

**Section I**  
**Notice of Development of Proposed Rules  
and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** RULE TITLE:

6A-1.09533 Minimum School Term, Emergencies

**PURPOSE AND EFFECT:** The purpose of this development is to remove the obsolete subsection (2), which provides authority for the Commissioner of Education to reduce the 180-day school term by up to a maximum of three school days for one or more schools provided the scheduled net instructional time for the school year equals or exceeds 900 hours. With the promulgation of Rule 6A-1.045111, F.A.C., a school district may deliver less than 180 days of instruction, provided students receive no less than 720 hours of instruction in grades kindergarten through third grade and 900 hours in grades 4-12 during the school year.

**SUBJECT AREA TO BE ADDRESSED:** Deletion of subsection (2), which states the Commissioner may reduce the length of a school term up to a maximum of three school days provided the net instructional time minus the hours scheduled for each day classified as a national, state or local emergency is at least 900 hours.

**RULEMAKING AUTHORITY:** 1001.02(1), 1011.60(2), FS.

**LAW IMPLEMENTED:** 1011.60(2), FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, Florida Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (850)245-0351. To request a rule development workshop, please contact: Cathy Schroeder, Director, Office of Executive Management, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** RULE TITLE:

6A-6.052 Dropout Prevention Programs

**PURPOSE AND EFFECT:** The purpose of this development is to align the rule with current language in Florida Statutes and to provide clarity regarding diploma information for students enrolled in Dropout Prevention programs. The effect is that the rule will be aligned with Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Dropout Prevention programs.

**RULEMAKING AUTHORITY:** 1001.02, 1001.42, FS.

**LAW IMPLEMENTED:** 1003.53, FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** April 15, 2016, 10:00 a.m. - 11:00 a.m. or until business is concluded, whichever is sooner.

**PLACE:** Via Conference Call - 1(888)670-3525, passcode: 4285524165

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Tameka Thomas, Bureau of Family & Community Outreach, 325 W. Gaines Street, Suite 1444, Tallahassee, FL 32399, (850)245-0845, or [Tameka.Thomas@fldoe.org](mailto:Tameka.Thomas@fldoe.org). To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** RULE TITLE:

6A-6.0521 Definitions and Requirements Which Apply to All Dropout Prevention Programs

**PURPOSE AND EFFECT:** To align the rule with current language in Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Special Diploma, and removal of Florida Statutes 1003.429, 1003.43, addition of Florida Statutes 1002.3105, 1003.4282.

**RULEMAKING AUTHORITY:** 1001.02, 1003.53, FS.

**LAW IMPLEMENTED:** 1003.53, FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

DATE AND TIME: April 15, 2016, 11:00 a.m. – 12:00 Noon or until business is concluded, whichever is sooner.

PLACE: Via Conference Call - 1(888)670-3525, passcode: 4285524165

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tameka Thomas, Bureau of Family & Community Outreach, 325 W. Gaines Street, Suite 1444, Tallahassee, FL 32399, (850)245-0845 or Tameka.Thomas@fldoe.org. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:

61G15-18.011 Definitions

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate the Florida Building Code by reference into the Board’s rules.

SUBJECT AREA TO BE ADDRESSED: Incorporate Florida Building Code.

RULEMAKING AUTHORITY: 471.008, 471.013(1)(a)10, 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:

61G15-19.001 Grounds for Disciplinary Proceedings

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Rule 61G15-19.001, F.A.C. - The purpose of the amendment is to clarify that renewal of a license without completion of statutorily required continuing education is a disciplinary violation.

Rule 61G15-19.004, F.A.C. - The purpose of the amendment is to create a penalty guideline for violation of Rule 61G15-19.001, F.A.C. as amended.

SUBJECT AREA TO BE ADDRESSED: Rule 61G15-19.001, F.A.C. - Create new disciplinary violation.

Rule 61G15-19.004, F.A.C. - Create a penalty guideline

RULEMAKING AUTHORITY: 455.227, 471.008, 471.031, 471.033, 471.033(2) FS.

LAW IMPLEMENTED: 455.227, 471.025(1), 471.031, 471.033, 471.033(1)(f), (g), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:

64B17-6.005 Costs of Duplicating Medical Records

PURPOSE AND EFFECT: Update the rule text.

SUBJECT AREA TO BE ADDRESSED: Costs of reproducing patient records

RULEMAKING AUTHORITY: 456.057, 486.025 FS.

LAW IMPLEMENTED: 456.057, 456.058 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

State, 500 S. Bronough St., Tallahassee, FL 32399, (850)245-6536, Carlos.Rey@dos.myflorida.com

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

THE FULL TEXT OF THE PROPOSED RULE IS:

## Section II Proposed Rules

**DEPARTMENT OF STATE**

**Division of Corporations**

RULE NO.:      RULE TITLE:

1N-5.002      Notary’s Electronic Signature

PURPOSE AND EFFECT: This amendment will incorporate by reference the updated U.S. National Institute of Standards and Technology (NIST) Special Publication, which defines the level of assurance required for any public key certificate or electronic notary that is used to affix the Notary’s electronic signature or seal information.

SUMMARY: Update the incorporated material that establishes the defining level of assurance used to affix Notary’s electronic signature or seal.

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: Upon completion of SERC checklist, it was determined that the proposed amendment will not have a direct or indirect adverse impact on small businesses.

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: 117.021(5) FS.

LAW IMPLEMENTED: 117.021 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carlos A. Rey, Florida Department of

1N-5.002 Notary’s Electronic Signature.

(1) In performing an electronic notarial act, a notary shall execute an electronic signature in a manner that attributes such signature to the notary public identified on the official commission.

(2) A notary shall take reasonable steps to ensure the security, reliability and uniformity of electronic notarizations, including, but not limited to, the use of an authentication procedure such as a password, token, card or biometric to protect access to the notary’s electronic signature or the means for affixing the signature.

(3) The notary’s electronic signature and seal information may be affixed by means of a public key certificate.

(4) The notary’s electronic signature and seal information may be affixed by means of an electronic notary system.

(5) Any public key certificate or electronic notary system that is used to affix the Notary’s electronic signature and seal information shall be issued at the third or higher level of assurance as defined by the U. S. National Institute of Standards and Technology (NIST) Special Publication 800-63 (NIST800-63), Electronic Authentication Guideline Version 1.0.2., available at NIST’s website [www.csrc.nist.gov](http://www.csrc.nist.gov) which is incorporated by reference and may be accessed at the following URL:

<http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-63-2.pdf> <http://csrc.nist.gov/publications/nistpubs/800-63/SP800-63V1-0-2.pdf>.

Rulemaking Authority 117.021(5) FS. Law Implemented 117.021 FS. History–New 1-26-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlos A. Rey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 01/01/16

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:      RULE TITLE:

6A-6.03013      Exceptional Student Educational Eligibility for Students Who Are Deaf or Hard-of-Hearing

PURPOSE AND EFFECT: Proposed revisions update the language to reflect current knowledge in the field. The effect

of these revisions will be consistency with the federal requirements and related State Board of Education rules.

SUMMARY: The proposed amendment addresses state requirements for programs for students with disabilities who are identified as deaf and hard of hearing. This amendment more closely aligns the definition statement with that of the federal definition for deaf and hard of hearing and further specifies appropriate procedures for referral, evaluation, criteria for eligibility, reevaluation, and appropriate screenings.

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: 1) no requirement for SERC was triggered under s. 120.541(1), F.S., and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in s. 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1003.57, 1003.571 FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, at Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03013 Exceptional Student Educational Eligibility for Students ~~Who are~~ Deaf or Hard of Hearing ~~Hard of Hearing~~.

(1) Definition. Students who are deaf or hard of hearing include the following: ~~hard of hearing~~. A student who is deaf

~~or hard of hearing has a hearing loss aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.~~

(a) A student who is deaf has a hearing loss that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification.

(b) A student who is hard of hearing has a hearing loss that is conductive, sensorineural, mixed or auditory dyssynchrony (auditory neuropathy) and may be unilateral, bilateral, fluctuating or permanent.

(2) General education interventions and activities. Prior to referral for evaluation, the requirements in Rule subsection 6A-6.0331(4), F.A.C., must be met.

(3) Procedures for student eEvaluation. In addition to the provisions of subsection 6A-6.0331(5), F.A.C., the evaluation for determining eligibility shall include the following:

(a) The minimum procedures necessary for determining eligibility shall include:

1. An audiological evaluation by an audiologist licensed in Florida in accordance with Chapter 458 or an otological evaluation by an otolaryngologist licensed in Florida in accordance with 468 confirming a hearing loss. The evaluation should include a description of etiology and prognosis of condition, aided pure tone air and bone conduction testing or electrophysiological assessment results, and speech perception testing when developmentally appropriate;

2. If medical criterion listed in paragraph (4)(a) of this rule is met, then in addition to the provisions of Rule 6A-6.0331, F.A.C., a comprehensive assessment of skills known to be impacted by hearing loss, shall include at a minimum: an assessment of functional listening; an assessment of social skills; and an evaluation of receptive and expressive communication and language in English, and, when appropriate, in American Sign Language.

(b) Reevaluation shall occur at least every three (3) years and shall include a minimum of an audiological or otological evaluation or report within the last calendar year; an assessment of functional listening; an evaluation of receptive and expressive communication by a licensed speech and language pathologist; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.

(a) Audiological evaluation;

~~(b) Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses;~~

(c) Evaluation of social development;

~~(d) Evaluation of receptive and expressive communication; and,~~

~~(e) A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven.~~

(4) Criteria for eligibility. A student who is deaf or hard of hearing is eligible for exceptional student education if the following criteria are met:

(a) An audiological or otological evaluation that states a student has one of the following:

1. A sensorineural hearing loss with an unaided pure tone average, speech threshold, or auditory brain stem response threshold of 20 decibels hearing level (HL) or greater in the better ear;

2. A conductive hearing loss with an unaided pure tone average or speech threshold of 20 decibels HL or greater in the better ear persisting over three months or occurring at least three times during the previous twelve (12) months as verified by audiograms with at least one measure provided by a certified audiologist;

3. A unilateral sensorineural or persistent conductive loss with an unaided pure tone average or speech threshold of 45 decibels HL or greater in the affected ear; or

4. A sensorineural hearing loss with unaided pure tone thresholds at 35 decibels HL or greater at two (2) or more adjacent frequencies (500 hertz, 1,000 hertz, 2,000 hertz, 4,000 hertz, 6,000 hertz and 8,000 hertz) in the better ear; and,

~~(a) An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one (1) of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:~~

~~1. 25 decibel (db)  $\pm$  5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or~~

~~2. A high frequency hearing threshold level of 25 dB  $\pm$  5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or~~

~~3. A unilateral hearing threshold level of 50 dB  $\pm$  5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or~~

~~4. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified in subparagraphs (4)(a)1., 2. and 3. above; and,~~

~~(b) The student needs special education as defined in Rules 6A-6.0331 and paragraph 6A-6.03411(1)(kk), F.A.C.~~

~~(5) Reevaluation shall occur at least every three (3) years and shall include at a minimum an audiological evaluation, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with subsection (3) of this rule.~~

(5)(6) A screening for Usher's syndrome shall be administered to each student who is deaf or hard of hearing at least once during grades 6-12.

Rulemaking Authority ~~1003.04~~, 1003.57, 1003.571 FS. Law Implemented ~~1003.04~~, 1003.57, 1003.571 FS. History--New 7-1-77, Amended 9-11-84, Formerly 6A-6.3013, Amended 7-1-94, 7-1-07, 12-15-09,\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 18, 2015

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.040      RULE TITLE: Basic Skills Requirements for Postsecondary Career and Technical Certificate Education

PURPOSE AND EFFECT: Update the licensure exemption list for the 2016-2017 academic year and amend the cut score of one of the assessment instruments (GED® Tests: Reasoning through Language Arts and Mathematic Reasoning) to conform to Rule 6A-6.021 F.A.C.

SUMMARY: The State Board of Education is required by statute to adopt, by rule, standards of basic skill mastery for students completing career and technical certificate programs of 450 clock hours or more. Students enrolling in career and technical certificate programs must complete an entry-level exam within the first six weeks after admission to the program, and if necessary, the school district or Florida college institution offering the program must provide basic skills instruction. The rule identifies the approved assessment instruments designated to assess student mastery of basic skills. The statute provides exemptions from basic skills exit requirements for students holding certain credentials. One of the exemptions authorized in s. 1004.91, F.S., is "a student who passes a state, national or industry certification or licensure examination." The annual licensure exemption list is incorporated by reference in 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: This amendment provides more flexibility in assessments available for students completing career and technical certificate programs of 450 clock hours or more and it is not expected to have any impact on the factors found in section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02(1), 1004.91(1) FS.

LAW IMPLEMENTED: 1004.91, FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen Taylor, Bureau Chief, Standards, Benchmarks and Frameworks, Division of Career and Adult Education, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400, Phone: (850)245-9062, FAX: (850)245-9065.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.040 Basic Skills Requirements for Postsecondary Career and Technical Certificate Education.

(1) through (d) No change.

(e) 2014 GED® Tests: Reasoning through Language Arts and Mathematical Reasoning where a minimum score as required in Rule 6A-6.021, F.A.C., of 150 has been attained on each test.

(2) through (7) No change.

(8) The following students are exempt from taking the initial basic skills assessment required in subsection (1) of this rule. The designated program administrator must receive an official copy of the degree, transcript, or test score in order to allow any of these exemptions.

(a) A student who possesses a college degree at the associate in applied science level or higher.

(b) A student who demonstrates readiness for public postsecondary education pursuant to Rule 6A-10.0315, F.A.C.

(c) A student who passes a state, national or industry certification or licensure examination that is identified in the list entitled "2016-2017 Basic Skills Licensure Exemption List ~~Basic Skills and Licensure Exemption List — 2015-2016~~" ([http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-05711)

~~05711~~)

([http://www.fldoe.org/core/fileparse.php/5652/urlt/2016-17-License-exempt\\_CTE\\_programs.rtf](http://www.fldoe.org/core/fileparse.php/5652/urlt/2016-17-License-exempt_CTE_programs.rtf)

~~<http://www.fldoe.org/core/fileparse.php/5652/urlt/2015-16-basicskills-with-License-exempt.rtf>~~), which is incorporated by

reference herein. The Basic Skills and Licensure Exemption List may be requested from the Department of Education, Division of Career and Adult Education, 325 West Gaines Street, Tallahassee, FL 32399-0400.

(d) No change.

Rulemaking Authority 1001.02(1), 1004.91(1) FS. Law Implemented 1004.91 FS. History—New 10-8-85, Formerly 6A-10.40, Amended 5-2-89, 9-5-93, 11-25-97, 1-24-99, 4-26-06, 7-21-08, 5-18-14, 8-26-15,

NAME OF PERSON ORIGINATING PROPOSED RULE: Rod Duckworth, Chancellor, Career and Adult Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 23

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.00425	Criteria for Issuance of Permits
14-26.0043	Multi-State Travel
14-26.008	Schedule of Fees
14-26.012	Movement Conditions and Restrictions
14-26.014	Non-Compliance
14-26.015	Penalties

PURPOSE AND EFFECT: Permitting requirements for overweight and overdimensional vehicles are being amended to eliminate unnecessary permit consideration criteria, clarify provisions, and to provide a maximum trailer length for transporting manufactured buildings in accordance with 2015-163, Laws of Florida.

SUMMARY: Allows for three month blanket permit on a single route, provides for structural evaluations based on axle weight or gross weight, reduces criteria used in evaluating permit requests, and provides penalties for striking a bridge, not having a survey letter available when required, and transporting an oversized load with a vehicle that is not registered for 80,000 pounds gross vehicle weight.

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 rule does not increase permit fees and reduces regulatory requirements.

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: 316.515, 316.550, 334.044(2) FS.

LAW IMPLEMENTED: 316.228, 316.515, 316.516, 316.535, 316.550, 316.565, 334.044(27) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-26.0041 Definitions and Terms.

All terms in this rule chapter shall have the same meaning as defined in Section 316.003, F.S., except that “Department” shall refer to the Department of Transportation. Additionally, the following terms are defined:

(1) through (2) No change.

(3) “Escort” means a person authorized in the manner prescribed in subsection 14-26.012(2)(b)-(c)(3), F.A.C., to perform accompanying duties for overweight or overdimensional vehicles.

(4) through (8) No change

(9) “Governmental Entity” means as defined in Section 215.985(2)(c) 334.03, F.S.

(10) through (24) No change

(25) “Route Specific Blanket Permit” means authorization issued by the Department for multiple trips on a specified route only from point of origin to destination for a period not to exceed three months.

(25) through (32) Renumbered as (26) through (33) No change.

Rulemaking Authority 316.550(5), 334.044(2) FS. Law Implemented 316.515, 316.550 FS. History—New 9-15-87, Amended 7-21-91, 6-23-96, 11-10-98, 2-1-10, 10-4-10, 2-5-13, \_\_\_\_\_.

14-26.00411 Procedure for Issuance of Permits.

(1) Purpose. The purpose of this rule chapter is to protect the public safety, to reduce interference with traffic flow on state owned highways and structures, and to preserve the state’s transportation facilities by providing standards and procedures to govern issuance of permits for overweight and overdimensional vehicles and loads operating over state owned roadways and structures. Travel authorization and/or permits for travel on local roadways must be obtained from local authorities. The rules of this rule chapter apply to all persons or entities operating overweight and overdimensional vehicles and loads over state maintained roads, which are not specifically exempt under Chapter 316, F.S.

(2) No change.

(3) Administration. The administration of these rules is assigned to the Department’s Permit Office, located in Tallahassee, Florida, whose mailing address is: Florida Department of Transportation Permit Section

605 Suwannee Street, M.S. 62  
Tallahassee, Florida 32399-0450

~~Travel authorization and/or permits for travel on local roadways and structures must be obtained from local authorities.~~

(4) Permitting Process. Payment for permits shall be in cash, by cashier’s check, personal or company check, money order, ~~or credit card, or bond/escrow account.~~ Permit requests must be received at least ten business days before scheduled movement for non-routine permits. The applicant must complete all fields on Form 850-040-02, Request for Special Road Use Oversize/Overweight Permit Application rev. 7/10 incorporated herein at \_\_\_\_\_, or complete an online Application at [www.fdotmaint.com/permit](http://www.fdotmaint.com/permit), ~~rev. 07/10, incorporated herein by reference~~ and provide the following:

(a) through (g) No change.

(h) Requested route of travel containing detailed information including origin, destination, physical addresses, mile markers, or intersections. This applies to trip permit and route specific blanket permit applications only. ~~Trip Applications for non routine permits must also include detailed routing information, such as stops for rest areas, exit ramps, etc.~~

(5) No movement shall be made under any permit until the route has been surveyed to verify that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route (bridges and similar load bearing structures). The applicant is responsible for verifying adequate vertical (height) and horizontal (length and width) clearance. Vehicles and loads with a height greater than 18 ~~15~~ feet shall be surveyed

by a qualified escort, as described in this rule chapter prior to any movement. Surveying a route prior to movement of the load does not exempt the hauler from being required to obtain a permit prior to any movement. Applications for vehicles and loads with a height greater than 18 feet and/or width greater than 22 feet shall be supported by a survey letter from the hauler. The survey letter must be on the hauler's letterhead and include a signed signature a statement verifying that the route has been surveyed, and that clearances exceed the requested permitted dimension by a minimum of 6 inches for height and 2 feet on each side for width. The surveyed route and the route shown on the application must be identical.

(6) Structural Evaluation. In addition to the information required for issuance of a permit, a schematic of the vehicle showing all longitudinal and transverse spacings, axle weights and dimensions must be provided at least ten business days before a proposed move when any axle exceeds 30,000 pounds or when the vehicle's gross weight exceeds 300,000 499,000 pounds so that a structural analysis can be performed. Applicants, whose vehicles ~~have a gross vehicle weight is of~~ less than 300,000 499,000 pounds, will be required to provide a schematic as well when an Engineer of the Office of Maintenance, Bridge Section, determines that a structural analysis is needed.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.535, 316.550 FS. History--New 8-26-82, Formerly 14-26.06, Amended 9-15-87, 7-21-91, 6-23-96, 11-10-98, Formerly 14-26.006, Amended 2-1-10, 10-4-10, 2-5-13,\_\_\_\_\_.

14-26.00425 Criteria for Issuance of Permits.

(1) The Department shall consider the following criteria when evaluating permit requests and prescribing conditions limiting the use of said permit:

- (a) Whether the load can be reasonably dismantled or disassembled;
- (b) Protection of the motoring public from traffic hazards created by the movement of overweight and overdimensional vehicles or loads on state owned highways and structures;
- (c) Prevention of undue delays in the normal flow of traffic;
- (d) Prevention of damage to the highway pavement, facilities, and structures;
- (e) Assistance needed for transportation problems involving excess size or weight;
- (f) Whether vehicle(s) meet the Department's established axle load and axle spacing requirements based upon structural analysis of the bridge structures to be crossed;
- ~~(g) The number of lanes, width of lanes, and the condition of the pavement to be traversed;~~
- ~~(h) The number, adequacy, and availability of access routes;~~

- ~~(i) The number and types of accidents and fatalities occurring on the roads of the proposed route;~~
- ~~(j) The shoulder conditions and widths on the proposed route;~~
- ~~(k) The average daily volume of traffic;~~
- ~~(l) The volume of traffic during peak periods;~~
- ~~(m) The number of traffic signals per mile;~~
- ~~(n) The frequency of necessary vehicular lane changes;~~
- ~~(o) The availability of emergency lanes;~~
- ~~(g)(p) Temporary conditions such as construction or impending adverse weather;~~

(q) through (u) relettered as (h) through (l) No change.

(2) Override Authority.

(a) No change.

(b) To obtain a permit for vehicles, ~~or loads, or travel not specifically~~ authorized in this rule chapter, an applicant must include, with the permit application, a letter of essentiality from a government entity or the ultimate recipient of an essential service, ~~providing justification for issuance of a non-routine permit.~~ The letter of essentiality must include a justification for granting override authority. A letter from the hauler, distributor, or manufacturer will not be accepted. The letter must verify that the load has been reduced to the smallest size possible, cannot reasonably be shipped by any other means of transportation, and state why the move is essential in the interest of public safety, national defense or other extenuating circumstances.

(c) No change.

(d) Emergencies. Upon a Governor's Declaration of Emergency, in order to allow response to the emergency, and after safety considerations, the Department may temporarily relieve vehicles of suspend certain permit restrictions by issuing an emergency permit letter.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.550, 316.565, 334.044(27) FS. History--New 9-15-87, Amended 6-23-96, 11-10-98, Formerly 14-26.0051, Amended 2-1-10, 2-5-13,\_\_\_\_\_.

14-26.0043 Multi-State Travel.

Rulemaking Authority 316.550 FS. Law Implemented 316.550, 320.0104(2) FS. History--New 11-22-94, Amended 2-1-10, Repealed

14-26.008 Schedule of Fees.

The following schedule of fees shall be charged by the Department for permits for overweight and/or overdimensional vehicles operating on state owned roadways and bridges:

TABLE 1A – SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT	MULTI-TRIP



	7 Days	12 Months
<b>(1) OVERDIMENSION</b>		
(a) Straight trucks and semi-truck-tractor-trailer.		
Up to 12 feet wide, or up to 13 feet 6 inches high or up to 85 feet long.	\$5.00	\$20.00
Up to 14 feet wide or up to 14 feet 6 inches high or up to 95 feet long.	\$15.00	\$150.00
Up to 14 feet wide or up to 18 feet high or up to 120 feet long.	\$25.00	\$250.00
Over 14 feet wide or over 18 feet high or over 120 feet long.	\$25.00	NOT ISSUED
(b) Overlength semi-trailers of legal width, height, and weight, which exceed 53 feet in length up to 57 feet 6 inches in length or overlength semi-trailer with kingpin setting greater than 41 feet.	\$10.00	\$30.00
(c) Truck crane or earth handling equipment moving under own power, up to 12 feet wide or 14 feet 6 inches high, or 85 feet long.	\$15.00	\$150.00
* (d) Trailers or equipment towed with ball or pintle.		
*Up to 10 feet wide or up to 13 feet 6 inches high or up to 80 feet long.	\$5.00	\$20.00
*Up to 12 feet wide or up to 13 feet 6 inches high or up to 105 feet long.	\$5.00	\$330.00
*Up to 14 feet wide or up to 14 feet 6 inches high or up to 105 feet long.	\$15.00	\$500.00
Over 14 feet wide or over 14 feet 6 inches high or over 105 feet long.	\$25.00	NOT ISSUED

NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.

**TABLE 1B – SCHEDULE OF FEES FOR OVERWEIGHT VEHICLES**

	TRIP PERMIT 7 Days	MULTI-TRIP 12 Months
<b>(2) OVERWEIGHT</b>		
*(a) Up to 95,000 pounds.	\$0.27 Per Mile	**\$240.00
*(b) Up to 112,000 pounds.	\$0.32 Per Mile	**\$280.00
*(c) Up to 122,000 pounds.	\$0.36 Per Mile	**\$310.00
*(d) Up to 132,000 pounds.	\$0.38 Per Mile	**\$330.00
*(e) Up to 142,000 pounds.	\$0.42 Per Mile	**\$360.00
*(f) Up to 152,000 pounds.	\$0.45 Per Mile	**\$380.00
*(g) Up to 162,000 pounds.	\$0.47 Per Mile	**\$400.00
(h) Up to 199,000 pounds.	\$0.003 Per Mile	\$500.00

	1,000 Pounds Per Mile	
(i) Over 199,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	NOT ISSUED
(j) Containerized Cargo Unit.	\$0.27 Per Mile	\$500.00
(k) Overall Wheel Base (Inner Bridge/External Bridge).	\$10.00	\$35.00
(l) Implements of husbandry, farm equipment, agricultural trailers/products and forestry equipment (Local Moves Only).	\$5.00	\$17.00

**(3) SPECIAL PERMIT FEES**

Transmission Fee	\$5.00	NOT APPLICABLE
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\*Dimensions greater than 12 feet wide or 13 feet 6 inches high or 85 feet long will have an additional dimension fee with a combined fee of not to exceed \$500.00.  
 NOTE: For weights over 80,000 pounds [Items (2)(a) through (h) above], add an administrative cost of \$3.33 for issuance of permit, which does not include the costs charged by wire services for their services. Permit fees shall be based on 25 mile increments rounded up to the nearest dollar. Example: A 112,000 pound load traveling 67.5 miles would cost (75 miles X \$0.32) plus \$3.33 = \$27.33 rounded up to \$28.00 in addition to the \$5.00 transmission fee when applicable.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History—New 8-26-82, Formerly 14-26.01, Amended 12-6-83, Formerly 14-26.08, Amended 9-15-87, 7-21-91, 4-22-92, 3-1-94, 6-23-96, 11-10-98, 2-1-10, 10-4-10, 2-5-13,

**14-26.012 Movement Conditions and Restrictions.**

(1) Operational use of permits. The configuration and weight(s) of a vehicle and its load traveling under permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit. An electronic version of a trip permit may be presented, if the trip permit is readily available and legible. ~~Vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits,~~ the permitted vehicle's size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit. Trip permits are valid only for those routes specified in the permit. Multi-trip permit

vehicles are not allowed to travel on any restricted bridges or any restricted roadways identified in the permit or its attachments. No vehicle may cross any posted bridge when the vehicle exceeds the prescribed limits of the bridge.

(2) No change.

(3) Escort Vehicle and Equipment Requirements for Qualified Escorts.

(a) No change.

(b) On Board Equipment. During escort operations, all escort vehicles shall have on board the following equipment and such equipment shall be in working order:

1. Operable two-way electronic communications. Qualified escorts must have a hands-free device and method of communicating with the driver of the permitted load ~~be in radio contact with load drivers~~ at all times during movements.

2. One 5 pound Class ABC fire extinguisher ~~Two fire extinguishers (minimum five pounds each).~~

3. No change.

4. A high visibility, fluorescent ~~fluorescent~~ class 2 safety vest for flagging during daytime hours or a high visibility, fluorescent class 3 safety vest when flagging at night.

5. through 8. No change.

(4) through (6) No change

(7) Width Limitations.

(a) through (b) No change.

(c) Vehicles over 12 Feet up to 14 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. A minimum of one escort vehicle, with escort, is required at all times.

1. through 3. No change.

4. No movement will be allowed in congested areas during peak traffic hours unless specifically authorized by permit.

(d) through (e) No change.

(8) Height Limitations.

(a) No change.

(b) Vehicles over 14 Feet 6 Inches up to 16 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required; one mounted on the front and one on the rear of the load. An escort vehicle with a vertical height indicator is required to precede the load. ~~Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the request height plus six inches.~~

(c) Vehicles over 16 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Multi-trip permits shall be limited to vehicles up to 18 feet. Trip permit requests for movement of vehicles over 18 feet high will require an affidavit verifying the proposed route has clearance to accommodate the request height plus six inches. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required with one mounted on the front and one on the rear of the load. In addition, movement is restricted to local moves only.

1. through 3. No change.

(9) Length Limitations.

(a) No change.

(b) Vehicles over 80 Feet. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required to be mounted: one on the front and one on the rear of load.

1. No movement will be allowed in congested areas during peak traffic hours for vehicles over 85 feet in length unless specifically authorized by permit.

2. through 6. No change

7. Maximum length of multiple sections or single units of manufactured buildings on a trailer is 80 feet.

(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no movement is allowed on limited access facilities with units designed for off road use. Flags and one warning light are required. In addition the following restrictions will apply:

1. Total length up to 80 ~~60~~ Feet.

a. through b. No change.

2. Total Length over 80 ~~60~~ Feet up to 85 Foot Maximum. Movement is permitted daytime hours only, excluding weekends and holidays. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.

(10) Multiple Loading. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued providing:

(a) through (b) No change.

(c) Vehicles will only be allowed to exceed the gross vehicle weight limits established in Section 316.535, F.S., when:

1. Attachments (e.g. blade, rake, bucket, counterweights) that are a normal part of the equipment have been removed to reduce the size of the load for safety reasons. A maximum of two Multiple attachments may be transported if they are attachable to the equipment and necessary for operation.

2. The gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being hauled.

3. Operating under a divisible load permit.

(11) Designated Permits.

(a) No change.

(b) Movement of an empty truck tractor semi-trailer up to 11 feet in width and not over 105 feet in length, traveling on or within five miles of limited access roadways, when operating with an existing valid permit will be allowed to travel during nighttime hours. Warning lights, flags, signs, and escorts will be required as permit conditions based upon the dimensions of the load when traveling empty during nighttime hours are required to be mounted in such a way as to be seen by all approaching traffic. Extra axles and stingers may be hauled on the trailer to reduce overall dimensions for safety purposes.

(c) No change.

~~(d) Truck tractor semi trailer combinations hauling automobiles/boats may obtain a trip or multi trip permit when the semi trailer is greater than 50 feet up to 53 feet with an overall length not to exceed 80 feet inclusive of any overhang. This applies to both stinger and non-stinger steered vehicles.~~

(e) through (f) renumbered as (d) through (e) No change.

(12) No Change.

*Rulemaking Authority 316.515, 316.550, 334.044(2) FS. Law Implemented 316.228, 316.515, 316.550, 334.044(27) FS. History–New 8-26-82, Amended 12-6-83, Formerly 14-26.12, Amended 9-15-87, 5-2-90, 7-21-91, 6-23-96, 11-10-98, 2-1-10, 10-4-10, 2-5-13,*

14-26.014 Non-Compliance.

(1) Suspension or revocation of permits.

(a) The Department, for good cause, will suspend for a specified period of time or revoke a multi-trip or trip permit. Good cause shall include, but is not limited to the following:

1. through 6. No change.

7. The company has been placed out-of-service based upon a compliance review performed by Florida Highway Patrol Motor Carrier Compliance.

8. The Department determines that continued operation under an existing valid permit poses a safety issue for state owned bridges or roadways.

(2) No change.

*Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 8-26-82, Amended 12-6-82, 3-18-84,*

*Formerly 14-26.14, Amended 9-15-87, 4-22-92, 6-23-96, 1-17-99, 2-1-10,\_\_\_\_\_.*

14-26.015 Penalties.

(1) Any vehicle in violation of any permit criteria, or operating without a permit where one is required, will be required to correct all offending irregularities or obtain a new permit based on the vehicle’s actual load prior to release of the vehicle. Additionally, the following penalties for violation of permit requirements will apply:

(a) through (e) No change.

(f) The vehicle or load strikes a bridge with or without a valid permit. The Permittee will be held liable for damages.

~~(g)(f)~~ Any vehicle which bypasses an open weigh station will be assessed a penalty of \$1,000.00.

(2) Null and Void Criteria. Any vehicle found to be operating under one or more of the following conditions shall be determined to be out of conformity with the provisions of the permit, in which case the vehicle is considered to be in non-compliance and the permit will be declared to be null and void for that vehicle for that trip. Penalties will be assessed as provided in Sections 316.516 and 316.545, F.S., and the vehicle must remain until the load is brought into compliance or a valid permit is obtained.

(a) through (g) No change.

(h) The tires on the vehicle are smaller than those specified on the permit. Penalty to be assessed for weight size only.

(i) through (j) No change.

(k) The hauler does not produce a survey letter for height as described in Rule 14-26.00411(4), F.A.C. when requested by law enforcement. Penalty to be assessed for size only.

(l) The vehicle is not registered for 80,000 pounds gross vehicle weight when transporting an oversized/overweight load.

*Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.516(4), 316.550(6), (8) FS. History–New 6-23-96, Amended 11-10-98, 2-1-10, 10-4-10, 2-5-13,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:

Rudy Powell, Director, Office of Maintenance

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Jim Boxold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 31, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: N0vember 2, 2015

**WATER MANAGEMENT DISTRICTS****Suwannee River Water Management District**

RULE NO.: RULE TITLE:

40B-8.021 Definitions

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend Rule 40B-8.021, F.A.C., to add definitions to aid in the implementation of minimum flows and levels for the Econfina, Aucilla and Wacissa Rivers and associated priority springs; and revise existing definitions to provide for rule clarity. The effect of this amendment will be increased rule clarity and understanding for the regulated public.

SUMMARY: 40B-8, F.A.C., new definitions and definition revisions.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendment, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District, the proposed rule amendment is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clay Coarsey, Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

## THE FULL TEXT OF THE PROPOSED RULE IS:

## 40B-8.021 Definitions.

Unless the context indicates otherwise, the following terms shall have the following meanings:

(1) "Aucilla River" means the riverine waterbody that originates in south-central Georgia and flows south and southwest into Florida discharging into the Gulf of Mexico at the border of Jefferson and Taylor Counties, Florida.

(2) "Aucilla River At Lamont, FL gage" means stream flow measuring gage number 02326500 located on the Aucilla River at the border of Taylor and Jefferson Counties, Florida.

(3) "Big Blue Spring" means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 40 seconds north latitude and 83 degrees 59 minutes 5 seconds west longitude.

(4) "Buzzard Log Spring" means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 48 seconds north latitude and 83 degrees 59 minutes 13 seconds west longitude.

(5) "Cassidy Spring" means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 58 seconds north latitude and 83 degrees 59 minutes 21 seconds west longitude.

(6) "Econfina River" means the riverine waterbody that originates in Taylor County, Florida and flows south and southwest discharging into the Gulf of Mexico in Taylor County, Florida.

(7) "Econfina River Near Perry, FL gage" means stream flow measuring gage number 02326000 located on the Econfina River in Taylor County, Florida.

(8)(1) "Fanning Spring" means single spring vent located within Levy County, adjacent to the Suwannee River at 29 degrees 33 minutes 14 seconds north latitude and 82 degrees 56 minutes 07 seconds west longitude.

(9)(2) "Flow Duration Curve" means a statistical representation of flows, actual or synthetic, and their recurrence probabilities over a determined period of record.

(10)(3) "Flow duration frequency" means the historic probability of a particular flow over a specified period of record.

(11) "Garner Spring" means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 49 seconds north latitude and 83 degrees 58 minutes 59 seconds west longitude.

(12)(4) "Historic period" means the period of record as documented in each technical report establishing minimum flow or level.

(13) "JEF63991" means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees

19 minutes 30 seconds north latitude and 83 degrees 59 minutes 9 degrees west longitude.

(14) “JEF63992” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 23 seconds north latitude and 83 degrees 59 minutes 12 degrees west longitude.

(15) “JEF63993” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 18 minutes 8 seconds north latitude and 83 degrees 58 minutes 47 seconds west longitude.

(16) “Jefferson Blue Spring” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 50 seconds north latitude and 83 degrees 59 minutes 20 seconds west longitude.

(17)(5) “Levy Blue Spring” means a single spring vent located within Levy County, near the Town of Bronson, adjacent to the Waccasassa River at 29 degrees 27 minutes 03 seconds latitude and 82 degrees 41 minutes 56 seconds longitude.

(18) “Little Blue Spring” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 51 seconds north latitude and 83 degrees 59 minutes 21 seconds west longitude.

(19)(6) “Little Fanning Spring” means the single spring vent located within Levy County, adjacent to the Suwannee River at 29 degrees 35 minutes 09 seconds north latitude and 82 degrees 56 minutes 04 seconds longitude.

(20) “Log Spring” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 20 minutes 26 seconds north latitude and 83 degrees 59 minutes 35 seconds west longitude.

(21)(7) “Lower Suwannee River” means the river segment below the Wilcox gage to the estuary.

(22)(8) “Madison Blue Spring” means the single vent spring system located within Madison County, adjacent to the Withlacoochee River at 30 degrees 28 minutes 48 seconds north latitude and 83 degrees 14 minutes 40 seconds west longitude.

(23)(9) “Manatee Spring” means the single spring vent located within Levy County, adjacent to the Suwannee River at 29 degrees 29 minutes 21 seconds north latitude and 82 degrees 58 minutes 37 seconds west longitude.

(24)(10) “Minimum surfacewater flow” means a flow, expressed in cubic feet per second combined with a temporal element. The temporal element may be specifically expressed as a duration and return interval.

(25)(11) “Minimum surfacewater level” means an elevation in feet NGVD combined with a temporal element. The temporal element, for purposes of this chapter, may be specifically expressed as a duration and return interval.

(26) “Minnow Spring” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 19 minutes 54 seconds north latitude and 83 degrees 59 minutes 12 seconds west longitude.

(27)(12) “NGVD” means National Geodetic Vertical Datum of 1929.

(28)(13) “Withlacoochee River Near Pinetta, FL gage” means stream flow measuring gauge number 02319000 located on the Withlacoochee River approximately 10 miles upstream from Madison Blue Spring at 30 degrees 35 minutes 43 seconds north latitude and 83 degrees 15 minutes 35 seconds west longitude.

(29) “Nutall Rise” means the spring located on the border of Jefferson and Taylor Counties, adjacent to the Aucilla River at 30 degrees 9 minutes 2 seconds north latitude and 83 degrees 57 minutes 48 seconds west longitude.

(30)(14) “Stage Duration Frequency Curve” means a statistical representation of stages, actual or synthetic, and their recurrence probabilities over a determined period of record.

(31)(15) “Suwannee River” means the riverine waterbody which originates in south-central Georgia and flows southeast and south into Florida discharging into the Gulf of Mexico north of Cedar Key.

(32)(16) “Santa Fe River” means the riverine waterbody which originates in Lake Santa Fe, Alachua County, Florida and flows west discharging into the Suwannee River south of Branford, Florida.

(33)(17) “Santa Fe River Near Graham, FL gage” means stream flow measuring gage number 02320700 located on the Santa Fe River approximately 1.5 miles upstream from Sampson River at 29 degrees 50 minutes 46 seconds north latitude and 82 degrees 13 minutes 11 seconds west longitude, in Alachua County, Florida.

(34)(18) “Santa Fe River at Worthington Springs, FL gage” means stream flow measuring gage number 02321500 located on the Santa Fe River 0.8 mile downstream from New River at 29 degrees 55 minutes 18 seconds north latitude and 82 degrees 25 minutes 35 seconds west longitude, in Alachua County, Florida.

(35)(19) “Suwannee River Next Wilcox, FL gage” means stream flow measuring gage number 02323500 located on the Suwannee River at 29 degrees 05 minutes 90 seconds north latitude and 82 degrees 09 minutes 37 seconds west longitude.

(36) “Thomas Spring” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 20 minutes 23 seconds north latitude and 83 degrees 59 minutes 32 seconds west longitude.

(37)(20) “Waccasassa River and Estuary” means the riverine waterbody which originates in Gilchrist and Alachua

Counties and flows southwest discharging into the Gulf of Mexico between Cedar Key and Yankeetown.

(38)(21) “Waccasassa River Near Gulf Hammock, FL gage” means stream flow measuring gage number 02313700 located on the Waccasassa River 0.5 mile upstream from Otter Creek at 29 degrees 12 minutes 14 seconds north latitude, 82 degrees 46 minutes 09 seconds west longitude in Levy County, Florida.

(39) “Wacissa Head Spring” means the spring located within Jefferson County, adjacent to the Wacissa River at 30 degrees 20 minutes 24 seconds north latitude and 83 degrees 59 minutes 29 seconds west longitude.

(40) “Wacissa River” means the riverine waterbody that originates from a spring system in Jefferson County, Florida and flows southeast diffusing into numerous braids before discharging into the Aucilla River.

(41) “Wacissa River Near Wacissa, FL gage” means stream flow measuring gage number 02326526 located on the Wacissa River in Jefferson County, Florida.

(42)(22) “Withlacoochee River” means the riverine waterbody which originates in south-central Georgia and flows southeast and south into Florida discharging into the Suwannee River at Ellaville.

(43)(23) “Withlacoochee River Near Pinetta, FL gage” means stream flow measuring gauge number 02319000 located on the Withlacoochee River approximately 10 miles upstream from Madison Blue Spring at 30 degrees 35 minutes 43 seconds north latitude and 83 degrees 15 minutes 35 seconds west longitude.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History—New 9-15-05, Amended 8-7-06, 7-29-07, 12-10-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Clay Coarsey, Professional Engineer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2016

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40B-8.071	Minimum Surface Water Levels and Flows for the Econfina River.
40B-8.081	Minimum Surface Water Levels and Flows for the Aucilla River and Nutall Rise.
40B-8.091	Minimum Surface Water Levels and Flows for the Wacissa River and Wacissa River Priority Springs.

**PURPOSE AND EFFECT:** The Suwannee River Water Management District (District) gives notice that it is proposing rules 40B-8.071, 40B-8.081, and 40B-8.091 to implement new minimum flows and levels for the Econfina, Aucilla and Wacissa Rivers and associated priority springs. The effect of these rules will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

**SUMMARY:** Minimum flows and levels for Econfina, Aucilla and Wacissa Rivers and associated priority springs, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

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

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

**RULEMAKING AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.103 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clay Coarsey, Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-8.071 Minimum Surface Water Levels and Flows for the Econfina River.

The Governing Board hereby establishes the following minimum surfacewater flows. The Governing Board finds that the following minimum surfacewater flows are the limit at which further withdrawals would be significantly harmful to the water resources or ecology.

(1) The minimum surfacewater flow for the Econfina River Near Perry, FL gage is an allowable reduction of 23 percent when flow is below 211 cubic feet per second (cfs) and 8.6 percent when flow is greater than or equal 211 cfs. Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103 FS. History--New \_\_\_\_\_.

40B-8.081 Minimum Surface Water Levels and Flows for the Aucilla River and Nutall Rise.

The Governing Board hereby establishes the following minimum surfacewater flows. The Governing Board finds that the following minimum surfacewater flows are the limit at which further withdrawals would be significantly harmful to the water resources or ecology.

(1) The minimum surfacewater flow for the Aucilla River At Lamont, FL gage is an allowable reduction of 6.5 percent when flow is less than or equal to 355 cubic feet per second (cfs), 13 percent when flow is greater than 355 cfs and is less than or equal to 558 cfs, and 17 percent when flow is greater than 558 cfs.

(2) The minimum surface water flow for Nutall Rise is established as a percent reduction from the median flow contribution to the Aucilla River. The allowable reduction in flow of Nutall Rise is 6.5 percent from the median flow. Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103 FS. History--New [DATE].

40B-8.091 Minimum Surface Water Levels and Flows for the Wacissa River and Wacissa River Priority Springs.

The Governing Board hereby establishes the following minimum surfacewater flows. The Governing Board finds that the following minimum surfacewater flows are the limit at which further withdrawals would be significantly harmful to the water resources or ecology.

(1) The minimum surfacewater flow for the Wacissa River Near Wacissa, FL gage is an allowable reduction in flow of 5.1 percent when flow is less than or equal to 376 cubic feet

per second (cfs) and 7.3 percent when flow is greater than or equal to 376 cfs.

(2) The minimum surface water flows for the Wacissa River Priority Springs are established as the following percent reductions from the median flow contribution to the Wacissa River:

- (a) Big Blue Spring: 6.5 percent;
- (b) Buzzard Log Spring: 6.5 percent;
- (c) Cassidy Spring: 6.5 percent;
- (d) Garner Spring: 6.5 percent;
- (e) JEF63991: 6.5 percent;
- (f) JEF63992: 6.5 percent;
- (g) JEF63993: 6.5 percent;
- (h) Jefferson Blue Spring: 6.5 percent;
- (i) Little Blue Spring: 6.5 percent;
- (j) Log Spring: 6.5 percent;
- (k) Minnow Spring: 6.5 percent;
- (l) Thomas Spring: 6.5 percent;
- (m) Wacissa Headspring: 6.5 percent.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Clay Coarsey, Professional Engineer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2016

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-1.021	Definitions
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
40E-1.702	Environmental Resource, Surface Water Management Permit and Consumptive Use Enforcement Guidelines

PURPOSE AND EFFECT: The proposed amendments address comments received from the Joint Administrative Procedures Committee regarding incorporation of enforcement guidelines that apply to the environmental resource permitting, consumptive use, and surface water management enforcement programs, and make other minor changes.

SUMMARY: The proposed rule amendments are as follows: 1) delete definitions in Rule 40E-1.021, F.A.C., that are redundant of statutes and add applicable rule chapters; 2) correct the fee table in Rule 40E-1.607, F.A.C., to delete "Noticed" from "Noticed General Permit" and move fee for the "Individual permit for a phase of construction that is consistent with an existing conceptual approval permit" from the major modifications category to the "new applications" category; 3) correct a rule reference in Rule 40E-1.6107, F.A.C., and update contact information; 4) delete references in Rule 40E-1.615, F.A.C., to repealed rules and replace with applicable statute; 5) update contact information and correct the date listed in Rule 40E-1.659, F.A.C., for Form 0483, Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer; and 6) address comments received from JAPC regarding the incorporation of enforcement guidelines that apply to the environmental resource permitting, consumptive use, and surface water management enforcement programs in Rule 40E-1.702, F.A.C.

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 District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form, which is available upon request. Based on the completed "Is a SERC Required?" form, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.53(1), 218.075, 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131, 373.4136, 373.416, 380.051, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.62, 120.69, 218.075, 373.083, 373.109, 373.113, 373.119, 373.129, 373.136, 373.171, 373.219, 373.309, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.416, 373.421(2), 373.421(6)(b), 373.426, 373.429, 373.430, 373.433, 373.436, 373.603, 380.051, 403.201, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: May 12, 2016, 9:00 a.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: South Florida Water Management District Clerk, toll free: (800)432-2045, ext. 6805, or (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melinda Parrott, Lead Environmental Analyst, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (toll free): (800)432-2045 ext. 6324, or (561)682-6324, email: mparrott@sfwmd.gov; or Susan Martin, Sr. Practice Expert, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (toll free): (800)432-2045 ext. 6251, or (561)682-6251, email: smartin@sfwmd.gov. For questions regarding the rulemaking process, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (toll free): (800)432-2045 ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.021 Definitions.

When used in this Chapter, Chapters 40E-0, 40E-2, 40E-3, 40E-4, 40E-5, 40E-41, ~~and~~ 40E-61, and 40E-63, F.A.C.:

(1) through (3) No change.

~~(4) "Electronic record" means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, F.S.~~

~~(5) "Electronic signature" means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.~~

~~(4)(6)~~ "Electronic Posting" means placing notice through a link on the home page of the District's website.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~668.003, 668.004~~, 668.50 FS. History--New 10-1-06, Amended 10-23-12, 1-19-14, 7-14-14, \_\_\_\_\_.

40E-1.607 Permit Application Processing Fees.

Introductory paragraph – No change.

(1) through (2) No change.



(3)(a) Environmental Resource Permit Application processing fees are in the following table:

1. and 2. No change.	No change.
3. Verification of qualification to use a <del>Noticed</del> General Permit.	No change...
4. No change.	
4.a.(I) through (XIII) No change.	No change...
<u>(XIV) An Individual Permit for a phase of construction that is consistent with an existing Conceptual Approval Permit.</u>	\$1500
b. NO CHANGE..	
<del>(I) An Individual Permit or modification for a phase of construction that is consistent with an existing Conceptual Approval Permit.</del>	\$1500
<u>(I) (H)</u> No change.	No change...
<u>(II) (HH)</u> No change.	No change.
c. No change.	No change.
5. through 13. No change.	No change.

(b) No change.

(4) through (7) No change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, 10-1-13, 7-31-14, 9-7-15, .

40E-1.6107 Transfer of Environmental Resource, Surface Water Management, or Water Use, or Wetland Resource Permit.

(1) The procedures for the transfer of environmental resource permits are set forth in Rule ~~62-330.340~~ 62-330.340, F.A.C. To transfer a surface water management, water use, or wetland resource permit, the permittee, in addition to satisfying the applicable provisions in Rule 40E-2.351, F.A.C., must submit Form No. 0483, (October 1, 2013), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02753>, Request for Surface Water Management, Water Use, or Wetland Resource Permit Transfer, incorporated by reference herein. Form No. 0483 is also available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 4(800)432-2045, ext. ~~2729~~ 6436, or (561)682-~~2729~~ 6436.

(2) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083, 373.171, 373.219, 373.309, 373.413, 373.4131, 373.414, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History–New 5-11-93, Amended 10-3-95, 10-1-06, 10-23-12, 10-1-13, 7-14-14, \_\_\_\_\_.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

(1) through (2) No change.

(3) The following coordinated agency review procedures apply to projects which require permits pursuant to Chapters 40E-2 (Consumptive Use), 62-330 and 40E-4 (Environmental Resource), F.A.C.:

(a) No change.

(b) The District’s Coordinated Review process begins when the District receives the Coordinated Review Application from the Permit Coordinator as required by Section 380.051, F.S. subsection 9J 19.006(3) (Initiation of Coordinated Review), F.A.C.

(c) No change.

(d) If the applicant waives the time limits required by Chapter 120 and Section 380.051, F.S., ~~as set forth in Rule 9J-19.007, F.A.C.~~, the District shall delay initiation of substantive review until notice is received by electronic mail at the District’s e-Permitting website or in writing from the Permit Coordinator indicating that substantive review should begin; ~~as provided in subsection 9J 19.007(3) (Coordination of Time for Sufficiency Review)~~, F.A.C. If the applicant does not waive the time limits, the District shall begin substantive review when the Coordinated Review Application is complete.

(e) The Certification of the Coordinated Review Application required by Section 380.051(2)(a), F.S., ~~and subsections 9J 19.002(3) (Purpose) and 9J 19.009(1) and (2) (Completion of Substantive Review)~~, F.A.C., shall occur within 60 days after the District begins substantive review, and shall consist of the notice of proposed agency action together with the staff report on the individual permit pursuant to ~~subsection 40E-1.603(6) (Application Procedures for Processing Permit Applications or Notices of Intent)~~, F.A.C., which may recommend denial to the Governing Board, or approval, or approval with conditions to its designee.

(f) No change.

Rulemaking Authority 373.044, 373.113, 373.171, 373.4131, 380.051 FS. Law Implemented 373.4131, 380.051, 668.003, 668.004, 668.50 FS. History–New 9-22-87, Amended 10-3-95, 10-1-06, 12-1-11, 10-23-12, 10-1-13, 7-14-14, \_\_\_\_\_.

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District’s rules as specified below and are listed herein for convenience. Hyperlinks are provided

in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 4(800)432-2045, ext. 2729 6436, or (561)682-2729 6436:

Form No.	Date	Title
0186	No change.	No change.
0483	<del>10-13</del> 10-01	No change.
0779 through DEP Form 4	No change.	No change..

Rulemaking Authority 218.075, 373.044, 373.113, 373.171, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, 10-1-13, 7-14-14, 9-7-15,\_\_\_\_\_.

40E-1.702 Environmental Resource, Surface Water Management Permit and Consumptive Use Enforcement Guidelines.

~~The following guidelines apply to the District’s Environmental Resource, Consumptive Use and Surface Water Management Permit enforcement programs: is implemented through guidelines concerning Resource Protection, Dispute Resolution and Penalty Assessments.~~

~~(1) The Resource Protection guideline provides that:~~

~~(1)(a) Adverse impacts to water resources shall be recovered by requiring complete restoration,; or~~

~~(2)(b) In those cases where restoration of the adverse impact is not environmentally feasible, the District shall require mitigation to offset such impacts.~~

~~(2) The Dispute Resolution guideline provides that:~~

~~(3)(a) If the violation cannot be resolved in a negotiated, pro-active manner, it is the District’s policy to seek full compliance with District permits and rules through appropriate legal action,; and~~

~~(b) Violations can most effectively be prevented through educating the public about District permitting practices and criteria.~~

~~(3) The Penalty Assessment guideline provides that:~~

~~(4)(a) The District shall provide for prompt resolution of enforcement matters in a manner that best protects the public interest and water resources,; and~~

~~(5)(b) The District shall ensure that violators do not gain an economic advantage over competitors by circumventing District permitting requirements. Enforcement action shall be designed to remove any economic advantage resulting from the failure to comply with District permits and rules.~~

Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.62, 120.69, 373.083(2), 373.119, 373.129, 373.136, 373.430, 373.433, 373.603 FS. History–New 10-3-95, Amended 7-2-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jill Creech, Division Director, Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 4, 2016

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: RULE TITLE:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed amendments to this rule and the Environmental Resource Permit Applicant’s Handbook, Volume II, For Use Within the South Florida Water Management District, will incorporate the amended water quality standards of the Department of Environmental Protection, Chapters 62-4 (2/17/2016), 62-302 (2/17/2016), and 62-550, F.A.C. (7/7/2015).

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.413, 373.418, 373.4131, 373.441 FS

LAW IMPLEMENTED: 373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, 373.418, 373.426, 373.441 FS

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION

120.54(1)(i)5., F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference

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

(c) State water quality standards set forth in Chapter 62-4, F.A.C., ~~(2/17/2016)~~ ~~(5/9/2013)~~ [HYPERLINK] <http://www.flrules.org/Gateway/reference.asp?No=Ref-02976>, 62-302, F.A.C., ~~(2/17/2016)~~ ~~(7/17/2013)~~, [HYPERLINK] <http://www.flrules.org/Gateway/reference.asp?No=Ref-02982>, Chapter 62-520, F.A.C., (7/12/2009); <http://www.flrules.org/Gateway/reference.asp?No=Ref-02977>, and Chapter 62-550, F.A.C., ~~(7/7/2015)~~ ~~(2/16/2012)~~, [HYPERLINK] <http://www.flrules.org/Gateway/reference.asp?No=Ref-02978>. The state water quality standards are also defined and incorporated in Section 2.1.19 of the Applicant’s Handbook, Volume II.

(d) through (e) No change.

(2) No change.

Rulemaking Authority 373.044, 373.103, 373.113, 373.413, 373.418, 373.4131, 373.441 FS. Law Implemented 373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, 373.418, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, 7-1-10, 7-4-10, 12-15-11, 5-20-12, 10-1-13, 8-10-14, .

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-41.023	Western Canal 9 Basin Boundary
40E-41.063	Conditions for Issuance of Permits in the Western Canal 9 Basin
40E-41.121	Definitions
40E-41.123	Kissimmee River Basin Boundary
40E-41.160	Content of Application
40E-41.321	Definitions
40E-41.323	Water Preserve Area & Water Preserve Area Basin Boundaries
40E-41.363	Conditions for Issuance of Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

PURPOSE AND EFFECT: To update the rules to include a hyperlink to the incorporated Figures and include a statement as to how to obtain a copy, in accordance with Rule 1-1.013, F.A.C., and to rename Figures 1 through 6 to Figures 41-9 through 41-14. Amendments to Rule 40E-41.160, F.A.C., address comments received from the Joint Administrative Procedures Committee to replace the Department of Community Affairs with the Department of Economic Opportunity, and update the rule to delete language that is obsolete.

SUMMARY: The Figures that currently appear in the rule text will be removed, replaced with hyperlinks, and incorporated in accordance with Rule 1-1.013, F.A.C. Figures 41-3, Plates 1

of 5 through 5 of 5 that currently appear in Rule 40E-41.165, F.A.C., will now be incorporated in Rule 40E-41.121, F.A.C. Figure 41-4 that currently appears in Rule 40E-41.165, F.A.C., will now be incorporated in Rule 40E-41.123, F.A.C. Figures 1 through 6 that currently appear in Rule 40E-41.363, F.A.C., will be removed and now incorporated in Rule 40E-41.321, F.A.C., and will be renamed. The agency reference in Rule 40E-41.160, F.A.C., will be updated to the Department of Economic Opportunity and language that is obsolete will be deleted.

**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 Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form, which is available upon request. Based on the completed “Is a SERC Required?” form, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.4131 FS

LAW IMPLEMENTED: 373.085, 373.413, 373.4131, 373.416 FS.

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

DATE AND TIME: May 12, 2016, beginning 9:00 a.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, toll free: (800)432-2045, ext. 6805, or (561)682-6805. If you

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melinda Parrott, Lead Environmental Analyst, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (toll free): (800)432-2045 ext. 6324, or (561)682-6324, email: mparrott@sfwmd.gov; or Susan Martin, Sr. Practice Expert, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (toll free): (800)432-2045 ext. 6251, or (561)682-6251, email: smartin@sfwmd.gov. For questions regarding the rulemaking process, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone (toll free): (800)432-2045 ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-41.023 Western Canal 9 Basin Boundary.

The Western Canal 9 Basin is generally depicted in Figure 41-1 (DATE) [HYPERLINK], incorporated by reference herein, and specifically shall include the area within the following boundaries: In Dade and Broward Counties, Florida, as follows:

BEGINNING at the Southeast corner of Section 12, Township 52 South, Range 40 East; Thence, bear Westerly along the Section Lines to the intersection thereof with State Road No. 25; Thence, Northwesterly and Northerly along State Road No. 25 to the intersection thereof with State Road No. 820; Thence, Easterly along State Road No. 820 to the intersection thereof with the East line of Section 14, Township 51 South, Range 40 East; Thence, Southerly along Section Lines to the Northwest corner of Section 1, Township 52 South, Range 40 East; Thence, Easterly along the Section Line to the Northeast corner of said Section 1; Thence, Southerly along the Section Lines to the Southeast corner of said Section 12 to the POINT OF BEGINNING. Figure 41-1 is available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2729 or (561) 682-2729.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History–New 9-3-81, Formerly 16K-34.02, Amended \_\_\_\_\_.

40E-41.063 Conditions for Issuance of Permits in the Western Canal 9 Basin.

- (1) through (3) No change.
- (4) Fill encroachment criteria–
  - (a) through (b) No change.

(c) Typical development schemes using these criteria are depicted in Figure 41-2 (DATE) [HYPERLINK], incorporated by reference herein, and available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2729 or (561) 682-2729.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History–New 9-3-81, Formerly 16K-34.06, Amended 4-20-94, 10-1-13, \_\_\_\_\_.

40E-41.121 Definitions.

When used in this Part:

- (1) No change.
- (2) “Floodplain” means that area depicted on Figure 41-3,

Plates 1 through 5 (DATE) [HYPERLINK], incorporated by reference herein, and available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2729 or (561) 682-2729 ~~in Chapter 40E-41, F.A.C.~~

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History–New 5-1-85, Amended 12-1-11, \_\_\_\_\_.

40E-41.123 Kissimmee River Basin Boundary.

The Kissimmee River Basin boundary is generally described in Figure 41-4 (DATE) [HYPERLINK], incorporated by reference herein, and shall specifically include the area within the following boundaries:

No change.

Figure 41-4 is available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2729 or (561) 682-2729.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History–New 5-1-85, Amended \_\_\_\_\_.

40E-41.160 Content of Application.

All projects located within the Kissimmee River Basin requiring permits pursuant to Chapter 62-330, F.A.C., shall submit the information specified by Rule 62-330.060, F.A.C., as appropriate, and the following information:

(1) For projects wholly or partially within the floodplain the status of the project as a development of regional impact must be indicated by a ~~final approved development order or a binding letter~~ issued by the Department of Economic Opportunity Community Affairs.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History – New 5-1-85, Amended 4-20-94, 10-1-13, \_\_\_\_\_.

40E-41.321 Definitions.

(1) “Water Preserve Area” or “WPA” means: those component areas identified in Figures 41-9 through 41-14 (DATE) [HYPERLINK], incorporated by reference herein, and available at no cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 2729 or (561) 682-2729 1, 2, 3, 4, 5 and 6.

(2) “Water Preserve Area Basin” or “WPAB” means: the WPA and all or a portion of those drainage basins located adjacent to, or planned to discharge into, the WPA as identified in Figures 41-9 through 41-14 1, 2, 3, 4, 5 and 6.

(3) “Protective Levees” means: for the purposes of this rule, those portions of levees L-33, L-35, L-35A, L-36, L-37, L-38 and L-40 adjacent to Water Conservation Areas 1, 2A, 2B, 3A and 3B as identified in Figure 41-11 3.

(4) “Overburden” means: for the purposes of this rule, the layer of existing natural soil material as shown in Figures 41-9, 41-10, 41-12, 41-13, and 41-14 1, 2, 4, 5 and 6.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.085, 373.413, 373.4131, 373.416 FS. History–New 10-21-01, Amended \_\_\_\_\_.

40E-41.323 Water Preserve Area & Water Preserve Area Basin Boundaries.

(1) The WPA boundaries are shown in Figures 41-9 through 41-14, incorporated by reference in Rule 40E-41.321, F.A.C. 1, 2, 3, 4, 5 and 6.

(2) The WPAB includes all or a portion of the following drainage basins as shown in Figures 41-9 through 41-14, incorporated by reference in Rule 40E-41.321, F.A.C. 1, 2, 3, 4, 5 and 6.

- (a) Palm Beach County: Acme Basin B
  - C-51 East (west of SR 7)
  - C-16 (west of the Florida Turnpike)
  - C-15 (west of the Florida Turnpike)
  - Hillsboro Canal (west of the Florida Turnpike)
- (b) Broward County:
  - C-11 West
  - C-9 West
  - Hillsboro Canal (west of the Florida Turnpike)

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History–New 10-21-01, Amended \_\_\_\_\_.

40E-41.363 Conditions for Issuance of Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.

- (1) No change.
- (2) Projects located within one mile of existing or proposed WPA components, or the Protective Levees, shall

leave sufficient overburden in place to prevent seepage increases eastward into surface water bodies, such as surface water management lakes, canals, ditches or ponds, in accordance with the following design criteria:

- (a) through (c) No change.
- (d) Figures 41-9, 41-10, 41-12, 41-13, and 41-14, incorporated by reference in Rule 40E-41.321, F.A.C., 1, 2, 4, 5 and 6 show the thickness of existing overburden within the WPA, WPAB and adjacent to the Protective Levees.
- (3) through (7) No change.

Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History–New 10-21-01, Amended 12-1-11, 10-1-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jill Creech, Division Director, Regulation  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2016  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 4, 2016

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NOS.:	RULE TITLES:
61B-45.001	Scope, Organization, Forms, Purpose, and Title
61B-45.013	Matters Eligible or Ineligible for Arbitration
61B-45.016	Expedited Procedure for Determination of Jurisdiction
61B-45.017	Initiation of Arbitration Proceedings; Content of Petition
61B-45.018	Processing of Arbitration Petitions; Notification to Parties

PURPOSE AND EFFECT: Chapter 2015-175, Laws of Florida, amended Section 718.117(16), Florida Statutes, to require disputes involving condominium termination plans to be submitted to arbitration before the Division, pursuant to Section 718.1255, Florida Statutes. The Division proposes this rule amendment to apply the arbitration procedures in Rule Chapter 61B-45, F.A.C., to arbitration hearings of condominium termination disputes.

SUMMARY: Arbitration procedures for condominium termination disputes.

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:

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

RULEMAKING AUTHORITY: 718.1255, 719.1255 FS.

LAW IMPLEMENTED: 718.117(16), 718.1255, 719.1255 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rikki Anderson, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-45.001 Scope, Organization, Forms, Purpose, and Title.

(1) This chapter shall be entitled "The Mandatory Non-Binding Arbitration Rules of Procedure" and shall be construed to secure the just, speedy and inexpensive determination of every proceeding. Specifically, this chapter applies to all proceedings for mandatory non-binding arbitration held pursuant to Sections Section 718.1255, F.S. (1991) and Section 719.1255, and 718.117, F.S. (1992 Supp.). This chapter does not apply to recall arbitrations commenced pursuant to Section 718.112(2)(j) ~~(k)~~ or 719.106(1)(f), F.S. ~~(1992 Supp.)~~; recall arbitrations shall be governed by Chapter 61B-50, F.A.C.

(2) All petitions and other papers filed with the division shall be filed at the official headquarters of the Division of Florida Condominiums, Timeshares, and Mobile Homes, Attention: Arbitration Program, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1029. A subject matter index of Arbitration orders may be obtained by accessing our online database at <http://www.myfloridalicense.com/dbpr/lsc/ARB/LSCMHArbitrationResearch.html> requested by writing to the Arbitration Clerk at this address.

(3) In order to file a petition for arbitration of a dispute involving a plan of termination pursuant to Section 718.117,

F.S., a petitioner must use DBPR Form ARB 6000-013, MANDATORY NONBINDING PETITION FORM FOR A TERMINATION DISPUTE, adopted and incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06657> effective TBD.

~~(4)(3)~~ In order to file a petition for arbitration involving any dispute governed by this chapter, other than a dispute involving a plan of termination pursuant to Section 718.117, F.S., a petitioner must use DBPR Form ARB 6000-001, MANDATORY NON-BINDING PETITION FORM, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06660> effective 7-4-04.

(5) In order for someone who is not a member of the Florida Bar to represent a party in a proceeding, the person must file a completed DBPR Form ARB 6000-002, QUALIFIED REPRESENTATIVE APPLICATION, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06661> effective 7-4-04.

(6) An answer to a petition for arbitration must be filed using DBPR Form ARB 6000-003, ANSWER TO PETITION, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06662> effective ~~04-30-98 2-17-98, and revised April 30, 1998.~~

(7) A request for an expedited determination of whether jurisdiction exists to hear a particular dispute shall be filed using ~~on~~ DBPR Form ARB 6000-004, REQUEST FOR EXPEDITED DETERMINATION OF JURISDICTION, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06663> effective 7-4-04.

(8) Copies of the forms referenced in these rules may be obtained online at <http://www.myfloridalicense.com/dbpr/lsc/ARB/LSCMHArbitrationEducation.html> or by writing to: Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, Attention: Arbitration Section, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1029. All forms may be obtained online at <http://www.state.fl.us/dbpr/lsc/arbitration/index.shtml>. Rulemaking Authority 718.1255, 719.1255 FS. Law Implemented 718.117(16), 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.001, Amended 6-19-96, 12-10-96, 2-17-98, 7-4-04, \_\_\_\_\_.

61B-45.013 Matters Eligible or Ineligible for Arbitration.

(1) No change.

(2) Except for disputes involving the termination of a condominium, nNo controversy shall be accepted for

arbitration under these rules where the controversy is between or among unit owners, or between or among a unit owner or unit owners and tenants, except where the association is a party and the dispute is otherwise eligible for arbitration. Except for disputes involving the termination of a condominium, ~~the~~ only disputes eligible for arbitration are those existing between a unit owner or owners and the association or its board of administration; however, pursuant to Rule 61B-45.015, F.A.C., a tenant shall be named as a party respondent where the subject matter of the dispute concerns a tenant. In addition, other unit owners having a particular interest in the proceeding shall be named as parties.

(3) through (8) No change.

Rulemaking Authority 718.1255(4), 719.1255 FS. Law Implemented 718.117(16), 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.013, Amended 9-21-94, 6-19-96, 2-22-15,

61B-45.016 Expedited Procedure for Determination of Jurisdiction.

(1) Any party who is in doubt as to whether a controversy falls within the jurisdiction of the division may file with the division a ~~request for expedited determination of jurisdiction by filing a~~ completed DBPR ~~F~~form ARB 6000-004, REQUEST FOR EXPEDITED DETERMINATION OF JURISDICTION, incorporated in subsection 61B-45.001(7) ~~(3)~~, F.A.C. A request for expedited determination of jurisdiction shall be accompanied by either a completed DBPR ~~F~~form ARB 6000-001, MANDATORY NON-BINDING PETITION FORM or DBPR Form ARB 6000-013, MANDATORY NONBINDING PETITION FORM FOR A TERMINATION DISPUTE, incorporated in subsections ~~subsection~~ 61B-45.001(3) and (4) ~~61B-45.002(3)~~, F.A.C., which shall include the \$50 filing fee provided by Section 718.1255, F.S.

(2) through (3) No change.

Rulemaking Authority 718.1255, 719.1255 FS. Law Implemented 718.117(16), 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.016, Amended 9-21-94, 6-19-96, 7-4-04,

61B-45.017 Initiation of Arbitration Proceedings; Content of Petition.

(1) Initiation of arbitration proceedings shall be made by a unit owner or association filing the original petition for arbitration and one copy for each named respondent with the Division of Florida Condominiums, Timeshares, and Mobile Homes. All petitions shall be submitted on either a completed DBPR Form ARB 6000-001, MANDATORY NON-BINDING PETITION FORM, or DBPR Form ARB 6000-013, MANDATORY NONBINDING PETITION FORM FOR A TERMINATION DISPUTE, as applicable and incorporated

in ~~subsections ~~subsection~~ 61B-45.001(3) and (4)~~, F.A.C. A fee of \$50.00 shall be included with each petition for arbitration. A petition which is not accompanied by this fee shall not be processed. Once a petition, and including the filing fee, is received by the division for filing, the fee cannot be refunded.

(2) If a person other than an attorney files a petition or other pleading as a representative of a party, that person shall simultaneously file a completed DBPR Form ~~ARB 6000-002~~ ARB 6000-002, QUALIFIED REPRESENTATIVE APPLICATION, incorporated in subsection 61B-45.001~~(5)~~ (3), F.A.C.

Rulemaking Authority 718.1255, 719.1255 FS. Law Implemented 718.117(16), 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.017, Amended 9-21-94, 12-20-95, 6-19-96, 2-17-98, \_\_\_\_\_.

61B-45.018 Processing of Arbitration Petitions; Notification to Parties.

(1) through (2) No change.

(3) If the controversy falls within the jurisdiction of the division, and the petition complies with Rule 61B-45.017, F.A.C., the arbitrator shall so notify the petitioner and shall proceed as set forth in subsection ~~(5)~~ (4) below. The arbitrator shall reject a petition if it is determined to be outside the jurisdiction of the division.

(4) No change.

(5) If the arbitrator preliminarily determines the dispute to fall within the jurisdiction of the division and determines that the petition complies with Rule 61B-45.017, F.A.C., the arbitrator shall by United States certified mail or personal service, provide the respondent with a copy of the petition and an order requiring respondent to file an answer.

(6) For petitions involving a plan of termination pursuant to Section 718.117, F.S., after 90 days from the date the petition states that the challenged termination plan was recorded in the public records of the county in which the condominium is located, the arbitrator shall serve the respondent(s) with a copy of the petition and an order requiring respondent to file an answer.

Rulemaking Authority 718.1255, 719.1255 FS. Law Implemented 718.117(16), 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.018, Amended 9-21-94, 6-19-96, 2-17-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 23, 2016  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: October 27, 2015

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

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:       RULE TITLE:  
 68A-9.002       Permits to Take Wildlife or Freshwater Fish  
                     for Justifiable Purposes

NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATE AND TIME: November 16-17, 2016; 8:30am each day.

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes (68A-9.002, FAC). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:       RULE TITLE:  
 68A-12.004      Possession or Sale of Birds or Mammals;  
                     Taxidermy Operations and Mounting  
                     Requirements

NOTICE OF PUBLIC HEARING

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Possession or Sale of Birds of Mammals; Taxidermy Operations and Mounting Requirements (Rule 68A-12.004, F.A.C.). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:       RULE TITLE:  
 68A-16.003      Non-listed Inactive Migratory Bird Nests

NOTICE OF PUBLIC HEARING

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Non-listed Inactive Migratory Birds (Rule 68A-16.003, FAC). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

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

**NOTICE OF PUBLIC HEARING**

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the General Provisions for Taking Possession and Sale of Reptiles (Rule 68A-25.002, FAC). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:  
 68A-26.002 Regulations Relating to the Taking of Amphibians

**NOTICE OF PUBLIC HEARING**

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Regulations Relating to the Taking of Amphibians (Rule 68A-26.002, F.A.C.). A Notice of Proposed Rule was published in the FAR on January

13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:  
 68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits

**NOTICE OF PUBLIC HEARING**

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Designation of Species of Special Concern; Prohibitions; Permits (Rule 68A-27.005, F.A.C.). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:  
 68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species

**NOTICE OF PUBLIC HEARING**

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Permits and Authorizations for the Take of Florida Endangered and Threatened Species (Rule 68A-27.007, F.A.C.). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.0012  
 RULE TITLE: Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List

**NOTICE OF PUBLIC HEARING**

The Fish and Wildlife Conservation Commission announces a change of hearing regarding the above rule, as noticed in Vol. 42 No. 8, January 13, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016; 8:30 a.m. each day

PLACE: A public hearing will be held in St. Petersburg Florida. Exact location to be determined. Another notice will be published in the FAR, at least seven days prior to the meeting, when the exact location of the final hearing is set.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List (Rule 68A-27.0012, F.A.C.). A Notice of Proposed Rule was published in the FAR on January 13, 2016 (Vol. 42, No. 08). This hearing will be a part of the regular 2-day meeting held by the Commission.

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).

**Section IV  
 Emergency Rules**

NONE

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration hereby gives notice:

On March 28, 2016, the Agency issued a Final Order Denying Petition for Variance from or Waiver of Florida Administrative Code Rule 59G-13.070. The Agency's order was filed in response to a Petition for Variance from or Waiver of Rule 59G-13.070 of the Florida Administrative Code ("Petition"), filed on behalf of the Petitioner, A.G., on December 29, 2015. Notice of the Petition was published in Volume 42, No. 7, of the January 12, 2016, Florida Administrative Register. Rule 59G-13.070 of the Florida Administrative Code ("Rule"), which applies to all providers of Developmental Disabilities Individual Budgeting Waiver services who are enrolled in the Florida Medicaid program, requires that all providers of Developmental Disabilities Individual Budgeting Waiver services enrolled in the Florida Medicaid program be in compliance with the provisions of the Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, September 2015 ("Handbook"). Petitioner sought a variance from or waiver of the Handbook provision, page 2-97, Limitations and Exclusions, which limits behavior assistant services to a maximum of 32 quarter-hours per day. Based on the information presented in the Petition, the Agency found that Petitioner had failed to establish that the strict application of Rule 59G-13.070 of the Florida Administrative Code and the subject Handbook provisions would lead to unreasonable, unfair, and unintended results.

A copy of the Order or additional information may be obtained by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308, Richard.shoop@ahca.myflorida.com, (850)412-3689.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On March 31, 2016, the Division issued an order. The Final Order was in response to a Petition for an emergency permanent variance from Riverplace Tower, filed February 19, 2016, and advertised on February 29, 2016, in Vol. 42, No. 40, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a permanent variance from Rule 2.1.4, ASME A17.1, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires utilizing duct work as a means of ventilation of smoke and hot gas in the hoistway because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2016-038).

A copy of the Order or additional information may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, [ahr.elevators@myfloridalicense.com](mailto:ahr.elevators@myfloridalicense.com).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On March 31, 2016, the Division issued an order. The Final Order was in response to a Petition for a temporary variance from 400 N Congress Building, filed February 16, 2016, and advertised on February 22, 2016 in Vol. 42, No. 35, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, and ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires fire fighter's service because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2016-036).

A copy of the Order or additional information may be obtained by contacting: Michelle Comingore, Bureau of

Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, [ahr.elevators@myfloridalicense.com](mailto:ahr.elevators@myfloridalicense.com).

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Department of State, Division of Cultural Affairs announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 10, 2016, 9:00 a.m.

PLACE: This meeting will be held by teleconference. Please visit <http://www.florida-arts.org/documents/panels/teleconference.instructions.cfm> for more instructions

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and score applications for the Fast Track Grant Program.

A copy of the agenda may be obtained by contacting: Sarah Stage at (850)245-6459 or [sarah.stage@dos.myflorida.com](mailto:sarah.stage@dos.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rachelle Ashmore at [rachelle.ashmore@dos.myflorida.com](mailto:rachelle.ashmore@dos.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Division of Cultural Affairs at (850)245-6470 or by visiting our website: [www.florida-arts.org/calendar](http://www.florida-arts.org/calendar).

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 4, 2016, 10:00 – 11:00 a.m., ET

PLACE: Conference call: 1(888)670-3525, participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Executive Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or

roy.cosgrove@vr.fldoe.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). For more information, you may contact: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

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#### DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 12, 2016, 9:00 a.m. – 10:00 a.m., ET, Evaluation CC

PLACE: Conference call: 1(888)670-3525 participant code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Evaluation Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850) 245-3317 or roy.cosgrove@vr.fldoe.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). For more information, you may contact: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

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#### DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Indian River State College announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2016, 10:00 a.m.

PLACE: Treasure Coast Public Safety Training Complex, 4600 Kirby Loop Road, Fort Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting for the Region XI Council will provide updates on training classes and any other issues involving the Region.

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#### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a date and time change to the series of Bond Team meetings previously noticed in the following docket:

Docket No. 150171-EI - Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, LLC d/b/a Duke Energy.

DATE AND TIME CHANGES: Thursday, April 21, 2016, 2:00 p.m., instead of Wednesday, April 20, 2016, 2:00 p.m.

PLACE: Florida Public Service Commission, Gerald L. Gunter Building, Room 154, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to allow members of the Bond Team, as authorized by Financing Order No. PSC-15-0537-FOF-EI, issued November 19, 2015, to work cooperatively to establish the structuring, marketing, and pricing of nuclear asset-recovery bonds. As previously noticed, one or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Except as noticed herein, and unless otherwise provided by notice, the Bond Team meetings in this series will continue to be conducted on a regular, weekly basis each Wednesday afternoon at 2:00 p.m., at the location set forth above. It is not known at this time when this series of meetings will terminate; this series of meetings will be conducted until such time as nuclear asset-recovery bonds have been issued or until the Bond Team determines that such meetings are no longer necessary. Notice will be provided when it is known that this series of meetings will be terminated. Due to time constraints inherent in the process of structuring, marketing, and pricing these bonds, supplemental meetings might be needed and scheduled on an expedited basis. Notice of such supplemental meetings, if any are scheduled, will be provided by reasonable means.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-15-16-060) for FDEM Food and Beverage Service.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard

Oak Blvd., Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-15-16-068) for FDEM WebEOC Platform Products.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**REGIONAL PLANNING COUNCILS**

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2016, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, (727)570-5151, Ext. 22 or [wren@tbrpc.org](mailto:wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl. 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: Wren Krahl, (727)570-5151, Ext. 22 or [wren@tbrpc.org](mailto:wren@tbrpc.org).

**REGIONAL PLANNING COUNCILS**

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2016, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained at [www.tbrpc.org](http://www.tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, (727)570-5151, Ext. 22 or [wren@tbrpc.org](mailto:wren@tbrpc.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).

For more information, you may contact: Wren Krahl, (727)570-5151, Ext. 22 or [wren@tbrpc.org](mailto:wren@tbrpc.org).

**METROPOLITAN PLANNING ORGANIZATIONS**

Orlando Urban Area

The Central Florida MPO Alliance announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 8, 2016, 10:00 a.m.

PLACE: MetroPlan Orlando, David L. Grovdahl Board Room, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regularly scheduled CFMPOA meeting.

A copy of the agenda may be obtained by contacting: Ms. Cathy Goldfarb, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801.

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: Ms. Cathy Goldfarb, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801. 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: Ms. Cathy Goldfarb, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801.

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#### WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

The Northwest Florida Water Management District announces four meetings to which all persons are invited.

**PURPOSE:** The Northwest Florida Water Management District will present plans and request technical assistance for the development of Surface Water Improvement and Management (SWIM) plans for northwest Florida. SWIM plans are used to guide and support watershed protection and restoration efforts. The technical advisory meetings will provide forums for local governments, resource agencies, and other technical stakeholders to provide input and help guide development of these watershed plans. Prior to the meetings, agendas will be available on the District's website at <http://nwfwater.com/water-resources/swim/swim-plan-updates/>. Additional information may be obtained by contacting: Paul Thorpe, (850)539-5999, 1(800)913-1518 or [Paul.Thorpe@nwfwater.com](mailto:Paul.Thorpe@nwfwater.com).

**DATE AND TIME:** April 14, 2016, 1:00 p.m., Central Time, Technical Advisory Meeting

**PLACE:** Okaloosa County Water and Sewer Building, 3rd Floor Large Conference Room, 1804 Lewis Turner Blvd., Fort Walton Beach, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Choctawhatchee River and Bay watershed.

**DATE AND TIME:** April 27, 2016, 9:00 a.m., Eastern Time, Technical Advisory Meeting

**PLACE:** Northwest Florida Water Management District Headquarters, Governing Board Conference Room, 81 Water Management Drive, Havana, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Ochlockonee River and Bay and St. Marks River and Apalachee Bay watersheds.

**DATE AND TIME:** April 28, 2016, 1:00 p.m., Central Time, Technical Advisory Meeting

**PLACE:** Bay County Government Center, Room 1130/1140, 840 West 11th Street, Panama City, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** St. Andrew Bay watershed.

**DATE AND TIME:** May 5, 2016, Technical Advisory Meeting, 1:00 p.m., Central Time

**PLACE:** Escambia County Central Office Complex, Room 104, 3363 West Park Place, Pensacola, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Pensacola Bay System and Perdido River and Bay watersheds.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any of these meetings is asked to advise the agency at least two days before the event by contacting: Elaine McKinnon, [Elaine.McKinnon@nwfwater.com](mailto:Elaine.McKinnon@nwfwater.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).

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#### WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, April 12, 2016, 1:00 p.m. or 15 minutes after conclusion of regular Governing Board meeting, whichever is later

**PLACE:** District Headquarters, 4049 Reid Street (Hwy 100 West), Conference Room 162, Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review and discussion of applications for the Inspector General position.

A copy of the agenda may be obtained by contacting the St. Johns River Water Management District, Attention Lori Griffith, 4049 Reid Street, Palatka, FL 32177; by phone at (386)329-4470 or by visiting the District's website at [floridaswater.com](http://floridaswater.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the District Clerk at (386)329-4500. 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).

**WATER MANAGEMENT DISTRICTS**

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 7, 2016, 10:30 a.m.

PLACE: Green Mountain Scenic Overlook and Trailhead, 20700 County Road 455, Montverde, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ribbon cutting for the opening of a new segment of recreational trail joining the Green Mountain Scenic Overlook and Trailhead in Lake County with the district's 18-mile Apopka Loop Trail.

NOTE: This event may be attended by one or more members of the St. Johns River Water Management District Governing Board.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Danielle Spears, Public Communications Coordinator, dspears@sjrwm.com, (407)659-4836.

**WATER MANAGEMENT DISTRICTS**

St. Johns River Water Management District

The St. Johns River Water Management District announces public meetings to which all persons are invited.

DATE AND TIMES: Tuesday, April 12, 2016, 9:00 a.m. Projects and Land Committee business meeting; 10:00 a.m. or upon conclusion of Projects and Land Committee meeting, whichever is later, Finance, Administration and Audit Committee meeting; 11:00 a.m. or upon the conclusion of Finance Committee meeting, whichever is later, Governing Board

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: the St. Johns River Water Management District, Attention Lori Griffith, 4049 Reid Street, Palatka, FL 32177; by phone at (386)329-4470 or by visiting the District's website at floridaswater.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the District Clerk at (386)329-4500. 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.

**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: Wednesday, April 13, 2016, 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District's Governing Board may also attend the meeting.

A copy of the agenda may be obtained by contacting: [teri.rhodes@watermatters.org](mailto:teri.rhodes@watermatters.org), 1(800)836-0797 (FL only) or (813)985-7481, Ext. 4476.

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: [teri.rhodes@watermatters.org](mailto:teri.rhodes@watermatters.org), 1(800)836-0797 (FL only) or (813)985-7481, ext. 4476. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF MANAGEMENT SERVICES**

State Retirement Commission

The State Retirement Commission announces a hearing to which all persons are invited.

DATES AND TIMSE: April 28, 2016, 9:00 a.m.; April 29, 2016, 9:00 a.m.

PLACE: Courtyard Marriott Lake Mary, 135 International Parkway, Lake Mary, Florida 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: the Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by calling (850)487-2410.

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 15 days before the workshop/meeting by contacting: the Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by calling (850)487-2410. 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: the Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or call (850)487-2410.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

**RULE NO.: RULE TITLE:**

61C-5.001 Safety Standards

The Department of Business and Professional Regulation announces a public meeting to which all persons are invited.

**DATE AND TIME:** May 10, 2016, 9:00 a.m. – 1:00 p.m.

**PLACE:** Reedy Creek Improvement District, Building & Safety, 1900 Hotel Plaza Blvd., Lake Buena Vista, FL 32830, (407)828-2241

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Elevator Safety Technical Advisory Council will meet to discuss issues pertaining to elevator safety within the State of Florida.

A copy of the agenda may be obtained by contacting: doug.melvin@dbpr.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 10 days before the workshop/meeting by contacting: doug.melvin@dbpr.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: doug.melvin@dbpr.state.fl.us.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

The Department of Business and Professional Regulation announces public meetings to which all persons are invited.

**DATES AND TIMES:** April 26, 2016, 9:00 a.m.; April 26, 2016, 10:00 a.m.

**PLACE:** Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. 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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Building Commission

The Florida Building Commission, “THE COMMISSION”, announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 12, 2016, 8:30 a.m.

**PLACE:** Hilton University of Florida Conference Center, 714 SW 34th Street, Gainesville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Florida Building Commission will review and decide on Accessibility Waiver Applications, review and decide on requests for Declaratory Statements; and take up and consider other matters that appear on the Commission’s agenda. Specifically, the Commission will address:

Accessibility Waiver Applications:



- a. Expert Shutter, 688 SW Whitmore Drive, Port St. Lucie, Florida (Waiver #139)
- b. Indian River Networks, 241 Sixth Ave., Indialantic, Florida (Waiver #136)
- c. City of Mattress, 2255 Palm Beach Lakes Blvd., West Palm Beach, Florida (Waiver #138)
- d. Harding Suites Hotel, 8040 Harding Ave., Miami, Beach, Florida (Waiver #141)
- e. Garden Suites Hotel 3900/3920 Garden Ave., Miami, Beach, FL 33140 (Waiver #142)
- f. Jungle Island Zipline Tour, 1111 Parrot Jungle Tr., Miami, Florida (Waiver #145)
- g. Young Life Southwind Dorm, 18115 SE 95th Street, Ocklawaha, Florida (Waiver #130)
- h. McHardy Renovation, 432 MLK Blvd., Stuart, Florida (Waiver #134)

Petition for Declaratory Statement:

- a. DS2015-150 by Rolando Soto, Chief Code Compliance Officer, Mechanical, of Broward County Board of Rules and Appeals

A copy of the agenda may be obtained by contacting: Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772 or call (850)487-1824, refer to [http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. 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: Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824; refer to [http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

The Committee on Continuing Professional Education announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 20, 2016, 9:00 a.m.

PLACE: Teleconference: 1(888)670-3525, conference code: 4694532213

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee on Continuing Professional Education will meet to discuss items relating to CPE credits.

A copy of the agenda may be obtained by contacting: Karan Lee, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607.

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: Karan Lee. 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: Karan Lee.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, April 18, 2016, 3:00 p.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, at (407)481-5662. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Tuesday, April 19, 2016, 8:30 a.m., ET; reconvening Wednesday, April 20, 2016, 8:30 a.m., ET

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Official business of Commission – topics include, but are not limited to, proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2 rule discussion, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.com or Mike Davis at michael.davis@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

The Board of Chiropractic Medicine Probable Cause Panel announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday, April 19, 2016, 1:00 p.m., 1(888)670-3525, participant code: 7342425515

**PLACE:** Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting Edith Rogers at edith.rogers@flhealth.gov, or by visiting the

Board's website at: <http://floridaschiropracticmedicine.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Edith Rogers at edith.rogers@flhealth.gov. 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: Edith Rogers at edith.rogers@flhealth.gov.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

The Board of Opticianry announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** April 21, 2016, 6:00 p.m.

**PLACE:** 1(888)670-3525, conference code: 4552635641

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by contacting: Jennifer Wenhold, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact: Jennifer Wenhold at (850)245-4474 at least one week prior to the meeting date.

**DEPARTMENT OF HEALTH**

**Division of Children's Medical Services**

The Children's Medical Services, Early Steps Program announces public meetings to which all persons are invited.

**DATES AND TIMES:** April 28, 2016, 1:00 p.m.; April 29, 2016, 12:00 Noon

**PLACE:** 4042 Bald Cypress Way, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly Meeting of the Florida Interagency Coordinating Council for Infants and Toddlers.

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

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: Kelly.Rogers@flhealth.gov. 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: Kelly.Rogers@flhealth.gov.

**JUSTICE ADMINISTRATIVE COMMISSION**

The Justice Administrative Commission announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2016, 10:00 a.m.

PLACE: Justice Administrative Commission, City Centre Building, 227 North Bronough Street, Suite 2100, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Justice Administrative Commission Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Barbara Siplin, (850)488-2415, ext. 225, Barbara.Siplin@justiceadmin.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: Barbara Siplin, (850)488-2415, ext. 225, Barbara.Siplin@justiceadmin.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).

**ENTERPRISE FLORIDA, INC.**

The Enterprise Florida, Inc. and the Florida Defense Alliance Family Support Group announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, April 5, 2016, 2:00 p.m. – 4:00 p.m., ET

PLACE: Conference call: 1(800)501-8979, access code: 2986640

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will discuss proposed actions that will assist in preserving, protecting and enhancing Florida’s military installations and missions.

A copy of the agenda may be obtained by contacting: Camila Hornung, (850)878-4578, chornung@enterpriseflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 1 day before the workshop/meeting by contacting: Camila Hornung, (850)878-4578, chornung@enterpriseflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Camila Hornung, (850)878-4578, chornung@enterpriseflorida.com.

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The FWCJUA Safety Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 19, 2016, 3:00 p.m., Eastern Time

PLACE: Contact Kathy Coyne at (941)378-7408 to participate

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda topic will be the safety program.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

**Section VII**

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

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN that the Public Employees Relations Commission (PERC) has declined to rule on the petition for declaratory statement filed by Donald Bouchard, Lee Amato, and Dan Lubinsky (Petitioners), on February 25, 2016. The following is a summary of the agency’s declination of the petition:

PERC declined to issue a declaratory statement regarding the two questions raised by the Petitioners. The first question is whether alleged misconduct engaged in by Local Number 1510, Fire Fighters of Miami Beach, International Association of Fire Fighters (Union), during the 2009-2012 collective bargaining negotiations with the City of Miami Beach, together with the Union’s purportedly misleading information to the Petitioners regarding participation in the Deferred Retirement Option Plan, for the apparent purpose of benefitting Union board members, would be considered a violation under the exclusive jurisdiction of the Commission pursuant to Section 447.501(1)(a), Florida Statutes. PERC declined to rule on this question because it concerned a conflict between the Petitioners and the Union based upon the Union’s purported past conduct, rather than a future matter which has not ripened into an actual case or controversy. To the extent that the Petitioners are entitled to any relief, they would need to file an unfair labor practice charge for a sufficiency review. The second question is whether the civil or criminal court system has jurisdiction of the aforementioned matters due to the Petitioners’ allegations that the Union’s

alleged misconduct constituted “inherent fraud, fraudulent misrepresentation, breach of fiduciary duty, and civil conspiracy” under Section 175.195 or 447.11, Florida Statutes. PERC declined to opine as to the applicability of those statutes because it has no authority to rule on either of those statutory provisions. The final order declining the petition issued on March 30, 2016, in Case Number DS-2016-001.

A copy of the Order Declining the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle NW, Suite 300, Tallahassee, Florida 32303-7256.

Please refer all comments to: The Clerk, Public Employees Relations Commission, 4708 Capital Circle NW, Suite 300, Tallahassee, Florida 32303-7256.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on March 25, 2016, the Construction Industry Licensing Board has received the petition for declaratory statement from Richard Eric Smith. The petition seeks the agency’s opinion as to the applicability of Sections 489.105(3)(a), (b), (d) and (q) F.S., as it applies to the petitioner.

As to whether the type of work performed by Petitioner, installing pre-engineered or integrated equipment, of which some work is subcontracted, would require a license in the State of Florida, and if so which license is required. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

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

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

NONE

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

NONE

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

NONE

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

NONE

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Petroleum Restoration Program

Notice of Application Period for Advanced Cleanup Program  
(ACP)

The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept Advanced Cleanup Program (ACP) applications submitted between May 1, 2016, and on or before 5:00 p.m. on June 30, 2016. Public opening of timely submitted ACP applications shall be on July 12, 2016, beginning at 9:00 a.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Conference Room 433, Tallahassee, Florida. The required application forms and instructions for both the individual and bundled ACP applications may be obtained at the following internet site on April 12, 2016:

<http://www.dep.state.fl.us/waste/categories/pcp/pages/pac.htm>

Ken Busen, Environmental Administrator, is the point of contact for the ACP. He can be contacted in regard to ACP applications on or after April 1, 2016. Please direct mail inquiries to Ken Busen, Environmental Administrator, Department of Environmental Protection, Petroleum Restoration Program, 2600 Blair Stone Road, MS 4580, Tallahassee, Florida 32399-2400, (850)245-8745, [Kenneth.Busen@dep.state.fl.us](mailto:Kenneth.Busen@dep.state.fl.us).

**Section XII  
Miscellaneous**

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need  
NOTICE OF PEDIATRIC OPEN HEART SURGERY  
PROGRAMS  
AND PEDIATRIC CARDIAC CATHETERIZATION  
PROGRAMS FIXED NEED POOLS**

The Agency for Health Care Administration has projected fixed need pools for pediatric open heart surgery programs and pediatric cardiac catheterization programs for July 2018, pursuant to the provisions of Rules 59C-1.008, 59C-1.032 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 1, Room 321, MS 28, Tallahassee, Florida, 32308, on or before 5:00 P.M., April 18, 2016.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool numbers will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida, 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Programs - Pediatric Open Heart Surgery Programs Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2017, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 1, Room 321, MS 28, Tallahassee, Florida 32308, on or before 5:00 p.m., April 18, 2016.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Hospice Program Net Need			
<u>Service Area</u>	<u>Net Need</u>	<u>Service Area</u>	<u>Net Need</u>
District 1	1	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	1	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	0	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	0	District 11	1
Subdistrict 6B	0	Total	3

DATE AND TIME: April 13, 2016, 9:00 a.m.  
 PLACE: Professions Board Room, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399  
 PURPOSE: To conduct a public drawing by double random selection pursuant to Section 561.19, Florida Statutes, for the purpose of determining the order in which applications will be considered for issuance of quota beverage licenses in certain counties where licenses have become available.  
 A copy of the agenda may be obtained by writing to: the Division of Alcoholic Beverages, Attn: Quota Beverage License Drawing, at 1940 North Monroe Street, Tallahassee, Florida 32399, or by calling Damon Larry at (850)488-8284.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 5 days before the meeting by contacting: Damon Larry at (850)488-8284. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**Section XIII**  
**Index to Rules Filed During Preceding Week**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**  
**NOTICE OF PUBLIC MEETING FOR QUOTA BEVERAGE LICENSE DRAWING**

The Division of Alcoholic Beverages and Tobacco will conduct a public drawing by double random selection to determine the order in which entrants from the 2015 entry period will be considered for issuance of quota beverage licenses in the following counties: Broward (2), Dade (5), Duval (3), Escambia (1), Hillsborough (3), Lake (1), Lee (2), Leon (1), Manatee (1), Orange (3), Osceola (1), Palm Beach (2), Pasco (1), Pinellas (1), Polk (2), St. Johns (1). All persons are invited. Following the drawing, the Division will provide notice of license eligibility by certified mail to the entrant(s) selected for each county.