

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-1.021	Definitions
40E-1.602	Permits Required
40E-1.603	Application Procedures for Processing Permit Applications or Notices of Intent
40E-1.6065	Consideration of Intended Agency Decision on Permit Applications
40E-1.607	Permit Application Processing Fees
40E-1.6107	Transfer of Surface Water Management, or Water Use, or Wetland Resource Permit
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern
40E-1.659	Forms and Instructions

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection’s statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: Amendments to this chapter include: 1) updating rule references and deleting rules proposed for repeal; 2) clarifying when agency action shall occur for specific types of permit applications and the procedure for notifying applicants when projects do not qualify for noticed general water use permits; 3) clarifying types of permits and recommendations to be considered by the Governing Board; 4) replacing old forms with new ones; 5) reformatting the fee table so that it is easier to read; 6) conforming the permit types to those proposed in Rule 40E-2.071, F.A.C.; and 7) incentivizing the online submissions of applications for Noticed General Permits by reducing the application fee.

RULEMAKING AUTHORITY: 218.075, 373.044, 373.109, 373.113, 373.416, 373.4131, 373.4135, 373.4136, 373.421(2), 373.421(6)(b), 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.60, 218.075, 373.079, 373.083, 373.106, 373.107, 373.109, 373.113, 373.116, 373.171, 373.229, 373.309, 373.4131, 373.4135, 373.4136, 373.4141, 373.416, 373.417, 373.421(2), 373.421(6)(b), 373.422, 373.426, 373.429, 373.436, 380.051, 403.201, 668.003, 668.004, 668.50, 704.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov or Jennifer Bokankowitz, Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-2.011	Policy and Purpose
40E-2.041	Permits Required
40E-2.061	No-Notice General Permit by Rule
40E-2.071	Noticed General Permits and Individual Permits
40E-2.091	Publications Incorporated by Reference
40E-2.101	Content of Application
40E-2.301	Conditions for Issuance of Permits
40E-2.321	Duration of Permit
40E-2.331	Modification of Permits
40E-2.381	Limiting Conditions

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection's statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: Amendments to this chapter include: 1) setting forth the policy for permit applications that do not meet the provisions in this chapter for a general permit; 2) requiring a single noticed general permit for contiguous areas unless the projects are served by separate withdrawal facilities; 3) granting a general permit by rule for short-term dewatering and for closed-loop systems; 4) setting forth circumstances under which the water use would qualify for a noticed general permit and when an applicant must apply for an individual permit; 5) replacing old water use forms with new ones; 6) incorporating provisions from Chapter 40E-20, F.A.C.; 7) conforming to the Water Resource Implementation Rule on minimum flows and levels; 8) providing for modifications of permits by letter for certain types of projects or activities; and 9) facilitating implementation of the recent amendments to Section 373.236(5), F.S.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.079, 373.083, 373.103(1), 373.109, 373.118, 373.196, 373.203, 373.216, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.244, 373.249, 373.250 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steven Memberg, Water Use Policy Principal Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 2133 or (561)682-2133, email: smemberg@sfwmd.gov or Jennifer Bokankowitz, Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 2258 or (561)682-2258, email: jbokanko@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District,

3301 Gun Club Road, West Palm Beach, FL 33406, telephone: 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-3.011	Policy and Purpose
40E-3.021	Definitions
40E-3.040	Scope of Part I
40E-3.041	Permits Required
40E-3.051	Exemptions
40E-3.301	Conditions for Issuance of Permits
40E-3.451	Emergency Authorization

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection's statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments delete references to repealed rules or rules proposed for repeal, and make grammatical corrections.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.019, 373.103(1), 373.106, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.326, 373.329, 373.333, 373.342 FS.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-5.011	Policy and Purpose
40E-5.041	Permits Required
40E-5.301	Conditions for Permit Issuance

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection’s statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: Amendments to this chapter include deleting references to rules proposed for repeal and replacing the reference to the Basis of Review with the Applicant's Handbook.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.106(1) FS.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.421	Prevention and Recovery Strategies
40E-8.431	Consumptive Use Permits

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection’s statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: The amendments to this chapter include deleting references to repealed rules and replacing references to the Basis of Review with the Applicant's Handbook.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421 FS.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.011	Policy and Purpose
40E-10.031	Water Reservations Implementation
40E-10.041	Water Reservation Areas: Lower West Coast Planning Area
40E-10.051	Water Reservation Areas: Upper East Coast Planning Area

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection’s statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: The amendments to this chapter include deleting references to repealed rules and replacing references to the Basis of Review with the Applicant's Handbook.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595 FS.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.010	Review of General Water Use Permit Applications
40E-20.011	Policy and Purpose
40E-20.061	Delegation of Authority Pertaining to General Water Use Permits
40E-20.091	Publications Incorporated by Reference
40E-20.101	Content of General Water Use Permit Applications
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.321	Duration of General Water Use Permits
40E-20.331	Modification of General Water Use Permits
40E-20.351	Transfer of General Water Use Permits
40E-20.381	Limiting Conditions

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection’s statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: The District is transferring relevant portions of this Chapter governing general water use permits to Chapter 40E-2, F.A.C. Therefore, these rules are proposed for repeal.

RULEMAKING AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.036, 373.042, 373.0421, 373.083, 373.103(1), 373.103(4), 373.118, 373.1501, 373.1502, 373.171, 373.219, 373.223, 373.229, 373.2295, 373.239, 373.470 FS.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-24.011	Policy and Purpose
40E-24.101	Definitions
40E-24.201	Year-Round Landscape Irrigation Conservation Measures

PURPOSE AND EFFECT: The District is re-initiating rule development to amend its consumptive use permitting and water supply related program rules as part of the Florida Department of Environmental Protection’s statewide effort to improve consistency among the water management districts (referred to as CUP Consistency or CUPCon). This re-initiation of rule development will cure discrepancies between the versions of rules that were published on December 10, 2013, and acted on by the Governing Board on February 13, 2014, as well as correct some inadvertent text inaccuracies. There are no substantive changes to the rule text as adopted by the Governing Board in February 2014.

SUBJECT AREA TO BE ADDRESSED: The amendments to this chapter include delete references to repealed rules.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-78.002	Definitions and Purpose
61B-78.003	Educational Resolution
61B-78.004	Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The Division proposes the rule amendment to update the cooperative resolution guidelines for unit owner controlled associations to reflect 2008, 2009, 2010, 2011, and 2013 Legislative changes to Chapter 719, FS.

SUBJECT AREA TO BE ADDRESSED: Cooperative resolution guidelines for unit owner controlled associations.

RULEMAKING AUTHORITY: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.501(1)(d)4. and 719.501(1)(m) FS.

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

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: Debbie Miller at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Debbie Miller, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-23.012 Special Regulations on Lake Okeechobee

PURPOSE AND EFFECT: : The proposed rule amendment would change the language relating to the haul seine permits to allow the permits to be transferred to immediate family in the case of death or permanent disability of the permit holder. Also, permit holder requirements would be updated to reflect current practice.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include commercial fishing on Lake Okeechobee.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Tom Champeau, Director, Division of Freshwater Fisheries Management, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)488-4066

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-3.005 Repeal of Chapters 19961, 26000, 27697, 61-2452, 63-1585, 67-1685, 67-1883, Manatee County Special Acts

PURPOSE AND EFFECT: The purpose of this rule development is to repeal the Special Acts of Local Application (Special Acts) for Manatee County.

Chapter 19961 limits the type of nets that can be used near Manatee County municipalities. Chapter 26000 limits the types of nets that can be used in Manatee County inland salt waters. Chapter 27697 specifies inland waters where haul nets can be used in Manatee County. Chapter 61-2452 closes certain interior waters of Anna Maria Island to net fishing, while Chapter 63-1585 closes most of the Manatee River to commercial fishing. This chapter also prohibits the use or possession of traps and certain net gears and establishes aggregate bag and possession limits of no more than 15 saltwater food fish on the Manatee River. Chapter 67-1685 closes certain saltwater canals of Manatee County to net fishing, limits the possession of certain types of gear, and sets possession limits for saltwater fish in these canals. The chapter also prohibits blocking waterways with nets and authorizes the Manatee County Commission to regulate the harvest of fish in the county. Chapter 67-1883 limits the types of gear that can be used in the salt waters of the City of Palmetto. These Special Acts will be repealed in order to allow current, relevant statewide rules to apply in Manatee County.

The effect of this rule will be to repeal a series of outdated saltwater fishing regulations, eliminate redundancy and conflicting rules, and increase consistency in current statewide regulations. The repeal of Chapters 19961, 26000, 27697, 61-2452, 63-1585, 67-1685, 67-1883, Manatee County Special Acts, will eliminate redundant and unnecessary regulation and create greater consistency among Florida fishing regulations by allowing existing statewide gear and fishing regulations already addressed in Florida Statutes, the Florida Constitution, and Florida Administrative Code to apply in Manatee County.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be addressed in the rule development notice include the repeal of Special Acts regulating commercial fishing, possession and bag limits for saltwater fish, regulation of the harvest of fish, and the use and possession of nets in Manatee County.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E., Station 201, Tallahassee, Florida 32301, (850)487-0554

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

Section II Proposed Rules

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-24.004 **RULE TITLE:** Fur and Hide Dealers: Operations, Reporting Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify existing provisions, streamline reporting requirements, and incorporate a provision of Section 379.364, F.S., regarding shipping requirements of alligator hides and skins of fur-bearing animals. The effect of the proposed rule will be to improve understanding of existing provisions, decrease and simplify reporting and codify shipping requirements.

SUMMARY: The proposed rule (1) clarifies that it is unlawful to purchase untagged alligator hides, that skins of fur-bearing animals possessed on dealer or agent buyer premises must be tagged, and that purchasing records must be kept for a period of one year; (2) establishes less burdensome annual reporting requirements, and (3) establishes shipping requirements when using a common carrier.

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

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.354, 379.364, 379.3012, 379.3751 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements.

(1) No fur or hide dealer or buyer shall buy or possess any untanned skin of any fur-bearing animal acquired from any person not licensed in accordance with Section 379.354, F.S., or any untagged, untanned hide of an alligator taken by a ~~acquired from any person not licensed as an alligator hunter under Section 379.354, F.S.; an alligator trapper, processor or farmer under Section 379.3751, F.S.; or as a hide dealer under Section 379.364, F.S. Every fur or hide dealer shall maintain written records of all purchases of untanned skins of any animal as set forth in subsection (2).~~ Untanned skins of fur-bearing animals possessed or stored on the premises of a dealer or agent buyer for another person shall be tagged to show the name, address, date received and license number of the owner.

(2) Reporting, record keeping, and shipping requirements:

(a) Alligator hide dealers and buyers licensed pursuant to Section 379.364, F.S., shall submit an annual report to the Fish and Wildlife Conservation Commission at the conclusion of each calendar year for receipt by January 31. The report shall include the number of hides bought and name of person from whom the hides were bought, the harvest permit number under which each alligator was taken, and the date of purchase.

(b) Fur and hide dealers and buyers licensed pursuant to Section 379.364, F.S., shall submit an annual report covering the period April 1 through March 31 to the Fish and Wildlife Conservation Commission for receipt by April 15. The report shall include the number of skins bought for each fur-bearing animal and name and trapping license number of person from whom the skins were bought and the date of purchase. ~~their agents purchasing skins during the following report periods shall file reports with the executive director as follows: separate reports for December 1 through 15, December 16 through 31, January, February and March which shall be filed within ten days following each report period. Dealers and their agents dealing in raccoon, opossum, skunk, nutria or beaver during the period of April 1 to November 30 shall file a report for that period no later than December 10. Dealers and their agents dealing in alligator hides shall file a report each 14 days during the open season for alligators as specified in Rule 68A-25.042, F.A.C., and an annual summary by January 30. Report forms will be furnished by the Commission, and reports will contain the fur and hide dealer's or agent's name, the seller's name and license number, and the number of hides of each species purchased.~~

(c) Copies of records reports documenting purchases of alligator hides or fur-bearing animal skins shall be maintained at the dealer's and buyer's agent's places of business for a period of one year during the open season for alligators; copies

~~of reports documenting purchases of other skins shall be maintained at the dealer's and agent's places of business during the furbearer season.~~

(d) Any shipment initiated by a licensed fur or hide dealer or buyer with a common carrier shall have marked thereon the name of the licensee and license number.

(3) The written records of fur and hide transactions shall be made available for inspection by Commission law enforcement wildlife officers during regular business hours.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354, 379.364, 379.3012, 379.3751 FS. History--New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.04, Amended 6-2-86, 6-7-88, 2-4-89, 4-11-90, 4-1-96, Formerly 39-24.004, Amended 3-30-06, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 7, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002 RULE TITLE: General Provisions for Taking Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate a provision of Section 379.3751, F.S., allowing the number of participants engaged in the taking of alligators and eggs from the wild to be limited and clarify the existing prohibition of selling crocodilian products manufactured in the form of a stuffed crocodilian less than 3 feet in length. The effect of the proposed rule will be to clarify existing provisions, decrease regulations, and provide for normal taxidermy mounting of alligators less than three feet in length.

SUMMARY: The proposed rule establishes a provision that the commission may limit the number of participants engaged in the taking of alligator s or their eggs in order to assure the optimal utilization of the alligator resource and provides for normal taxidermy mounted alligators less than three feet in length.

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

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) In order to assure the optimal utilization of the estimated available alligator resource, the commission may by rule limit the number of participants engaged in the taking of alligators or their eggs from the wild. No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) through (b) No change.

(2) Notwithstanding other provisions in this Title, untagged, lawfully-acquired, cured, and mounted crocodylian trophies; untagged, tanned crocodylian hides; and manufactured goods wholly or partly composed of crocodylian hide or other parts may be possessed, transported, and imported without a permit, but may only be sold in accordance with the following:

(a) through (b) No change.

(c) No person shall sell any crocodylian product manufactured in the form of a stuffed baby crocodylian less than three feet in length as measured from the tip of the snout to the tip of the tail that depicts an unnatural crocodylian body or body part positioning.

(3) through (11) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const, 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.003
 RULE TITLE: Taking and Disposal of Nuisance-Alligators Statewide

PURPOSE AND EFFECT: The purpose of the proposed rule is to remove the reference to license requirements of persons taking nuisance alligators and incorporate provisions of Section 379.3752, F.S., committing to expenditures on alligator marketing and education activities for alligators taken under this rule. The effect of the proposed rule will be to clarify existing provisions and reduce regulations.

SUMMARY: The proposed rule removes the reference to licensing requirements of persons taking nuisance alligators and establishes a provision committing expenditures of \$5 on alligator marketing and education activities for each CITES tag used under this rule.

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

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3012, 379.3751 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.003 Taking and Disposal of Nuisance Alligators Statewide.

(1) Only persons under contract with the Commission as nuisance alligator trappers, or their agents and assistants, who have been approved by the executive director, or his designee, ~~and licensed in accordance with Section 379.3751, F.S.,~~ shall take, possess and kill nuisance alligators as authorized by permit.

(2) No change.

(3) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00, 12-16-03, 5-18-06, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.004
 RULE TITLE: Regulations Governing the Operation of Alligator Farms

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the alligator farm fencing requirements and that only farmers who display alligators to the public would have to meet the housing requirements for alligators in the captive wildlife rules. The effect of the proposed rule will be to improve understanding of the rule and decrease burdens on farmers who do not display alligators to the public.

SUMMARY: The proposed rule establishes that chain link fencing material equivalents must be equivalent in strength and that only farmers who display alligators residing in their permanent enclosures to the public must also conform to the captive wildlife housing 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: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3751 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and farming agents subject to the following:

(1) through (2)(b) No change.

(c) An alligator farm may be licensed and permitted separately on a parcel contiguous with another alligator farm provided the following criteria are met to ensure maintenance of separate inventories on the farms:

1. The applicant shall submit a copy of the current deed or leaseholder agreement in the prospective farm, along with a detailed map or drawing to scale, depicting the farm’s boundaries. Such boundaries shall be readily identifiable on the ground and shall show a clear demarcation between the farms.

2. A fence, wall, or equivalent structure, not less than six feet high, and constructed of not less than 11 1/2 gauge chain link, or strength equivalent, shall separate the borders of ponds or outdoor tanks of the adjacent farm, when they are not separated by a minimum of 100 feet of dry land.

3. When buildings are used for alligator grow-out, they shall be separate for each farm.

4. Egg incubators, if provided, shall be in buildings separate from those of any other contiguous farm.

5. Rearing tanks on the respective farms shall be separately drainable.

6. Farm buildings and outside tanks on the respective farm, that are not separated by a minimum of 100 feet, shall be visibly marked with the name of the farm or other identifier to facilitate inventory inspections.

(d) through (5)(e) No change.

(6) Specifications for alligator farms:

(a) Pens or holding facilities shall be constructed in a manner to prevent the escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility. The ponds and outdoor tanks of all farms licensed to exhibit wildlife under Section 379.3761, F.S., shall conform to the fencing requirements for alligators as provided in Rule 68A-6.003, F.A.C. Farms not licensed to exhibit wildlife shall not be required to meet such standards, but shall have fencing five feet in height consisting of not less than 11 1/2 gauge chain link or its strength equivalent and utilize fence ties 11 1/2 gauge or its strength equivalent ~~equivalent~~ to secure the fencing to posts, rails, and to any other structural parts to prevent the escape or entrance of an alligator.

(b) Alligators less than four (4) feet in length shall be kept in readily drainable rearing tanks of concrete, fiberglass, plastic, or metal construction or other materials approved by the executive director or designee that will ensure their secure and humane confinement.

(c) Minimum space requirements shall be:

1. One half (0.5) square foot of space for each alligator less than 24 inches in length and enough space to allow the alligator to at least partially submerge and partially exit from the water.

2. One and a half (1.5) square feet of space for each alligator measuring 24 inches to 48 inches in length and enough space to allow the alligator to at least partially submerge.

3. Three (3) square feet of space for each alligator greater than 48 inches in length and enough space to allow the alligator to at least partially submerge.

4. For all alligator sizes, one dimension of the enclosure must be at least as long as the longest animal it contains. Alligator farm permittees who also display alligators residing in their permanent enclosures to the public shall furnish alligator housing of sufficient size and design as provided by Rules 68A-6.004 and 68A-6.0023, F.A.C.

(7)(a) through (8)(b) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08, 3-24-13, 10-9-13, 4-2-14, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.031
 RULE TITLE: Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate provisions of Section 379.3751, F.S., committing to expenditures on alligator marketing and education activities for alligator eggs taken under this rule and to establish provisions for reducing egg collection fees when spending authority for this activity is not granted. The effect of the proposed rule will be to prepare Section 379.3751, F.S., for simplifying in the future.

SUMMARY: The proposed rule establishes a provision committing expenditures of \$1 on alligator marketing and education activities for each egg collected under this rule and provides for reducing the egg fee by \$1 in years that spending authority for this activity is not granted.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3012, 379.3751, 379.3752 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs.

- (1) No change.
- (2) Conditions governing alligator egg collections:
 - (a) through (b) No change.

(c) One dollar shall be expended by the Commission or its designee on marketing and education for each egg collected and retained under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities. In the event an annual appropriation by the legislature for marketing and education activities is not granted, the fee assessed per egg collected and retained shall be reduced to \$4.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751, 379.3752 FS. History—New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.032 **RULE TITLE:** Regulations Governing the Establishment of Alligator Management Programs

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate provisions of Section 379.3752, F.S., committing to expenditures on alligator marketing and education activities for alligators taken under this rule. The effect of the proposed rule will be to prepare Section 379.3752, F.S., for simplifying in the future.

SUMMARY: The proposed rule establishes a provision committing expenditures of \$5 on alligator marketing and education activities for each CITES tag used under this rule.

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

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3012 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as “public lands” in this section) under the following conditions:

- (1) No change.
- (2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.
 - (a) through (g) No change.

(h) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(3) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History–New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, 7-20-09, 3-24-13, 10-9-13, 4-2-14, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.042 **RULE TITLE:** Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the harvest permit application process, provide for capture and release of alligators taken under this rule when captured using non-lethal methods, and to change the legal hunting hours from 5 p.m. until 10 a.m. to 24 hours each day during the established season. The effect of the proposed rule will be to increase flexibility for program participants.

SUMMARY: The proposed rule clarifies the harvest permit application process, provides for capture and release of alligators only when hand-held snares and snatch hooks are used as capture methods, and changes the legal hunting hours

from 5:00 p.m. until 10:00 a.m. to 24 hours each day during the established season.

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

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3012, 379.3751 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission's regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) No change.

(2) Harvest permit issuance:

(a) Harvest permits may be applied for reserved for specific harvest units and harvest periods through the Commission's online licensing system Total Licensing System beginning at the designated times and dates each year by:

1. through 2. No change.

(b) through (f) No change.

(3) Alligator trapping requirements:

(a) No change.

(b) Alligators may be taken anytime from 5 p.m. until 10 a.m. each day during the harvest period specified in the harvest permit. Harvest periods shall be from 5 p.m. on September 12 until 5 p.m. 10 a.m. on November 1, and from either 5 p.m. on August 15 until 5 p.m. 10 a.m. on August 22, or 5 p.m. on August 22 until 5 p.m. 10 a.m. on August 29, or 5 p.m. on August 29 until 5 p.m. 10 a.m. on September 5, or 5 p.m. on September 5 until 5 p.m. 10 a.m. on September 12, except as otherwise provided in the harvest permit.

(c) No change.

(d) Legal methods of take:

1. Alligators captured using hand-held snares and snatch hooks must be released or killed immediately.

2. Alligators may be taken only by the use of artificial lures or baited, wooden pegs less than two (2) inches in length attached to hand-held restraining lines or restraining lines attached to a vessel occupied by the permittee and ~~hand-held snares, harpoons, gigs, snatch hooks,~~ and manually operated spears, spearguns, crossbows and bows with projectiles attached to restraining lines must be killed immediately.

3. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are permitted for taking alligators attached to a restraining line.

4. Notwithstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) through (g) No change.

~~(h) Alligators shall be killed immediately upon capture.~~

~~(h)(i)~~ Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(i)(4) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commission for receipt no later than 14 days after the expiration date of the harvest permit.

(j)(4) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(k)(4) All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68-1.010, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 7-20-09, 7-20-11, 3-24-13,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:

68B-14.002 Definitions

68B-14.009 License Requirements

PURPOSE AND EFFECT: The Commission is considering changes to state regulations that create a Gulf Reef Fish Data Reporting System, which would require private recreational anglers to report their intention to harvest or attempt to harvest the certain reef fish species in the Gulf of Mexico, excluding Monroe County. The purpose and intent of this rule is to improve recreational harvest data collection capabilities for these reef fish species by identifying the population of anglers fishing for these species. The proposed Gulf Reef Fish Data Reporting System would be mandatory for private recreational anglers fishing from a boat off Florida’s Gulf coast (excluding Monroe County) that intend to harvest, attempt to harvest, or possess one or more of the following reef fish species: red snapper, gag, greater amberjack, lesser amberjack, banded rudderfish, almaco jack, red grouper, black grouper, vermilion snapper, and gray triggerfish. Children under 16 years of age, as well as anglers fishing from for-hire vessels or anglers fishing from a state-licensed recreational fishing vessel would be exempt from this requirement. Additionally, Commission employees harvesting for Commission business and any person otherwise authorized by a permit issued by the Commission to harvest for educational or scientific purposes would be exempt from reporting requirements. Monroe County would be excluded because anglers fishing for grouper in state waters of Monroe County follow Atlantic grouper regulations. Additionally, these rule changes would remove the definition of recreational harvester from the Commission’s reef fish rule. This definition conflicts with the definition of recreational harvester in the General Definitions Rule 68B-2.001, F.A.C., which applies to all FWC marine fisheries rules in Division 68B, F.A.C.

The effect of this rule amendment is current recreational harvest data collection efforts for these Gulf reef fish species would be enhanced. These species represent the majority of offshore reef fish harvest by Florida Gulf coast anglers. This data reporting system would be used to collect more accurate, precise, and timely catch and effort estimates for key recreational reef fish fisheries off Florida’s Gulf coast.

SUMMARY: The proposed final rule would create a Gulf Reef Fish Data Reporting System, which would require private recreational anglers to report their intention to harvest or attempt to harvest the certain reef fish species in the Gulf of Mexico, excluding Monroe County. The proposed final rule would also remove the definition of recreational harvester from the Commission’s reef fish rule.

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

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

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

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

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

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18, 2014, 8:30 a.m. – 5:00 p.m.; June 19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(1) through (11) No change.

~~(12) “Recreational harvester” means any person, other than a person harvesting for commercial purposes, who harvests fish in or from the waters of the State of Florida.~~

(13) through (15) renumbered (12) through (14) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, Formerly 46-14.002, Amended 1-1-00, 1-1-03, 7-1-06, _____.

68B-14.009 Reporting Requirement.

The purpose and intent of this rule is to improve recreational harvest data collection capabilities for certain reef fish species by identifying the population of anglers fishing for these species.

(1) From April 1, 2015 through June 30, 2020, recreational harvesters are required to report their intention to harvest or attempt to harvest certain reef fish species in the upcoming year. A recreational harvester may not harvest, attempt to harvest, or possess red snapper, vermilion snapper, gag grouper, red grouper, black grouper, gray triggerfish, greater amberjack, lesser amberjack, banded rudderfish, or almaco jack while aboard a vessel in or on Florida Waters of the Gulf of Mexico excluding Monroe County, unless that person has reported their intention to do so to the Gulf Reef Fish Data Reporting System. Under Section 379.401(1), F.S., failure to file reports required of persons who hold recreational licenses is a non-criminal infraction.

(2) Proof of submission of the report required in subsection (1) must be in the personal possession of the recreational harvester while the recreational harvester is harvesting, attempting to harvest or possessing these species aboard a vessel in Florida Waters of the Gulf of Mexico excluding Monroe County.

(3) Persons meeting the criteria outlined in paragraphs 379.353(2)(a), (i), (j), and (o), F.S. are exempt from the reporting requirement.

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

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jessica McCawley, Director, Division of Marine Fisheries
 Management, 2590 Executive Center Circle East, Suite 201,
 Tallahassee, Florida 32301, (850)487-0554
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Florida Fish and Wildlife Conservation
 Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 16, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: January 8, 2014

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-9.001	General
64E-9.002	Definitions
64E-9.003	Forms
64E-9.0035	Exemptions
64E-9.004	Operational Requirements
64E-9.005	Construction Plan or Modification Plan Approval
64E-9.006	Construction Plan Approval Standards
64E-9.007	Recirculation and Treatment System Requirements
64E-9.008	Supervision and Safety
64E-9.009	Wading Pools
64E-9.010	Spa Pools
64E-9.011	Water Recreation Attractions and Specialized Pools
64E-9.013	Bathing Places
64E-9.015	Fee Schedule
64E-9.016	Variations
64E-9.017	Enforcement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 39, February 26, 2013 issue of the Florida Administrative Register.

64E-9.001 General.

(1) Regulation of public swimming pools and bathing places is considered by the department as significant in the prevention of disease, sanitary nuisances, and accidents by which the health or safety of an individual(s) may be threatened or impaired.

~~(a)~~ Any change resulting in the operation of the pool in a manner unsanitary or dangerous to public health or safety shall subject the state operating permit to suspension or revocation.

~~(b)~~ Failure to comply with any of the requirements of these rules shall constitute a public nuisance dangerous to health.

(2) This chapter prescribes incorporated references, department forms, safety and sanitation standards, and retrofitting of existing pools requirements.

Innovations not addressed by this Chapter ~~or the statute~~ shall be addressed by the variance process.

(3) No change.

(4) As of April 29, 2012, per Sections 514.021 and 514.03, F.S. the Laws of Florida 2012-184, a public pool owner shall first have the plans reviewed and a permit issued for the construction or modification of a public pool by the jurisdictional Building department Official and these shall be ~~accomplished~~ in accordance with the Florida Building Code, Building, Chapter 4, Section 424.1.

~~(a) Upon completion of initial construction, the pool shall not be opened by the owner/operator for public use until an operational permit is issued by the department. At least 30 days prior to the scheduled construction completion, the owner/operator shall apply to the department for an initial operating permit on form DH 918, Application for Initial Swimming Pool Operating Permit/Authorization, 05/12, herein incorporated by reference and available at _____, with the required fee and a copy of the approved construction plans. The pool owner/operator, or their agent shall provide the department a copy of the building department permit issued for construction or modification within 10 days of issuance.~~

~~(b) For modifications, the owner/operator shall submit form DH 916, Application for a Swimming Pool Operating Permit/Authorization, 07/08, herein incorporated by reference and available at _____, to the Department prior to the pool being reopened. There shall be no changes to the pool equipment, recirculation system, structure, markings, access, or appurtenances for the life of the pool without first obtaining a modification approval from the jurisdictional Building Official, except where changes are allowed by the Florida Building Code, or by this Chapter.~~

~~(c) Upon completion of initial construction, the pool shall not be opened by the owner / operator for public use until an operational permit is issued by the department. For modifications, the completion must be certified to the department by the design professional before the pool is reopened.~~

~~(5)~~~~(4)~~ Annually, the pool owner-/-operator shall apply for an operating permit renewal from the department on form DH 916, ~~and their determination of Approval~~ offer the permit shall be based upon the pool's compliance with this Chapter, with the previous operating permit, and the maintenance of the

pool in the same functional, safety, and sanitation conditions as approved by the jurisdictional building department or the department. For the purposes of this determination, department staff shall refer to and use the Florida Building Code (FBC), Building Chapter 4, public swimming pool section 424.1 that was in effect at the time of the pool's construction permitting. Annual operating permits expire on June 30.

~~(6)(5)~~ The 2010 FBC section 424.1-~~code~~ and the 2012 Supplement are hereby incorporated by reference and available for inspection at the Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.0115(5), 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.130, Amended 12-27-98, 5-27-04, 5-24-09, _____.

64E-9.002 Definitions.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.131, Amended 12-27-98, 5-27-04, 5-24-09, Repealed _____.

64E-9.003 Forms.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 FS. History—New 10-5-93, Formerly 10D-5.132, Amended 12-27-98, 3-30-00, 5-27-04, 5-24-09, Repealed _____.

(Substantial rewording of Rule 64E-9.0035 follows. See Florida Administrative Code for present text.)

64E-9.0035 Exemptions.

(1) A person seeking an initial exemption, or an existing facility claiming an exemption from department regulation pursuant to the provisions of Section 514.0115, F.S., shall submit an application and supportive documentation to the department, as described below.

(a) Applicants for an exemption pursuant to Section 514.0115(2)(a) or (2)(b), F.S., shall submit either a completed form DH 4065, Application for a Swimming Pool Exemption Status – 32 Units or Less, 03/98, or a completed form DH 1704, Application for a Swimming Pool Exemption Status More Than 32 Units, 03/98, both of which are hereby incorporated by reference. Copies of these forms are available at _____ or _____.

1. For purposes of determining exemption status, the term condominium shall be as defined in Chapter 718, F.S., and the term cooperative shall be as defined in Chapter 719, F.S. Applicants shall provide either the recorded declaration of condominium or the recorded cooperative documents and any

additional documents which establish the criteria set forth in Section 514.0115(2)(a) or (2)(b), F.S.

(2) Beginning July 1, 2010, exemptions shall be renewed by July 1, every five years. Applicants seeking renewal, who have no changes to the pool or ownership, shall only submit the application form. If swimming pool related or ownership changes have been made, this information shall be submitted along with the application form.

(3) A person who received an exemption shall contact the department if the conditions upon which the exemption was granted change so as to eliminate the exemption status. Under such circumstances, the pool shall comply with the provisions of this chapter and Chapter 514, F.S.

(4) An exemption from department rules does not exempt the pool from other federal, state, and local requirements.

Rulemaking Authority 381.006, 514.031 FS. Law Implemented 514.0115, 514.031 FS. History—New 5-24-09, Amended _____.

64E-9.004 Operational Requirements.

(1) No change.

(a) Cross-connection prevention – To safeguard water quality, devices or systems shall be operational and maintained in their original functional condition.

(b) through (3) No change.

(4) Food, and beverages, glass containers and animals are prohibited in the pool and on the pool wet deck area; animals and glass containers are prohibited within the fenced pool area, or 50 feet from pool edge when no fence exists. Individuals with a disability and service animal trainers may be accompanied by a service animal, as defined in Chapter 413.08, F.S., into the fenced pool area, and on the pool wet deck area; but the service animal is not allowed to enter the pool water or ~~nor~~ onto the drained area of an interactive water feature (IWF) in order to prevent a direct threat to the health of pool patrons.

(5) through (6) No change.

~~(7) All equipment and appurtenances shall be kept in good repair.~~

~~(7)(8)~~ No change.

~~(9) Sanitary facilities shall be maintained in a clean and sanitary condition and sanitary supplies such as toilet paper, paper towels or blow dryer, soap and waste baskets shall be provided.~~

~~(8)(10)~~ No change.

~~(9)(11)~~ Test kits are required to be on the premises of all pools to determine free active chlorine and total chlorine using N,N-Diethyl-p-Phenylenediamine (DPD), or bromine level, total alkalinity, calcium hardness, and pH. NSF—/—ANSI Standard 50-2012 certified water quality test devices/kits or specific laboratory analysis methods identified by the chemical product manufacturer must be available to determine the concentration in pool water of all NSF—/—ANSI Standard 60-

2011 approved chemicals that are fed or added to a public pool, or the chemical cannot be used. NSF/ANSI Standard 50-2012, Equipment for Pools, Spas, Hot Tubs, and other Recreational Water Facilities, September 16, 2012, is hereby incorporated by reference and is available for review at the Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(a) ~~If the following chemicals are fed or added to the pool water, then test kits for the specific chemical must be The following test kits shall be provided if the corresponding chemicals are used:~~ cyanuric acid, sodium chloride, quaternary ammonium, ozone and copper.

(b) through (d) No change.

(12) ~~Activity accessories such as volleyball and basketball nets may be used for designated times provided a clear four foot deck area is maintained behind the structures. When the pool is open for general use such accessories must be removed.~~

~~(10)(13)~~ The keeping of a daily record of information regarding pool operation, using form DH 921, the Monthly Swimming Pool Report, —DH 921 3/98, hereby incorporated by reference and available at _____, shall be the responsibility of the pool owner or operator. Customized report forms may be substituted provided they contain the appropriate information and are made available to the department. The completed report shall reflect manually conducted pool water tests for pH and disinfectant levels at least once every 24 hours, and weekly testing for cyanuric acid when chlorinated isocyanurates are used at spas and pools, and shall be retained at the pool and made available to the department upon request or submitted monthly as required by the local health department. DH 921, 3/98, may be obtained at the local county health department or on the department's internet web site. For the purposes of daily testing of the pool water and keeping of the Monthly Swimming Pool Log, the requirements of Rule 64E-9.018, F.A.C., are not applicable; therefore Any able person can test the pool water and record it in the report on the pool log.

~~(11)(14)~~ Should a human fecal accident occur, the pool operator or owner shall comply with all recommendations found in the Centers for Disease Control and Prevention's (CDC) "Fecal accident response recommendations for Aquatics Staff" dated February 15, 2008, hereby incorporated by reference and available at _____ found on the department's internet _____ web _____ site: <http://www.floridahashealth.org/Environment/water/swim/index.html>. Alternative emergency disinfection methods developed by industry, or by the application of new disinfection technology, or by the use of chemical disinfectants that are

effective, safe and appropriate for public bathing facilities, and are approved by the CDC, may also be used.

~~(15) Pool and deck lighting for pools used at night or when adequate natural lighting is not available, shall be maintained and operational at all times, except when the pool is closed.~~

~~(16) Annual operating permits are valid from July 1, or from the date of issuance, until June 30.~~

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, ~~514.03, 514.031, 514.0315, 514.05, 514.06~~ FS. History—New 10-5-93, Formerly 10D-5.133, Amended 12-27-98, 5-27-04, 5-24-09, _____.

64E-9.008 Supervision and Safety.

(1) No change.

~~(a) Lifeguards or swimming instructors, if provided, shall be in full charge of persons using the pool and shall have authority to enforce all rules. Lifeguards and swimming instructors shall be certified in lifeguarding or swimming instruction, respectively, by the American Red Cross, the YMCA or other equivalent national aquatic training agencies which meet the established standards, objectives and standards of care provided in the American Red Cross or YMCA programs. For the purpose of this rule, the standards found in the 2007 edition of the American Red Cross Lifeguarding Instructors Manual, the 2009 edition of the American Red Cross Water Safety Instructors Manual, the On the Guard II, The YMCA Lifeguard Manual, (2011) Fifth Edition, (YMCA), The Youth and Adult Aquatic Program Manual (1999), and (YMCA) The Parent/Child and Preschool Aquatic Program Manual (1999), are hereby adopted by reference. Swimming instructors of developmentally disabled students shall also be certified in accordance with Chapter 514.072, F.S.~~

~~(b) Lifeguards and swimming instructors shall also be currently certified in first aid and in adult, child and infant cardiopulmonary resuscitation through the American Red Cross, or the American Heart Association, or the National Safety Council, or the American Academy of Orthopaedic Surgeons, or by Medic First Aid International, Inc., or by American Safety and Health Institute.~~

~~(c) Swim coaches are exempted from the swimming instructor certification requirement when training advanced level swimmers for competition.~~

~~(d) Verification of equivalence, as required above, shall be the responsibility of the department. The department shall form an ad hoc advisory group composed of professionals in the field of aquatics. This group shall consist of five members and shall make recommendations to the department regarding the equivalence of lifeguard or swimming instructor certification programs submitted to the department under paragraph 64E-9.008(1)(a), F.A.C. Members shall be appointed for a period of 3 years with such appointments being staggered so that the terms of no more than two members expire in any one year.~~

~~(e) Lifeguard, swimming instructor, cardiopulmonary resuscitation and first aid certificates or photocopies thereof shall be maintained at the pool location and be available for inspection by department personnel at any reasonable hour.~~

(2) Lifeguard and Swimming Instructor Requirements.

(a) Definitions:

1. "Lifeguard" – Person responsible for the safety of the users of a public swimming pool.

2. "Nationally Recognized Aquatic Training Program" – A training and certification program for swimming instructors and lifeguards equivalent to the programs offered by the American Red Cross or the Y.M.C.A.

3. "Swimming Instructor" – Person who offers progressive swimming instruction.

(b) Lifeguards or swimming instructors, if provided, shall be in full charge of persons using the pool and shall have authority to enforce all rules. Lifeguards and swimming instructors shall be certified in lifeguarding or swimming instruction, respectively, by the American Red Cross, the YMCA or other equivalent national aquatic training agencies which meet the established standards, objectives and standards of care provided in the American Red Cross or YMCA programs. For the purpose of this rule, the standards found in the 2007 edition of the American Red Cross Lifeguarding Instructors Manual, the 2009 edition of the American Red Cross Water Safety Instructors Manual, the On the Guard II, The YMCA Lifeguard Manual, (2011) Fifth Edition, (YMCA), The Youth and Adult Aquatic Program Manual (1999), and (YMCA) The Parent/Child and Preschool Aquatic Program Manual (1999), are hereby adopted by reference and available for review at the Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. Swimming instructors of developmentally disabled students shall also be certified in accordance with Chapter 514.072, F.S.

(c) Lifeguards and swimming instructors shall also be currently certified in first aid and in adult, child and infant cardiopulmonary resuscitation through the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopaedic Surgeons, by Medic First Aid International, Inc., or by American Safety and Health Institute.

(d) Swim coaches are exempted from the swimming instructor certification requirement when training advanced level swimmers for competition.

(e) Verification of equivalence, as required above, shall be the responsibility of the department. The department shall form an ad hoc advisory group composed of professionals in the field of aquatics. This group shall consist of five members and shall

make recommendations to the department regarding the equivalence of lifeguard or swimming instructor certification programs submitted to the department under paragraph (b) above. Members shall be appointed for a period of 3 years with such appointments being staggered so that the terms of no more than two members expire in any one year.

(f) Lifeguard, swimming instructor, cardiopulmonary resuscitation and first aid certificates or photocopies thereof shall be maintained at the pool location and be available for inspection by department personnel at any reasonable hour.

(3)(2) Safety Equipment – All pools shall be equipped with the following:

(a) Safety drain outlet cover(s)/grate(s) and allowable secondary anti-entrapment devices as required by section 514.0315, F.S. in the time frame listed as described in this Chapter.

(b) A shepherd's hook securely attached to a one piece pole not less than 16 feet in length, and for Ppools over 50 feet in length shall have a shepherd's hook second unit with one on each of the longer sides of the pool.

(c) At least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck, and for Ppools over 50 feet in length shall have a lifesaving ring second unit with one on each of the longer sides of the pool.

(d) No change.

(e) Spa pools under 200 square feet of surface area, and interactive water features or wading pools with two feet or less of water depth are exempt from this shepherd's shepard's hook and lifesaving life ring requirement.

(3) through (4) renumbered (4) through (5) No change.

(5) Chemical storage – A room or space shall be provided for chemicals to be stored in a cool, dry, and well ventilated area under a roof and the area shall be inaccessible to the public. Chemicals which emit corrosive fumes shall not be stored in the equipment room. Empty chemical containers shall be stored and disposed of in such a manner that they are not accessible to the public.

(6) Swimming pool slides shall be operated and maintained in accordance with manufacturer's specifications and sound engineering practice.

(6)(7) Pool Rules and regulations – Rules for bathers shall be posted as approved by the jurisdictional building department, in minimum 1 inch letters which must be legible from the pool deck, and shall contain the following:

1. No food or beverages in pool or on pool wet deck.

2. No glass or animals in the fenced pool area (or 50 feet from unfenced pool).

3. Bathing load: ___ persons.

4. Pool hours: ___ a.m. to ___ p.m.

5. Shower before entering.

Pools of 200 square feet in area or greater without an approved diving well configuration shall have "NO DIVING", in four inch letters included with the above listed pool rules.

6. For new or modified pools submitted for plan approval application or annual operating permit approval on or after May 24, 2010, their posted sign shall add: Do not swallow the pool water.

(7)(8) Night swimming – Pools shall not be open for swimming at night unless lighting is provided as approved by the jurisdictional building department and all lights are properly operated and maintained except when the pool is closed. Pools authorized for night swimming shall be noted on the operating permit issued by the department. Night swimming shall be considered one half hour before sunset to one half hour after sunrise.

(8)(9) No change.

(10) Floating and climb on devices, objects or toys that are not a part of the approved pool design shall not be tethered in the pool or installed without department approval.

(11) Whenever pools are closed by the owner or operator at night or during service, the existing fenced area entrance gates shall be locked or secured. This is not applicable where another open pool occupies the same area, or where the pool area provides egress to other site facilities, however, a pool closed sign shall be posted by the owner/operator.

(9)(12) General Pool Maintenance for Patron Safety

(a) Pool Structure Pools shall be maintained as watertight, free from structural cracks, and floors and walls shall be maintained, and whenever resurfaced, as white or light pastel in color. Light pastel shall mean a Munsell Color Value of eight or higher. Water line tile shall be replaced when it is loose, damaged or missing. Tiles shall not have sharp edges exposed that could cause bather injury. Any design or logo on the pool floor or walls installed after the initial operating permit is granted shall be such that it will not hinder the detection of a human in distress, algae, sediment, or other objects in the pool and written approval must be obtained from the department prior to installation. A single design or logo may be installed without prior department approval if it is no larger than one square foot, and the Munsell Color Value is at least seven or higher. If a design or logo is installed on the pool deck, benches, or on steps or in water 5 feet deep or less, it shall be slip resistant tile.

(b) Floating rope lines associated with lap lanes must not obstruct the entrance or exit from the pool and are prohibited when the pool is open for general use.

(a)(c) The bathing load for conventional swimming pools, wading pools, interactive water features, water activity pools less than 24" deep, and special purpose pools shall be maintained as computed on the basis of one person per five gallons per minute (gpm) of recirculation flow. The bathing

load for spa type pools shall be maintained as based on one person per each 10 square feet of surface area. This load shall be posted and the owner/operator shall not permit the bathing load to be exceeded at any time.

(b)(d) The filtration system for swimming pools shall be maintained as capable of meeting operating performance standards as identified on the most current operating permit, while providing a flowrate of at least one gallon per minute for each living unit at transient facilities and three fourths gallon per minute at non-transient facilities. Recreational vehicle sites, campsites and boat slips designated for live aboards shall be considered a transient living unit. For properties with multiple pools, this requirement includes the cumulative total GPM of all swimming pools, excluding spa pools, wading pools and interactive water features. Flowrate may not be reduced or adjusted after the initial operating permit is issued unless approved in advance by the department. All other types of projects shall be maintained as sized according to the anticipated bathing load and proposed uses.

(e) For the purpose of determining minimum pool size only, the pool turnover period used cannot be less than three hours.

(f) Multiple floor levels in pools are prohibited.

(g) Floor slope transition shall occur at a minimum of five feet of water depth. A slope transition must maintain a 2 to 6 inch wide dark contrasting tile marking across the bottom and must extend up both sides of the pool at the transition point. A slope transition must have a safety line mounted by use of recessed cup anchors, two feet before the contrasting marking, towards the shallow end. The safety line shall maintain visible floats at maximum seven foot intervals.

(h) Depth markings shall be maintained so that they are not loose, damaged, faded or missing or any sharp edges exposed that could cause bather injury. Permanent depth markings followed by the appropriate full or abbreviated words "FEET", "FT" or "INCHES", "IN", shall be maintained in minimum four inch high numbers and letters on a contrasting background. Depth markers shall indicate the actual pool depth, within three inches, at normal operating water level when measured three feet from the pool wall. In pools designed with the deep point at the center, a dual marking system which indicates the depth at the wall and at the deep point are allowed, and shall be maintained.

(i) Markings shall be maintained on both sides of the pool at the shallow end, slope break, deep end wall and deep point (if located more than five feet from the deep end wall). Depth markings shall be maintained as legible from inside the pool and also from the pool deck. When a curb is provided, the depth markings shall be maintained on the inside and outside or top of the pool curb. When a pool curb is not provided, the depth markings shall be maintained on the inside vertical wall at or

above the water level and on the edge of the deck within 2 feet of the pool water. When open type gutter designs are utilized, depth markers shall be maintained on the back of the gutter wall.

(j) When deck level perimeter overflow systems (aka: vanishing edge) are utilized, additional depth marking signs shall be maintained as posted nearby or placed on adjacent fencing or walls and the size shall be increased so they are recognizable from inside the swimming pool. Alternatively tile depth markers may be maintained at the top of the pool wall just under the water level. Depth markers placed on the pool deck shall be maintained within 3 feet of the water.

(k) "No Diving" markings shall be maintained so that they are not loose, damaged, faded or missing or any sharp edges exposed that could cause bather injury. Those areas of the pool that are not part of an approved diving bowl shall have dark contrasting tile four inch high "NO DIVING" markings maintained along the perimeter of the pool on the top of the pool curb or deck within two feet of the pool water with a maximum perimeter distance of 25 feet between markings. A 6 inch tile with a 4 inch or larger red, international "NO DIVING" symbol may be substituted for the "NO DIVING" markings.

(l) All markings shall be maintained, repaired, or replaced as tile, except that pools constructed of fiberglass, thermoplastic or stainless steel may substitute other type markings when it can be shown that said markings are permanent and will not fade over time. This exception does not extend to concrete pools that are coated with fiberglass. Tile alternative examples include stone or manufactured plaques with engraved or sandblasted numbers and characters with permanent paint. Permanent appliques may be used for fiberglass, thermoplastic or stainless steel pools. All markings installed on horizontal surfaces shall maintain a slip resistant finish. Markings shall be maintained as flush with the surrounding area where placed and recessed if necessary to provide a smooth finish that will avoid creation of an injury hazard to bathers. Pools that are not conducive to tile can employ other equivalent markings as stated above.

(m) Depth markings on the wet deck adjacent to Americans with Disabilities Act (ADA) ramps shall be maintained to show the depth of water below the ramp surface. Depth markings for pool depth shall be maintained on the pool side wall and the top of the ramp near the pool side edge, in accordance with this Chapter's above wet deck marking requirements. In addition to depth markings, there shall be "NO ENTRY" signs made of tile with 4 inch letters maintained on the deck along the entire length of the ramp placed every ten feet. A permanent dark contrasting colored band of tile shall be maintained the entire length of the ramp at the edge of the ramp's horizontal surface and the interior pool wall and must extend two inches on the horizontal and vertical surfaces. Tile must be maintained slip resistant. Bullnose tile may be substituted and installed in

accordance with this Chapter and the FBC 424.1. Where transfer walls and lift chairs are installed, an additional depth marking shall be maintained on the deck immediately in front of the entry point of the device, or as close as possible to the entry point. For those existing pools retrofitted to comply with ADA, these markings shall be provided with installation of the ADA device. New pools shall have these markings at the initial operating permit inspection.

(c)(n) Access – All pools shall be maintained with a means of access as approved by the jurisdictional building department every 75 feet of pool perimeter with a minimum of two, located so as to serve both ends of the pool. In addition, an access point shall be maintained at the deep portion, if the deep portion is not at one end of the pool. When the deep portion of the pool is over 30 feet wide both sides of this area shall have a means of access. Access shall consist of ladders, stairs, recessed treads or swimouts and may be used in combination. All access treads shall have a slip resistant surface.

1. Ladders—Ladders shall be maintained as the cross-braced type and shall be constructed of corrosion resistant materials and be securely anchored into the pool deck. Clearance between the ladder and pool wall shall be maintained between three to six inches. Ladders shall extend at least 28 inches and no more than 40 inches above the pool deck. Ladder bottom braces shall be maintained with intact end caps or bumpers that rest firmly against the pool wall.

2. Stairs—Stairs shall be maintained with a minimum tread width of 10 inches and a maximum width of 48 inches for a minimum tread length of 24 inches and a maximum riser height of 10 inches. Treads and risers between the top and bottom treads shall be uniform to within 1/2 inch in width and height. The riser heights shall be measured at the marked step edges and the differences in elevation shall be considered the riser heights. The front 3/4 to 2 inches of the tread and the top 2 inches of the riser shall be tile, dark in color, and be maintained contrasting with the interior of the pool. Tile shall be slip resistant. Bullnose tile that is slip resistant may be used when the 3/4ths inch segment is placed on the tread or horizontal surface and the 2 inch segment is placed on the riser or vertical surface. Where the gutter is used as the top step, the tile on the gutter for only the width of the steps shall be maintained as slip resistant. Vinyl liner and fiberglass pools may use other material for the step edge marking, provided the material is permanent, permanently secured, dark in color, non fading, and slip resistant.

3. Swimouts—Swimouts shall be maintained 18 to 24 inches back from the pool wall, 4 to 5 feet wide, a maximum of 12 inches below the deck, unless stairs are provided in the swimout, and shall be maintained located only in areas of the pool greater than 5 feet deep. A permanent dark contrasting colored band of tile shall be maintained at the intersection of

the pool wall and the swimout and must extend two inches on the horizontal and vertical surfaces. Tile must be maintained as slip resistant. Bullnose tile may be substituted and installed in accordance with this Chapter.

4. ~~Handrails and Grabrails~~—Handrails shall be maintained as provided for all stairs, shall be anchored in the bottom step and the deck. Where “figure 4” deck mounted type handrails are used, they shall be anchored in the deck and extend laterally to any point vertically above the bottom step. Grabrails must be mounted in the pool deck at each side of recessed steps. Handrails and grabrails shall extend between 28 and 40 inches above all the step edges and wet deck edge, and excluding pool curbs. All measurements should occur from the top of the rail. Resurfacing does not require a change of handrail when the originally approved dimensions are maintained. Handrails shall be maintained as provided for all ADA ramps.

5. ~~Permanent or portable steps, ramps, handrails, lifts, or other devices designed to accommodate individuals in swimming pools may be provided. Lifts mounted into the pool deck shall have a minimum four foot wide deck behind the lift mount.~~

6. ~~Where ADA compliant grab bars, handrails, transfer walls and ramps are installed, there shall be appropriate markings installed that caution patrons of trip hazards. These shall be contrasting color that outline the grab bars or transfer wall. Alternatively, for grab bars placed on steps, handrails may be placed above them for their entire length from top to bottom step to prevent a trip hazard on the grab bars. Transfer walls that are installed over perimeter gutters are allowed. The gutter may not be blocked off more than 5 feet. The transfer wall pool side face shall be vertically even with the vertical wall below it with no obstructions that may cause bather injury. The entire length of the top of the handrail for a ramp shall be configured to be at least 6 inches above the operating water level.~~

~~(m) The pool water area shall be maintained as unobstructed by any type structure unless justified as a part of the recirculation system, as identified in the operating permit. Structures in accord with the above shall not be located in a diving bowl area or within 15 feet of any pool wall.~~

~~1. Stairs, ladders and ramps, necessary for entrance/exit from the pool are not considered obstructions.~~

~~2. Underwater seat benches may be maintained as installed in areas less than five feet deep. Bench seats must be maintained with a dark contrasting tile marking on the seat edge extending two inches on the horizontal and vertical surface, or bullnose tile as for steps. Tile shall be maintained as slip resistant.~~

~~(n) The vertical clearance above the pool deck shall be maintained at least seven feet.~~

~~(o) Diving Areas—~~

~~1. Diving boards, platforms and their ladders shall be maintained with a nonabsorbent, slip resistant finish. Diving equipment one meter and greater shall be maintained with guard rails which extend to the edge of the pool wall. All diving boards over 21 inches from the deck shall be provided with a ladder. Diving boards or platforms shall not be installed on curved walls where the wall enters into the diving area. Adjacent platform and diving boards shall be parallel.~~

~~2. Trampoline type diving facilities are prohibited.~~

~~(13) Pool Appurtenances.~~

~~(a) Decks and Walkways—Wooden decks and walkways are prohibited.~~

~~1. Pool wet decks shall be maintained with a minimum unobstructed width of four feet around the perimeter of the pool, pool curb, ladders, handrails, diving boards, diving towers, any ADA mandated features, and slides, shall be maintained as constructed of concrete or other nonabsorbent material having a smooth slip resistant finish and shall be maintained as uniformly sloped away from the pool or to deck drains to prevent standing water. Non absorbent materials used for the wet deck that are not brick or concrete must be maintained after installation onto a rigid, structurally sound, and non absorbent sub surface, and shall meet the same drainage slope of concrete, shall meet the slip resistance properties of concrete, shall be non toxic as evidenced by certified laboratory testing, and shall not drain water into the pool. Textured deck finishes that accumulate soil shall be cleaned as needed. If settling or weathering occurs that would cause standing water, the original drainage slopes shall be restored or corrective drains installed. When a curb is provided, the deck shall not be more than 10 inches below the top of the curb. Wet deck area finishes shall be designed for such use and shall be maintained in accordance with the manufacturer's specifications. Traffic barriers shall be provided as needed so that parked vehicles do not enter the deck area. Walkways shall be maintained as provided between the pool and the sanitary facilities, constructed of concrete or other nonabsorbent material and a smooth slip resistant finish shall be maintained for the first 15 feet of the walkway measured from the nearest pool water's edge.~~

~~2. Twenty percent of the deck along the pool perimeter may be obstructed as long as any one obstruction does not exceed ten percent or ten feet, whichever is less, in any one area. Obstructions shall be maintained with a wet deck area behind or through them. These obstructions must be protected by a barrier or must be maintained to discourage patron access. Obstructions shall not include pool exit points. When an obstruction exists in multiple areas around the pool the minimum distance between obstructions shall be four feet to allow for bather rescue access.~~

3. Food or drink service facilities shall not be located within 12 feet of the water's edge.

(b) Bridges and overhead obstructions over the swimming pool or river ride shall be maintained so they will not introduce any contamination to the pool water. The minimum height of the bridge or obstruction shall be maintained as at least four feet above the surface of the pool in all cases except when the pool is a river ride where it shall be at least 5 feet above the surface of the pool. However, overhead obstructions in pools 2 feet deep or less shall maintain a minimum seven foot overhead clearance from the bottom of the pool. The walking surfaces shall be maintained as above for decks.

(c) Lighting — Artificial lighting shall be maintained as provided at all swimming pools which are to be used at night or which do not have adequate natural lighting so that all portions of the pool, including the bottom, may be readily seen.

1. Outdoor pool lighting — Lighting shall be maintained to provide a minimum of three foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of one half watt per square foot of pool water surface area.

2. Indoor pool lighting — Lighting shall be maintained to provide a minimum of 10 foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of eight tenths watt per square foot of pool surface area.

3. Underwater lighting — Underwater lighting shall be operated and maintained with transformers and low voltage circuits. The maximum voltage for each light shall be a maximum of 15 volts and the maximum incandescent lamp size shall be no more than 300 watts. Alternative white lighting systems which use 15 volts or less, or use no electricity in the pool or on the pool deck, such as LED, (light emitting diode) or fiber optic systems, may be utilized if the applicant demonstrates to the department that the pool illumination is equal to the requirements in this Chapter above.

(d) Where emergency cut off switches are provided on existing or new pools, the alarm and signage specified in this Chapter for spa pools, if not already installed, shall be provided within 180 days of effective date of this rule.

(e) Equipment Enclosures, Area or Rooms — Equipment designated by the manufacturer for outdoor use may be located in an equipment area; all other equipment must be located in an equipment room or enclosure. Plastic pipe subject to a period of prolonged sunlight exposure must be coated to protect it from ultraviolet light degradation. An equipment area shall be surrounded with a fence maintained of at least four feet high on all sides where not confined by a building or equivalent structure. A self closing and self latching gate with a locking device shall be provided if necessary for access. An equipment room shall be maintained as protected on at least three sides and

overhead. The fourth side must use a locking device, or may be open if otherwise protected from unauthorized entrance. Any fence or gate installed shall use members spacing that shall not allow passage of a 4 inch diameter sphere. An equipment enclosure shall use a locking or otherwise protected from unauthorized access. This access security, if not already installed, shall be installed on all pool equipment areas by one year from the effective date of this rule for those that do not presently have a similar level of security. The equipment enclosure, area or room floor shall be maintained with a smooth slip resistant finish and drainage, including a sump pump if necessary. Ancillary equipment, such as a heater, not contained in an equipment enclosure or room shall necessitate an equipment area as described above, which if not already, shall also be installed by one year from the effective date of this rule.

1. Ventilation and Access — Equipment enclosures or rooms shall be maintained as either forced draft or cross ventilation. All below grade equipment rooms shall maintain a stairway access with forced draft ventilation or a fully louvered door and powered intake within 6 inches of the floor. Where stairway access is not necessary to carry heavy items into the below grade room or vault, a "ship's ladder" may be maintained instead.

2. Size and Lighting — The size of the equipment enclosure, room or area shall be maintained to provide working space to perform routine operations. Clearance shall be provided for all equipment as prescribed by the manufacturer to allow normal maintenance operation and removal without disturbing other piping or equipment. Equipment enclosures, rooms or areas shall not be used for storage of chemicals emitting corrosive fumes or for storage of other items to the extent that entrance to the room for inspection or operation of the equipment is impaired. Equipment enclosures, rooms or areas shall be lighted to provide 30 foot candles of illumination at floor level.

(f) Sanitary Facilities — Swimming pools with a bathing load of 20 persons or less may be maintained to utilize a unisex restroom. Pools with bathing loads of 40 persons or less may be maintained to utilize two unisex restrooms or meet the requirement on the FBC Plumbing Code required fixture count chart. Unisex restrooms shall include a functional water closet, a diaper change table, a urinal, and a lavatory.

1. Outside access to facilities shall be maintained as provided for bathers at outdoor pools. If the restrooms are not visible from any portion of the pool deck, signs shall be maintained as posted showing directions to the facilities. These directions shall be maintained as legible from any portion of the pool deck and the letters shall be a minimum of one inch high. International symbol signs for restrooms may be used instead of lettered signs; if used, they shall be at least 8 inches per side.

~~2. Sanitary facility floors shall be maintained with a smooth slip resistant finish and floor drains. Carpets, duckboards and footbaths are prohibited.~~

~~3. Sanitary facilities shall be maintained with the following supplies when the pool is open: trash receptacle, hand wash soap, toilet paper, and a means to dry hands.~~

~~4. A hose bibb with vacuum breaker shall be maintained as provided in or within 25 feet of each restroom to allow for ease of cleaning.~~

~~5. One diaper changing table shall be maintained as provided at each restroom. Swim diapers are recommended for use by children that are not toilet trained.~~

~~6. Persons that are ill with diarrhea can not enter the pool.~~

~~(g) Rinse shower — A minimum of one rinse shower shall be maintained as provided within the perimeter of the fence at all outdoor pools.~~

~~(h) All public pools shall be surrounded by a minimum 48 inch high fence or other substantial barrier approved by the jurisdictional building department and shall be maintained structurally in their approved functional condition, including all gates, latches, and locks, or they shall be repaired or replaced.~~

~~(10)(14) General Equipment Maintenance for Safety—~~

~~(a) Recirculation and treatment equipment such as, but not limited to filters, recessed automatic surface skimmers, ionizers, ozone generators, UV systems, automatic controllers, disinfection feeders and chlorine generators must be tested and approved using the NSF-/ANSI Standard 50-2012, Equipment for Pools, Spas, Hot Tubs, and other Recreational Water Facilities dated April, 2012, which is incorporated by reference in these rules. The standard and a list of certified products is available from www.NSF.org, and product certifications are available from other American National Standards Institute (ANSI) 3rd party accredited product certifiers. If standards do not exist for a specific product, the manufacturer should consult NSF or other ANSI accredited product certifier to develop such standards.~~

~~(b) The recirculation system shall be operated to maintain a minimum of four turnovers of the pool volume per day (once per 6 hours). Pools that are less than 1000 square feet at health clubs are shall be required to provide eight turnovers per day (once per 3 hours). Other pool types shall maintain the following minimum pool turnover rate: spa pool- 30 minutes; IWF- 30 minutes; wading pool- 1 hour; water activity pool- 1 hour in pools two foot deep or less, or 2 hours in pools over two foot deep; zero depth entry pool- 1 hour in area less than three feet deep; water slide plunge pool- 2 hours; river ride- 3 hours, and wave pool- 3 hours. Validation of the turnover rate shall be determined by the rate of flow indicator.~~

~~(c) For compliance with Section 514.0315, F.S., and to ensure the safety of bathers: Recessed automatic surface skimmers may be installed with an equalizer valve and an~~

~~equalizer line when the skimmer piping system is connected directly to pump suction. If installed, the equalizer valve shall be a spring loaded vertical check valve which will not allow direct suction on the equalizer line. Float valves are prohibited. The equalizer line inlet on the pool wall shall be protected by a compliant cover/grate certified to the American National Standards Institute / Association of Pool and Spa Professionals (ANSI/APSP) Standard 16—2011, titled “American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas and Hot Tubs” For existing pools, skimmer equalizer lines shall be permanently plugged or ANSI/APSP Standard 16—2011 compliant covers/grates shall be installed at the inlet. Note that existing drain covers/grates in use in Florida pools do meet this 2011 APSP 16 standard if they were ANSI laboratory certified under the identical former standard, ASME/ANSI A112.19.8 2007. The 2011 APSP 16 successor standard is available from APSP, at www.APSP.org, or this address: APSP, 2111 Eisenhower Avenue, Alexandria, Virginia, 22314. This successor safety standard complies with Chapter 514.0315, FS, and was approved by the U.S. Consumer Product Safety Commission, effective September 6, 2011, for the Agency’s implementation of the federal Virginia Graeme Baker Pool and Spa Safety Act. (per federal public notice available at http://www.epsc.gov/BUSINFO/frnotices/fr11/vgb_pssa_successor_standard.pdf)~~

~~1. A functional wall inlet fitting shall be maintained directly across the pool from each skimmer.~~

~~2. A minimum 6 inch water line tile shall be maintained as provided on all pools with automatic skimmer systems. Glazed tile that is smooth and easily cleanable shall be utilized and maintained in good condition.~~

~~1. All safety features shall be tested and replaced when necessary, in accordance with the manufacturer’s specifications. The operations manual shall be on site.~~

~~2. The owner/operator shall provide a completed form DH 4157, Owner/Operator Verification of Entrapment Safety Features, 02/13, herein incorporated by reference and available at _____, to the department when a change in the safety feature occurs.~~

~~3. For an existing pool with a suction limiting vent (SLV) system, the system shall be tested annually by a Chapter 489, F.S., licensed pool contractor or a Florida licensed professional engineer to validate that the vacuum release timing is in compliance with the criteria for safety vacuum release systems in Section 514.0315(2)(a), F.S. A copy of the testing shall be submitted to the department with the annual operating permit renewal application.~~

~~(d) Pumps — Pumps producing the design approved flow through the recirculation system shall be maintained. When a variable speed pump is used, the recirculation system shall be operated such that it achieves the equivalent of 6 hours of~~

~~treatment at 100% design flowrate during the daily closed period, or at least one complete water volume turnover, whichever is greater.~~

~~(d)(e) Filters – Filters sized to handle the required recirculation flow shall be maintained to perform as originally installed in accordance with the manufacturer’s specifications and remain functional as designed.~~

~~1. Filter capacities— The maximum filtration rate in gallons per minute per square foot of filter area shall be: fifteen (15), or twenty (20) if so approved utilizing the procedure in this Chapter below for high rate sand filters, three (3) for rapid sand filters, three-hundred-seventy-five thousandths (375/1000) for pleated cartridge filters, and two (2) for Diatomaceous Earth (D.E.) type filters.~~

~~2. Filter Appurtenances. Pressure filter systems shall be maintained to perform as originally as equipped with a functional air relief valve, influent and effluent pressure gauges with minimum face size of two inches reading 0-60 pounds per square inch (psi), and a sight glass when a backwash line is required.~~

~~3. Vacuum filter systems shall be maintained to perform as originally as equipped with a functional vacuum gauge which has a two inch face and reads from 0-30 inches of mercury.~~

~~4.(f) Filter tanks and elements – D.E. filter elements shall be maintained as installed with a minimum one inch clear spacing between elements up to a four square foot effective area. The spacing between filter elements shall increase one-eighth inch for each additional square foot of filter area or fraction thereof above an effective filter area of four square feet. All cartridges used in public pool filters shall be maintained as permanently marked with the manufacturer’s name, pore size and area in square feet of filter material. All cartridges with end caps shall have the permanent markings on one end cap. The D.E. filter tank and elements shall be installed and maintained as installed, such that the recirculation flow draw down does not expose the elements to the atmosphere whenever only the main drain valve is open or only the surface overflow gutter system valve is open.~~

~~(g) Piping— All plastic pipe used in the recirculation system shall be maintained as imprinted with the manufacturer’s name and the NSF pw logo for potable water applications.~~

~~(h) Valves— Return lines, main drain lines, and surface overflow system lines shall each be maintained as functional proportioning valves.~~

~~(i) Flow Velocity— The following design requirements shall be maintained: Pressure piping shall not exceed ten (10) feet per second, except that precoat lines with higher velocities may be used when necessary for agitation purposes. The flow velocity in suction piping shall not exceed six (6) feet per second except that flow velocities up to ten (10) feet per second~~

~~in filter assembly headers will be acceptable. Main drain systems and surface overflow systems which discharge to collector tanks shall be sized with a maximum flow velocity of three (3) feet per second. The filter and vacuuming system shall have the necessary valves and piping to allow filtering the pool, vacuuming to waste, vacuuming to filter, complete drainage of the filter tank, backwashing for sand and pressure D.E. type filters and precoat recirculation for D.E. type filters.~~

~~(j) Inlets— All inlets shall be maintained as adjustable with wall type inlets being directionally adjustable and floor type inlets having a means of flow adjustment. Floor inlets shall be maintained as installed or if replaced such that they do not protrude above the pool floor and all inlets shall be designed and installed so as not to constitute sharp edges or protrusions hazardous to pool bathers. Floor inlets for vinyl liner and fiberglass pools, shall be maintained as smooth with no sharp edges, and shall not extend more than 3/8 inches above the pool floor. The flow rate through each inlet shall not exceed 20 gpm.~~

~~(k) Main Drain Outlets— All new pools shall be constructed and maintained with a gravity drainage system that uses a collector tank. All pools shall be maintained as provided with an outlet at the deepest point.~~

~~1. All existing and new pool main drain outlets must be equipped by a drain cover/grate, which is an anti entrapment system or device, that complies with the “Suction Fittings for Use in Swimming Pools...” ANSI/APSP Standard 16 2011. This system or device’s open area shall be sized such that the maximum velocity of water passing through the openings does not exceed one and one half (1.5) feet per second (fps) at 100 percent of the design recirculation flow (or less velocity if the APSP Standard 16 certification test rates it lower than 1.5 fps).~~

~~2. Multiple outlets, equally spaced from each other, shall be maintained as functional in pools where the deep portion of the pool is greater than 30 feet in width.~~

~~3. The main drain outlet(s) shall be maintained connected to a collector tank as an integral part of a gravity drainage system.~~

~~a. The capacity of the collector tank shall be maintained as at least one (1) minute of the design recirculated flow.~~

~~b. Vacuum filter tanks are considered collector tanks.~~

~~c. The maximum delta height of the collector tank shall be maintained at four and half (4.5) feet between the pool water at operating level and the highest elevation of either of the following measurement points; the invert of the main drain discharge line in the collector tank, or the invert of the pump suction line.~~

~~d. When a collector tank is outfitted with a lid, it shall be permanently fitted or molded to allow continuous air flow around the entire perimeter of the intersection of the bottom of the lid and the top lip of the tank.~~

~~e. All water pumps on all pools shall draw from the collector tank.~~

~~f. A modification permit shall be obtained from the jurisdictional Building department prior to installation of a collector tank on a pool without one.~~

~~4. Every pool that was issued plan approval by the department before January 1, 1993 must be in compliance with section 514.0315(2), FS, unless the pool is under a legally binding consent agreement or variance approval of the department to complete this requirement at a future date.~~

~~a. The American Society for Mechanical Engineers (ASME) standards are available online from ASME.org, and the ASTM standard (formerly known as the American Society for Testing and Materials) is available online from ASTM International at ASTM.org.~~

~~b. All suction limiting vent (SLV) and drain disablement devices or systems that are proposed or existing shall meet the criteria in subparagraph 64E-9.008(13)(k)6. or 7, F.A. C.~~

~~c. All safety features installed or existing shall be tested, repaired and replaced when deemed necessary, in accordance with the manufacturer's specifications and in accordance with a design engineer's specifications. The operation and maintenance manual shall be onsite and readily available.~~

~~d. The owner/operator of every pool required to install one of the safety features above (except suction limiting vents that were issued plan approval (to be built) by January 1, 1993), shall provide a completed Owner/Operator Verification of Entrapment Safety Features, Form DH 4157, 2/13, or other documentation that includes the information requested by the form, to the county health department, and then again whenever a change of the safety feature(s) occurs.~~

~~e. A licensed contractor described in Section 489.105(3)(j), (k), or (l), F.S., must install the safety feature; and jurisdiction ensuring the proper licensure resides with the Department of Business and Professional Regulation. The owner/operator shall retain a copy of all conducted tests, repairs or replacements onsite, and enter a summary into the pool operation monthly log.~~

~~5. Main drain covers/grates installed after May 24, 2009 shall comply with the requirements of ANSI/APSP Standard 16-2011, or the former equivalent standard, ASME/ANSI A112.19.8-2007, and must comply with the water velocity maximum requirement of this rule.~~

~~6. Where drain disablement is proposed on an existing pool, the following criteria shall be considered by the design engineer and pool owner, to assure that continued sanitary water quality and patron safety are both achieved initially and continuously, in the modification permit application submitted to the jurisdictional Building department and the subsequent operational permit application to the department:~~

~~a. The entire recirculation filtration system is in the same or better condition as when it was originally approved;~~

~~b. 100% of the design flow can be obtained through the skimmer or gutter system;~~

~~c. Provide hydraulic calculations;~~

~~d. Flow adjustable and directional wall and floor inlets (where required) are used;~~

~~e. Rule mandated flow velocities are not exceeded;~~

~~f. An automated water level fill device should be installed to protect the pump and water quality;~~

~~g. A before and after construction dye test reveals the same or better recirculation of the returned water;~~

~~h. The pool walls and floor are in new or nearly new condition without significant pitting or cracks;~~

~~i. An automated or robotic pool vacuum system is available and used daily after nighttime closure;~~

~~k. The main drain can be outfitted with a floor flush directional inlet fitting and the sump can be filled with cement;~~

~~l. The recirculation piping in the equipment room should be permanently cut and re-plumbed;~~

~~m. There shall be a safety warning and permanent system information signage placed in the equipment room near the newly plumbed piping;~~

~~n. An automated controller for disinfection and pH adjustment is installed; and~~

~~o. When the turnover rate is no less than twice the current rule required rate.~~

~~7. For an existing pool that has a suction limiting vent (SLV) system that was issued a plan approval (to be built) by January 1, 1993, the following criteria shall be required:~~

~~a. Each vent should be made tamper resistant at the atmospheric opening and for the length of the vent if it is not already tamper resistant by at least one of the following methods: hardening, protective covering, enclosure, or by other appropriate means.~~

~~b. There shall be a permanent safety warning and system information signage approved by the department and placed in the equipment room directly on or near the suction limiting vent system alerting people that the vent system is an entrapment safety device and must not be tampered with or changed in any way.~~

~~c. The vent system shall be field tested within one year of effective date of this rule by a qualified individual who is a Chapter 489, F.S., licensed pool contractor or a Florida licensed professional engineer to determine that the vent system functions as originally designed to release vacuum upon obstruction of the main drain or any other suction outlet, and for vacuum release timing that is in accordance with the same timing test method and criteria listed for safety vacuum release systems (SVRS) in ASME/ANSI A112.19.17-2010 or ASTM standard F2387-2004.~~

~~d. A copy of the field testing shall be provided to the owner/operator and to the county health department swimming pool program office by the contractor or engineer.~~

~~e. At a minimum, annual retests shall be conducted, and if the pool is seasonally closed, a test shall be conducted before opening for the season.~~

~~(l) An automatic and manual water makeup control must be maintained as functional to maintain the correct pool water level and water must discharge through an air gap into a fill pipe or collector tank. Over the pool rim fill spouts are prohibited.~~

~~(m) Cleaning system—A portable or plumbed in vacuum cleaning system shall be provided. Exception: Wading pools shall not have plumbed in vacuum systems in floor or walls.~~

~~1. When the system is plumbed in, the pool wall vacuum fittings shall be provided with a spring loaded entrapment safety cover which shall be kept in place at all times, and this type of vacuum port cover shall be installed on all existing pools within one year of the effective date of this rule. These safety covers shall be installed securely, not removable without a tool, and left in place at all times.~~

~~2. Recirculation or separate vacuum pumps shall not be used for vacuuming purposes when in excess of 3 horsepower.~~

~~3. All vacuum pumps shall be maintained as equipped with hair and lint strainers.~~

~~4. Bag type cleaners which operate as ejectors on potable water supply pressure must be maintained as protected by a vacuum breaker.~~

~~5. Cleaning devices shall not be used while the pool is open to bathers.~~

~~(n) Rate of flow indicators—A rate of flow indicator, reading in gpm, shall be maintained as functional installed on the return line.~~

~~(o) Heaters—Pool heaters shall be maintained to comply with applicable heating codes. Heater replacement or addition meeting the provisions of this section does not constitute a modification, unless recirculation flowrate is reduced.~~

~~(p) Pool waste water disposal—Pool waste water shall be maintained as discharged through an air gap; disposal shall be to sanitary sewers, storm sewers, drain fields, or by other means, in accordance with local municipal and building official requirements including obtaining all necessary permits. Waste lines from different sources (e.g. pool, spa, overflow, sump pump) shall be maintained as not tied together, but may discharge into a common sump or receptacle after the air gap. Disposal of water from pools using D.E. powder shall be maintained as accomplished through separation tanks which are equipped with air bleed valves, bottom drain lines, and isolation valves, or through a settling tank with final disposal being acceptable to local authorities.~~

~~(e)(q) Disinfection and pH adjustment shall be maintained as added to the pool recirculation flow using automatic feeders meeting the requirement of NSF/ANSI Standard 50-2012. All chemicals shall be fed into the return line after the pump, heater and filters, unless the feeder was designed by the manufacturer and approved by the NSF to feed to the collector tank or to the suction side of the pump. Feeding chlorinated isocyanurates disinfectant is prohibited in spas, wading pools and interactive water features as of June 1, 2014. Dual or multiuse feeders can be used if approved for and feeding an acceptable rate of alternate disinfectant pH adjustment feeders have been required on existing spas, wading pools and interactive water features as of June 1, 2014. Where pH adjustment feeders are not present on these three types of pools that were required to replace chlorinated isocyanurates feeders, pH adjustment feeders shall be installed within 1 year of the effective date of this rule. Exception: spa pools of 100 square feet or less with original department approval to be built without a pH adjustment feeder.~~

~~1. Gas chlorination – When gas chlorination is utilized, the chlorinator shall be maintained as capable of continuously feeding a chlorine dosage of six (6) mg/L to the recirculated flow of the filtration system.~~

~~a. Gas chlorinators shall be maintained in above grade rooms and in areas which are inaccessible to unauthorized persons.~~

~~b. Chlorine rooms shall be maintained as having: continuous forced draft ventilation capable of a minimum of one air change per minute with an exhaust at floor level to the outside, a minimum of 30 foot candles of illumination with the switch located outside and the door shall open out and shall not be located adjacent to the filter room entrance or the pool deck. A shatter proof gas tight inspection window shall be provided.~~

~~c. Chlorine areas shall be maintained as having a roof and shall be enclosed by a chain link type fence at least six feet high to allow ventilation and prevent vandalism.~~

~~d. A gas mask, or a self contained breathing apparatus, approved for use in chlorine gas contaminated air, shall be maintained and shall be located out of the area of possible contamination.~~

~~b.e. When booster pumps are used with the chlorinator, the pump shall use recirculated pool water supplied via the recirculation filtration system. The booster pump shall be maintained as electrically interlocked with the recirculation pump to prevent the feeding of chlorine when the recirculation pump is not operating.~~

~~f. A means of weighing chlorine containers shall be maintained as provided. When 150 pound cylinders are used, platform type scales shall be maintained as provided and shall be capable of weighing a minimum of two full cylinders at one time. The elevation of the scale platform shall be within two inches of the adjacent floor level, and the facilities shall be~~

constructed to allow easy placement of full cylinders on the scales.

g. Each cylinder shall be maintained as secured at all times, with 150 pound cylinders maintained in an upright position. A protective cap shall be maintained on the cylinder port at all times when the cylinder is not connected to the chlorinator.

2. Hypohalogenation and Electrolytic chlorine generators – The hypohalogenation type feeder and electrolytic chlorine generators shall continuously feed be maintained as adjustable from zero to full range. The feeders shall be maintained as capable of continuously feeding a dosage of six (6) mg/L to the minimum required turnover flow rate of the filtration systems. Solution feeders shall be maintained as capable of feeding the above dosage using a ten percent sodium hypochlorite solution, or five percent calcium hypochlorite solution, whichever disinfectant is to be utilized at this facility. Required backup chlorine feeders and generators shall be maintained as ready to activate and use at all times the pool is open, and shall be operated briefly at least once per month. Operation readiness testing shall be conducted by the owner/operator when a device is used less often than monthly and this test shall be recorded in the monthly pool log. To prevent the disinfectant from siphoning or feeding directly into the pool or pool piping under any type failure of the recirculation equipment, an electrical interlock with the recirculation pump shall be maintained as incorporated into the system for electrically operated feeders. A flow sensor controller can also be used to turn off the feeders when flow is not sensed. The minimum size of the solution reservoirs shall be maintained as at least 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate contents.

3. through 4.b. No change.

e. Ozone generating equipment shall be maintained in equipment rooms with either forced draft or cross draft ventilation. Below grade equipment rooms with ozone generators shall be maintained as having functional forced draft ventilation and all equipment rooms with forced draft ventilation shall have the fan control switch located outside the equipment room door.

d. When ozone generator installations are capable of exceeding the maximum pool water ozone contact concentration of 0.1 milligrams per liter (mg/L), a self contained breathing apparatus (SCBA) designed and rated by it's manufacturer for use in ozone contaminated air shall be maintained as available at all times and shall be used at times when the maintenance or service personnel have determined that the equipment room ozone concentration exceeds 10 mg/L. Ozone generator installations which require the SCBA shall also be provided with Draeger type detector tube equipment which is capable of detecting ozone levels of 10 mg/L and greater. Exception: SCBA is not required if an ozone detector

capable of detecting 1 mg/L in air is used. Said detector must be maintained as capable of stopping the production of ozone, venting the room and sounding an alarm once ozone is detected.

e. UV light or ozone generating equipment is encouraged to be used to eliminate or reduce chlorine resistant pathogens, especially the protozoan *Cryptosporidium*.

5. Ultraviolet (UV) light disinfectant equipment –

May be used as supplemental water treatment on public pools (and additional treatment on Interactive Water Features (IWF)) subject to the conditions of this paragraph and manufacturer's specifications.

a. UV equipment shall be maintained as electrically interlocked with recirculation pump(s) on all pools and with feature pump(s) on an IWF such that when the UV equipment fails to produce the required dosage as measured by an automated sensor, the feature pump(s) are disabled so the water features do not operate.

b. UV equipment used as supplemental treatment shall meet the certification requirements of NSF/ANSI Standard 50-2012.

e. UV equipment used for additional treatment in an Interactive Water Feature (IWF) shall be validated by a capable party that it delivers the required and predicted UV dose at the validated flow, lamp power and water UV transmittance conditions, and has complied with all professional practices summarized in the USEPA Ultraviolet Disinfectant Guidance Manual dated November, 2006, which is publication number EPA 815 R 06 007 available from the department on the internet web site or at http://www.epa.gov/safewater/disinfection/t2/pdfs/guide_t2_uvguidance.pdf.

d. The UV equipment used for additional treatment in an IWF shall not be located in a side stream flow and shall be located to treat all water returning to the water features. A flow meter shall be installed in the line going to the features.

5.e. UV equipment used for any purpose shall constantly produce a dosage of at least 40 mJ/cm² (milliJoules per square centimeter).

6. Ozone generators shall produce no more than a pool water contact concentration of 0.1 milligrams per liter (mg/L). The contact concentration in mg/L shall be calculated as the amount of ozone in grams per hours divided by the recirculation flow rate in gallons per minute time 4.41.

(f) Ionization units shall be maintained as electrically interlocked with recirculation pump.

(s) Spray features mounted in the pool deck shall be maintained as flush with the pool deck and shall be operated with the safety of the pool patron in mind.

(11)(15) Maintenance for Safety of Wading Pools –

(a) Wading pools and associated piping shall be maintained as not be physically connected to any other swimming pools and have no minimum width dimensions requirements.

(b) ~~Wading pools shall be maintained as having a minimum of one turnover every one hour. Lines from main drains shall be maintained as discharging into a collector tank.~~

(c) ~~Where a main drain exists, the grate / cover shall be vacuum maintained as sized so as not to allow the flow to exceed 1.5 feet per second (fps) when the equalizer line is operating.~~

(d) ~~Vacuuming — Wading pools shall have no provisions for direct suction vacuuming where the vacuum port is in the pool floor or pool wall or accessible to patrons. Wading pools of less than 200 square feet are not required to have a vacuuming method provided. Wading pools 200 square feet or larger shall provide for vacuuming through the skimmer, a portable vacuum system or an alternative approved method that does not involve a direct suction port in the pool. The department recommends that all existing direct suction vacuum apparatus be removed for bather safety.~~

(e) ~~Wading pools are exempt from underwater lighting requirements but shall be maintained with deck and surface lighting of 10 foot candles if indoors or 6 foot candles for outdoor night use. Such illumination shall be provided over the pool water surface and the pool deck surface.~~

(f) through (g) renumbered (a) through (b) No change.

(12)(16) Maintenance for Safety of Spa Pools –

(a) ~~Steps and handrails — Steps or ladders shall be maintained as provided and shall be located to provide adequate entrance to and exit from the pool. Contrasting markings on the leading edges of the submerged benches and the intersections of the treads and risers are required to be installed in accordance with subparagraph 64E 9.006(1)(d)3., F.A.C. Handrails shall be provided for all sets of steps and shall be anchored in the bottom step and in the deck. Handrails shall be located to provide maximum access to the steps and handrails shall extend 28 inches above the pool deck. Where “figure four” handrails are used, they shall be anchored in the deck and shall extend laterally to any point vertically above the bottom step.~~

(b) ~~Decks — Decks shall maintained as to have a minimum four foot wide unobstructed width around the entire pool perimeter except that pools of less than 120 square feet of pool water surface area shall have a minimum four foot wide unobstructed continuous deck around a minimum of 50 percent of the pool perimeter. Decks less than four feet wide shall maintained as to have barriers to prevent their use. Decks shall not be more than 10 inches below the top of the pool. For pools of 120 square feet or greater, ten percent of the deck along the pool perimeter may be obstructed.~~

(c) ~~Filtration recirculation — Spa type pools shall be maintained as having a minimum of one turnover every 30 minutes. All recirculation lines to and from the pool shall be individually valved with proportional flow type valves in order to control the recirculation flow.~~

(a)(d) No change.

(e) ~~Bench seat edges shall be maintained as marked in accordance with this Chapter and the FBC 424.1. When spa pools are part of a conventional swimming pool, the spa pool area shall be offset from the main pool area with the same water depth as the main pool area. The spa pool shall be maintained as meeting all the spa pool requirements of this chapter, and the deck area at the spa shall be protected by connected 30 inch high stanchions or other acceptable impediment. The deck perimeter at the offset spa area shall not exceed 15 percent of the entire swimming pool perimeter.~~

(f) ~~Portable and wooden type spa pools are prohibited.~~

(b)(g) No change.

(c)(h) ~~In addition to the requirements of subsection 64E-9.008(7), F.A.C., Spa pool signs shall be posted as approved by the jurisdictional building department include the following:~~

1. ~~Maximum water temperature 104° F.~~

2. ~~Children under twelve must have adult supervision.~~

3. ~~Pregnant women, small children, people with health problems and people using alcohol, narcotics or other drugs that cause drowsiness should not use spa pools without first consulting a doctor.~~

4. ~~Maximum use 15 minutes.~~

(i) ~~A clock shall be visible from the spa pool to assist the patron in meeting the requirement above. The 15 minute therapy pump timer installed at construction shall be maintained.~~

(j) ~~If a spa is equipped with an emergency cut off or kill switch, it shall include provisions for a minimum 80 decibel audible alarm near the spa to sound continuously until deactivated when such device is triggered and shall be maintained. This is to alert pool patrons and operators of a potential public health situation or to indicate that the spa filtration and treatment system may be off. The following additional rule sign shall be visible by the spa which reads “ALARM INDICATES SPA PUMPS OFF. DO NOT USE SPA WHEN ALARM SOUNDS UNTIL ADVISED OTHERWISE.” Where emergency cut off switches are provided on existing or new spa pools, the alarm and signage specified in subsection 64E 9.010(16), F.A.C., above shall be provided within 180 days of effective date of this rule.~~

(d)(k) No change.

(13)(17) Maintenance for Safety of Water Recreation Attractions and Special Purpose Pools-

A lifeguard and/or safety plan shall be submitted to the department with the application for the initial operation permit of water slide plunge pools and water activity pools when climbable structures are installed.

(a) ~~Water slide plunge pools shall be maintained as constructed of concrete or other structurally rigid impervious materials with a non-toxic, smooth and slip resistant finish. The~~

minimum plunge pool operating water depth at the slide flume terminus shall be three feet. This depth shall be maintained for a minimum distance of 10 feet in front of the slide terminus from which point the plunge pool floor may have a constant upward slope to allow a minimum water depth of two feet at the base of the steps.

1. Pump reservoir volume minimum shall be equal to three minutes of the combined flow rate in gpm of all filter and slide pumps.

2. Pump reservoirs shall be accessible only to authorized individuals.

3. Filter areas minimum requirements shall be maintained as twice the filter areas specified for the recirculation rates stipulated for other pools in this Chapter and FBC section 424.1. The filtration system shall be capable of returning the pool water turbidity to five-tenths NTU within eight hours or less after peak bather load.

4. Disinfection equipment shall be maintained as capable of feeding 12 mg/L of halogen to the continuous recirculation flow of the filtration system.

~~5. A lockable gate shall be provided at the stair or ladder entrance to the slide.~~

(b) Water activity pools shall be maintained as constructed of concrete or other structurally rigid impervious materials with a non-toxic, smooth and slip resistant finish. These pools shall be of such shape, length, width, and design as to be operated and maintained in a safe and sanitary manner.

1. The recirculation-filtration system of water activity pools shall achieve a minimum of one turnover every two hours for water activity pools over two feet deep, and in one hour for these pools that are two feet deep or less.

2. Those portions of the activity pool where the water depth will not allow for the proper installation of underwater lighting, shall be provided with six foot candles of lighting on the deck and the water surface.

~~3. Fence requirements shall be in accordance with this Chapter and the FBC 424.1.~~

~~4. Play features with an overhead clearance of less than four feet shall be blocked or barricaded to preclude children becoming entrapped.~~

2.5. In addition to the requirements of this Chapter, All water activity pool signs shall be posted as approved by the jurisdictional building department have the following added in one inch letters within one year of the effective date of this rule. Do not swallow the pool water, it is recirculated. Do not use pool if you are ill with diarrhea.

~~(c) Wave pools shall be maintained as constructed of concrete or other impervious materials with a smooth slip resistant finish. These pools shall be of such shape and design as to be operated and maintained in a safe and sanitary manner.~~

~~(d) River Rides shall be maintained as constructed on concrete or other impervious materials with a non-toxic, smooth and slip resistant finish. These rides shall be of such shape and design as to be operated in a safe and sanitary manner~~

~~1. Access and exit shall be maintained as provided at the start and end of the ride, and additional exit locations shall be located along the ride course as necessary to provide for the safety of the patrons.~~

~~2. Propulsion jets shall be maintained as installed in the walls of the river ride. In the alternative, propulsion jets may be installed in the floor if they are covered by a grate that will inhibit entrapment or injury of the pool patrons' feet or limbs.~~

(c)(e) Zero Depth Entry Pools. The recirculation-filtration system for zero depth entry pools shall be of a minimum of one turnover every two hours in the area of the pool that is three feet deep or less. In the remainder of the pool where the depth is greater than three feet, the system shall have a maximum six hour turnover rate.

~~1. No Entry, Shallow Water signs shall be maintained as provided along the pool wall edge where the water depth is less than 3 feet deep. No entry signs shall be slip resistant tile, shall have 4 inch high letters, shall be located within 2 feet of the pool edge, shall be spaced no more than 15 feet apart and shall be recessed flush with the surrounding area.~~

~~2. Additional inlets shall be maintained as provided in areas of less than 18 inches deep. The numbers and location shall be such as to double the flow rate into this area.~~

~~3. The recirculation-filtration system shall be of a minimum of one turnover every two hours in the area of the pool that is three feet deep or less. In the remainder of the pool where the depth is greater than three feet, the system shall have a maximum six hour turnover rate.~~

~~4. Those portions of the zero depth entry pool, where the water depth will not allow for the proper installation of underwater lighting, shall be provided with 6 foot candles of lighting on the deck and the water.~~

~~5. Play structures in a zero depth entry area (in depth 0-3 feet) may be within 15 feet of the pool walls, but shall comply with sound engineering requirements for the safety of pool patrons.~~

(d)(f) Special purpose pool projects may deviate from the requirements of other sections of this Chapter and the FBC 424.1. Only those deviations necessary to accommodate the special usage shall be allowed and all other aspects of the pool shall comply with the requirements of this Chapter and the FBC section 424.1. The operating permit shall state the purpose for which the pool is to be used.

(e)(g) Interactive Water Features (IWFs).

~~1. Waters discharged from all fountain or spray features shall not pond on the feature floor but shall flow by gravity through a main drain fitting to a collection system which~~

~~discharges to a collector tank. Adequate access shall be provided to the collector tank. Stairs or a ladder shall be provided as needed to ensure safe entry into the tank.~~

~~2. through 3. renumbered 1. through 2. No change.~~

~~4. If night operation is proposed, 6 foot candles of light shall be maintained as provided on the pool deck and the water feature area. Lighting that may be exposed to the feature pool water shall be maintained as not to exceed 15 volts, shall be installed in accordance with manufacturer's specifications and be approved for such use by UL or NSF.~~

~~3.5. Hydraulics.~~

~~a. No change.~~

~~b. Alternatively, the contained volume of the system may be filtered and chemically treated based upon a 30 minute turnover of the contained volume with 100% returned to the collector tank by manifold piping. If this alternative is chosen, all water returned to the spray feature(s) must also be treated with an Ultraviolet (UV) light disinfection equipment to accomplish protozoan destruction in accordance with sound engineering and the requirements at paragraph 64E-9.007(16)(f), F.A.C. This alternative must have the ability to feed 6 mg/L free chlorine to the feature water as it is returned to the spray feature. The UV disinfection equipment shall be electrically interconnected such that whenever it fails to produce the required UV dosage, the water spray features pump(s) and flow will be immediately stopped.~~

~~c. No change.~~

~~d. The flow rate through the feature nozzles of the water features shall be such as not to harm the patrons and shall not exceed 20 feet per second.~~

~~d.e. Where the filter system described in sub-subparagraph 3.a. above 64E-9.011(8)(f)1. is utilized, a second filter system and disinfection system shall be provided to treat the water in the collector tank when the feature/filter pump is not in operation. Said system shall be capable of filtering the total volume of water in the collector tank in 30 minutes and the disinfection system shall be capable of providing 12 mg/L of disinfectant to this flow rate.~~

~~4.6. IWFs shall be fenced in the same fashion as wading pools as noted in this Chapter and the FBC 424.1. Where the IWF is at least 50 feet from all other pools and is not designed to have any standing water, fencing requirements should be carefully considered by the applicant to control usage, but are not required by rule.~~

~~a. IWFs shall be maintained as constructed of concrete or other impervious and structurally rigid material.~~

~~b. In addition to the requirements of this Chapter, All IWF pool rule signs shall be posted as approved by the jurisdictional building department have the following added in one inch letters within one year of the effective date of this rule.~~

~~Do not swallow the fountain water, it is recirculated.~~

~~Do not use fountain if you are ill with diarrhea.~~

~~(f)(h) Water Theme Parks: Shall meet all other aspects of this Chapter and the FBC 424.1 for the features provided.~~

~~1. Rules and regulations for water theme parks shall be posted as approved by the jurisdictional building department in minimum 1 inch letters at each entrance to the park and shall contain the following:~~

~~1. No food, drink, glass, or animals in the pool or on the pool decks.~~

~~2. Park operating hours ___A.M. to ___P.M.~~

~~3. Shower before entering~~

~~4. Do not swallow the pool water~~

~~2. Showers shall be provided at or near the entrance (queue line) to a water recreation attraction.~~

~~3. Water theme parks are exempt from the fencing requirements of subsection 64E-9.006(2)(h), F.A.C., except that pools designed for small children shall be fenced when located within 50 feet of a pool with water depths of 3 feet or more.~~

~~4. Sanitary Facilities within a water theme park shall be as near to the water recreation attractions as prudent to ensure patron use, but not over 200 feet walking distance from any exit of a water attraction.~~

~~(18) Modifications.~~

~~Modifications include non equivalent changes or additions to the recirculation system, treatment equipment, physical structure, or appurtenances. Replacement of the pool or spa shell is considered to be construction of a new facility and shall be processed as such, except under the specific conditions listed below for spa pools outfitted with optional collector tank retrofits. The installation of new decking is not considered a modification if it is installed in conformance with this Chapter and the FBC 424.1, and deck markings are upgraded per this Chapter and the FBC 424.1. Resurfacing the pool interior to original non-toxic slip resistant and smooth specifications or equivalent replacement of equipment are not considered modifications. However, the following items shall be addressed during resurfacing projects:~~

~~(a) The lip of the gutter must be leveled to within 1/4 inch between the highest and lowest point and the downward slope from the lip to the drain must be maintained as originally designed or increased, but shall not exceed new construction standards.~~

~~(b) Tile step markings must be installed meeting the requirements of this Chapter and the FBC 424.1.~~

~~(c) Where applicable the slope break marking must be installed meeting the requirements of this Chapter and the FBC 424.1, and the safety line must be installed two feet before the marking.~~

~~(d) Depth markers and NO DIVING markers must be installed in accordance with this Chapter and the FBC 424.1.~~

~~(e) The pool ladder must have a three to six inch clearance from the pool wall. New Cross braced ladder(s) shall be installed in place of non-cross braced ladder(s) in conformance with this Chapter and the FBC 424.1. during a pool resurfacing. Handrails shall be installed during resurfacing that meet this Chapter and the FBC 424.1.~~

~~(f) During resurfacing, no step riser shall exceed 12 inches and the intermediate step risers shall be made uniform.~~

~~(g) When fiberglass is used to resurface a pool any existing tile shall not be covered by the fiberglass finish.~~

~~(h) The county health department shall be notified in writing of any proposed pool resurfacing or upgrades to decking at least 10 days prior to commencement. The notification shall include an itemized list of all proposed work that is to be performed, the license number of the contractor selected and shall indicate that all work will meet the requirements of paragraphs this Chapter and the FBC 424.1.~~

~~(i) Upon completion of the work the licensed contractor shall provide the county health department a letter bearing their license number which certifies that the work was completed in accordance with this Chapter and the FBC 424.1.~~

~~(j) Recessed treads that protrude from the pool wall shall be removed and replaced with a cross braced ladder or reconstructed to meet the requirements of this Chapter and the FBC 424.1.~~

~~(2) Approval for pool modifications shall be obtained in the same manner as a construction approval from the jurisdictional Building Official.~~

~~(3) Upon completion of an approved modification, a copy of the written certification of completion or certification of occupancy issued by the Building Official shall be provided by the owner / operator to the county health department for their records to amend the operating permit.~~

~~(4) Upon completion of a modification, the pool shall not be reopened without authorization from the jurisdictional Building Official, or the department, after their receipt of certification from the design professional.~~

~~(5) The painting of pools shall not be considered a modification provided the following conditions are met:~~

~~(a) Only paints designated by the manufacturer as pool paints are used.~~

~~(b) All step stripes, slope break markers and safety line, and depth and NO DIVING markings shall be provided to comply with this Chapter and the FBC 424.1~~

~~(6) The installation of copper or copper/silver ionization units shall be considered a pool modification and must meet the following requirements:~~

~~(a) The ionization unit complies with this Chapter and the FBC 424.1.~~

~~(b) The owner /operator shall provide a copper test kit and maintain the disinfectant levels in accordance with this Chapter and the FBC 424.1. Copper levels shall comply with this Chapter and the FBC 424.1.~~

~~(c) The unit shall meet the requirements of the NSF/ANSI Standard 50-2012.~~

~~(7) The installation of an ozone generator shall not be considered a pool modification provided the following requirements are met:~~

~~(a) The ozone generator is capable of producing no more than a pool water contact concentration of 0.1 milligrams per liter (mg/L). The contact concentration shall be calculated as follows: Amount of ozone in grams per hour divided by the recirculation flow rate in gallons per minute times 4.41 equals the contact concentration in milligrams per liter.~~

~~(b) The manufacturer provides one set of signed and sealed engineering drawings indicating the following:~~

~~1. The unit does not interfere with the design flow rate.~~

~~2. The unit and the typical installation meets the requirements of the National Electrical Code.~~

~~(c) The unit shall meet the requirements of the NSF/ANSI Standard 50-2012.~~

~~(d) At least 7 days before the time of installation at each facility, the installer will provide a photocopy of the above drawings and a letter of intent identifying the pool on which the unit is to be installed to the county health department.~~

~~(e) Upon completion of the installation, a professional engineer or electrician licensed in the State of Florida shall provide a letter, to the county health department, indicating the unit was properly installed in accordance with the typical drawings, the National Electrical Code and with local codes.~~

~~(9) The installation of an optionally retrofitted collector tank for a gravity drain system for an existing fiberglass spa achieving all the criteria in (a) (f) below is not considered a new pool in accordance with this Chapter and the FBC 424.1; however it does constitute a modification as defined this Chapter and the FBC 424.1, and therefore, the existing equipment including the filter system, may be used, unless it is not the same as was originally approved or is not properly working:~~

~~(a) Like for like replacement with fiberglass or a change to concrete and in either case the water volume may not change by more than 10%.~~

~~(b) The new spa meets all the dimensional requirements and marking requirements of the current rule.~~

~~(c) All of the following meet current rule: handrails, pool shell plumbing, underwater lighting.~~

~~(d) The disinfectant system must not be an iso-cyanurate feeder system, and a pH adjustment feeder must meet the current rule. Automated controller with ORP is not required.~~

~~(e) Restroom upgrades are not required unless the restrooms are not as originally approved or are in disrepair.~~

~~(f) Fencing shall meet original approval specifications or be repaired to meet these.~~

Rulemaking Authority 381.006, 514.021, 514.071 FS. Law Implemented 381.0015, 381.006, 514.021, 514.025, 514.03, 514.031, 514.0315, 514.05, 514.06, 514.071 FS. History–New 10-5-93, Formerly 10D-5.134 and 10D-5.137, Amended 12-27-98, 5-27-04, 5-24-09, _____.

64E-9.013 Bathing Places.

(1) General – All public bathing places are required to conduct monitoring for water quality, reporting these results to the department, notice to the department and public notification upon exceedance of water quality violations. ~~Monitoring may be contracted by the bathing place owner to a 3rd party who is familiar with water quality testing.~~ As of April 29, 2012, bathing place operation permits are no longer required from the department by law. ~~New construction or modification of existing bathing places however, do require the approval of the jurisdictional Building department under the Florida Building Code.~~

(2) Operational water quality – The water shall be free of chemical and physical substances known or suspected of being capable of creating toxic reactions or skin or membrane irritations. Algae and aquatic vegetation shall be controlled so that no hazard to bathers results.

(a) Bacteriological samples shall be collected by the owner /-manager and tested monthly. A set of two samples shall be collected for every 500 feet of shoreline, the samples shall be taken a foot below the surface in three feet of water and at least 25 feet apart. The samples shall be analyzed by a DOH certified laboratory using EPA approved methods for ambient water and the results submitted to the department within 10 days after the end of the month. ~~Monitoring may be contracted to a 3rd party who is familiar with water quality testing.~~

1. Should the test results of these samples exceed the standards in 64E-9.013(3) below, the county health department shall be notified within 24 hours of receipt of results by the owner-/-manager from the lab, and re-sampling by the owner-/-manager shall be required within 24 hours. All sampling results shall be submitted to the county health department.

2. If 24 hour resampling is not possible for any reason, then the bathing place owner-/-manager shall immediately post a No swimming advisory based upon these initial results during the time period waiting for re-sampling results. If the 24 hour confirmation samples reveal an exceedance of the standards, the bathing place owner/manager shall immediately post a No swimming advisory, ~~(Form DH 4158), Bathing Place Public Health Advisory Sign – Poor Water Quality, 02/13,~~ incorporated by reference and available at _____ or sustain the already-posted advisory until additional testing reveals the

water meets single sample standards again. The department shall post the advisory if the owner / manager does not. Only samples collected after the initial advisory shall be used to compare and calculate when the advisory may be rescinded. If a pollution source is identified, that source shall be eliminated before rescinding the bathing place advisory.

(b) County health departments ~~shall~~ may perform an inspection upon receipt of test results exceeding standards, or upon receipt of a complaint from the public concerning safety, sanitation, illness, or water quality, and this inspection may include:

1. through 3. No change.

4. The bathing place shall be posted with an advisory or swimming prohibited, as appropriate, by the owner-/-manager or the department if inspection reveals water clarity violations, unsafe bacterial test results, or immediate hazards to health or safety such as, but not limited to sewage in water, broken glass, dangerous wildlife, hazardous structural or electrical conditions, toxic algal blooms, or other serious disease agents present.

5. through (3) No change.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.03, 514.031, 514.04, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.142, Amended 12-27-98, 5-27-04, 5-24-09, _____.

64E-9.015 Fee Schedule.

~~(1) Authorization and Operating Permit Issuance for Swimming Pools and Bathing Places~~

(a) Initial Operating Permit ~~Inspection~~ – \$150.00 ~~Use form DH 4159, 2/13~~

(b) ~~Annual Original~~ Operating Permit or Annual Renewal – Full annual ~~renewal~~ fee if the authorization was issued from July 1st to December 31st; one half the annual fee if the authorization was issued from January 1st to June 30th. Payment is not required for a replacement copy of an operating permit or reissuances of an operating permit due to change of ownership or name.

~~(c) Annual renewal of operating permits~~

1. Pools greater than 25,000 gallons and bathing places – \$250.00

2. Pools of 25,000 gallons or less – \$125.00

3. Exempted condominiums/ cooperatives with over 32 units – \$50.00

4. ~~Non routine inspection (no charge for first reinspection) – \$40.00~~

~~(2) Fee payment is not required for a replacement copy of an operating permit or reissuance of an operating permit due to change of ownership or name.~~

~~(2)(3) No change.~~

Rulemaking Authority 381.006, 514.021, 514.033 FS. Law Implemented 514.021, 514.03, 514.031, 514.033 FS. History—New 10-5-93, Formerly 10D-5.144, Amended 12-27-98, 5-27-04, 5-24-09, _____.

64E-9.016 Variances.

A variance from requirements of these rules may be requested by the pool owner or their representative to relieve or prevent hardship only in cases involving deviations from the rule, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists and the health and safety of the pool patrons is not at risk. Application for variance shall be submitted through the county health department utilizing DOH Form 4080, Application for Variance from Chapter 64E-9, F.A.C., 07/08, which is incorporated by reference and available at _____. Each application can be accompanied by supportive materials such as drawings, pictures or manufacturers’ specifications and a fee must be paid in accordance with subsection 64E-9.015(2), F.A.C. Applications must be received by the county health department ~~or regional engineering office~~ at least 30 days prior to the scheduled meeting of the Governor’s Swimming Pool Advisory Board, ~~which normally meets on the second Wednesday of each odd-numbered month.~~ Walk-in applications at the Board meeting may be reviewed only if there is time available as determined by the Chair. Each walk-in applicant must provide evidence they: have paid the variance fee to the county health department ~~or regional engineering office~~, have received a department review of the application, and applicant provides eight full sets of the application package to the Board. Rulemaking Authority 381.006, 514.0115, 514.021 FS. Law Implemented 514.0115, 514.021, 514.028, 514.051, 514.06 FS. History—New 10-5-93, Formerly 10D-5.145, Amended 12-27-98, 5-24-09, _____.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 5, 2014, the Department of Business and Professional Regulation, Division

of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Captiva Island Fire Station. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-121).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 5, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for High Point Tower. Petitioner seeks an emergency temporary variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with firefighters’ emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-119).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 5, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Courtney @ Shadow Lake Apartments. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940

North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-120).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on May 5, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Courtney @ Universal Apartments. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-117).

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

The Department of Agriculture and Consumer Services announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, June 12, 2014, 1:30 p.m.

PLACE: Call-in: 1(800)615-2900, participant code: 393338#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Citrus Research and Development Foundation meeting to discuss and set the assessment rate for the upcoming 2014-2105 citrus season.

A copy of the agenda may be obtained by contacting: Diane Johnson, (863)956-8817 or djohnson@citrusrdf.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Diane Johnson, (863)956-8817 or

djohnson@citrusrdf.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Diane Johnson, (863)956-8817 or djohnson@citrusrdf.org.

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces public meetings to which all persons are invited.

DATES AND TIMES:

May 15, 2014, 8:30 a.m. or as soon thereafter as can be heard, Teacher Hearing Panel

May 15, 2014, 1:30 p.m. or soon thereafter as can be heard, Teacher Hearing Panel

May 16, 2014, 9:00 a.m. or as soon thereafter as can be heard, Business Meeting

May 16, 2014, 11:30 a.m. or as soon thereafter as can be heard, Leadership Training Meeting.

PLACE: Four Points by Sheraton, 316 West Tennessee Street, Tallahassee, Florida 32301, (850)422-0071

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Business Meeting is being conduct for the Commission to discuss and make decisions on matters concerning the Commission. The Leadership Training Meeting is being held to discuss training of current Commission members.

A copy of the agenda may be obtained by contacting: Gretchen Kelley Brantley at (850)245-0455.

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: Gretchen Kelley Brantley at (850)245-0455. 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: Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Community Service (Volunteer Florida Foundation) announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 14, 2014, 10:30 a.m., EDT until all business is complete

PLACE: 1(888)670-3525; Passcode: 3822432866#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This call will be to discuss the Florida Disaster Fund and is a follow up to the emergency call that was held on Wednesday, May 7, 2014.

A copy of the agenda may be obtained by contacting: Debbie Brown at (850)414-7400 or Debbie@volunteerflorida.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Debbie Brown at (850)414-7400 or Debbie@volunteerflorida.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Debbie Brown at (850)414-7400 or Debbie@volunteerflorida.org.

REGIONAL PLANNING COUNCILS**Southwest Florida Regional Planning Council**

The Southwest Florida Regional Planning Council/LEPC announces a public meeting to which all persons are invited.

DATE AND TIME: May 22, 2014, 9:30 a.m. – 11:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Region IX - Local Emergency Planning Committee (LEPC) to discuss and implement provisions of the Emergency Planning and Community Right-To-Know Act.

A copy of the agenda may be obtained by contacting: Mr. John Gibbons at (239)338-2550, ext. 229 or jgibbons@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The SWFRPC's office at (239)338-2550. 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 visit the SWFRPC's website at www.swfrpc.org.

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

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

DATE AND TIME: Thursday, May 22, 2014, 1:30 p.m.

PLACE: Bert J. Harris Agricultural Center Auditorium, 4509 George Rd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southern Water Use Caution Area (SWUCA) Ridge Lakes Stakeholder Workgroup Meeting. Discussion is focused on evaluating and recommendations for adjustments to the strategies in the SWUCA Recovery Strategy intended to meet the minimum lake levels along the Lake Wales Ridge. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWUCA.recovery@watermatters.org, 1(800)423-1476 (FL only) or (352)796-7211, Melissa Dickens, ext. 4422 (Ad Order EXE0323).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

DATE AND TIME: Wednesday, May 21, 2014, 10:00 a.m.

PLACE: South Florida Water Management District, B-1 Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting to Discuss Regulatory Matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at:

Lower West Coast Service Center, 2301 McGregor Blvd., Fort Myers, FL 33901;

Okeechobee Service Center, 3800 NW 16th Boulevard, Okeechobee, FL 34972;

Orlando Service Center, 1707 Orlando Central Parkway Suite 200, Orlando, FL 32809

The meeting will also be webcast.

Agendas are available 7 days prior to the meeting date. You may obtain a copy of the agenda by going to our website at: www.sfwmd.gov.

- Hold mouse over the “Topics” tab, scroll down to “Permits” and click
- Under “Upcoming Events” on the right hand column, click the “Monthly Regulatory Meetings” link.
- or by subscribing to ePermitting/eNoticing: www.sfwmd.gov/epermitting

For additional information, you may also call our information line at (561)682-6207 or Florida toll-free: 1(800)432-2045, ext. 6207.

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: District Clerk’s Office, (561)682-2087. 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: District Clerk’s Office, (561)682-2087.

DEPARTMENT OF VETERANS’ AFFAIRS

The Florida Department of Veterans’ Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2014, 5:00 p.m.

PLACE: Mary Grizzle State Office Building, 11351 Ulmerton Road, 311-K, Room 342, Largo, FL 33778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site Selection Criteria proposal opening for the seventh state

veterans’ nursing home. Site Selection Criteria proposals received after 5:00 p.m. on May 14, 2014, will not be accepted.

A copy of the agenda may be obtained by contacting: Scott Gerke, Purchasing Officer, via gerkes@fdva.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 hours before the workshop/meeting by contacting: Scott Gerke, Purchasing Officer, via gerkes@fdva.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: Scott Gerke, Purchasing Officer, via gerkes@fdva.state.fl.us.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

The Building Code Administrators & Inspectors Board announces a public meeting to which all persons are invited.

DATES AND TIMES: June 4-6, 2014, 9:00 a.m. each day

PLACE: Floridays Resort, 12562 International Drive, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: MyFloridaLicense.com - Our Businesses & Professions - Building Code.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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

DATES AND TIMES: Thursday, June 11, 2014, 9:00 a.m., Probable Cause; Friday, June 12, 2014, 9:00 a.m. until all business is concluded, Board meeting

PLACE: Disney's Contemporary Resort, 4600 North World Drive, Lake Buena Vista, FL 32830-8413

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: Denise Graves, (352)333-2505.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Denise Graves. 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: Denise Graves, (352)333-2505.

DEPARTMENT OF HEALTH

The Florida Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 15, 2014, 9:00 a.m. All future meeting dates and times related to this solicitation will be posted on the Vendor Bid System (VBS) prior to the meetings.

PLACE: Department of Health – Putnam County Health Department, 2801 Kennedy Street, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mandatory Site Visit and Pre-Bid Conference by the Procurement Officer for DOH13-034: Janitorial Services.

Any person requiring a special accommodation because of a disability at this public meeting should contact the FDOH Purchasing Office at (850)245-4199 at least 24 hours prior to the meeting.

If a person decides to appeal any decision made by the Department with respect to any matter considered at the meeting, he or she will need a recording of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made which to include testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: CPORequests@flhealth.gov.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

The Board of Funeral, Cemetery and Consumer Services, Probable Cause Panel B announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 29, 2014, 10:00 a.m.

PLACE: 111 West Madison Street, Claude Denson Pepper Building, Room 336J, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider the following disciplinary cases with prior findings of probable cause: AJ & J Mortuary Services, Inc., Case No. 147241-14-FC; Paul Sutton, Case No. 144426-13-FC; and Sutton Monuments, Case No. 144425-13-FC.

A copy of the agenda may be obtained by contacting: LaTonya Bryant at (850)413-3039 or email: LaTonya.Bryant@myfloridacfo.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: LaTonya Bryant at (850)413-3039 or email: LaTonya.Bryant@myfloridacfo.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).

PASCO-PINELLAS AREA AGENCY ON AGING

The Area Agency on Aging of Pasco-Pinellas announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 19, 2014, 9:30 a.m.

PLACE: 9549 Koger Blvd., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Brenda Black at (727)570-9696, ext. 233.

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: Brenda Black at (727)570-9696, ext. 233. 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).

MOFFITT CANCER CENTER & RESEARCH INSTITUTE
 The H. Lee Moffitt Cancer Center & Research Institute, Inc. announces a public meeting to which all persons are invited.
DATE AND TIME: May 20, 2014, 1:30 p.m.
PLACE: Moffitt Cancer Center, Stabile Trustees Boardroom
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.
 A copy of the agenda may be obtained by contacting: Kim Chewning at (813)745-5427.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Kim Chewning at (813)745-5427. 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).

MOFFITT CANCER CENTER & RESEARCH INSTITUTE
 The H. Lee Moffitt Cancer Center & Research Institute, Inc. announces a public meeting to which all persons are invited.
DATE AND TIME: May 19, 2014, 11:30 a.m.
PLACE: Moffitt Cancer Center, Stabile Trustees Board Room
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance & Planning Committee.
 A copy of the agenda may be obtained by contacting: Lori Payne at (813)745-1798.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Lori Payne. 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).

FLORIDA INDEPENDENT LIVING COUNCIL
 The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.
DATE AND TIME: Tuesday, May 20, 2014, 1:00 p.m. – 2:00 p.m.
MEETING: CIL Part C Funding
PLACE: Call-in #: 1(888)670-3525, code: 3053852284#
GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and Task Force meetings: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or 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.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate Daniel Howe, DC#R00932. The petition seeks the agency's opinion as to the applicability of subsection 33-208.002(8), F.A.C., as it applies to the petitioner.

The petition seeks to resolve a controversy or answer questions or doubts regarding the application of subsection 33-208.002(8), F.A.C., and the alleged withholding of food from inmates at Taylor Correctional Institution.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: Paul Vazquez, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Carl L. Jones on January 31, 2014. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 28, of the February 11, 2014, Florida Administrative Register. The Petitioner asks whether a contractor can submit his or her own site specific drawings, specifications, and plans for permitting single-family and two-family dwellings, or any other structure not exceeding 1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawings; and whether building officials have a basis to reject, other than for good cause, such drawings, specifications, or plans. The Board's Order, filed on May 5, 2014, issued a declaratory statement that (1) a contractor can submit his or her own site specific drawings, specifications, and plans for permitting single-family and two-family dwellings, or any other structure not exceeding

1,200 square feet or one story in height without a licensed engineer or architect signing and sealing the drawings, and (2) building officials have no basis to reject, other than for good cause, such drawings, specifications, or plans.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Air Plus/William Hixon on January 10, 2014. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 21, of the January 31, 2014, Florida Administrative Register. The Petitioner was seeking a declaratory statement from the Board regarding whether the servicing and repairing of heat pump pool heaters falls within the scope of his Class B air conditioning contractor’s license. The Board’s Order, filed on May 5, 2014, issued a declaratory statement that Air Plus/William Hixon can service and repair heat pump pool heaters as long as he does not remove what is there or install new heaters.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing has issued an order disposing of the petition for declaratory statement filed by Geostabilization International on January 30, 2014. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 23, of the February 4, 2014, Florida Administrative Register. The Petitioner was seeking a declaratory statement from the Board regarding whether one or more construction licenses are required to perform the following services: landslide remediation, slope stabilization/repair; rockfall mitigation; temporary shoring; bridge abutments and retaining walls; rock wall repair;

launched soil nails/drains; and micro piles. The Board’s Order, filed on May 5, 2014, declines to issue a declaratory statement because the Petition lacks sufficient information and the Petitioner is not substantially affected, as required by Section 120.565, Florida Statutes, and therefore has no standing.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Chipman Services, Inc. on January 28, 2014. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 23, of the February 4, 2014, Florida Administrative Register. The Petitioner was seeking a declaratory statement from the Board regarding (1) whether a Florida business owner under the definitions of subsection 489.105(3), F.S., who only provides services that are isolated to the profession of welding, needs to possess a contractor’s license; (2) whether the profession of welding falls under the definition of “specialty contractor” in paragraph 489.105(3)(q), F.S.; and (3) whether Section 489.128, F.S., is applicable to a business owner who provides services attached to welding. The Board’s Order, filed on May 5, 2014, declines to issue a declaratory statement because the Petitioner is not substantially affected, as required by Section 120.565, Florida Statutes, and therefore has no standing.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Lorad, LLC on December 20, 2013. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 17, of the January 27, 2014, Florida Administrative Register. The Petitioner was seeking a declaratory statement from the Board with regard to Chapter 489, Florida Statutes and Chapter 61G4, Florida Administrative Code, as to whether Lorad, LLC needs to be licensed to provide fall protection systems. The Board’s Order, filed on May 5, 2014, declines to issue a declaratory statement because the Petitioner is not substantially affected, as required by Section 120.565, Florida Statutes, and therefore has no standing.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by electronic mail: Amanda.Wynn@myfloridalicense.com.

Section VIII

**Notice of Petitions and Dispositions
Regarding the Validity of Rules**

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

NONE

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

NONE

Section IX

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

NONE

Section X

**Announcements and Objection Reports of the
Joint Administrative Procedures Committee**

NONE

Section XI

**Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

School Districts

DCPS DW Energy Retrofits/Lighting Retrofits at Various
Schools – Group 4

Phase 3-2 /C-91580/OFDC- ITB-008-14

DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT FOR BIDS - Invitation to Bid for an Electrical Contractor – Publish Date May 9, 2014. Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D. BIDS ARE DUE ON OR BEFORE JUNE 10, 2014 AND WILL BE ACCEPTED UNTIL 2:00 P.M. OFFICIAL PROJECT TITLE: Districtwide Energy Retrofits/Lighting Retrofits at Various Schools - Group 4 Phase 3-2 School Nos. 239, 152, 226, 66, 232, 251, 146, 153 /DCSB Project No. C-91580/OFDC- ITB-008-14. SCOPE OF WORK: The project consists of construction for replacement/retrofit of lighting ballasts and lamps. Estimated construction cost is not to exceed \$845,000. Project is subject to availability of funds as authorized by the Owner. The selected contractor shall be required to execute the Duval County School Board standard form of agreement. The District reserves the right to reject any and all bids. All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida. Contract documents for bidding may be obtained at the office of: ARC/4613 Phillips Highway, Suite 202, Jacksonville, FL 32207, (904)399-8946. Contract documents for bidding may be examined at the Duval County Public Schools Administration Building located at 1701 Prudential Drive, Jacksonville, FL 32207. Name of A/E Firm: Haddad Engineering, Inc., 2955 Hartley Road, Suite 205, Jacksonville, FL 32257, (904)262-5066. DCSB Point of Contact: Kevin Trussell, (904)390-2336. MBE Participation Goal: 10% overall based on available MBE’s. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 20, 2014 at 2:00 pm at 1701 Prudential Drive, Room 513D.

Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at www.duvalschools.org, then follow website to Departments/Facilities/Forms and Standards/General Documents/Contractor Prequalification Application. The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

DEPARTMENT OF EDUCATION
School Districts
DCPS Districtwide Energy Retrofits/Lighting Retrofits at Various Schools – Group 5

Phase 3-4 School Nos. 263, 216, 267, 224, 258, 264, 279, 262 /DCSB Project No. C-91580/OFDC- ITB-009-14

DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT FOR BIDS – Invitation to Bid for an Electrical Contractor- Publish Date May 9, 2014. Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D. **BIDS ARE DUE ON OR BEFORE JUNE 10, 2014 AND WILL BE ACCEPTED UNTIL 2:00 P.M. OFFICIAL PROJECT TITLE:** Districtwide Energy Retrofits/Lighting Retrofits at Various Schools – Group 5 Phase 3-4 School Nos. 263, 216, 267, 224, 258, 264, 279, 262 /DCSB Project No. C-91580/OFDC- ITB-009-14. **SCOPE OF WORK:** The project consists of construction for replacement/retrofit of lighting ballasts and lamps. Estimated construction cost is not to exceed \$370,000. Project is subject to availability of funds as authorized by the Owner. The selected contractor shall be required to execute the Duval County School Board standard form of agreement. The District reserves the right to reject any and all bids. All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida. Contract documents for bidding may be obtained at the office of: ARC/4613 Phillips Highway, Suite 202, Jacksonville, FL 32207, (904)399-8946. Contract documents for bidding may be examined at the Duval County Public Schools Administration Building located at 1701 Prudential Drive, Jacksonville, FL 32207. Name of A/E Firm: The Ohmega Group, LLC, 1756 Silver Street, Jacksonville, FL 32206, (904)807-6512. DCSB

Point of Contact: Kevin Trussell, (904)390-2336. MBE Participation Goal: 10% overall based on available MBE's. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 20, 2014 at 2:00 p.m. at 1701 Prudential Drive, Room 513D. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at www.duvalschools.org, then follow website to Departments/Facilities/Forms and Standards/General Documents/Contractor Prequalification Application. The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

DEPARTMENT OF EDUCATION
School Districts
DCPS Security Systems Replacement/Upgrades at Duncan Fletcher Middle School No. 63 /
DCSB PROJECT NO. M-83980 /OFDC -ITB-010-14

DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT FOR BIDS – Invitation to Bid for an Electrical Contractor. Publish Date – May 9, 2014. Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D. **BIDS ARE DUE ON OR BEFORE JUNE 10, 2014 AND WILL BE ACCEPTED UNTIL 2:00 P.M. OFFICIAL PROJECT TITLE:** Security Systems Replacement/Upgrades at Duncan Fletcher Middle School No. 63 / **DCSB PROJECT NO. M-83980 /OFDC -ITB-010-14. SCOPE OF WORK:** The project consists of replacement/upgrades of security systems. Estimated construction cost is not to exceed \$350,000. Contract documents for bidding may be obtained at the office of: ARC/4613 Phillips Highway, Suite 202, Jacksonville, FL 32207, (904)399-8946. Contract documents for bidding may be examined at the Duval County Public Schools Administration Building located at 1701 Prudential Drive, Jacksonville, FL 32207. Name of A/E Firm: Haddad Engineering, Inc., 2955 Hartley Road, Suite 205, Jacksonville, Florida 32257, (904)262-5066. DCSB Point of Contact: Tony Gimenez, (904)390-2945.

MBE Participation Goal: 5% Overall. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 16, 2014 from 10:00 a.m. – 11:00 a.m. at Duncan Fletcher Middle School No. 63 located at 2000 N. Third Street, Jacksonville Beach, FL 32250. Failure to attend the pre-bid conference shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at www.duvalschools.org. Follow website to Departments/Facilities/Projects/Forms and Standards/General Documents. The project funding is subject to availability of funds as authorized by the Owner. The District reserves the right to reject any and all bids. The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

VISIT FLORIDA

The Florida Tourism Industry Marketing Corp. d.b.a. VISIT FLORIDA is accepting proposals for the 2014 VISIT FLORIDA Partnership Lunch Presentation to be held in Fort Myers, Miami, Orlando, Tampa, Pensacola, Panama City and Jacksonville during July, August and September 2014. For more information please click [here](#). The due date for submissions is May 27, 2014.

**Section XII
Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Go Anywhere Scooters, LLC, for the establishment of ZHNG motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Bintelli, LLC, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (line-make ZHNG) at 9050A Navarre Parkway, Navarre, (Santa Rosa County), Florida, 32566, on or after June 9, 2014.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC, are dealer operator(s): Jerry Rogers, 6 Indian Bayou Drive, Destin, Florida 32541, principal investor(s): Jerry Rogers, 6 Indian Bayou Drive, Destin, Florida 32541.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ashley Jackrel, Bintelli LLC, 7065 Northwest 22nd Street, Suite A, Gainesville, Florida 32653.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Killer Keller Designs, Inc. for the establishment of THUG motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Thug Custom Cycles, LLC, intends to allow the establishment of Killer Keller Designs, Inc., as a dealership for the sale of motorcycles manufactured by Thug Custom Cycles, LLC (line-make THUG) at 1190A Northwest 23rd Avenue, Fort Lauderdale, (Broward County), Florida 33311, on or after June 9, 2014.

The name and address of the dealer operator(s) and principal investor(s) of Killer Keller Designs, Inc., are dealer operator(s): Keller Holly, 8322 Northwest 39th Court, Cooper City, Florida 33024; principal investor(s): Keller Holly, 8322 Northwest 39th Court, Cooper City, Florida 33024.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tom Keller, Thug Custom Cycles, LLC, 1190 Northwest 23rd Avenue, Fort Lauderdale, Florida 33311.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

EXEMPTION

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: Collier District: 8

ID # E140011 Decision: A Issue Date: 5/7/2014

Applicant/Facility: Willough Health Care, Inc./The Willough at Naples

Project Description: Establish a five-bed adult substance abuse unit through the conversion of five adult psychiatric beds

Proposed Project Cost: \$0.00

Section XIII
Index to Rules Filed During Preceeding
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.