses an irrevocable letter of credit to satisfy the requirements of subsection 62-342.700(4), F.A.C., must also establish a standby escrow or standby trust fund when the irrevocable letter of credit is acquired. Under the terms of the irrevocable letter of credit, all amounts paid

pursuant to a sight draft by the Agency will be deposited by the issuing institution directly into the standby escrow or standby trust fund to be distributed by the agent or trustee in accordance with instructions from the Agency. The standby escrow or standby trust fund must meet the requirements specified in subsections 62-342.700(9) and 62-342.700(10) ~~subsection 62-342.700(7)~~, F.A.C., respectively.

(d) Letters of credit must be irrevocable and issued for a period of at least one year, and the expiration date must be automatically extended for a period of at least one year unless, at least 120 days prior to the expiration date, the issuing institution notifies both the banker and the Agency by certified mail of a decision not to extend the expiration date. The terms of the irrevocable letter of credit must provide that the 120 days begins on the date when both the banker and the Agency have received the notice, as evidenced by the return receipts.

(7) Insurance Policy.

(a) A mitigation banker may satisfy the requirements of subsection 62-342.700(4), F.A.C., for construction and implementation activities by obtaining an insurance policy that conforms to the requirements of this subsection. The insurance policy shall be provided by an insurance company that is authorized to transact insurance in the State of Florida and has at least an A+ rating in the A.M. Best's Key Rating Guide. The banker shall provide documentation to the Agency evidencing that the insurance company meets these requirements.

(b) The insurance policy must be worded in substantial conformance to Form 62-342.700(7), "Mitigation Bank Insurance Coverage Form" (date), incorporated by reference herein [available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> and as described in paragraph (5)(b) above]. Deviations from the form to meet insurance company documentary requirements must satisfy all criteria listed on the "Mitigation Bank Insurance Form" and be identified and submitted to the Agency for review and approval.

(c) The insurance policy must be issued for a period of no less than one year beyond the anticipated completion and success of the mitigation bank, or the last success criterion insured, which ever occurs first based on the construction and implementation schedule in the mitigation bank permit.

(d) The insurance policy must be non-cancellable for the term of the policy. The insurance policy shall include a provision to notify the Agency and banker by certified mail at least 120 days prior to the termination of the policy, nonrenewal of the policy, or a change to the terms and conditions of the policy. The insurance policy must automatically renew for the same terms and conditions of the policy unless the insurance company provides notice of nonrenewal to the banker and the Agency as required in this subsection.

(e) Under the terms of the insurance policy, the Agency must have the authority to file claims when the banker either fails to perform under the terms of the mitigation bank permit, as determined solely by the Agency, or fails to replace the insurance policy with an alternative financial responsibility mechanism prior to the termination of the insurance policy. The insurance policy must afford the Agency with the sole authority to determine whether action taken or proposed to be taken by the insurance company is sufficient to satisfy a claim made by the Agency.

(f) The mitigation banker who uses an insurance policy to satisfy the requirements of subsection 62-342.700(4), F.A.C., must establish a standby escrow or standby trust fund when the insurance policy is acquired. Under the terms of the insurance policy, all amounts paid by the insurance company in satisfaction of a claim will be deposited directly into the standby escrow or standby trust fund for distribution by the agent or trustee in accordance with the Agency's instructions.

(g) The declaration's page of the insurance policy shall include all of the following items:

1. Insured location – the bank address;
2. Mitigation bank permit number;
3. Insurer's claim's notice address;
4. Regulatory entities and addresses, to include the U.S. Army Corps of Engineers;
5. Surplus line agent – name, address, license number;
6. Producing agent's name, address, and other contact information;
7. Insured's name, address, and other contact information;
8. Policy premium;
9. Limit of liability;
10. Policy inception and expiration dates;
11. Service fee;
12. Premium receipts tax; and
13. Deductible amount.

(8) Escrow.

(a) A mitigation banker may satisfy the requirements of subsection 62-342.700(4), F.A.C., by a deposit of cash into an interest-bearing escrow account with the Florida Department of Financial Services.

(b) The escrow agreement must be worded in substantial conformance to Form 62-342.700(8), "Standby Escrow Agreement" (date), incorporated by reference herein [available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> and as described in paragraph (5)(b) above]. Deviations from the form must be identified and submitted to the Agency for review and approval.

(c) The escrow agreement must be irrevocable until the Agency determines that it is no longer required and authorizes a final payout.

(9) Standby Escrow.

(a) A mitigation banker using a surety or performance bond, irrevocable letter of credit, or insurance policy shall contemporaneously establish either a standby escrow with the Florida Department of Financial Services meeting the requirements of this subsection or a standby trust fund under subsection 62-342.700(10), F.A.C.

(b) The standby escrow agreement shall be worded in substantial conformance with Form 62-342.700(8), F.A.C., incorporated by reference in subsection 62-342.700(8), F.A.C., except that the agreement will identify that it is establishing a standby escrow account. Deviations from the form must be identified and submitted to the Agency for review and approval.

(c) The standby escrow agreement must be irrevocable until the Agency determines that it is no longer required.

(10)(7) Standby Trust Fund.

(a) A mitigation banker using a surety or performance bond, ~~irrevocable letter of credit, or insurance policy~~ shall contemporaneously establish either a standby trust fund meeting the requirements of this subsection or a standby escrow under subsection 62-342.700(9), F.A.C. The trustee of the standby trust shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the State of Florida ~~in which the fund is established~~. The banker shall provide documentation evidencing ~~proof of~~ such regulation and examination to the Agency.

(b) The standby trust agreement shall be worded in substantial conformance with Form ~~62-342.700(10)~~ ~~62-342.700(3)~~, "Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction and Implementation Financial Assurance" (effective date ~~February 19, 2015~~) [available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05069> and as described in paragraph (5)(b) above], incorporated by reference herein. Deviations from the form shall be identified and submitted to the Agency for review and approval. This form and ~~Form 62-342.700(11)~~ ~~Forms 62-342.700(4), 62-342.700(5) and 62-342.700(6)~~, incorporated in Rule 62-342.700, F.A.C., ~~references reference~~ the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-1 et seq. (February 19, 2015), which is incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05064>). A copy of the Act may also be obtained by contacting the ~~Division of Water Resource Management Submerged Lands and Environmental Resources Coordination Program~~, Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, (850)245-8336.

(11)(8) Trust Fund.

(a) A mitigation banker may satisfy the requirements of subsection 62-342.700(4), F.A.C., by establishing a trust fund that conforms to the requirements of this section. The trustee of

the trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the ~~State of Florida in which the fund is established.~~ The banker shall provide documentation evidencing proof of such regulation and examination to the Agency.

(b) The trust fund agreement must be worded in substantial conformance to Form ~~62-342.700(11)~~ ~~62-342.700(4)~~, “Mitigation Bank Trust Fund Agreement to Demonstrate Construction and Implementation Financial Assurance” (effective date February 19, 2015) [available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05070> and as described in paragraph (5)(b) above], incorporated by reference herein. Deviations from the form shall be identified and submitted to the Agency for review and approval.

~~(12)(9)~~ Financial Responsibility for Perpetual Management.

(a) A banker shall establish financial assurance ~~either a trust fund or an irrevocable letter of credit or surety or performance bond with a corresponding standby trust fund to provide financial responsibility~~ for the perpetual management of the Mitigation Bank, or phases thereof, using the financial responsibility mechanisms described in subsections 62-342.700(5) through (11), F.A.C., except that an insurance policy under subsection 62-342.700(7), F.A.C., may not be used. When an escrow agreement or trust fund agreement is used, the requirements of ~~subsections subsection~~ subsections 62-342.700(8) and 62-342.700(11), F.A.C., respectively, must be met, except all references to construction and implementation in Forms 62-342.700(8) and 62-342.700(11) shall be changed to perpetual management. When a surety bond, ~~or performance bond, guarantee bond, or letter of credit is used,~~ with a standby trust fund agreement must be established by the banker ~~fund,~~ and the requirements of subsections 62-342.700(5), 62-342.700(6), ~~62-342.700(9)~~ and ~~62-342.700(10)~~ ~~62-342.700(7)~~, F.A.C., respectively, must be met, except all references to construction and implementation on required forms and agreements shall be changed to perpetual management. ~~Trust fund agreements for perpetual management shall be worded in substantial conformance with Form 62-342.700(5), “Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance” (February 19, 2015) [available at http://www.flrules.org/Gateway/reference.asp?No=Ref-05071 and as described in paragraph (5)(b) above], incorporated by reference herein. Standby trust fund agreements for perpetual management shall be worded in substantial conformance with Form 62-342.700(6) “Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance” (February 19, 2015) [available at http://www.flrules.org/Gateway/reference.asp?No=Ref-05072 and as described in paragraph (5)(b) above], incorporated by~~

~~reference herein. Deviations from the form shall be identified and submitted to the Agency for review and approval.~~

(b) The amount of financial responsibility provided shall be sufficient to be reasonably expected to generate annual revenue equal to the annual cost of perpetual management, established under subsection ~~62-342.700(13)~~ ~~62-342.700(10)~~, F.A.C., at an assumed average rate of return of six percent per annum, for the bank, or for banks constructed in phases, for all phases for which credits have been released.

(c) The financial responsibility mechanism must be in effect prior to the withdrawal of credits from the Mitigation Bank, or applicable phase thereof.

~~(13)(10)~~ Cost estimates.

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

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

(c) The cost estimate for the perpetual management of the Mitigation Bank shall be based on the costs of maintaining and operating any structures, controlling nuisance or exotic species, fire management, consultant fees, monitoring activities and reports, taxes, and any other costs associated with perpetual management. The amount of financial responsibility shall equal the cost of perpetual management for the bank, or, for banks constructed in phases for all phases for which credits have been released.

(d) The banker shall submit written cost estimates, ~~together~~ with verifiable basis for the estimates to the Agency along with the financial responsibility mechanism. If more than one financial responsibility mechanism is proposed for the construction and implementation or for perpetual management, the cost estimate shall specify the appropriate mechanism for each itemized cost.

(e) The costs shall be estimated based on a third party performing the work at the fair market value of services. The source of any cost estimates shall be indicated.

~~(14)(11)~~ Cost adjustments.

(a) Every two years, the banker shall undertake an estimate of the costs of the remaining construction and implementation, and perpetual management. The banker shall submit the

estimate to the Agency in writing certified by a person licensed ~~professional whose license authority~~ in the State of Florida ~~includes the ability~~ to provide such ~~certified written~~ estimates, accompanied by supporting documentation. Construction, implementation activity costs, and perpetual management costs shall be listed separately. The Agency shall review the cost adjustment statement and supporting documentation to determine if they reflect all construction, implementation costs, and perpetual management costs. If the cost adjustment statement and supporting documentation accurately reflect ~~reflects~~ a good faith estimate of all construction, implementation costs and perpetual management costs, the Agency shall approve the cost adjustment statement.

(b) At each cost adjustment, the banker shall revise the construction, implementation, and perpetual management cost estimate for inflation and changes in the costs to complete or undertake the current phase of the Mitigation Bank or appropriate phase thereof in accordance with subsection 62-342.700(13), F.A.C.

(c) Revised cost estimates shall be used as the basis for modifying the financial responsibility mechanisms ~~mechanism~~. If the value of any ~~the~~ financial responsibility mechanism is less than the total amount of the current construction, implementation and perpetual management cost estimates, the banker shall, upon Agency approval of the cost adjustment statement, increase the value of the financial mechanism to reflect the new estimate within 60 days. If the value of any ~~the~~ funding mechanism is greater than the total amount of the current cost estimate, the banker may reduce the value of the funding mechanism to reflect the new estimate upon receiving Agency approval of the cost adjustment statement.

(d) The Agency shall require adjustment of the amount of financial responsibility provided for construction, implementation and ~~or~~ perpetual management at times other than the cost adjustment period when the estimated costs associated with compliance with the permit conditions exceed the current amount of financial responsibility and such financial assurances are deemed necessary to ensure compliance with the permit conditions.

(e) The banker may provide revised cost estimates more frequently than every two years. If at any time the banker learns that actual costs exceed estimated costs by more than 25 percent, the banker shall provide a revised cost estimate and adjust the corresponding amount of financial responsibility under this rule section.

~~(15)(12)~~ Financial Responsibility for Governmental, Non-Department and Non-Water Management District, Mitigation Banks.

(a) A governmental entity ~~Governmental entities~~ other than the Department or Districts shall demonstrate reasonable assurances that it can meet the construction and implementation

requirements in the Mitigation Bank Permit by any of the mechanisms in subsection 62-342.700(4), F.A.C., above, or by other financial mechanisms which are sufficient to meet the requirements of this section.

(b) Governmental entities other than the Department or Districts ~~District~~ shall establish a trust fund for the perpetual management of the Mitigation Bank which meets the requirements of subsection 62-342.700(11) ~~62-342.700(9)~~, F.A.C., above. The trust fund for perpetual management may be funded as Mitigation Credits are withdrawn, provided that the trust fund is fully funded when all Mitigation Credits are withdrawn. Governmental entities shall comply with the cost adjustment provisions in subsection 62-342.700(14) ~~62-342.700(11)~~, F.A.C.

Rulemaking Authority 373.4131, 373.4135(1), 373.4136(11) FS. Law Implemented 373.4131, 373.4135, 373.4136 FS. History—New 2-2-94, Formerly 17-342.700, Amended 12-12-94, 9-12-95, 5-21-01, 2-19-15,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Justin Green, Director, Division of Water Resource Management
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 20, 2015

Section III Notice of Changes, Corrections and Withdrawals

NONE

Section IV Emergency Rules

DEPARTMENT OF HEALTH

RULE NO.: 64ER17-8 RULE TITLE: Renewal Application Requirements for Medical Marijuana Treatment Centers.
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY, OR WELFARE: Pursuant to Chapter 2017-232, § 14, at 45, Laws of Florida, the Department is not required to make findings of an immediate danger to the public, health, safety, or welfare.
REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

The Department of Health is directed by Chapter 2017-232, § 14, at 45, Laws of Florida, to adopt emergency rules to implement section 381.986, Florida Statutes.

SUMMARY: Emergency rule 64ER17-8 provides for a renewal application, process, and fee, in accordance with section 381.986(8)(b), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER17-8 Renewal Application Requirements for Medical Marijuana Treatment Centers

Each licensed medical marijuana treatment center that meets the requirements of Article X, Section 29 of the Florida Constitution and section 381.986(8)(b), F.S., desiring to be renewed as a medical marijuana treatment center shall submit an renewal application to the department using DH8017-OMMU-12/2017, "Application for Medical Marijuana Treatment Center License Renewal," herein incorporated by reference and available at <http://www.floridahealth.gov/programs-and-services/office-of-medical-marijuana-use/rules-and-regulations/index.html>. The completed renewal application must include the following:

(a) A non-refundable renewal fee of \$60,063.00.

(b) Written documentation from the Department of State or the Department of Revenue, as applicable under Florida Law, demonstrating that the renewal applicant has been registered to do business in Florida for the prior five consecutive years and that the renewal applicant possesses a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to section 581.131, F.S. The name of the renewal applicant must match the name on any documents provided in accordance with this paragraph. A renewal applicant who was licensed pursuant to section 381.986(8)(a)2.b., F.S., are exempt from this requirement.

(c) A list of all owners, officers, board members, and managers indicating the date of each individual's most recent background screening pursuant to section 381.986(9), F.S., within the calendar year prior to renewal. Each owner, officer, board member, and manager shall go to the Florida Department of Law Enforcement (FDLE) or one of its approved vendors for fingerprinting and, at such time, shall give to FDLE or the FDLE approved vendor the entity ORI number FL924890Z (DOH – OFFICE OF MEDICAL MARIJUANA USE). The report will be sent directly to the Office of Medical Marijuana Use. To be eligible for renewal, all of the renewal applicant's owners, officers, board members, and managers must have successfully passed a background screening 381.986(9), F.S. within the previous year.

(d) The employment of a medical director who is a physician licensed pursuant to Chapter 458 or 459, F.S., to supervise the activities of the medical marijuana treatment center.

(e) A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, F.S., or veteran business enterprises, as defined in s. 295.187, F.S., in the renewal applicant's ownership, management, and employment. The diversity plan must demonstrate and include information addressing the effectiveness of the following:

1. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

2. Efforts to recruit minority persons and veterans for employment; and

3. Records of contracts for services with minority business enterprises and veteran business enterprises.

(f) A completed renewal inspection as detailed in subsection (5) below.

(g) Written documentation demonstrating that the renewal applicant is actively dispensing product to qualified patients. Medical marijuana treatment centers may provide point of sale records from the previous quarter to meet this requirement.

(2) If the renewal applicant intends to claim any exemption from public records disclosure under section 119.07, F.S., or any other exemption from public records disclosure provided by law for any part of its renewal, it shall indicate on the renewal materials the specific sections for which it claims an exemption and the statutory basis for the exemption. The renewal applicant shall submit a redacted copy of the renewal application and materials redacting those items identified as exempt.

(3) Failure to submit the \$60,063.00 renewal fee or the documentation detailed in paragraphs (1)(b) - (g) is grounds for denial. Renewal applicants failing to submit the fee will be notified by the department and provided 5 business days to cure the deficiency. Failure to submit the \$60,063.00 fee shall result in the denial of the renewal application.

(4) Applications for renewal must be consistent with and be in compliance with the renewal applicant's applications for licensure, as well as any subsequent amendments approved by the department. Renewal applicants may not submit application amendment requests as part of the renewal application.

(5) Within 15 days of the receipt of an "Application for Medical Marijuana Treatment Center License Renewal," the department shall schedule a renewal inspection for each of the renewal applicant's facilities. The application for renewal shall not be deemed complete until the completion of all renewal inspections.

(a) Within 15 days of the completion of all inspections, the department shall notify the renewal applicant of any omissions.

deficiencies, or violations noted during the inspections. To be considered by the department, responses to the deficiency notification or additional information must be submitted by the renewal applicant within 21 days.

(b) Within 30 days of receipt of any additional information submitted by the renewal applicant, the department shall determine whether the omissions, deficiencies, or violations have been addressed.

(6) Failure to address any noted omissions, deficiencies or violations shall be grounds for denial of renewal. In addition, any deficiencies or violations that are grounds for revocation or denial pursuant to Rule 64ER17-6, of the Florida Administrative Code, shall be grounds for denial of renewal.

(7) Renewal applicants licensed prior to January 1, 2017 shall submit an "Application for Medical Marijuana Treatment Center License Renewal," within 21 calendar days after the effective date of this rule and biennially beginning on January 15, 2020. All other renewal applicants shall submit an "Application for Medical Marijuana Treatment Center License Renewal," biennially on January 15 following the two-year anniversary of the receipt of its license.

(8) Any "Application for Medical Marijuana Treatment Center License Renewal," and all required fees and materials shall be delivered to the Office of Medical Marijuana Use, 4052 Bald Cypress Way, Bin M-01, Tallahassee, Florida 32399. Rulemaking Authority 381.986(8)(b) FS. Law Implemented 381.986 FS. History--New 12-20-17.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: December 20, 2017

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:
11B-30.008: State Officer Certification Examination Site Administration
NOTICE IS HEREBY GIVEN that on December 14, 2017, the Florida Department of Law Enforcement received a petition for a permanent waiver of subsection 11B-30.008(1), F.A.C., from Evrika C. Grubbs. Petitioner wishes to waive that portion of the Rule that states, in pertinent part: Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida. A copy of

the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone at (850)410-7676.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing
NOTICE IS HEREBY GIVEN that on December 19, 2017, the Agency for Health Care Administration received a petition for Variance from Rule 59AER17-1 from University East Rehabilitation Center, LLC d/b/a University Center East. The Petition has been assigned Agency case number 2017015559. The Petition seeks a variance from Rule 59AER17-1 requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A Tallahassee, Florida 32308, Kimberly.Stewart@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES
E911 Board
NOTICE IS HEREBY GIVEN that on December 21, 2017, the E911 Board, received a petition for variance filed by Sarah W. Woods, on behalf of Martin County regarding the E911 State Grant Program. The Petitioner is seeking a variance of paragraph 60FF1-5.003(3)(a), F.A.C., with respect to the requirement to provide three quotes by the application deadline ending December 1, 2017. Comments on this petition should be filed with Heath Beach, Chairman, E911 Board, 4030 Esplanade Way, Suite 135F, Tallahassee, Florida 32399-0950, within 14 days of publication of this notice.
A copy of the Petition for Variance or Waiver may be obtained by contacting: Heath Beach, Chairman, E911 Board, at above address or telephone: (850)922-4135, or by electronic mail – Heath.Beach@dms.myflorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Division of Hotels and Restaurants
RULE NO.: RULE TITLE:
61C-1.004: General Sanitation and Safety Requirements
NOTICE IS HEREBY GIVEN that on December 13, 2017, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an

Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Section 5-203.13, 2009 FDA Food Code from Taco Republik Tallahassee Midtown LLC located in Tallahassee. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the mop sink located within an adjacent business.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, 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 December 14, 2017 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 Lazo Empanadas Florida LLC located in Oakland Park. 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 a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 43, No. 241, F.A.R., on December 15, 2017. The Order for this Petition was signed and approved on December 21, 2017. 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 Coin Laundry (A&E Laundries Inc.), 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 that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Lazo Empanadas (Lazo Empanadas Florida

LLC) and/or Coin Laundry (A&E Laundries Inc.) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On December 1, 2017 the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from LGL Events Corporation located in Doral. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and the three compartment sink.

The Petition for this variance was published in Vol. 43, No. 232, F.A.R., on December 4, 2017. The Order for this Petition was signed and approved on December 21, 2017. 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 wastewater holding tank for the handwash sink and the three compartment sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink and the three compartment sink is provided with hot and cold running water under pressure, and that the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

NOTICE IS HEREBY GIVEN that on December 8, 2017, the Board of Chiropractic Medicine received a petition for variance and waiver filed by Louis DiDonato, DC. Petitioner is seeking a variance or waiver of subsections 64B2-13.004(2) and (3), F.A.C., which require that for the purpose of renewing a license, only those classroom hours earned at Board approved continuing education courses or under the provision of this rule are acceptable, and the required criteria for online continuing education courses not previously approved by the Board. Petitioner seeks approval of an online CE course and asserts the course meets all requirements for a traditional online course. Comments on this petition should be filed with the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, FL 32399-3255, (850)488-0595, or by email to Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Dr. Anthony Spivey, Executive Director, Board of Chiropractic Medicine, at the above address.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

NOTICE IS HEREBY GIVEN that on December 8, 2017, the Board of Chiropractic Medicine received a petition for variance and waiver filed by Jason Davis, DC; Anthony Oliverio, DC; Thomas Kleinman, DC; and John Kinnard, DC. Petitioners are seeking a variance of subsection 64B2-13.004(2), F.A.C., which requires that for the purpose of renewing a license, only those classroom hours earned at Board approved continuing education courses or under the provision of this rule are acceptable. Petitioners seek approval to take an online CE course which has not previously been approved by the Board. Comments on this petition should be filed with the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, FL 32399-3255, (850)488-0595, or by email to Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Dr. Anthony Spivey, Executive Director, Board of Chiropractic Medicine, at the above address.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.004: Technician

NOTICE IS HEREBY GIVEN that on December 20, 2017, the Board of Clinical Laboratory Personnel, received a petition for variance or waiver filed by Mana Afshar Bakeshlou. Petitioner is seeking a variance or waiver of subsection 64B3-5.004(3), Florida Administrative Code, which sets forth the education, training/experience and examination requirements for specialty licensure in microbiology, serology, and molecular pathology as a medical technician.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003: Technologist

NOTICE IS HEREBY GIVEN that on December 20, 2017, the Board of Clinical Laboratory Personnel received a petition for variance or waiver filed by Diane Yerger. Petitioner is seeking a variance or waiver of paragraph 64B3-5.003(3)(b), Florida Administrative Code, which sets forth the education, training/experience and examination requirements for specialty licensure in blood banking.

A copy of the Petition for Variance or Waiver may be obtained by contacting Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-15.001: Continuing Education for Licensure Renewal

The Board of Nursing Home Administrators hereby gives notice that on December 20, 2017, an Order was filed on the Petition for Variance or Waiver. The Petition for Variance or Waiver was filed by Alexandra Maliwacki, on November 1, 2017, seeking a waiver or variance from subsection 64B10-15.001(6), F.A.C., which requires a licensee who acts as a preceptor for an Administrator-in-Training (AIT) complete such preceptorship within any biennium to be eligible to receive contact hours of continuing education for precepting. The

Notice of Petition for Variance or Waiver was published November 9, 2017 in Volume 43, No. 218 of the Florida Administrative Register. No comments were received on the Petition. The Board, at its meeting held on December 13, 2017, voted to deny the Petition for Variance or Waiver finding that the Petitioner did not complete the preceptorship. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting Dr. Anthony Spivey, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257, (850)245-4393, Anthony.Spivey@flhealth.gov.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Elections

The Elections Canvassing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 2, 2018, 9:00 a.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Elections Canvassing Commission will meet to certify the official results for the December 19, 2017 Special Election for State House District 58 per sections 100.101 and 100.141, Florida Statutes.

A copy of the agenda may be obtained by contacting Kristi Willis at (850)245-6240 or Kristi.Willis@dos.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 Ashley Black at (850)245-6536 or Ashley.Black@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Kristi Willis at (850)245-6240 or Kristi.Willis@dos.myflorida.com.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 10, 2018; 3:00p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: (888)670-3525; Conference Code: 2057836401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Ad Hoc Nominating Committee will focus on nominations for the 2018-2019 slate for officers to serve on the executive board of chair, vice chair, first vice chair and second vice chair.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.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: the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 4, 2018; 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: (888)670-3525; Conference Code: 2057836401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.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: the Bureau of Criminal Justice Programs at

(850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

The Early Learning Advisory Council, Best Practices Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 12, 2018, 1:00 p.m. until business concludes

PLACE:

<https://attendee.gotowebinar.com/register/81210316361015297>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review past committee discussions and identify topics for discussion for January 25, 2018, ELAC Committee Meeting.

A copy of the agenda may be obtained by contacting: Katie.Dufford-Melendez@oel.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: Katie.Dufford-Melendez@oel.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Katie.Dufford-Melendez@oel.myflorida.com.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled Commission Conference, to which all interested persons are invited.

DATE AND TIME: Tuesday, January 9, 2018, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022,

F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at www.floridapsc.com.

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

EMERGENCY CANCELLATION OF CONFERENCE: If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (www.floridapsc.com) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its Internal Affairs Meeting, to which all interested persons are invited.

DATE AND TIME: Tuesday, January 9, 2018, immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Room 105, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters affecting Commission operations. Internal Affairs Agendas and FPSC contact information is available at www.floridapsc.com.

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (www.floridapsc.com) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: January 3, 2018, 9:00 a.m.

PLACE: 7601 HWY 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.watermatters.org/calendar/calendar.php/.

A copy of the agenda may be obtained by contacting Justin J. Eddy, (813)985-7481, ext. 2097.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, ext. 4702; TDD (FL only) 1(800)231-6103; or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces public meetings to which all persons are invited.

DATES AND TIMES: February 16, 2018, 9:00 a.m.; April 20, 2018, 9:00 a.m.; June 15, 2018, 9:00 a.m.; August 24, 2018, 9:00 a.m.; October 19, 2018, 9:00 a.m.; December 13, 2018, 9:00 a.m.; December 14, 2018, 9:00 a.m.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, Conference Rooms A and B, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition and Restoration Council (ARC), as defined in Section 259.035, Florida Statutes, will conduct regular business that includes reviewing land acquisition proposals, management plans, and proposed uses of state-owned conservation lands.

The public can obtain a copy of a meeting agenda by contacting the Office of Environmental Services at (850)245-2713 or by visiting the Department of Environmental Protection website: <https://floridadep.gov/lands/environmental-services/content/acquisition-and-restoration-council-arc-2017-calendar-meetings>. Agendas are available seven days before each meeting.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate is asked to notify the Department at least 5 days before the meeting by

contacting Hank Vinson with the Office of Environmental Services, (850)245-2713, hank.vinson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)-955-8771 (TDD) or 1(800)-955-8770 (Voice).

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 Hank Vinson with the Office of Environmental Services, (850)245-2713, hank.vinson@dep.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families State Mental Health Treatment Facilities - Purchasing announces a public meeting to which all persons are invited.

DATE AND TIME: January 3, 2018, 9:00 a.m. – 12:00 Noon

PLACE: 1153 Maple Street, Chattahoochee, FL 32324, Building 1153, Room 105

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Solicitation Conference with interested vendors to review RFP SMHTF 2018-001, Provision of Food Services for State Mental Health Treatment Facilities.

A copy of the agenda may be obtained by contacting: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.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 3 days before the workshop/meeting by contacting Elesha Brown. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families State Mental Health Treatment Facilities - Purchasing announces a public meeting to which all persons are invited.

DATE AND TIME: January 4, 2018, 2:00 p.m. – 4:00 p.m.

PLACE: North Florida Evaluation and Treatment Center, 1200 Northeast 55th Blvd., Gainesville, FL 32641, Second Floor Classroom III

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Solicitation Conference with interested vendors to review RFP SMHTF 2018-001, Provision of Food Services for State Mental Health Treatment Facilities.

A copy of the agenda may be obtained by contacting: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.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 3 days before the workshop/meeting by contacting: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families State Mental Health Treatment Facilities - Purchasing announces a public meeting to which all persons are invited.

DATE AND TIME: January 4, 2018, 9:00 a.m. – 12:00 p.m.

PLACE: Northeast Florida State Hospital, 7487 South State Road 121, Macclenny, FL 32063, Building #1

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Solicitation Conference with interested vendors to review RFP SMHTF 2018-001, Provision of Food Services for State Mental Health Treatment Facilities.

A copy of the agenda may be obtained by contacting: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.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 3 days before the workshop/meeting by contacting: Elesha Brown, State Mental Health Treatment

Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families State Mental Health Treatment Facilities - Purchasing announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2018, 3:05 p.m.

PLACE: Florida State Hospital Purchasing Conference Room, 1153 Maple Street, Chattahoochee, FL32324, Building #1153, Room 105

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposal Opening and Review meeting for RFP SMHTF 2018-001, Provision of Food Services for State Mental Health Treatment Facilities.

A copy of the agenda may be obtained by contacting: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.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 3 days before the workshop/meeting by contacting: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elesha Brown, State Mental Health Treatment Facilities, P. O. Box 1000, 100 N. Main Street Chattahoochee, FL, 32324, (850)663-7189, Elesha.Brown@myflfamilies.com.

Moffitt Cancer Center & Research Institute
The Medical Marijuana Research & Education Board announces a public meeting to which all persons are invited.
DATE AND TIME: Monday, January 29, 2018, 10:30 a.m. – 2:30 p.m.
PLACE: Moffitt McKinley Outpatient Center, Gruden Room, 10920 McKinley Drive, Tampa, FL 33612
GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Marijuana Research & Education Board Meeting.
A copy of the agenda may be obtained by contacting Bobbie.McKee@Moffitt.org.

Florida Independent Living Council
The Florida Independent Living Council, Inc. announces a public meeting to which all persons are invited.
DATE AND TIME: Tuesday, January 9, 2019, 8:30 a.m. until completion of agenda: Emergency Full Council
PLACE: Tallahassee: location to be determined; telephone conference call-in number 1(888)670-3525, participant code 5073148497
GENERAL SUBJECT MATTER TO BE CONSIDERED: Emergency Agenda of the full Council.
If you would like to be notified of meetings please contact: Florida Independent Living Council, 1882 Capital Circle NE, Suite 202, Tallahassee, Florida 32308, (850)488-5624, toll-free 1(877)822-1993, or jenny@floridasilc.org.
A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1882 Capital Circle NE, Suite 202, Tallahassee, Florida 32308 (850)488-5624 toll-free 1(877)822-1993.
Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

Florida Sports Foundation
The Florida Sports Foundation Grant Committee announces a telephone conference call to which all persons are invited.
DATE AND TIME: January 30, 2018, 10:00 a.m.
PLACE: (888)670-3525 participant code: 656-578-0871#
GENERAL SUBJECT MATTER TO BE CONSIDERED: 3rd Quarter Grants.
A copy of the agenda may be obtained by contacting: Charlotte Cowen at ccowen@flsports.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 7 days before the workshop/meeting by contacting: Charlotte Cowen at ccowen@flsports.com. If you are hearing or speech impaired, please contact the agency using

the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
For more information, you may contact: Charlotte Cowen at ccowen@flsports.com

Florida Sports Foundation
The Florida Sports Foundation announces a public meeting to which all persons are invited.
DATE AND TIME: February 16, 2018, 8:30 a.m.
PLACE: St. Petersburg Marriott Clearwater, 12600 Roosevelt Blvd | St. Petersburg FL 33716
GENERAL SUBJECT MATTER TO BE CONSIDERED: Third Quarter Board of Directors Meeting.
A copy of the agenda may be obtained by contacting Jacqueline Hightower, jhightower@flsports.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 7 days before the workshop/meeting by contacting Jacqueline Hightower, jhightower@flsports.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.
For more information, you may contact: Jacqueline Hightower, jhightower@flsports.com.

Quest Corporation of America, Inc.
The Florida Department of Transportation District 1 announces a public meeting to which all persons are invited.
DATE AND TIME: January 8, 2018, 1:00 p.m. – 3:00 p.m.
PLACE: Glades RV Resort Activity Center, 1679 Indian Hills Drive, Moore Haven, Florida, 33471
GENERAL SUBJECT MATTER TO BE CONSIDERED: On January 8, 2018 from 1:00 p.m. to 3:00 p.m. there will be a public meeting at the Glades RV Resort Activity Center to address any questions or concerns regarding SR 80 improvements.
The Florida Department of Transportation's (FDOT) contractor, AJAX Paving Industries of Florida, is making improvements to SR 80 from Dalton Lane to CR 833 in Hendry County, Florida. The project includes widening approximately

11 miles of roadway from two to four lanes and adding new turning lanes.

Additional work includes repaving the current lanes of SR 80 and constructing ten new bridges. Three of them will require full demolition and removal of the existing bridges to construct the new ones. Work will also include improving drainage, adding curb and gutter, and installing LED lighting.

A copy of the agenda may be obtained by contacting Corine Burgess, corine.burgess@dot.state.fl.us, (863)225-0422.

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 3 days before the workshop/meeting by contacting Corine Burgess, corine.burgess@dot.state.fl.us, (863)225-0422. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Corine Burgess, Community Outreach Manager, FDOT, Heartland Operations Center, corine.burgess@dot.state.fl.us, (863)225-0422.

VHB

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: DATE: Tuesday, January 30, 2018: 5:30 p.m. – 7:30 p.m., Open House; 6:00 p.m., Presentation

PLACE: Umatilla City Hall, 1 South Central Avenue, Umatilla, Florida 32784

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No.: 439756-1-12-01.

Project Description: Corridor Planning Study - State Road (S.R.) 19 (Central Avenue) from C.R. 450-A to Bulldog Way / Olde Mill Stream RV Resort.

This is the second of two public meetings to be held as part of a community-based evaluation to determine how best to meet the needs of the traveling public. The purpose of this public meeting is to explain the project goals and objectives, and present the final alternative.

A copy of the agenda may be obtained by contacting Judy Pizzo, MSURP, Planning Project Manager for FDOT at 719 South Woodland Boulevard, DeLand, FL 32720, (386)943-5167, Judy.Pizzo@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Dimitre Guenov, Project Planner, (407)839-4006, dguenov@vhb.com.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT

compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator, (386)943-5367, Jennifer.Smith2@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Judy Pizzo, MSURP, FDOT Planning Project Manager, (386)943-5167, Judy.Pizzo@dot.state.fl.us.

Section VII

**Notice of Petitions and Dispositions
Regarding Declaratory Statements**

NONE

Section VIII

**Notice 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:

NOTICE OF PETITION

Florida Association of Homes and Services for the Aging, Inc., d/b/a Leadingage Florida vs. Agency for Health Care Administration and Department Of Elder Affairs; Case No.: 17-6832RP; Rule Nos.: 58A-5.036, 59A-4.1265

NOTICE OF PETITION

Florida Senior Living Association, Inc. vs. Department of Elder Affairs; Case No.: 17-6835RP; Rule No.: 58A-5.036

NOTICE OF PETITION

Covenant Hospice, Inc. vs. Agency for Health Care Administration; Case No.: 17-6836RU

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

NONE

Section IX

**Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Friday, December 15, 2017 and 3:00 p.m., Thursday, December 21, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
20ER17-4	12/15/2017	12/15/2017
33-602.210	12/21/2017	1/10/2018
33-602.211	12/21/2017	1/10/2018
33-602.212	12/21/2017	1/10/2018
62-204.800	12/20/2017	12/20/2017
64B6-5.003	12/15/2017	1/4/2018
64B6-8.003	12/15/2017	1/4/2018
64ER17-8	12/20/2017	12/20/2017
6C7-8.009	12/19/2017	1/8/2018
6C7-8.010	12/19/2017	1/8/2018
69A-64.005	12/19/2017	1/8/2018

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.100	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Clean Water State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

Town of Havana, Florida

The Florida Department of Environmental Protection (DEP) has determined that the Town of Havana’s project to improve the wastewater treatment facility is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$5,993,000. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Mahnaz Massoudi, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000, calling (850)245-2960, or emailing mahnaz.massoudi@dep.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE

Policy and Procedures Update

The Department has posted draft policy and procedures for review and comment for FDJJ 1800 Background Screening and Hiring Practice. The policy will be posted until January 09, 2018, on the Department’s webpage at <http://www.djj.state.fl.us/partners/policies-resources/department-policies/policies-under-review>.

Directions for submitting comments can be found at the Policies Under Review webpage.

DEPARTMENT OF CHILDREN AND FAMILIES
Economic Self-Sufficiency Program
NOTICE OF TEMPORARY ASSISTANCE FOR NEEDY
FAMILIES (TANF) CASELOAD REDUCTION CREDIT
REPORT

Based on guidance from the Department of Health and Human Services, notice is hereby given of the submission of this report for FFY 2018 using FFY 2017 caseload data as the comparison year. The caseload reduction credit is an adjustment to the State's minimum TANF work participation requirement. To receive a copy of the report email Victor.Walker@myflfamilies.com, call (850)717-4141 or write the Department of Children and Families, Economic Self-Sufficiency Headquarters, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700. The Department is providing the public an opportunity to comment on the estimates and methodology used to complete the estimates and will accept written comments on this report through 5:00 p.m. on January 22, 2018 submitted to the above email or mail address. We will consider any comments received, forward them to the federal agency and amend the report if necessary.

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.
